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**THE
Punjab Legislative Assembly
Debates**

From 20th January to 21st February, 1941

Vol. XV

OFFICIAL REPORT



Lahore :

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1942.

PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE
ASSEMBLY.

Speaker.

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

Deputy Speaker.

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

Secretary.

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

Deputy Secretary.

Khan Bahadur Hakeem Ahmad Shujaa, B.A.

PUNJAB LEGISLATIVE ASSEMBLY.

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 Sir Manohar Lal, Kt., M.A., Finance Minister (University).

The Hon'ble Malik Khizar Hayat 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.

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).

Raj 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).

Nawabzada Muhammad Faiyaz Ali Khan (Karnal, Muhammadan, Rural).

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural).

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

MEMBERS.

- Abdul Aziz, Mian (Outer Lahore, Muhammadan, Urban).
 Abdul Hamid Khan, Sufi (Ambala and Simla, Muhammadan, Rural).
 Abdul Rab, Mian, B.A., LL.B. (Jullundur South, Muhammadan, Rural).
 Abdul Rahim, Chaudhri (Shakargarh, Muhammadan, Rural).
 Abdul Rahim, Chaudhri (South-East Gurgaon, Muhammadan, Rural).
 Ahmad Yar Khan, Chaudhri (North-West Gujrat, Muhammadan, Rural).
 Ajit Singh, Sardar (South-West Punjab, Sikh, Rural).
 Akbar Ali, Pir, M.B.E. (Fazilka, Muhammadan, Rural).
 Ali Akbar, Chaudhri (Gurdaspur East, Muhammadan, Rural).
 Allah Bakhsh Khan, Khan Bahadur Nawab Malik, M.B.E. (Shahpur, Muhammadan, Rural).
 Anant Ram, Chaudhri, B.A., LL.B. (Karnal South, General, Rural).
 Ashiq Hussain, Major, M.B.E. (Multan, Muhammadan, Rural).
 Badr Mohy-ud-Din Qadri, Khan Sahib Sayed (Batala, Muhammadan, 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).
 Dev Raj Sethi, Mr. (Lyallpur and Jhang, General, Rural).
 Dina Nath, Captain (Kangra South, General, Rural).
 Duni Chand, Lala (Ambala and Simla, General, Rural).
 Duni Chand, Mrs. (Lahore City, Women, General).
 Faiz Muhammad Khan, Rai (Kangra and Eastern Hoshiarpur, Muhammadan, Rural).
 Faqir Chaud, 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).

MEMBERS--CONTINUED.

- Kartar Singh, Chaudhri (Hoshiarpur West, General, Rural).
- Kartar Singh, Sardar (Lyallpur, East, Sikh, Rural).
- Khalid Latif Gauba, Mr. (Inner Lahore, Muhammadan, Urban).
- Kishan Dass, Seth (Jullundur, General—Reserved Seat, Rural).
- Kishan Singh, Sardar (Amritsar Central, Sikh, Rural).
- Krishna Gopal Dutt, Chaudhri (North-Eastern Towns, General, Urban).
- Lal Singh, Sardar, M.Sc., LL.B. (Ludhiana, Central, Sikh, Rural).
- Mazhar Ali Azhar, Maulvi, B.A., LL.B. (North-Eastern Towns, Muhammadan, Urban).
- Moby-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).
- Muhammad Hayat Khan Noon, Nawab Sir, Malik (North Punjab, Landholders).
- Muhammad Husain, Chaudhri, B.A., LL.B. (Gujranwala East, Muhammadan, Rural).
- Muhammad Husain, Sardar (Chanian, Muhammadan, Rural).
- Muhammad Iftikhar-ud-Din, Mian, B.A. (Oxon.) (Kasur, Muhammadan, Rural).
- Muhammad Jamal Khan, Leghari, Khan Bahadur Nawab Sir (Tumandars).
- Muhammad Nawaz Khan, Major Sardar, Sir (Attock Central, Muhammadan, Rural).
- Muhammad Nurullah, Mian, B.Com. (London) (Lyallpur, Muhammadan, Rural).
- Muhammad Qasim, Chaudhri (Bhakwal, Muhammadan, Rural).

MEMBERS—CONTINUED.

- Fateh Sher Khan, Malik (Montgomery, Muhammadan, Rural).
- Fazl Ali, Khan Bahadur Nawab Chaudhri, O.B.E. (Gujrat East, Muhammadan, Rural).
- Fazal Din, Khan Sahib Chaudhri (Ajnala, Muhammadan, Rural).
- Fazal Karim Bakhsh, Mian (Muzaffargarh Sadar, Muhammadan, Rural).
- Few, Mr. E. (Anglo-Indian).
- Ghulam Mohy-ud-Din, Khan Bahadur Maulvi (Sheikhupura, Muhammadan, Rural).
- Ghulam Qadir Khan, Khan Bahadur (Mianwali North, Muhammadan, Rural).
- Ghulam Rasul, Chaudhri (Sialkot Central, Muhammadan, Rural).
- Ghulam Samad, Khan Sahib Khawaja (Southern Towns, Muhammadan, Urban).
- Girdhari Das, Mahant (South-East Multan Division, General, Rural).
- Gokul Chand Narang, Dr. Sir, M.A., Ph.D. (West Lahore Division, General, Rural).
- Gopal Das, Rai Bahadur Lala (Kangra North, General, Rural).
- 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 Daha, Khan (Khanewal, Muhammadan, Rural).
- Hari Chand, Rai Sahib Rai (Una, General, Rural).
- Hari Lal, Munshi (South-Western Towns, General, Urban).
- Hari Singh, Sardar (Kangra and Northern Hoshiarpur, Sikh, Rural).
- Harjab Singh, Sardar (Hoshiarpur South, Sikh, Rural).
- Harnam Das, Lala (Lyallpur and Jhang, General—Reserved Seat, Rural).
- Harnam Singh, Captain Sodhi (Ferozepore North, Sikh, Rural).
- Het Ram, Rai Bahadur 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).
- Kapoor Singh, Sardar, B.A., LL.B. (Ludhiana East, Sikh, Rural).
- Karamat Ali, Shaikh, B.A., LL.B. (Nankana Sahib, Muhammadan, Rural).

MEMBERS—CONTINUED.

- Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed (Shujabad, Muhammadan, Rural).
- Muhammad Saadat Ali Khan, Khan Bahadur Khan (Samundri, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Chaudhri (Sialkot North, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Raja (Chakwal, Muhammadan, Rural).
- Muhammad Shafi Ali Khan, Khan Sahib Chaudhri (Rohtak, Muhammadan, Rural).
- Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed (Lodhran, Muhammadan, Rural).
- Muhammad Yasin Khan, Chaudhri, B.A., LL.B. (North-West Gurgaon, Muhammadan, Rural).
- Muhammad Yusuf Khan, Khan, B.A., LL.B. (Rawalpindi Sadar, Muhammadan, Rural).
- Mukand Lal Puri, Rai Bahadur (Rawalpindi Division, General, Rural).
- Mula Singh, Sardar (Hoshiarpur West, General—Reserved Seat, Rural).
- Muni Lal Kalia, Pandit (Ludhiana and Ferozepore, General, Rural).
- Muzaffar Ali Khan, Qizilbash, Sardar (Lahore, Muhammadan, Rural).
- Muzaffar Khan, Khan Bahadur Captain, Malik, M.B.E. (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).
- Namihal Singh Mann, Lieutenant Sardar, M.B.E. (Sheikhupura West, Sikh, Rural).
- Nawazish Ali Shah, Sayed (Jhang East, Muhammadan, Rural).
- Nur Ahmad Khan, Khan Bahadur Mian (Dipalpur, Muhammadan, Rural).
- Partab Singh, Sardar (Amritsar South, Sikh, Rural).
- Pir Muhammad, Khan Sahib Chaudhri (South-East Gujrat, Muhammadan, Rural).
- Pohop Singh, Rao, M.A., LL.B. (East Punjab, Land-holders).
- Prem Singh, Chaudhri (South-East Gurgaon, General Reserved Seat, Rural).
- Prem Singh, Mahant (Gujrat and Shahpur, Sikh, Rural).
- Pritam Singh Siddhu, Sardar, B.A., LL.B. (Ferozepore West, Sikh, Rural).
- Raghib Kaur, Shrimati (Amritsar, Sikh, Women).
- Ram Sarup, Chaudhri (Rohtak Central, General, Rural).
- Ranpat Singh, Chaudhri (Karnal North, General, Rural).

MEMBERS—CONCLUDED.

- Rashida Latif Baji, Begum (Inner Lahore, Muhammadan Women, Urban).
 Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
 Roshan Din, Chaudhri (Shahdara, Muhammadan, Rural).
 Rur Singh, Sardar (Ferozepore East, Sikh, Rural).
 Sadiq Hassan, Sheikh (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, Rai Sahib Chaudhri, B.A., LL.B. (Hansi, General, Rural).
 Talib Hussain Khan, Khan (Jhang West, Muhammadan, Rural).
 Tara Singh, Sardar (Ferozepore South, Sikh, Rural).
 Teja Singh, Sardar (Lahore West, Sikh, Rural).
 Uttam Singh Dugal, Sardar (North-West Punjab, Sikh, Rural).
 Wali Muhammad Sayyal Hiraj, Sardar (Kabirwala, Muhammadan, Rural).

ADVOCATE-GENERAL.

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

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PUNJAB LEGISLATIVE ASSEMBLY

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 20th January, 1941.

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

OATH OF OFFICE.

The following member was sworn in :

Chaudhri Roshan Din (Shahdara, Muhammadan, Rural).

REFERENCE TO LATE RAO BAHADUR CAPTAIN RAO BALBIR SINGH.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir it is with a feeling of deep sorrow that we have learnt of the sad and sudden demise of one of our esteemed colleagues, Chaudhri Balbir Singh. The late Rao Bahadur was a member of the old Legislative Council and I believe he was one of those few members who from the very beginning of the old Council were elected throughout. In the present Assembly he represented one of the Gurgaon constituencies. He took a great deal of interest in matters pertaining to the welfare of agriculturists and in the last Council as well as in this Assembly he was one of those members who—although he was not fond of speaking on every subject—have always been keenly interested in matters which relate to the welfare of the people in this province. Apart from that, he was an honorary Captain in the Army, and I believe that during the last War he took considerable interest in the matter of recruitment in that particular area and as such he was a source of strength to the martial classes in that part of the province. We all deeply regret his death and I particularly so, because he was my personal friend. Only four or five days ago I received a very affectionate letter from him on my return from Egypt. He wrote this letter from Delhi and I believe that he was not feeling quite well because the trend of that letter showed that he was not quite sure of his health. The last sentence in that letter said that although it might not be possible for him to see me forthwith because he was at that time under expert treatment in Delhi he hoped that he would be able at least to have an opportunity of seeing his friends before he died. His last sentence was most pathetic. He said, "if you have any messages for your friends Ahmad Yar and Hasni, I am ready to convey them because I know I shall join them very soon." It was most unfortunate that I did not know of his arrival in Lahore, otherwise I would have gone myself to see him. However, God's will must be done, and I am extremely

[Premier].

sorry that we have to-day lost another old friend. We had differences of opinion no doubt on matters political, but that does not matter where friendship and honest work are concerned. I believe I am voicing the feelings of the whole House that he having been one of the oldest and an esteemed member of the last Council and of this Assembly, we should adjourn this House in his memory, and I also request you, Sir, to convey to his family our deepest sympathy in their sorrow.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I associate myself with all that has been said by the Premier with regard to the very sad and untimely death of our colleague, Rao Bahadur Balbir Singh. As has been pointed out he was the most senior member of the Assembly and before that he was also a very old member of the Council. The Rao Bahadur was a man of good many qualities of head and heart. He was a friend of everybody and an enemy of none. The province, and particularly the House, is the poorer by his passing away.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I also associate myself with the remarks made by the Premier and the Leader of the Independent party here. I have had pleasure of working with Rao Bahadur Balbir Singh during the last Legislative Council and this Assembly and I always found him to be a thorough gentleman. Irrespective of any party or any political feelings that he had in his mind he usually behaved very honestly in this House as well as with his constituency. His voters were very pleased with him and he was very popular with them. So was he popular in this House. His death is an irreparable loss for his relatives as well as for us and I think the resolution should be passed by the House, all standing, and the House adjourned as suggested by the Premier.

Sardar Bahadur Sardar Gurbachan Singh (Jullundur, West, Sikh, Rural) : I want on behalf of the Sikh members to fully associate myself with the Honourable Leader of the House. Rao Bahadur Balbir Singh was a very sincere and a religious man. I have had the honour of being a member with him in the last Council and I always found him very quite, straightforward, lover of truth and affable to all. With these words I support the resolution.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*) : Sir, Rao Bahadur Captain Rao Balbir Singh of blessed memory was a close relation of mine and although we had keen differences on political issues yet I cannot but recount the great qualities of head and heart which made him the beloved and towering personality of our ilaqa. He was a thorough gentleman of pleasing manners and an extremely social nature which made it impossible for any one coming in contact with him to resist loving him. He was ever willing to serve even the lowliest of his compatriots and it was on account of his zeal for the service of humanity that he opened an *Ashram* at an expense of thousands of rupees. There are also a number of boys' and girls' schools opened by him which stand as a monument to his efforts for the advancement of his district. Moreover, as the Honourable the Premier has been pleased to mention he was instrumental in enlisting thousands of recruits during the last great war at considerable expense to himself. His services were recognized by the conferment of titles which had never

been conferred on any one in that district before. His death is an irreparable loss to the whole of our ilaqa. I am greatly indebted to the Honourable Premier for the words that he has uttered in respect of the late Rao Bahadur and I am confident that they will not be lost upon those who held the deceased in high esteem. His death is a personal loss to me, and I associate myself with all that has been said in memory of the late Rao Bahadur.

Mr. Speaker : I associate myself fully with every word that has fallen from the lips of the honourable members who have spoken before me. Rao Bahadur Balbir Singh was a great friend of mine. He was a noble soul.

Is it the pleasure of the House that a message of condolence of the House be conveyed to the members of the bereaved family ?

The members expressed their assent by standing in their seats.

Mr. Speaker : Is it the pleasure of the honourable members of the House to adjourn ?

The members expressed assent.

The Assembly accordingly adjourned till 12 noon on Tuesday, 21st January 1941.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of January 1917

John J. [Name]

Superintendent of Schools



Witness my hand and seal this 1st day of January 1917

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 21st January, 1941.

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

STARRED QUESTIONS AND ANSWERS.

ARRESTS IN THE PROVINCE.

***7410. Pandit Shri Ram Sharma:** Will the Honourable the Premier be pleased to state—

- (a) the total number of arrests made since the outbreak of the war under the Defence of India Rules, sections 124-A, 153-A, 807 and 117, Indian Penal Code, 108, Criminal Procedure Code, and under Criminal Law Act separately;
- (b) the number of those out of the persons mentioned in (a) who are now in jail and also the number of those acquitted by (i) lower court, (ii) appellate court, (iii) and on revision?

Parliamentary Secretary (Mir Maqbool Mahmood): I am afraid I must decline to answer this question. The advantage to be gained from collecting the information desired by the honourable member would not be proportionate to the labour involved.

CLAIMS AND OBJECTIONS IN REGARD TO ELECTORAL ROLLS OF PUNJAB ASSEMBLY.

***7437. Lala Harnam Das:** Will the Honourable the Premier be pleased to state—

- (a) the number of claims and objections filed in each thana of tahsils Lyallpur, Toba Tek Singh and Samundari in the Lyallpur district in regard to the electoral rolls of the Punjab Assembly;
- (b) whether any of the claims filed were, for any reason, not entertained by the authority receiving them before 21st November, 1940; if so, the reason for such refusal?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) A statement giving the desired information is laid on the table.

(b) The Tahsildar, Toba Tek Singh, who was appointed Receiving Officer for the Tahsil refused to receive some claim applications presented by one Barkat Ali of Chak No. 388-J. B., on the ground that they were not accompanied by proper powers of attorney executed by the claimants in

(Mir Maqbool Mahmood).

his favour as required by rule 4, Chapter VI, Part B of the Punjab Legislative Assembly Electoral Rules, 1936, read with clause (21) of section 2 of the Indian Stamp Act and item (c), Article 48, Schedule I of that Act. All these applications were later received by the Tahsildar when they were presented by an advocate. The number of these applications is not known. Under the rule just cited, when applications are presented by an advocate, it is not necessary for the claimants to execute powers of attorney in his favour.

Statement showing the number of claims and objections received in the Lyallpur, Toba Tek Singh and Samundri Tahsils in the Lyallpur District.

Name of Tahsil.	Name of Thana.	No. of claims.	Number of objections.	REMARKS.
Lyallpur	Thikriwala	142	9	
	Chak Jhumra	1,816	..	
	Dijkot	10	18	
	Sadar Lyallpur	499	2	
	City Lyallpur	733	2	
	Satiana	1	17	
Toba Tek Singh	Rajana .. ..	..	24	
	Chutiana	630	10	
	Toba Tek Singh	565	22	
	Gojra Rural	30	19	
	Gojra	38	..	
	Municipality Muridwala .. ..	..	18	
	Arauti	87	3	
	Kamalia Urban	89	..	
	Kamalia Rural .. ..	..	..
Samundri	Samundri	103	..	
	Muridwala	5	29	
	Bahlak .. ..	..	..
	Satiana	6	..	
	Tandlianwala	6	..	
	Garh	4	..	

Mian Muhammad Nurullah : May I know whether it is a fact that about 40 applications of Chak No. 256 of the Gūgera branch were also refused before the 21st on similar grounds?

Parliamentary Secretary (Mir Maqbool Mahmood) : I require notice of that question.

NEXT GENERAL ELECTIONS TO PUNJAB ASSEMBLY.

*7433. **Lala Harnam Das :** Will the Honourable the Premier be pleased to state—

- (a) the date or dates on which the next general elections to the Punjab Assembly may be expected to take place;
- (b) whether they have made any recommendation for extension of the life of the present Assembly;
- (c) if so, the nature of such recommendation;
- (d) what are the steps likely to be taken on it.

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Some time before the life of the present Assembly expires. No decision has been made yet as regards the dates.

(b) No such recommendation has been made by Government.

(c) and (d) Do not arise.

Mian Muhammad Nurullah : When would the life of the present Assembly expire?

Premier : Normally in 1942.

Rai Bahadur Lala Gopal Das : May I know whether the Government has made any recommendation to the Government of India to the effect that the life of the present Assembly should not be extended?

Premier : No. We have made no recommendation either way.

Rai Bahadur Lala Gopal Das : Do I understand then that the new elections will take place before the 31st of March 1942?

Premier : Normally, because there is no option unless the life of the Assembly is extended.

Rai Bahadur Lala Gopal Das : If the new elections were to take place before the 31st of March, 1942, then in that case, does the life of the present Assembly end after the budget session is over?

Premier : I am afraid I cannot answer that point. It would depend upon when the Assembly will be dissolved. That has not been decided yet.

Rai Bahadur Lala Gopal Das : When is it expected?

Premier : I am afraid I cannot anticipate things.

REPORT OF THE CANAL AND DRAINAGE ACT COMMITTEE.

*7443. **Mian Muhammad Nurullah :** Will the Honourable Minister for Revenue be pleased to state the date he is likely to fix for discussion by the Assembly of the report of the Canal and Drainage Act Committee recently circulated to the members?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is unfortunately not possible to indicate any definite date yet on which the report of the Canal and Drainage Act Committee can be discussed, but an endeavour will be made to fix a date, if this is found feasible, before the Assembly adjourns for the summer recess.

DETENTION OF DR. GOPI CHAND BHARGAVA.

*7465. **Rai Bahadur Lala Gopal Das** : Will the Honourable Premier be pleased to state the reasons for detaining Dr. Gopi Chand Bhargava without a trial and further whether any letter from him was, a few days ago, received by the District Magistrate, Lahore, intimating therein that the said Doctor intended to raise 'anti-war' slogans while offering Satyagrah in Lahore ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Dr. Gopi Chand was arrested and detained without trial to prevent him from breaking the law in circumstances that might have led to a breach of the peace. He had given notice of his intention to break the law to the District Magistrate.

Mian Muhammad Nurullah : Under what category is he being treated now ?

Premier : He is being treated as a detenué.

Rai Bahadur Lala Gopal Das : May I know why a differential treatment has been meted out to him and why he has not been tried ?

Premier : He was about to commit the offence and it was considered advisable to detain him instead of trying him.

Rai Bahadur Lala Gopal Das : Is he not going to be tried in the near future ?

Premier : No.

Mian Muhammad Nurullah : Was this exception made in his case because he was the ex-Leader of the Opposition ?

Premier : There are many considerations and one of them is that he is a person of considerable importance in the political life.

FAILURE OF KHARIF CROPS IN AMBALA DIVISION.

*7345. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of the districts in the Ambala division in which *kharif* crops have failed totally in 1940 for want of rains in *Bhadon* ;
- (b) the names of the districts in the Ambala division in which the maize and *chari* crops have failed partly ;
- (c) whether payment of land revenue has been remitted totally or in part in such areas of these districts in which the *kharif* crops and the fodder crops have failed totally or partly and if not, whether it is intended to do so now ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Total failure has not taken place in any district but partial failure has occurred in Hissar, Rohtak, Gurgaon, Karnal and Ambala.

(b) Partial failure of maize and chari crops occurred in Gurgaon, Karnal and Ambala and of chari crops only in Rohtak.

(c) Suspensions and remissions of land revenue will be granted in due course according to rules.

GIRDAWARI OPERATIONS AND KHARABA IN LUDHIANA DISTRICT.

***7356. Chaudhri Muhammad Hasan:** Will the Honourable Minister for Revenue be pleased to state—

(a) the total area under cultivation in the Ludhiana district in the years 1936 to 1940 and the average yield per crop during this period ;

(b) the amount of rain during these four years in the area mentioned in (a) ;

(c) the area exempted from payment of revenue on account of *kharaba* separately each year during the said period ;

(d) whether it is a fact that several representations have been made by the zamindars during this period against the patwaris concerned for not properly conducting *girdawari* operations in the matter of *kharaba* ; if so, what action, if any, was taken by the Ludhiana authorities on those complaints ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a), (b) and (c). A statement is laid on the table.

(d) *First part.*—No.

Second part.—Does not arise.

Statement showing the area cultivated, etc., for the last 4 years in the Ludhiana District.

1	2	3	4	5			6							
				RAINFALL IN INCHES.			AVERAGE YIELD PER ACRE ACCORDING TO THE FINAL FORECASTS.							
Serial No.	Year.	Area under cultivation in acres.	Area in acres exempted from payment of revenue.	Ludhiana.			Wheat.		Oilseeds.			Tobacco Irrigated.		
				Saurala.	Ludhiana.	Jagraon.	Cotton Desl.	Sugarcane.	Irrigated.	Unirrigated.	Irrigated.	Unirrigated.	Irrigated.	Unirrigated.
				Md. Sr.	Md. Sr.	Md. Sr.	Md. Sr.	Md. Sr.	Md. Sr.	Md. Sr.	Md. Sr.	Md. Sr.	Md. Sr.	Md. Sr.
1	1936-37	858,228	6,656	36.39	30.31	28.13	7.13	27.0	14.7	7.10	8.38	4.38	12.27	12.27
2	1937-38	848,409	..	24.25	25.31	21.06	6.27	25.13	15.7	7.30	8.27	5.7	12.0	12.0
3	1938-39	789,371	21,719	20.08	13.62	14.88	5.0	18.32	13.30	6.20	6.35	5.0	11.38	11.38
4	1939-40	788,245	..	20.40	15.58	15.33	4.33	21.13	13.27	7.19	6.32	4.12	11.0	11.0

NOTE.—The average yields for other crops are not readily available. 'Md.' stands for Maunds and 'Sr.' for Seers.

FALL OF WATER LEVEL IN DOABA.

***7392. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to lay on the table of the House the report of officers appointed to find out causes of the fall in the level of water in Doaba and state whether any remedy has been suggested by them to raise this level and the action that the Government has taken or intends taking on the recommendations made by the officers?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A copy of the report is placed on the table of the House.¹ Regarding the action taken by the Government, the honourable member is referred to the reply given to Question No. *7007.*

RELIEF FOR DAMAGE TO CROPS BY HAILSTORM.

***7425. Sardar Sampuran Singh :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that a severe hailstorm visited various districts of the province on the night between 28th and 29th September, 1940; if so, the steps taken by the Government in each district (i) to ascertain the loss of life and property and to (ii) provide adequate relief to deserving cases?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—Yes, hailstorms of varying degrees of intensity occurred in 19 districts.

Second part.—In none of the districts has there been any loss of life and property other than damage to standing kharif crops. These have been inspected by the officers of the revenue and irrigation departments. Remissions of land revenue and abiana are being granted according to rules in the 16 districts in which the damage done is appreciable. Faccavi loans have been advanced where necessary.

Sardar Bahadur Sardar Gurbachan Singh : May I know the names of the districts to which remission is going to be given?

Parliamentary Secretary : I am afraid I cannot give the information off-hand.

CASES OF BENAMI TRANSACTIONS IN THE GURGAON DISTRICT.

***7429. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state the number of cases, whether pending or finally disposed of, relating to *benami* transactions so far filed in Gurgaon district with the area of land and consideration money claimed or paid in all such cases giving separately the number of cases out of them in which possession has been restored to the original owner and in which applications for the restoration of possession to the original owner have been rejected with the area involved in such cases?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement is laid on the table.

¹Kept in the Assembly Library.

*Volume XIV, page 325.

Statement showing information regarding benami transactions in Gurgaon district.

NUMBER OF CASES RELATING TO BENAMI TRANSACTIONS SO FAR FILED.	Area of land involved in such cases in acres.		CONSIDERATION MONEY IN SUCH CASES.		SUCH CASES IN WHICH POS- SESSION HAS BEEN RESTORED TO THE ORIGINAL OWNERS.		SUCH CASES IN WHICH APPLI- CATIONS FOR RESTORATION OF POSSESSION TO ORIGINAL OWNERS HAVE BEEN REJECT- ED.	
	Pending.	Finally dis- posed of.	Claimed.	Paid.	No.	Area involved.	No.	Area involved.
Total.	187	13	1,08,200	Nil	Nil	Nil	Nil	Nil

FAILURE OF COTTON CROPS IN THE LYALLPUR DISTRICT.

*7440. **Mian Muhammad Nurullah** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware that cotton crop especially American has generally failed in the district of Lyallpur and more particularly in the Toba Tek Singh tahsil ; if so, the extent of failure and the reasons of the failure ;
- (b) whether any steps are being taken to stop such failures in future ;
- (c) how far the failure is due to (i) disease ; (ii) untimely and long closures of canals ;
- (d) the nature of the disease responsible for the failure of the cotton crop this year ;
- (e) what relief is proposed to be given in respect of this crop by way of remission in (i) land revenue and (ii) *abiana* to the zamindars so affected in the above-mentioned area ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) American cotton has been damaged in some parts of the district, particularly Toba Tek Singh tahsil, but desi cotton has not been affected at all.

The total damage is not more than 20 per cent. It has been caused by dry weather and tirak.

(b) The Director of Agriculture and the Director of Irrigation Research are examining the problem.

(c) Not to disease ; but to a combination of factors of which an important one is the Chemical constituents of the soil.

(d) "Tirak" is not classified as a "disease".

(e) No relief is admissible under rules.

DAMAGE TO COTTON BY TIRAK.

*7474. **Sardar Ajit Singh** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the cotton crop of *ilaga* Jahania 182, 184, 186, 188

and specially of Chaks _____, district Multan, is

10-R.

completely destroyed due to tirak ; if so, what steps the Government has taken or proposes to take to help the sufferers ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—No, the damage was negligible.

Second part.—Does not arise.

DAMAGE TO COTTON BY TIRAK.

*7475. **Sardar Ajit Singh** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the cotton crop of *ilaga* Chichawatni and especially of Chaks 166, 167, 168, 169, 170, 171, 165, 164, and

55-A. 57, 58, 59, 62, 68, 64, 65, 66, 67 9-L. 9-L.
1, 3, 4, 5, 6, 7, 8, 9, 39, 40, 41,
and

12-L. 12-L. 14-L.
is completely destroyed due to *tirak* ; if so, what steps the Government has taken or proposes to take to help the sufferers ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—The cotton crop in *ilaga* Chichawatni and especially of the chaks mentioned by the honourable member, with the exception of chaks 170, 171 and 164-9-L, was damaged considerably but not completely destroyed.

Second part.—Field to field inspection of crops has been done jointly by the officers of the irrigation and revenue departments. Remissions of land revenue and *abiana*, will be granted in due course if rules permit.

DEMONSTRATION PARTIES.

*6969. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Development be pleased to state—

- (a) the activities of village demonstration parties appointed to give demonstration in tanning since 1st April, 1940 ;
- (b) number of their visits in Jhang and Lyallpur districts ;
- (c) whether any leaflets have been published by the parties for the guidance of *Chamars* dealing with tanning ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) Two travelling tanning demonstration parties have been working in the province since 1st April 1940—one at Talagang in the Campbellpur District and the other at Bhiwani in the Hissar District. At both these centres a large number of tanners has been trained in the art of bark tanning.

(b) No visits have yet been made to these districts.

(c) Yes. Two pamphlets have been published for the guidance of *chamars* and distributed free of cost among those interested in tanning. A copy each of the pamphlets is placed on the Table.¹

SUGAR MILLS IN THE PROVINCE.

*6971. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Development be pleased to state—

- (a) the total number and names of sugar mills in the province ;
- (b) the capital invested and the dividends declared during the last three years by the mills in question ;
- (c) whether there are any mills among them which are aided and supported by the Government ;

¹Kept in the Assembly Library.

(d) the names of some of these mills which have closed during the last three years?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) A list of sugar mills which were working in the Punjab in 1937 is given below:—

- (1) Saraswati Sugar Mills, Abdullahpur.
- (2) Pattoki Sugar Factory, Pattoki.
- (3) The Laxmi Sugar and Oil Mills, Amritsar.
- (4) The Amritsar Sugar Mills Company, Limited, Amritsar.
- (5) Gujranwala Sugar Mills Company, Rahwali.
- (6) Phullarwan Sugar Mills, Phullarwan.
- (7) Bhalwal Sugar Mills, Bhalwal.
- (8) The Punjab National Sugar Mills, Lyallpur.
- (9) The Lyallpur Sugar Mills, Lyallpur.
- (10) Sonepat Sugar Factory, Sonepat.

(b) The necessary particulars regarding mills registered under the Indian Companies Act are contained in the statement enclosed. It is not possible to give information about other sugar mills.

(c) None.

(d) Sugar mills mentioned at Nos. 1 and 5 only worked during the last season. All others have ceased their operations connected with sugar manufacture since the year 1937.

Name of company.	Capital invest- ed.	DIVIDEND DECLARED DURING THE LAST THREE YEARS.		
		1937.	1938.	1939.
	Rs. A. P.	Per cent.	Per cent.	Per cent.
1. The Saraswati Sugar Syndicate, Limited, Lahore.	15,57,343 0 0	..	3	4
2. The Gujranwala Sugar Mills, Limited, Rahwali.	4,67,327 5 6	..	4	..
3. The Amritsar Sugar Mills, Limited, Amritsar.	5,00,000 0 0	10	12	25
4. The Lakshmi Sugar Mills, Limited, Amritsar.	10,00,000 0 0	6 (Ordinary shares).	4	8
		8 (Preference shares).	8	9

B. The undermentioned companies are in liquidation:—

- (1) Bhalwal Sugar Mills Company, Limited.
- (2) Phularwan Sugar and Oil Mills Limited.

PLACES VISITED AND TRAVELLING ALLOWANCE DRAWN BY THE
DIRECTOR OF INDUSTRIES.

*6974. **Mr. Dev Raj Sethi:** Will the Honourable Minister of Development be pleased to state—

- (a) the date on which the present Director of Industries took charge of his office ;
- (b) the period for which he was under training for his present post ;
- (c) the Industrial centres outside the province visited by him during the period of his training ;
- (d) the total travelling allowance and other allowances drawn by him for these journeys ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) 17th August, 1940.

(b) 7 months.

(c) Delhi, Bombay, Ahmedabad, Poona, Sholapur, Bangalore, Mysore and other places in Mysore State, Madras, Calcutta, Ranchi, Patna, Lucknow, Cawnpore, Srinagar and other places in Kashmir State.

(d) Travelling allowance including halting allowance (Second Class Rail), Rs. 1,125-14-0.

No other allowance was paid to the Director during his period of training.

PLANTING OF NURSERIES OF PALM TREES IN THE JUNGLE *ILAQA*
OF LUDHIANA DISTRICT.

*7260. **Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state whether the question of planting nurseries of palm trees in the jungle *ilaga* of the Ludhiana district has ever been considered by him ; if so, the result at which he has arrived ?

Parliamentary Secretary (Chaudhri Tikka Ram) : By palm trees, the honourable member presumably means date palmes. If so, the question of planting nurseries of date palm trees in the jungle *ilaga* of Ludhiana district has not been considered so far, as the climate there is not suitable for improved varieties of dates.

MEMBERS OF DEBT CONCILIATION BOARDS.

*7449. **Chaudhri Jugal Kishore :** Will the Honourable Minister of Development be pleased to state the number of retired Government servants and other persons above the age of 55 who have been appointed as members of the Debt Conciliation Boards in the province ?

Parliamentary Secretary (Chaudhri Tikka Ram) : Precise figures are not available without calling for the collection of statistics which are of no intrinsic value.

Retired officers with executive or judicial experience are frequently appointed members of such boards as their previous experience and knowledge of law and procedure are valuable assets to the boards.

Rai Bahadur Lala Gopal Das : May I know how many sub-judges or senior sub-judges with judicial experience have been appointed as members of the Debt Conciliation Boards ?

Parliamentary Secretary : I want notice of this question.

RAJANPUR JAIL DETENUS.

***7428. Sardar Partap Singh :** Will the Honourable Premier be pleased to state—

- (a) the general state of health and the average weight of the following detenues during the period of their detention in Rajanpur jail :—

Master Mota Singh, Baba Karam Singh Chima, Comrade Jaswant Singh Kaism, Comrade Ramchandrar, B.A., Baba Wasakha Singh, Comrade Santa Singh Gandiwind, Comrade Mota Singh Bhawalpuri, Naina Singh Dhut, Comrade Bhuja Singh, Dr. Bhag Singh, Ph.D., Comrade Ram Singh Dhut, Baba Sohan Singh Bhakna, Comrade Bachan Singh, Comrade Bhag Singh and Master Gajjan Singh ;

- (b) whether it is a fact that these detenues often complained to the Superintendent of the Rajanpur Jail against the conduct of the medical officer attached to the said jail, if so, the nature of the complaints made by them ;
- (c) whether it is a fact that these detenues had for some time refused to be treated by that medical officer ; if so, for how long ;
- (d) whether it is a fact that Sardar Bhag Singh Canadian while in that jail once had an attack of cholera at night ; if so, whether the said medical officer was required to attend to him at night ; if so, whether he did so ;
- (e) whether it is a fact that Sardar Santa Singh of Gandiwind once had a tooth trouble in jail ; if so, whether any of his teeth were extracted ; if so, how many ;
- (f) whether it is also a fact that Baba Wasakha Singh had a heart-attack twice in jail ; if so, the reasons therefor and steps taken to keep him out of the trouble ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) A statement is laid on the table.

(b) Yes. The Superintendent of the Jail found that the complaints were quite unfounded. I am not prepared to enter into the details of these complaints, but if the honourable member cares to bring any particular point to my notice I will enquire into it.

(c) Yes. From the 20th September, 1940 to the 7th October, 1940.

(d) This prisoner never had an attack of cholera in jail.

(e) Yes. The Medical Officer extracted 8 teeth.

(f) No report was made to the Superintendent of the Jail that this prisoner had a heart attack.

Statement showing the health and weight of the 15 Security prisoners transferred to the Deoli Detention Camp on 7-10-40.

Serial No.	Name of prisoner with father's name.	Health.	Weight on admission.	Weight on transfer.
			Lbs.	Lbs.
1	Master Mota Singh, son of Gopal Singh.	Indifferent ..	166	162
2	Karam Singh Chima, son of Gajjan Singh.	Do. ..	126	120
3	Jaawant Singh, son of Nihal Singh..	Good ..	145	142
4	Ram Chander, B.A., son of Kirpa Ram.	Indifferent ..	104	98
5	Wasakha Singh, son of Dyal Singh..	Do. ..	145	148
6	Santa Singh Gandiwind, son of Vir Singh.	Good ..	170	145
7	Mota Singh Bahalpuri, son of Malla Singh.	Do. ..	131	115
8	Naina Singh Dhut, son of Thakur Singh.	Do. ..	166	166
9	Bhuja Singh, son of Dharm Singh..	Do. ..	128	131
10	Dr. Bhag Singh, son of Sunder Singh.	Do. ..	146	143
11	Ram Singh Dutt, son of Chaudhri Thakur Dass.	Do. ..	163	156
12	Sohan Singh, son of Karam Singh..	Indifferent ..	146	133
13	Bachan Singh, son of Isher Singh ..	Good ..	145	136
14	Bhag Singh Canadian, son of Attar Singh.	Indifferent ..	142	142
15	Master Gajjan Singh, son of Rattan Singh.	Good ..	140	142

Sardar Lal Singh : Would the Parliamentary Secretary enlighten us with reference to the answer to part (c) as to why the detenues refused to be treated by the medical officer? What were the reasons?

Parliamentary Secretary : I want notice of this question.

Sardar Lal Singh : Does it not arise out of this question?

SHORTAGE OF BLANKETS IN SUB-JAIL, AMRITSAR.

***7450. Sardar Partap Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) whether the Government is aware of the fact that there is a shortage of blankets in the Sub-jail, Amritsar; if so, since when and the reasons therefor;

(b) whether the matter was reported to the higher jail authorities by the Superintendent, Jail; if so, on what date, and what steps, if any, have been taken in this connection;

(c) whether it is a fact that a large number of persons confined in the Amritsar Jail have only one blanket in the cold nights of the December month; if so, the number of persons having one blanket?

The Honourable Sir Manohar Lal: (a) There has never been any shortage of blankets in the Amritsar Sub-Jail.

(b) Does not arise.

(c) Each prisoner is provided with three blankets as laid down in paragraph 969 of the Punjab Jail Manual.

HANDCUFFING OF CHAUDHRI KRISHNA GOPAL DUTT.

*7464. **Mian Muhammad Nurullah:** Will the Honourable Premier be pleased to state whether it is a fact that Chaudhri Krishna Gopal Dutt, M.L.A., Deputy Leader of the Congress party and a leading businessman of Sialkot, was handcuffed after his arrest at Sialkot and produced before the magistrate with handcuffs on; if so, the reasons therefor?

Parliamentary Secretary (Mir Maqbool Mahmood): *First part.*—He was handcuffed on one hand only on two or three occasions when going to or returning from court; the handcuff was removed when he was produced in court. On other occasions, including the day on which he was convicted, he was not handcuffed.

Second part.—Enquiries made show that on the occasions on which he had to be handcuffed there was reason to believe that circumstances contemplated under Police Rule 26·22 (e) and (1) existed which enjoins the use of handcuff in such cases.

Mian Muhammad Nurullah: Does the Government consider the handcuffing of one hand less vindictive than handcuffing of both hands?

Mr. Speaker: Disallowed.

Mian Muhammad Nurullah: For how long were the handcuffs put on?

Parliamentary Secretary: The House may perhaps like to know that immediately on learning about this incident we made enquiries which revealed that Chaudhri Krishna Gopal Dutt was arrested in the village Shahzad. He was not handcuffed there. He was then taken to Zafarwal and there even he was not handcuffed. He was brought from Zafarwal to district courts and up to the time that he was brought to Sialkot he was not handcuffed. In Sialkot, our information is that a crowd collected and circumstances arose under which it was found necessary to handcuff him. I understand that on other occasions, he was handcuffed only on such hearings and for such periods as it was found necessary.

Mian Muhammad Nurullah: Was there any suspicion that the crowd would elope with Chaudhri Sahib? (*laughter*).

Mr. Speaker : Order, order.

Mian Muhammad Nurullah : May I know whether the handcuffs were removed by the order of the magistrate ?

Parliamentary Secretary : On a point of order. May I request the honourable member to withdraw the use of the word 'elope' for one of the members of the Assembly even though he may be in jail ?

Mian Muhammad Nurullah : If it is unparliamentary, then I withdraw it. May I ask the honourable member whether his handcuffs were removed by the order of the magistrate enquiring into the matter or they were removed as soon as he was brought before him ?

Parliamentary Secretary : Not by the order of the magistrate but under the rules as soon as he was brought in court.

Malik Barkat Ali : Was there anything in the conduct of Chaudhri Krishna Gopal Dutt to suggest that he was likely to abscond ? Was that the reason why it was considered necessary to put handcuffs ?

Parliamentary Secretary : On the first occasion our reports say that there was a double-barrelled reason both about the conduct of Chaudhri Krishna Gopal Dutt as well as the conduct of the crowd.

Malik Barkat Ali : Will you kindly specify the conduct of Chaudhri Krishna Gopal Dutt irrespective of the conduct of the crowd ?

Parliamentary Secretary : We understand that in spite of warnings he freely and openly communicated with the crowd in a manner which was likely to arouse public demonstration.

Mian Muhammad Nurullah : May I know the name or the designation of the officer who ordered handcuffs ?

Parliamentary Secretary : I want notice for it.

COMRADE TEHAL SINGH BAGHI.

*7466. **Dr. Satyapal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that Comrade Tehal Singh Baghi, an under-trial prisoner in Jullundur Jail, is on hunger-strike since 19th instant ;
- (b) whether he is aware that he has taken this extreme step to record his resentment against the inhuman behaviour of jail officials of this jail ;
- (c) whether it is a fact that his condition is very serious ;
- (d) whether it is also a fact that he is a physical patient and has been certified as such by Government doctors ;
- (e) if the answer to the above be in the affirmative, the action that Government proposes to take in the matter ?

The Honourable Sir Manohar Lal : (a) The under-trial prisoner in question was on hunger strike from the 22nd November to the 27th November, 1940.

(b) The prisoner was discharged from hospital because he refused to be examined by the Medical Officer or carry out his instructions regarding treatment. He resorted to hunger strike because of this discharge.

(c) His condition is reported to be satisfactory.

(d) The Jail Medical Officer reports that he is a suspected case of tuberculosis.

(e) No action appears necessary.

P. C. M. S. OFFICERS IN CHARGE OF JAILS.

*7471. **Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani**: Will the Honourable Minister of Finance be pleased to state the number, community-wise, of P. C. M. S. officers put in charge of Punjab jails during the last 5 years with the rate of allowance each has been or is in receipt of during this period?

The Honourable Sir Manohar Lal: (a) Dr. S. H. U. Shah is the only Punjab Civil Medical Service officer in permanent employment in the Jail Department working as wholetime Superintendent Jail. He has been in receipt of his grade pay (Rs. 225—15—450) plus a special pay of Rs. 100 per mensem. From the 1st October 1938, he was granted an additional sum of Rs. 50 per mensem as personal pay. From the 1st November, 1940 his emoluments have been amalgamated into the grade of 425—25—500/25—700/25—800.

(b) Dr. Narain Das Suri, P.C.M.S., Medical Officer of the Central Jail, Montgomery, was put in executive charge of the jail from the 15th October, 1940, to the 11th January, 1941, as a temporary arrangement. He has been drawing his grade pay (Rs. 225—15—450) plus a special pay of Rs. 150, per mensem.

(c) Other Punjab Civil Medical Service officers working as Superintendents of Jails are Civil Surgeons holding collateral charge under paragraph 68, Punjab Jail Manual, where no Superintendents for wholetime duty are provided. They are in receipt of an allowance of Rs. 100 per mensem for I and II class District Jails and Rs. 75 per mensem for III class District Jails.

TRAVELLING ALLOWANCE DRAWN BY DEPUTY COMMISSIONER, CRIMINAL TRIBES.

*7472. **Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani**: Will the Honourable Minister of Finance be pleased to state—

(a) how much travelling allowance has been drawn by the Deputy Commissioner, Criminal Tribes, during the last 4 years;

(b) which places he has visited during this period and for how many times?

The Honourable Sir Manohar Lal: (a) Total amount of travelling allowance drawn by the Deputy Commissioner for Criminal Tribes during the last four years:—Rs. 14,797-12-0.

(b)

Serial No.	Name of the place visited.	Number of times the place was visited.
1	Amritsar	27
2	Ambala	19
3	Abohar	1
4	Bir Bidalwa	5
5	Bir Thehbari	2
6	Bir Dhandari	1
7	Ballwal	1
8	Baghbanpura	2
9	Burewala	21
10	Bijwara	2
11	Biloch Villages	11
12	Bir	1
18	Batala	4
14	Change Manga	4
15	Chichawatni	4
16	Campbellpur	3
17	Chak Amir Ali	1
18	Chirao	2
19	Chandigarh	1
20	Delhi	17
21	Dev Nagar	1
22	Dalhousie	1
23	Daulewala	1
24	Diroha	1
25	Ferozepur	7
26	Fazilka	1
27	Fatehgarh	1
28	Gujret	1
29	Gujranwala	3
30	Gurgaon	1
31	Gurdaspur	2
32	Gujar Khan	1
33	Hissar	5
34	Hoshiarpur	4
35	Hessan Abdal	2
36	Iffatabad	2
37	Jagraon	12
38	Jhelum	4
39	Jullundur	2
40	Jhang	2
41	Jandiala	1

Serial No.	Name of the place visited.	Number of times the place was visited.
42	Jaranwala	1
43	Kot Khuda Yar	2
44	Kot Fazal Ahmad	1
45	Khanewal	2
46	Kotla Jinda Ram	2
47	Kassowal	3
48	Karnal	5
49	Kot Jhandu	3
50	Kot Qazi	3
51	Kot Mokhal	1
52	Kot Achian	3
53	Kot Mandianwala	3
54	Kohala	1
55	Lyallpur	20
56	Lala Musa	1
57	Ludhiana	6
58	Kacha Khuh	3
59	Kiri	1
60	Kartarpur	1
61	Khushab	1
62	Kala Shah Kaku	1
63	Multan Cantonment	4
64	Murree	1
65	Montgomery	8
66	Moghalpura	7
67	Mahmud Buti	1
68	Mianwali	1
69	Mudki	2
70	Mamdot	2
71	Nizzang	1
72	Niamoana	3
73	Okara	5
74	Pathankot	10
75	Palampur	2
76	Pirowal	1
77	Peshawar Cantonment	1
78	Pipli	1
79	Pakpattan	2
80	Pattoki	1
81	Rawalpindi	10
82	Rohtak	3
83	Benala Khurd	1

Serial No.	Name of the place visited.	Number of times the place was visited.
84	Shahabad	3
85	Sirhand	2
86	Simla	8
87	Sheikhupura	2
88	Singhpura	2
89	Sialkot	6
90	Shahpurjand	6
91	Sabrah	6
92	Sargodha	6
93	Triman Head	1
94	Tarkhan Majra	1
95	Vihari	1
96	Chak 27/2-L	5
97	Chak 39/3-R	8
98	Chak 109/9-L	4
99	Chak 53/5-L	7
100	Chak 47/3-R	5
101	Chak 21/-W.B... .. .	11
102	Chak 28-W. B.	5
103	Chak 19-W. B.	4
104	Chak 121-/9L.	1
105	Chak 135/9-L.	1
106	Chak 86-S. B.	1
107	Chak 21-S.B.	1
108	Chak 97/12-L.	2
109	Chak 127/15	1
110	Chak 38/10-R.	1
111	Chak 12-G. D.	1
112	Chak 19/9-R.	1
113	Chak 465	1
114	Chak 29-R.B.	1
115	Chak 775-R	1
116	Chak 99/10-R.	1
117	Chak 91/10-R.	2
118	Chak 69-S.B.	1

NOTE.—The places visited enroute in the case of long journeys have not been shown as it involves unnecessary labour and time.

MINIMUM AREA FOR BUILDINGS AND WIDTH OF STREETS
IN LAHORE.

*7064. **Sardar Sampuran Singh**: Reference answer to starred question No. 4219¹ asked on 31st March, 1939, will the Honourable Minister

of Public Works be pleased to state whether any decision has so far been taken in the matter; if so, what; if not, the reasons for the delay?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No comprehensive scheme prescribing minimum areas for building and minimum width of streets in the various localities has been prepared by the Lahore Improvement Trust. But the Trust has decided that no building site should be less than 7 marlas in area and that a through road on an estate for the purposes of development should not be less than 80 feet wide.

MURDER CASES IN LUDHIANA DISTRICT.

***7156. Chaudhri Muhammad Hasan** : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of murder cases challaned by the police in the Ludhiana district in the months of July, August, September and October, 1940, and the cases out of these in which the accused were found not guilty and therefore acquitted;
- (b) whether in some of these murder cases strictures were passed by the learned Sessions Judge on the police investigation?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
 (a) The number of murder cases challaned during the months of July, August, September and October, 1940, was 11, 4, 7 and 8, respectively. The accused were discharged or acquitted in two cases only.

(b) No.

ODES PROBLEM.

***7391. Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Public Works be pleased to lay on the table of the House the report of the committee appointed to solve the Odes problem, if it is ready by now, and the action that the Government intends to take thereon and state the number of Muslim Odes residing in the province if that number has so far been ascertained?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : It is hoped in the near future to supply copies of the report to honourable members and to publish it. The recommendations made by the Committee are under consideration. The number of Muslim Odes is estimated to be 16,000.

NON-PUNJABEES IN THE OFFICES OF THE PROVINCIAL TOWN PLANNER AND LAHORE IMPROVEMENT TRUST.

***7424. Sardar Partap Singh** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of non-Punjabis employed in the office of Provincial Town Planner and in that of the Lahore Improvement Trust;

[S. Partap Singh.]

(b) the reason why persons other than Punjabis were employed in these offices?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) There is no non-Punjabi in the Provincial Town Planner's office while there are four in the office of the Lahore Improvement Trust.

(b) Non-Punjabis were employed because they were the most suitable candidates.

MURDER OF MAI RALLI BHABARKARNI AT RUPAR.

*7426. **Lala Duni Chand**: Will the Honourable Minister of Public Works be pleased to state whether it is a fact that on the night of 2nd November, 1940, one Mai Ralli Bhabarkarni, a Brahman widow, was brutally murdered at Rupar and her clothes, money and every other thing belonging to her, were stolen away and that the local police has so far failed to trace the culprits, which has created discontent among a section of the public of the locality; if so, the special steps that he proposes to take in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): One Musammat Ralli, widow of Puran Chand Brahman of Rupar, was murdered on the night between 1/2nd November, 1940. The case has been worked out and the stolen property recovered. The suggestion that the failure of the local police to trace the culprits created local discontent is not borne out by the facts.

DACOITY AND MURDER CASES IN BALLABGARH TAHSIL.

*7432. **Chaudhri Sumer Singh**: Will the Honourable Minister of Public Works be pleased to state the number of dacoity and murder cases committed in the Ballabgarh tahsil during the last three months and the action that is intended to be taken to restore confidence among the residents of the *ilaga* in question?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): 3 cases of dacoity and 1 of murder have occurred in the Ballabgarh Tahsil during the last 3 months. All these have been worked out and the culprits arrested. Since the rounding up of the culprits in these cases no more cases of dacoity or murder have occurred in the tahsil and no further special action appears necessary.

GENERAL ELECTIONS TO DISTRICT BOARD, LYALLPUR.

*7439. **Lala Harnam Das**: Will the Honourable Minister of Public Works be pleased to state when the next general elections to the District Board, Lyallpur, may be expected to take place?

Parliamentary Secretary (Shaikh Faiz Muhammad): In June, 1942.

Mian Muhammad Nurullah: Did Government issue any circular letter prohibiting the election in 1941?

Parliamentary Secretary: I cannot give reply to this offhand. I want notice.

VOTERS LIST OF REWARI MUNICIPAL COMMITTEE.

*7467. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that he recently received a protest by wire from the Municipal voters of Rewari against the conduct of the Rewari municipal staff ;
- (b) whether he is further aware of the fact that the inspection of the lists was not completed by the Inspector before the dates fixed for public inspection ;
- (c) whether it is also a fact that the complaint book was not given to the members of the public for recording their complaints in this connection ;
- (d) whether he is aware of the fact that, as compared with old lists, the number of Hindu voters in the newly prepared lists is five hundred less ; if so, the reasons for this extraordinary decrease ?

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

(b) Government's information is to the contrary.

(c) No. The book contains a number of complaints from the public.

(d) The number has decreased by 396, the reason being that some labourers whose names appeared in the last list were found on enquiry not to possess the necessary franchise qualifications.

SCHOLARSHIPS FOR TRAINED DAIS IN FERROZEPOR DISTRICT.

*6802. **Sardar Pritam Singh Siddhu** : Will the Honourable Minister for Education be pleased to state the number of scholarships granted for training as trained *dais* and as nurse *dais* to suitable women in the Ferozepore district from the budget grant for the year 1939-40 ?

The Honourable Mian Abdul Haye : Four scholarships for training as nurse *dais* were awarded. No candidate applied for a scholarship for training as a "trained dai".

GIRLS' SCHOOL IN SUB-TAHASIL NATHANA, FERROZEPOR DISTRICT.

*6803. **Sardar Pritam Singh Siddhu** : Will the Honourable Minister of Education be pleased to state—

- (a) the number of primary and secondary girls' schools so far opened by the Government or the District Board in the *taqa* of sub-tahsil Nathana, Baghapurana and tahsil Muktsar in the Ferozepore district ;
- (b) the steps that the Government intends to take to promote the cause of female education in these backward areas ?

The Honourable Mian Abdul Haya : (a)

	Government or board primary schools.	Government or board Secondary schools.
(a) Nathana .. 7 district board .. Nil.		
Muksar .. 8 district board .. Nil.		
Baghapurana .. Nil.		Nil.

(b) A District Board girls primary school has been opened this year at Rupana in tahsil Muksar, and is included in the figure given under (a) above.

POSTS IN P. E. S. (WOMEN'S BRANCH).

*6304. **Sardar Pritam Singh Siddhu :** Will the Honourable Minister of Education be pleased to state—

- the number of posts in P. E. S. (Women's Branch);
- the number of these posts held by agriculturists and non-agriculturists;
- the number of these posts filled during the time of the present ministry and the number separately of these posts filled by the agriculturists?

The Honourable Mian Abdul Haya : A statement giving the required information is laid on the table.

Statement.

Total number of posts.	The Number of these posts held by agriculturists.	The Number of these posts held by non-agriculturists.	TOTAL NUMBER OF POSTS FILLED DURING THE TIME OF PRESENT MINISTRY BY		Number of agriculturists recruited.	Number of agriculturists promoted.
			Direct recruitment.	Promotion.		
P. E. S., (Class I) (Women's Branch) = 5.	5	0	0	1		
P. E. S., (Class II) (Women's Branch) = 20.	2	18	2	5	1	

ALLEGATIONS AGAINST DR. MISS SAPRE.

*6845. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Education be pleased to state—

- (a) whether a memorial was lately presented to the authorities by the public through the Reformist League, Hissar, making some allegations against Dr. Miss Sapre, and that an inquiry was to be made by the Civil Surgeon, Hissar, into these allegations ;
- (b) whether some persons approached the Civil Surgeon, Hissar, and told him that all the allegations against Dr. Miss Sapre were false ;
- (c) whether the said Civil Surgeon closed the matter thereupon without giving the said Reformist League an opportunity to substantiate their charges ;
- (d) whether the Government is aware that there is great resentment among the people of the locality against hushing up the enquiry regarding Dr. Miss Sapre's affairs in connection with her official conduct ?

The Honourable Mian Abdul Haye : (a) No memorial was received from the body referred to by the honourable member. But complaints were received from other quarters.

- (b) Yes.
- (c) A full enquiry was made by the Civil Surgeon, who met a deputation of about ten persons from amongst the signatories to the complaint. The complaints were found to be without substance.
- (d) Does not arise.

TEACHING OF ECONOMICS IN THE INTERMEDIATE CLASSES OF THE
GOVERNMENT COLLEGES IN THE PROVINCE.

*7009. **Sardar Sampuran Singh** : Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware of the widespread feeling of disappointment in consequence of there being no arrangements for the teaching of Economics in the Intermediate classes of the Government Colleges in the province ;
- (b) whether he is aware of the resolutions passed on the subject at the Economics Teachers' Conference held in Lahore in April, 1940 ;
- (c) if the answer to the above be in the affirmative, whether and when it is proposed to do the needful in the matter ; and, if no such arrangement is proposed to be made, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) I am aware that there is a fairly general desire that the existing embargo on the teaching of Economics in the Intermediate classes of Government Colleges in the Punjab should be lifted.

- (b) Yes.

[Minister for Education.]

(c) Government is giving sympathetic consideration to the matter and subject to the approval of the University it has been decided to permit certain Government Colleges to teach Economics in the Intermediate.

**ENFORCEMENT OF THE PUNJAB PURE FOOD AMENDMENT
ACT.**

***7430. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state the approximate date when it is intended to enforce the Punjab Pure Food Amendment Act, 1940, throughout the whole Punjab and further when it is proposed to bring the rules made thereunder before the Assembly for its consideration and approval?

The Honourable Mian Abdul Haye : The Act is already in force. A draft rule prescribing the colour proposed to be given to artificial ghi was published on the 2nd October, 1940, for inviting objections and suggestions. It is not necessary for Government to obtain the approval of the Assembly before a rule is made. The honourable member's attention is drawn to subsection (5) of section 22 of the Punjab Pure Food Act, 1929, according to which it is for a member of the Assembly to seek an opportunity to introduce a motion for discussing the draft if he so chooses.

Mian Muhammad Nurullah : May I know whether any objections were received by Government regarding the colourization of artificial ghi?

Minister : Yes, they were received.

Rai Bahadur Lala Gopal Das : What is the position of the Government with respect to the objections put forward by various people?

Minister : They are being considered.

I. M. S. OFFICERS ATTACHED TO THE MAYO HOSPITAL, LAHORE.

***7473. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani :** Will the Honourable Minister of Education be pleased to state—

- (a) how many I. M. S. Officers are attached to Mayo Hospital, Lahore;
- (b) what are their duties and what are their duty hours;
- (c) whether they are permitted to attend to private cases even during their duty hours and charge fees therefor; if so, why?

The Honourable Mian Abdul Haye : (a) Five.

(b) Each officer is responsible for the department under his control including teaching work.

There are no fixed duty hours but every one attends the hospital from 9 a. m. to 2 p. m. (in some cases, some days from 8 a. m.). On the surgical side operations usually go on to late afternoons and sometimes even late into the evening. Officers visit their wards again in the evening between the hours of 6—8 p. m. Each officer on his day and night of duty is also on call for 24 hours to attend to serious emergencies.

(c) They do not attend to private cases during these hours, except the cases admitted under their care in the private rooms of the Albert Victor or the Indian Private and Family Wards. For such cases they are entitled to charge fees in accordance with the scale laid down in Appendix LIII of the Punjab Medical Manual.

ARRESTS UNDER DEFENCE OF INDIA RULES.

***7417. Pandit Shri Ram Sharma :** Will the Honourable the Premier be pleased to state the number of persons arrested throughout the province since the promulgation of the Ordinance up to 31st October, 1940, under the Defence of India Rules and the locality of the various jails in which they have been detained or are serving their sentence?

Parliamentary Secretary (Mir Maqbool Mahmood) : The number of persons arrested throughout the province under the Defence of India Rules since the promulgation of the Ordinance and up to the 8th of November is 852. This information has been collected in connection with Assembly Question No. 7334,¹ and the advantage derived from ascertaining the figures for the slightly dissimilar period now mentioned would not be commensurate with the labour involved. It is not in the public interest to give the other details required by the honourable member.

BLACK-OUT EXPERIMENTS.

***7427. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the places where the "black-out" experiments were made in the province by the provincial Government and the expenses met by the Government in this connection;
- (b) the other precautionary measures adopted by the Government in this connection and the expenditure incurred?

Parliamentary Secretary (Mir Maqbool Mahmood) : Black-out exercises have been held at a number of places in the province—prominent among them being Lahore, Rawalpindi, Jhelum, Ferozepore, and Campbellpore. No expenditure worth mentioning has been incurred on these black-outs.

(b) Attention is invited to the reply given to his previous Question No. 7294 (Starred).²

ENCROACHMENT ON PUBLIC WAYS IN FEROZEPORE DISTRICT.

***6841. Sardar Pritam Singh Siddhu :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he is aware of the fact that public ways and thoroughfares leading from one village to another in Ferozepore district have been encroached upon by the cultivators so as to make it impossible for the carts coming from opposite directions to cross;

¹Vol. XIV, Page 795.

²Vol. XIV, Page 794.

S. Paritam Singh Siddhu.]

(b) if the answer to (a) above be in the affirmative, the steps Government intends to take to widen these thoroughfares according to the entries in the Revenue Records and to remove the encroachments ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) There have been some cases of encroachments but the complaint is not general.

(b) The matter was fully considered by Government in April last and suitable instructions were issued to all the district officers. The local officers are taking vigorous action. An intensive campaign has also been started in the Ferozepore tahsil and 16 village roads are being improved. The results so far obtained are reported to be entirely satisfactory.

TACCAVI LOANS FOR WELL-BORING OPERATIONS.

*6954. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Revenue be pleased to state—

(a) the total amount of money outstanding on account of well-boring operations in the province on 1st April, 1940 ;

(b) whether it is a fact that a large number of applications for taccavi loans for well-boring operations are rejected by district authorities on the plea of lack of funds every year ; if so, how does Government propose to make funds available for the purpose ;

(c) whether the Government will lay on the table of the House a comparative chart of total amount of taccavi loans granted for boring wells each year during the years 1937, 1938 and 1939 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is assumed that the question refers to ordinary wells and not to tube wells. On this assumption the answer is :—

(a) Rs. 41,817.

(b) *First part.*—No.

Second part.—Does not arise.

(c) A statement is laid on the table.

A statement showing total amount of taccavi loan granted for well-boring during the years 1937, 1938 and 1939.

Year.					Amount of loan granted.
					Rs.
1937..	..	..	..	..	421
1938..	..	..	..	..	2,074
1939..	..	..	..	..	3,015

IRREGULARITIES IN THE IRRIGATION DEPARTMENT.

***7375. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state whether any action was taken by him or by the Irrigation Department on the instances of injustice and irregularities quoted by me in my speech on Irrigation Department Budget in the last budget session; if so, what was the action taken?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Most of the matters mentioned in the honourable member's speech were already engaging, or had engaged, the attention of Government, for example, the question of irrigation in the south-east Punjab. As regards his complaints in individual matters, action had in most cases been already taken by the department concerned on its own initiative.

ARRESTS OF PERSONS IN KUMAYAN, TAHSIL LAHORE, FOR NON-PAYMENT OF LAND REVENUE.

***7382. Chaudhri Muhammad Hasan:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of persons in Mauza Kumayan, tahsil Lahore, from whom any arrears of land revenue and other Government dues were due on 20th July, 1940, together with the amount due in each case;
- (b) the names of persons among them who were detained in lock-up by the Tahsildar, Lahore, on 20th July, 1940, for non-payment of Government dues and whether prior to their detention any notices were served on them to pay such dues within a specified period; if so, whether he will be pleased to lay copies of such notices on the table of the House?

Parliamentary Secretary Raja Ghazanfar Ali Khan: (a)

	Rs.	A.	P.
(1) Dil Muhammad, son of Amir, Teli ..	7	3	6
(2) Jhanga Singh, son of Wasawa Singh, Jat ..	85	1	0
(3) Tara Singh and Hazara Singh, sons of Kishen Singh, Jat, jointly and severally responsible ..	80	6	6
(4) Karam Singh, lambardar ..	1,620	5	0

(b) Jhanga Singh, Tara Singh and Karam Singh were detained in the tahsil lock-up by the naib-tahsildar. Notices were not served on them prior to detention. The attention of the honourable member is directed to section 67 of the Punjab Land Revenue Act under which arrest is one of the alternative methods of proceeding against a defaulter.

CONTRACTORS ON WESTERN JUMNA CANAL EXTENSION.

***7397. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number, community-wise, of contractors who have been given contracts on the project of Western Jumna Canal Extension giving separately the number of contractors from Hissar and Rohtak districts among them;

[K. S. Khawaja Ghulam Samad.]

- (b) the total number of contractors who submitted tenders for such contracts and the number of contractors from Rohtak and Hissar among them ;
- (c) the total number and also the names of the contractors from other parts of the province giving separately the names of their home districts who submitted tenders for contracts on the said extension and the rates given in the tenders submitted by contractors from Rohtak and Hissar districts and also in the tenders of those submitted by the contractors whose tenders have been accepted ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Government regrets that it cannot undertake to obtain the information asked for by the honourable member, because the time and labour involved in obtaining this detailed information required is out of all proportion to the value of the answer when obtained.

TUBE-WELL IRRIGATION IN THE GURGAON DISTRICT.

*7431. **Chaudhri Sumer Singh** : Will the Honourable Minister of Revenue be pleased to state whether any investigation has been made or is proposed to be made into the possibilities of tube-well irrigation in the Gurgaon district in general and Palwal sub-division in particular ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): No. All tube-wells surveys have been suspended for the period of the war on account of the expense, and impossibility of getting the necessary plant.

CLOSURES OF BURALA BRANCH OF THE LOWER CHENAB CANAL.

*7441. **Mian Muhammad Nurullah** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that Burala Branch of Lower Chenab Canal was closed on 14th October, 1940, and opened on 22nd October, 1940 ; it was again closed on 25th October, 1940, and opened on 7th November, 1940, and was closed for third time on 12th November, 1940, and opened on 18th November, 1940 ; if not, the correct dates of closures and the number of days it remained closed each time ;
- (b) whether it is a fact that the closures of the Burala Branch on three different times were not in accordance with the usual practice in previous years ; if so, the reasons for the exceptional closures and the effect that these closures had on the American cotton crop, fodder and other crops and on sowing of wheat this year ;

- (c) whether he is aware that these exceptional closures of the Branch have resulted in a considerable loss to the cultivators of the *ilaga* ; and if so, how does Government propose to compensate them ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. The correct dates of closure and number of days Burala Branch remained closed each time is as follows :—

(i) 13-10-40 to 17-10-40 — 5 days. No supply was available in the river.

(ii) 31-10-40 to 4-11-40 — 5 days. This was a complete closure according to the rotational programme.

(b) Such closures are in accordance with the usual practice in previous years. These closures had not had much effect on American cotton crop and no effect on fodder and other crops or on sowing of wheat.

(c) There have been no exceptional closures of the branch and any claims for remission of water rates will be dealt with under the provisions of the Canal and Drainage Act of 1873.

CLOSURES OF THE JHANG AND GOGERA BRANCHES OF THE LOWER CHENAB CANAL.

***7442. Mian Muhammad Nurullah** : Will the Honourable Minister of Revenue be pleased to state the number and duration of closures during the last two months on (i) Jhang Branch (ii) Rakh Branch, (iii) Gogera Branch of Lower Chenab Canal and the effect these closures will have on standing crops as well as on sowing of wheat ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The dates of closures during the two months, October and November 1940, on (i) Jhang Branch, (ii) Bakh Branch, (iii) Gugera Branch are as follows :—

(i) Jhang Branch. 7th, 8th and 30th November.

(ii) Rakh Branch. 6th to 9th November.

(iii) Gugera Branch (Upper) Nil. This Branch has been taking its proportional share of the supply available in the river and distributing it by rotation between the off taking channels including the Lower Gugera Branch and Burala Branch.

Gugera Branch (Lower) 26th to 29th October and 21st November.

It is reported that standing crops are not adversely affected and wheat sowings will be about normal.

RECOMMENDATIONS OF THE CANAL AND DRAINAGE ACT COMMITTEE.

***7444. Mian Muhammad Nurullah** : Will the Honourable Minister of Revenue be pleased to state whether any of the recommendations made by the committee appointed to report on the working of the Canal and Drainage Act have already been given effect to ; if so, which of the recommendations have been so given effect to ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Only one recommendation made by the Canal Act Committee has so far been given effect to viz., that included in paragraph 21 (7) of the Report.

All other recommendations are under the consideration of Government and effect will be given to those accepted after an opportunity for discussion has been given in the Assembly.

Mian Muhammad Nurullah: The answer has been that action has been taken only on paragraph 21 (7) of the recommendations. May I enquire what that paragraph is and what action has been taken?

Premier: This is a technical matter. It is not anything of substance.

Mian Muhammad Nurullah: What is that matter?

Premier: I am afraid I cannot give it offhand to the honourable member. He can find it for himself. It is some technical matter of procedure.

Sardar Lal Singh: Should we then understand that the Parliamentary Secretary simply reads out what is given by the office and he is not in personal touch with the matter itself?

Premier: He is, but he cannot carry the whole report on his head. My honourable friend may be able to do so.

Mian Muhammad Nurullah: If he will come prepared, he will perhaps carry it on his head.

BERSEEM AND LUCERNE CROPS IN LUDHIANA DISTRICT.

*7263. **Chaudhri Muhammad Hasan**: Will the Honourable Minister of Development be pleased to state—

- (a) the area under the fodder crops of Berseem and Lucerne in the Ludhiana district during the last three years separately;
- (b) whether it is a fact that Agricultural Department in the Ludhiana district was, during this period, unable to provide Berseem and Lucerne grass seeds free of cost to the zamindars of the Ludhiana district; if so, the reasons therefor?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) The Season and Crop Report does not record separately the areas under *Berseem* and *Lucerne*. They are included in the area recorded for all fodder crops.

(b) The Agricultural Department does not provide seed of any crops, whether *Berseem* or *Lucerne* or any other free of cost, to zamindars in the province. The department purchases and stocks with its commission agents supplies of *Berseem* seed for sale. *Lucerne* seed is not stocked.

CRIMINAL TRIBES IN JHANG DISTRICT.

*6946. **Mr. Dev Raj Sethi**: Will the Honourable Minister of Finance be pleased to state the population of each of the villages inhabited by the members of criminal tribes in Jhang district and the number of offences reported from these villages at their respective police stations from 1st January, 1936, to 30th June, 1940?

The Honourable Sir Manohar Lal : A statement is laid on the table.

Village.	Population.	Number of Criminal Tribes residing.	Offences reported by these villages from 1st January, 1936, to 30th June, 1940.
<i>Police Station Shorkot.</i>			
Haveli Bahadur Shah	4,231	11	16
Kaki Nau	4,066	1	22
<i>Police Station Athran Hazari.</i>			
Kot Shakir	2,419	4	17
<i>Police Station Qadirpur.</i>			
Jhoke Daya	1,038	16	10
Shah Jiwana	2,009	13	34
<i>Police Station Massan.</i>			
Sher Chakar	1,237	4	10
<i>Police Station Chiniot.</i>			
Chiniot	28,739	7	232
Rajoa	4,396	9	31
Qazian	929	1	2
Chak No. 11	854	1	10
Chak No. 13	1,976	17	15
Chak No. 128	1,131	8	6
Chak No. 101	1,262	1	9
Chak No. 126	1,782	1	15
Kot Roohan	326	2	1
Kot Miana	396	2	1
Harsa Sheikh	2,120	13	15
Kot Sahib	518	1	6
Tibi Dilmir	118	1	1
Ahmedabad	1,552	7	7
<i>Police Station Lalian.</i>			
Hamoana	644	5	9
Dhan Harian	216	4	3

Village.	Population.	Number of Criminal Tribes residing.	Offences reported by these villages from 1st January, 1936, to 30th June, 1940.
<i>Police Station Lalian—concd.</i>			
Paka	1,276	2	9
Balianwala	414	10	5
Thatha Khewa	316	6	2
Chani Khichi	847	18	8
Bakhahwala	604	9	4
Jhangir Galotran	1,192	1	14
Jhangir Shah Balol	337	5	1
Was Syedan	291	8	9
Kot Amir Shah	637	2	11
Lola	726	1	11
Jhode	475	3	5
Kanwianwala	2,561	4	18
Achhiwala	346	7	4
Bhabrana	1,138	7	4
Burj Jhanda	433	7	4
Kaloor	1,090	10	7
Langar Makhdum	980	4	30
Mal Sapr	446	11	3
Thatha Rahmoon	153	1	1
Kot Ismail	160	4	3
Lallian	4,201	6	84
Gadlanwali	293	4	2
Dharanger	204	3	3
Burj Umar	446	1	1
Galotranwala	453	3	2
Kalowala	924	3	11
Burj Ziada	186	2	1
Bharnuwala	404	6	2

Village.	Population.	Number of Criminal Tribes residing.	Offences reported by these villages from 1st January, 1938, to 30th June, 1940.
<i>Police Station Bhowani.</i>			
Chak No. 243	861	28	7
Chak No. 245	1,095	116	7
Thatha Muhammad Shah	2,856	22	17
Mangini	2,017	1	12
Idlana	1,120	5	10
Netherke	1,417	3	18
Thatha Fateh Ali	1,200	1	10
<i>Police Station Mochiwals.</i>			
Chak No. 172	447	205	14
Chak No. 173	800	750	16
Chak No. 175	1,302	1,232	19
Chak No. 183	496	446	8
Chak No. 215	925	893	40
Chak No. 216	1,150	1,104	31
Chak No. 181	775	1	11
Chak No. 253	801	4	10
Chak No. 254	788	1	10
Chak No. 256	1,072	1	14
Chak No. 447	374	1	3
Chak No. 440	308	2	5
<i>Police Station Sadar Jhang.</i>			
Kacha Lakhnana	58	3	1
Bindi Mahni	656	6	6
<i>Police Station City Jhang Maghiana.</i>			
Jhang City	13,631	9	137
Maghiana	24,085	9	226
Hasnana	2,419	17	36

**CONVEYANCE OF UNDERTRIAL PRISONERS BETWEEN BALLABGARH
AND PALWAL.**

***7434. Chaudhri Sumer Singh :** Will the Honourable Minister of Finance be pleased to state whether he is aware of the fact that all the undertrial prisoners of the Ballabgarh tahsil, district Gurgaon, have to walk on foot from Ballabgarh to Palwal and *vice versa* and are put to great hardship and inconvenience in spite of the fact that there is regular rail and motor service arrangements between these two stations ; if so, the action Government intends to take in the matter ?

The Honourable Sir Manohar Lal : Yes. Funds have not been allotted to meet the transportation charges. If necessary, arrangements will now be made.

ROADS IN FEROEZEPURE DISTRICT.

***6796. Sardar Pritam Singh Siddhu :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total area of sub-tahsil Nathana in the Ferozepore district, the total number of villages in that *ilqa* and the total population of these villages ;
- (b) the number of villages among them which are connected by metalled road to sub-tahsil headquarters, with the length of the metalled roads in the area, if any ;
- (c) the action, if any, that the Government proposes to take in respect of such villages as are not connected with the sub-tahsil headquarters and the headquarters of the district by means of metalled roads for providing them with the facilities of communication ;
- (d) the distance of this sub-tahsil from the district headquarters ;
- (e) whether the sub-tahsil is connected with the district headquarters by a metalled road, if not, when does the Government propose to connect it ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The total area of the Sub-Tahsil Nathana, in Ferozepore District, is 115,990 acres or 181.2 square miles. There are 37 villages in this *ilqa* and the total population of these villages is 40,115.

(b) Village Nathana, which is the headquarters of the sub-tahsil, is connected with the villages of Poochla Bhucho Kalan and Bhucho Mandi, with a metalled road, the length of which is 8 miles. There is no other metalled road in this *ilqa*.

(c) The District Board, Ferozepore, has recently decided to construct a metalled road up to Jandan Wala village in Faridkot State, which is situated at a distance of 4 miles from Nathana, the Headquarters of the Sub-Tahsil. From Jandan Wala, the Faridkot State authorities are proposing to construct a metalled road upto Kot Kapura, which is already connected with Ferozepore by a metalled road.

(d) The Sub-Tahsil is situated at a distance of 72 miles from the District Headquarters *via* Bhucho Mandi and Bhatinda Railway Stations.

(e) The Sub-Tahsil is not connected with the District Headquarters by means of any metalled road, but when the proposal stated in (c) above materialises the Sub-Tahsil will be connected with the District Headquarters.

REPORT OF ODE COMMITTEE.

*6797. **Sardar Pritam Singh Siddhu** : Will the Honourable Minister for Public Works be pleased to state—

(a) whether the Ode Committee appointed by the Government has so far submitted its report to the Government ; if so, the date when Government is expected to publish it ;

(b) the action, if any, that Government has taken so far or it intends to take on the proposal or recommendations of the said committee.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) Yes. It is hoped to publish the report in the near future.

(b) The recommendations made by the Committee are under consideration.

OLD MUNICIPAL COMMISSIONERS OF ROHTAK MUNICIPAL COMMITTEE.

*6811. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that eight old municipal commissioners of Rohtak have been required to make good the loss which the committee had to suffer owing to negligence on their part ;

(b) the nature of the loss ;

(c) the market value of the land lost by the committee in this case ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The number of members who were surcharged is 7.

(b) The committee lost a piece of land through the negligence of the members in not filing an appeal against an order of the lower court.

(c) Rs. 348.

NAMES AND PLACES OF RESIDENCE OF THE PANCHAYAT OFFICERS.

*6963. **Mr. Dev Raj Sethi** : Will the Honourable Minister for Public Works be pleased to place on the table of this House a statement showing the names and places of residence of the panchayat officers appointed during the last three years and the district to which they have been posted ?

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

Names and places of residence of Panchayat Officers and the district to which they have been posted.

Serial No.	Name.	Place of residence.	Where posted.
1	Todar Singh ..	Village Chhudani, Tahsil Jhajjar, District Rohtak.	Hissar.
2	Madan Mohan Singh ..	Village Ratera, Tahsil Hansi, District Hissar.	Sirsa, District Hissar.
3	Ved Mitra ..	Village Barhana, Tahsil Jhajjar, District Rohtak.	Rohtak.
4	Mohar Singh ..	Village Bhudpur, Tahsil Rewari, District Gurgaon.	Gurgaon.
5	Nizam-ud-Din ..	Village Melab, Tahsil Nuh, District Gurgaon.	Nuh, District Gurgaon.
6	Rajendra Pal ..	Village Balah, Tahsil and District Karnal.	Karnal.
7	Pala Singh ..	Village Shahpur, Tahsil and district Ambala.	Ambala.
8	Dharm Singh ..	Village Lahri, Tahsil Hamirpur, District Kangra.	Dharamsala, district Kangra.
9	Jagrup Singh ..	Village Shamirpur, Tahsil and District Kangra.	Kulu, district Kangra.
10	Dalip Singh ..	Village Lehleri, Tahsil Una, District Hoshiarpur.	Hoshiarpur.
11	Abdur Rashid ..	Village Nawanpind, Tahsil Nako-dar, District Jullundur.	Jullundur.
12	Harchand Singh ..	Village Bhangewala, Tahsil Mukat-sar, District Ferozepore.	Ferozepore.
13	Mohammad Mumtaz ..	Village Saranwan, Tahsil Fazilka, District Ferozepore.	Fazilka, District Ferozepore.
14	Ajit Singh ..	Village Nari, Tahsil Kasur, District Lahore.	Lahore.
15	Karnail Singh ..	Village Kotla Khurd, Tahsil and District Amritsar.	Amritsar.
16	Manohar Lal Saini ..	Village Premgarh, Tahsil and District Hoshiarpur.	Gurdaspur.
17	Muhammad Nawaz Khan	Village Budha Goraya, Tahsil Daska, District Sialkot.	Sialkot.
18	Nur Ahmad Prehar ..	Village Natha, Tahsil Nankana Sahib, District Sheikhpura.	Gujranwala.

Serial No.	Name.	Place of residence.	Where posted.
19	Mohammad Abdullah ..	Village Gumtala, Tahsil Shakargarh, District Gurdaspur.	Sheikhupura.
20	Nawab-ud-Din ..	Village Tue Makhuwal, Tahsil Dasuya, District Hoshiarpur.	Gujrat.
21	Muhammad Ali	Village Kot Fazal Ahmad, Tahsil Bahlwal, District Shahpur.	Shahpur.
22	Abdur Rahman ..	Village Qadianwali, Tahsil and District Jullundur.	Jhelum.
23	Karam Dad Khan ..	Village Charehan, Tahsil Murree, District Rawalpindi.	Rawalpindi.
24	Muhammad Amir Khan	Village Kattarian, Tahsil and District Attock.	Attock.
25	Faizullah Khan ..	Mianwali ..	Mianwali.
26	Jaswant Singh Diwana	Chak No. 567-G. B., Post Office Gangapore, District Lyallpur.	Montgomery.
27	Gopal Singh Bajwa ..	Chak No. 80-G. B., Tahsil and District Lyallpur.	Lyallpur.
28	Ahmad Hussain Shah ..	Jaranwala, District Lyallpur ..	Jaranwala, District Lyallpur.
29	Ahmed Nawaz Khan ..	Village Ahmadpur Syal, Tahsil Shorekot, District Jhang.	Jhang.
30	Rahim Bakhsh ..	Village Buch Khasroabad, Tahsil and District Multan.	Multan.
31	Harikishan Bajaj ..	Village Gujrat, Tahsil Kot Adu, District Muzaffargarh.	Khanewal, District Multan.
32	Saeed-ur-Rahman Khan	Village Khangerh, Tahsil and District Muzaffargarh.	Muzaffargarh.
33	Ghulam Raza Shah ..	Village Kotla Haji Shah, Tahsil Leiah, District Muzaffargarh.	Rajanpur, District Dera Ghazi Khan.
34	Ghulam Hassan Khan ..	Village Sanjar Shahi, Tahsil Sanghar, District Dera Ghazi Khan.	Dera Ghazi Khan.
35	Ram Singh Bahmani, Panchayat Officer, Scheduled Castes, Punjab.	Village Khanda Kheri, Tahsil Hansi, District Hissar.	Lahore: (Headquarters).

ELECTION PETITIONS AND MUNICIPAL ELECTIONS AT LYALLPUR.

*7065. **Sardar Sampuran Singh** : Will the Honourable Minister of Public Works be pleased to state—

(a) the number of election petitions filed within the statutory period allowed under the rules on declaration of the result of the Municipal Elections held at Lyallpur in January, 1940 ;

[S. Sampuran Singh.]

(b) the application for nominations for which extension of time had been granted by the returning officer in connection with these elections ;

(c) whether any of the election petitions filed were sent back by the Government ; if so, the names of the persons to whom these petitions concerned and the reasons for their being sent back ?

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

(b) None.

(c) The following six election petitions were returned to the Deputy Commissioner, Lyallpur, for resubmission through the Commissioner as the information required to be furnished in accordance with the general instructions issued by Government was not supplied :—

(i) Lala Bishan Dass, etc., *versus* M. Hakumat Rai.

(ii) Lala Saudagar Mal *versus* Lala Ram Parshad.

(iii) Lala Ram Labhaya *versus* Lala Kesar Mal.

(iv) M. Ghulam Nabi *versus* M. Muhammad Rafiq.

(v) Mir Abdul Qayyum *versus* S. Kesar Shah.

(vi) M. Fazal Hussain *versus* Ch. Sahib Din.

TERROR CREATED BY AJAIB SINGH, AN OUTLAW DACOIT, IN TALWANDI KHURD IN LUDHIANA DISTRICT.

***7157. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that one Ajaib Singh of Talwandi Khurd, an outlaw dacoit and a murderer, roams about in the Ludhiana district and is a terror to the people of Talwandi Khurd, in particular, and to those of the district in general ;

(b) whether it is a fact that bombs were thrown on two persons in village Dad, police station Sadr Ludhiana, only five miles from Ludhiana on the night between 27th and 28th of October, 1940, by Ajaib Singh, mentioned above ;

(c) whether it is a fact that the people of the village feel terrified and are unable to get proper protection from the local police ;

(d) if the answer to the above be in the affirmative, whether it is intended to adopt any special measures for the arrest of the dacoit mentioned above ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) No. But Ajaib Singh is taking refuge in certain parts of the Ludhiana district. He is only a terror to his old enemies; there are others who generally sympathise with him and help and harbour him.

(b) Yes. Bombs were thrown at two persons and it is believed that Ajaib Singh and his gang were responsible.

(c) No.

(d) Does not arise. But Government have already adopted special measures.

Since the answer to this question was prepared, information has been received that Ajaib Singh was shot dead in an encounter with the police at village Dharowal, P. S. Sidhwan Bet, Ludhiana district, on the 7th December, 1940.

PROCEEDINGS AGAINST VILLAGERS OF ROHTAK UNDER
SECTION 216, I. P. C.

***7468. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of cases in which the police has recently taken proceedings against villagers of Rohtak district under section 216, I. P. C. ;

(b) the number of the villages to which the villagers referred to in (a) belonged ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh)
(a) 11.

(b) 10.

TEACHING OF ECONOMICS IN DEGREE COLLEGES.

***7010. Sardar Sampuran Singh :** Will the Honourable Minister of Education be pleased to state—

(a) the names of Government Colleges in the province in which Economics is taught as an elective subject in the degree classes ;

(b) the names of Government Colleges in the province in which it is not taught with the reasons for the same ?

The Honourable Mian Abdul Haya : (a) Government College, Lahore.

Government College, Lyallpur.

Government College, Ludhiana.

Emerson College, Multan.

deMontomorency College, Shahpur Sadr.

(b) Arrangements for the teaching of the subject do not exist at the Lahore College for Women, Lahore and the Stratford College for Women, Amritsar. There has so far been no demand from these Colleges for the teaching of Economics.

Mian Muhammad Nurullah : Does the Honourable Minister consider Economics to be dangerous for women ?

Minister : That may be the inference of the honourable member.

Rai Bahadur Mukand Lal Puri : Would the Government consider the desirability of allowing Economics as one of the optional subjects in Lahore College for Women ?

Minister : It will be considered when such a request is made.

I. M. S. OFFICERS IN THE PUNJAB.

***7020. Sardar Sampuran Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of quota of I. M. S. officers required by the Secretary of State for India to be employed by the Punjab Government ;
- (b) the number of these officers in the employ of the Punjab Government on April, 1937 ;
- (c) the number of these officers employed at present ;
- (d) whether any instructions have been received from the India Office regarding the reduction in that number ; if so, what is the nature of those instructions ?

The Honourable Mian Abdul Haye : (a) 36 of which 17 are to be employed as a permanent measure and 19 as a temporary measure for so long as officers of protected rights, i.e., those who were in civil employ either on the 10th May, 1928, or the 1st April 1937, are available.

(b) 34.

(c) 24.

(d) No. The number will be reduced gradually when officers of protected rights are exhausted.

WRITING OF LOG BOOKS OF VERNACULAR SCHOOLS IN ENGLISH.

***7435. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state whether he is aware of the fact that some of the District and Divisional Inspecting staff (male and female) write the log books of vernacular schools in English ; if so, whether the practice is in conformity with the departmental instructions and orders, and what action, if any, does Government propose to take in the matter ?

The Honourable Mian Abdul Haye : Yes. Ordinarily the log books of vernacular schools are written in the vernacular, but in certain cases when the remarks are written in English, instructions are given to the district inspecting staff to provide a translation in the vernacular. The matter is, however, being re-examined.

UNSTARRED QUESTIONS AND ANSWERS.

DISPENSARY AT KONTRELA.

1291. Subedar-Major Raja Farman Ali Khan : Will the Honourable Minister of Education be pleased to state—

- (a) the number of patients who visited the subsidised dispensary at village Kontrela, in tahsil Gujar Khan, district Rawalpindi, from first June to the end of October, 1940 ;
- (b) the amount of medicine of every kind supplied by the Government to the abovenamed dispensary during the period mentioned above ;
- (c) whether he is aware of the fact that many patients went away disappointed for want of medicine ;

(d) the action Government propose to take to redress the grievances of the inhabitants of that *ilaga* with respect to the dispensary ?

The Honourable Mian Abdul Haye : (a) 9,965 (old and new cases).

(b) Medicines for the whole year had already been supplied towards the end of March, 1940.

(c) No patients were refused medicines. Some of the drugs were exhausted early in November, 1940. The stock has been replenished.

(d) Does not arise.

RECRUITMENT OF VERNAICULAR CLERKS AND SADAR KANUNGOS AS
TAHSILDARS.

1292. Chaudhri Ram Sarup : Will the Honourable Minister of Revenue be pleased to lay on the table a statement showing community-wise the recruitment made from vernacular clerks and Sadar Kanungos in the Punjab as 'B' Class Tahsildar candidates during the last ten years giving separately the number of agriculturists and non-agriculturists among them ?

The Honourable Dr. Sir Sundar Singh Majithia : Five Class B tahsildar candidates were selected from head vernacular clerks and Sadar Kanungos during the last ten years. All were Muslim agriculturists.

REPRESENTATION OF SCHEDULED CASTES AMONG TEACHERS.

1293. Chaudhri Jugal Kishore : Will the Honourable Minister of Education be pleased to state the proportion, if any, in the posts of teachers of Government schools fixed for the candidates belonging to the scheduled castes and the number of such posts actually held by persons belonging to these castes at the present time ?

The Honourable Mian Abdul Haye : (1) 2½ per cent of the posts in the Subordinate Educational Service are reserved for the scheduled class candidates under the block-system.

(2) 7.

REPRESENTATION OF NON-AGRICULTURIST HINDUS OF AMBALA DIVISION
AMONG TAHSILDARS.

1294. Rai Bahadur Lala Gopal Das : Will the Honourable Premier be pleased to state—

(a) the number of Tahsildars directly nominated from the Ambala Division, community-wise, during the last 3 years giving separately the number of agriculturists and non-agriculturists belonging to each community among them ;

(b) whether it is a fact that during the last 10 years the claims of non-agriculturist Hindus have been ignored in respect of direct nominations of Tahsildars ; if so, the reasons therefor and the steps which Government propose to take to redress this grievance of the non-agriculturists of Ambala division in this respect ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Four Hindus, 1 Sikh and 1 Muslim. All were agriculturists.

(b) *First part :* Selection of direct Tahsildar candidates is not made on a divisional but on provincial basis. During the last ten years the claims of non-agriculturist Hindus have not been ignored ; on the other hand, 7 out of 20 Hindus accepted as direct Tahsildar candidates were non-agriculturists.

Second part : Does not arise.

REPRESENTATION OF NON-AGRICULTURIST HINDUS OF AMBALA
DIVISION AMONG EXTRA ASSISTANT COMMISSIONERS.

1295. Rai Bahadur Lala Gopal Das : Will the Honourable the Premier be pleased to state—

(a) the number of Extra Assistant Commissioners directly nominated from the Ambala Division, community-wise, during the last 3 years giving separately the number of agriculturists and non-agriculturists belonging to each community among them ;

(b) whether it is a fact that during the last 10 years no non-agriculturist Hindu has been directly nominated as Extra Assistant Commissioner from the Ambala Division ; if so, the reasons therefor, and the action which Government propose to take in the matter to redress the grievances of the non-agriculturist Hindus in this matter ?

The Honourable Major Sir Sikander Hyat-Khan : (a) There was no recruitment to the Punjab Civil Service (Executive Branch) on register C (direct nomination) in 1938. Out of the 18 candidates accepted on this register in 1939 and 1940 one Sikh agriculturist belongs to the Ambala Division.

(b) The answer to the first part is in the affirmative. The reason for this is that recruitment to the Punjab Civil Service (Executive Branch) is not made on district or divisional basis. In view of this Government do not propose to take any action.

REPRESENTATION OF MUSLIM AGRICULTURISTS OF JULLUNDUR
DISTRICT IN SERVICES.

1296. Sufi Abdul Hamid Khan : Will the Honourable the Premier be pleased to state the number of persons belonging to the various Muslim agricultural tribes in the Jullundur district recruited in the various cadres of Government service since the inauguration of the present reforms and further state whether each of the tribes is represented in services in accordance with its population ; and if not, the action intended to be taken to make up the deficiency ?

The Honourable Major Sir Sikander Hyat-Khan : It is regretted that the information asked for is not readily available and the labour involved in its collection would hardly be commensurate with any public advantage to be gained. In making appointments to services recruited on a provincial basis Government do not normally take into consideration the district or division and still less the tribe to which a candidate belongs.

**NEW APPOINTMENTS UNDER SUPERINTENDENT, GOVERNMENT PRINTING,
PUNJAB.**

1297. Sardar Bahadur Sardar Gurbachan Singh: Will the Honourable Minister of Development be pleased to state—

- (a) the number of new appointments with their designations and grades, made since 1937, under the Superintendent, Government Printing, Punjab, community-wise; and whether the percentage of the Sikhs among them is in accord with their due share, if not, why;
- (b) the number of heads of the branches, community-wise at present working under the officer mentioned in (a) and whether the Sikhs have received their due share among them, if not, why?

The Honourable Chaudhri Sir Chhotu Ram: (a) A statement containing the requisite information is laid on the table. The percentage of Sikhs among the appointments is not in accord with their due share. This is, however, due to the reason that Sikhs with necessary qualifications were not available when the appointments were made. Effort will be made to recruit Sikhs as vacancies occur.

(b) First part :	Muslims	..	..	..	7
	Hindus	..	..	..	6
	Sikh	..	..	..	1
					14

Appointments to these posts are made by promotion from within the existing establishment. Each case is decided on merits of persons eligible for promotion.

Second part : Does not arise.

New appointments made since 1937 in the Punjab Government Press.

Nature of Posts.	Grades of Pay.	Number of Appointment.	Muslims.	Hindus.	Sikhs.
PERMANENT ESTABLISHMENT.					
Superior—Clerical ..	Rs. 25—1—35—1½—50/ 2—60.	14	7	5	2
Ditto ..	35—1½—65/2—75...	2	1	1	NIL
Inferior—Clerical (Co- olies).	15 per mensem fixed	4	1	NIL	3
Menials Peons ..	14 per mensem fixed	7	4	2	1
Menials—Packers ..	20 per mensem fixed	5	4	1	NIL
Menials—Packers ..	20—1—25 ..	2	1	1	NIL
Superior—Pressman ..	Piece workers ..	1	1	NIL	NIL
Technical—Office Daftri	15—1—30 ..	1	1	NIL	NIL
Technical—Line Opera- tor	Piece worker ..	1	1	NIL	NIL
	Total ..	37	21	10	6

Nature of Posts.	Grades of Pay.	Number of Appointment.	Muslims.	Hindus.	Sikhs.
TEMPORARY ESTABLISHMENT.					
	Rs.				
<i>Superior Technical.</i>					
Copy-holders ..	25-14-40	6	3	3	Nil
Compositors ..	Piece Rate ..	11	5	5	Nil
Impositor ..	20-1-30	1	Nil	Nil	Nil
Pressman ..	Piece worker ..	1	1	Nil	Nil
Binders ..	15-1-30 ..	8	6	2	Nil
Binder ..	15-1-40 ..	1	1	Nil	Nil
Binder ..	10-1-15 ..	1	1	Nil	Nil
Binders ..	8-1-10 ..	4	4	Nil	Nil
Machine Minder ..	Piece Rate ..	2	1	1	Nil
Carpenter ..	25-1-30	1	1	Nil	Nil
<i>Inferior Technical.</i>					
Inkers ..	15 per mensem fixed	4	1	1	2
Type Suppliers ..	15-1-20	2	2	Nil	Nil
Learner Binders ..	8-1-10	19	9	6	4
Distributors ..	Piece workers	6	4	1	1
Inkers ..	Ditto ..	2	2	Nil	Nil
Type Coolie ..	10 per mensem fixed	1	1	Nil	Nil
Daftri ..	10-1-15	2	2	Nil	Nil
Daftri ..	15-1-30	2	2	Nil	Nil
	Total ..	74	46	19	9

COMPOSITORS AT PRESENT WORKING IN GOVERNMENT PRINTING, PUNJAB.

1298. **Sardar Bahadur Sardar Gurbachan Singh:** Will the Honourable Minister of Development be pleased to state—

- (a) the number of permanent compositors, community-wise, working at present under the Superintendent, Government Printing, Punjab, and whether the number of Sikhs among them is according to the due share of the community?
- (b) whether it is a fact that quite a number of vacancies have occurred in the posts of compositors which are yet to be filled up; if so whether Government intend to make good the deficiency of the Sikhs, if any, while making new appointments?

The Honourable Chaudhri Sir Chhotu Ram : (a)

Muslims	..	..	..	57
Hindus ..	..	..	..	20
Sikh ..	..	..	..	1
Total ..				78

The number of Sikhs is not according to the due share of the community. Compositors on the permanent establishment are, however, not recruited direct. Members of the temporary establishment are considered for appointment to the permanent establishment after completion of 10 years' service, seniority and merit being the determining factors. In the past very few Sikhs took up the profession of compositor. It is for this reason that the community is not adequately represented on the permanent establishment.

(b) Some vacancies among the posts of compositors on the temporary establishment exist. The claims of the Sikh community will be kept in view when filling up the posts, provided that suitable Sikhs are available.

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**REPRESENTATION OF HINDU AGRICULTURISTS AMONG CLERKS, BAILIFFS,
AND PROCESS-SERVERS IN GURGAON DISTRICT.**

1299. Chaudhri Sumer Singh : Will the Honourable Minister of Finance be pleased to state—

(a) the total number of clerks, bailiffs, and process-servers attached to civil courts in the Gurgaon district and the number of Hindu statutory agriculturists among them ;

(b) whether it is a fact that the Hindu agriculturists are not adequately represented among these employees in question ; if so, the action he has so far taken or intends to take now to remove this complaint of the Hindu agriculturists of the Gurgaon district?

The Honourable Sir Manohar Lal : (a)

	<i>Total number.</i>	<i>Hindu statutory agriculturists.</i>
Clerks	17	5
Bailiffs	6	1
Process-servers	48	17

(b) No action appears necessary.

—

EXAMINERS AND SUB-EXAMINERS FOR DEPARTMENTAL EXAMINATIONS.

1300. Chaudhri Sumer Singh : Will the Honourable Minister of Education be pleased to state the total number of the examiners and sub-examiners in the departmental examinations held by the Education Department in 1939 and 1940 and the number of Hindu statutory agriculturists among them and in case the Hindu statutory agriculturists do not enjoy their due proportion in this respect, what action does he intend to take to remove their grievances ?

The Honourable Mian Abdul Haye : Information about the number of Hindu statutory agriculturists among the examiners is not available and I do not propose to collect it as the labour involved would be incommensurate with the benefit to be derived from it.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG FOREST RANGERS.

1301. Chaudhri Sumer Singh : Will the Honourable Minister of Development be pleased to state the number of Forest Rangers in the Punjab and the number of statutory Hindu agriculturists of the Ambala division among them, and if their proportion is meagre in them, what action he has taken so far to give them their due share and, if no action has so far been taken, the reasons therefor ?

The Honourable Chaudhri Sir Chhotu Ram : *First part :* 64 and 1 respectively.

Second and third parts : The cadre of Forest Rangers is not divisional but provincial and there are 7 Hindu statutory agriculturists in the cadre. New recruitment 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; the vacancies are further distributed between zamindars and non-zamindars in the ratio of 66½ per cent and 33½ per cent, respectively. At the recent selection of candidates both the vacancies which fell to the share of Hindus were reserved for statutory agriculturists.

REPRESENTATION OF HINDU AGRICULTURISTS AMONG HEAD CONSTABLES OF POLICE.

1302. Chaudhri Sumer Singh : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of head constables and constables of police, community-wise, in Gurgaon district ;
- (b) whether it is a fact that the Hindu statutory agriculturists are not properly represented in these posts ; if so, the reasons therefor, and the action he intends to take to remove this grievance of the Hindu agriculturists ?

The Honourable Malik Khizar Hayat Tiwana : (a)

Rank.	HINDUS.		MUSLIMS.		SIKHS.		OTHERS.	
	Agriculturist.	Non-agriculturist.	Agriculturist.	Non-agriculturist.	Agriculturist.	Non-agriculturist.	Agriculturist.	Non-agriculturist.
Head Constables	30	6	32	9	2	..	..	..
Constables ..	108	72	223	24	12	..	..	2

(b) No. Does not arise.

**REPRESENTATION OF HINDU JATS, AHIRS, GUJARS, AND RAJPUTS
AMONG EXTRA ASSISTANT COMMISSIONERS.**

1303. Chaudhri Sumer Singh : Will the Honourable Premier be pleased to state the number of Extra Assistant Commissioners appointed so far by the Government since 1st April, 1937, by direct recruitment and by promotion separately, how many of them belong to the Hindu Jats, Ahirs, Gujar and Rajput communities of the Ambala division year-wise ; if the answer to the last portion be in the negative, what action he proposes to take to maintain the communal proportion in these services up to the mark as laid down by the Government ?

The Honourable Major Sir Sikander Hyat-Khan : Since 1st April, 1937, 45 Extra Assistant Commissioners have been appointed by promotion and 45 by direct recruitment. Out of these two are Hindu Jat residents of the Ambala division. No Ahir, Gujar or Rajput of the Ambala Division was appointed an Extra Assistant Commissioner during the period in question.

**REPRESENTATION OF HINDU JATS, GUJARS, AHIRS AND RAJPUTS AMONG
DEPUTY SUPERINTENDENTS OF POLICE.**

1304. Chaudhri Sumer Singh : Will the Honourable Minister for Public Works be pleased to state the number of Deputy Superintendents of Police appointed so far since 1st April, 1937, by direct recruitment or otherwise every year and also the number of Hindu Jats, Gujars, Ahirs and Rajputs of the Ambala division among them; if the answer is in the negative, the reasons therefore, and also the action he proposes to take to remove the grievances of these communities in this connection ?

The Honourable Malik Khizar Hayat Tiwana : Five in 1937, 13 in 1939 and 1 in 1940. All these appointments were made by promotion. No Hindu Jat, Gujar, Ahir or Rajput of the Ambala Division was promoted to the rank of Deputy Superintendent of Police.

No action is necessary as promotions are made by selection tempered by seniority.

**REPRESENTATION OF HINDU AGRICULTURISTS AMONG SUB-INSPECTORS
OF POLICE.**

1305. Chaudhri Sumer Singh : Will the Honourable Minister for Public Works be pleased to state the number of persons up to date appointed as sub-inspectors of police by the Punjab Government since the 1st of April, 1937, and the number of statutory Hindu agriculturists of the Gurgaon district among them year-wise ; if the answer is in the negative, the reasons therefor, and the action that he intends to take to redress the grievance of Gurgaon Hindu statutory agriculturists in this respect ?

The Honourable Malik Khizar Hayat Tiwana : No direct appointments to the rank of sub-inspector have been made since the 1st April, 1937. Vacancies in the rank of sub-inspector are filled by promotion from among assistant sub-inspectors on list ' E ', and all promotions are made by selection tempered by seniority.

REPRESENTATION OF THE PEOPLE OF GURGAON DISTRICT AMONG TAHSILDARS.

1306. Chaudhri Sumer Singh : Will the Honourable Revenue Minister be pleased to state the number of tahsildars appointed so far by the Government by direct recruitment or by promotion from amongst the residents of Gurgaon district since 1937 and if the answer is in the negative, the reasons therefor, and the action he intends to take to remove the long outstanding grievance of this district in this respect ?

The Honourable Dr. Sir Sundar Singh Majithia : *Part (i) :* One.
Part (ii) : Does not arise.

COMMUNAL REPRESENTATION AMONG GAZETTED OFFICERS AND PROSECUTING STAFF OF RAILWAY POLICE.

1307. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number at present of gazetted officers attached to the Railway Police with the name of the community to which each of them belongs ;
- (b) the number at present of officers on the prosecuting staff of the Railway Police with the name of the communities to which each of them belongs ;
- (c) the name of communities to which the Head Clerk and the Reader to Deputy Inspector-General, Railway Police, belong ?

The Honourable Malik Khizar Hayat Tiwana :

(a) Seven.

- Two Europeans.
- One Anglo-Indian.
- Two Sikhs.
- One Muslim.
- One Hindu.

(b) Two : both Hindus.

(c) A Hindu Head Clerk and a Sikh stenographer. There is no post of Reader to the Assistant Inspector-General, Government Railway Police, Punjab, who is in charge of the Railway Police.

HINDU STATUTORY AGRICULTURISTS IN OFFICE OF THE DIRECTOR, INFORMATION BUREAU, PUNJAB.

1308. Chaudhri Sumer Singh : Will the Honourable Premier be pleased to refer to the answers given to unstarred¹ questions Nos. 1191 and 1192, asked by Captain Sodhi Harnam Singh, M.L.A., and state the share of Hindu statutory agriculturists in the posts ?

The Honourable Major Sir Sikander Hyat-Khan : Of the eight Hindus employed in the office of the Director, Information Bureau, two (including the Assistant Director, Information Bureau) are statutory agriculturists.

COMMUNAL REPRESENTATION AMONG SUPERINTENDENTS OF VERNACULAR FINAL EXAMINATIONS.

1309. Chaudhri Sumer Singh : Will the Honourable Minister of Education be pleased to state—

- (a) the number, community-wise, of the Superintendents appointed for the vernacular final examinations for boys and the middle standard examination for Indian girls during the educational year 1939-40 and also of those appointed for the year 1940-41 ;
- (b) whether the principle of communal representation is being followed in these appointments ; if not, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) A statement giving information for the examinations held in 1940 is laid on the table. Superintendents for the examinations to be held in the year 1941 have not yet been appointed.

(b) No. In the interests of efficiency it is not advisable to follow this principle.

Community-wise number of superintendents for the Vernacular Final and Middle School Examination and the Middle Standard Examination for Indian Girls held in 1940 in the Punjab.

Name of examination.	Hindus.	Muslims.	Sikhs.	Christians.	Total.
1. Vernacular Final and Middle School Examination.	43	72	21	1	137
2. Middle Standard Examination for Indian Girls.	14	25	3	29	71

HINDU STATUTORY AGRICULTURISTS AMONG INSPECTING STAFF OF EDUCATION DEPARTMENT.

1310. Chaudhri Sumer Singh : Will the Honourable Minister of Education be pleased to state—

- (a) the number of Inspectors, Deputy Inspectors and District Inspectors of Schools in the province as also the number of the Inspectors in the Director of Public Instruction's office ;
- (b) the number of those among them who are Hindu statutory agriculturists ;
- (c) the action which Government intend taking to make up the deficiency, if any, of Hindu statutory agriculturists in the ports ?

The Honourable Mian Abdul Haye :

(a) Inspectors	5
Deputy Inspectors	12 (including Deputy Inspectors of Schools for Rural Science, Punjab).
District Inspectors	80 (including District Inspector of Schools, Delhi).
Inspectors in D. P. I.'s office	2
Total	49

(b) Three.

(c) 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.

HINDU STATUTORY AGRICULTURISTS IN OFFICE OF REGISTRAR, CO-OPERATIVE SOCIETIES.

1311. Chaudhri Sumer Singh : Will the Honourable Minister of Development be pleased to state—

- (a) the number of head assistants and clerks in the office of Registrar, Co-operative Societies, Lahore ;
- (b) how many posts of these separately are held by the Hindu statutory agriculturists ;
- (c) what steps does Government intend taking to make up the deficiency, if any, of Hindu statutory agriculturists in this office ?

The Honourable Chaudhri Sir Chhotu Ram :

	<i>Head Assistant.</i>	<i>Clerks.</i>
(a)	1	28
(b)	..	1

(c) The inadequate representation of the Hindu statutory agriculturists is a point which is being borne in mind in future recruitment.

HINDU STATUTORY AGRICULTURISTS AMONG PUBLIC PROSECUTORS IN PUNJAB.

1312. Chaudhri Sumer Singh : Will the Honourable Minister of Finance be pleased to state—

- (a) the number of the posts of Public Prosecutors in the Punjab ;
- (b) the number of those among them held by the Hindu statutory agriculturists of the Punjab ;
- (c) the number of these posts now vacant ; if the answer to (b) be nil, the action Government contemplates taking to make up the deficiency in the number of statutory Hindu agriculturist incumbents of these posts ?

The Honourable Sir Manohar Lal : (a) 80 permanent and 1 temporary.

(b) None — but orders regarding the appointment of one are about to issue.

(c) Three. No special steps are contemplated. The general policy of Government as regards communal representation in the services is well known.

MEMBERS OF SCHEDULED CASTES SERVING AS CLERKS IN JAIL DEPARTMENT.

1313. Bhagat Hans Raj : Will the Honourable Minister of Finance be pleased to state—

- (a) the total number of the scheduled caste candidates so far registered for employment as clerks in the Jail department ;
- (b) whether any of them have been employed so far either in permanent vacancies or as apprentices ; if so, their number ;
- (c) how long will it take the department to employ those who have received training but have not yet been employed ?

The Honourable Sir Manohar Lal : (a) Eleven.

(b) One has been employed in an officiating vacancy.

(c) As vacancies are filled in accordance with the block (communal) system, and candidates from the scheduled castes will be appointed in their turn it is not possible to predict how long it will take to employ those at present on the register.

COMMUNAL REPRESENTATION AMONG EXECUTIVE OFFICERS AND CLERICAL STAFF WORKING UNDER ASSISTANT INSPECTOR-GENERAL OF POLICE, RAILWAYS.

1314. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister for Public Works be pleased to state—

- (a) community-wise strength of the clerical staff and also of the executive officers at present working under the Assistant Inspector-General of Railway Police ;
- (b) whether it is a fact that majority of them belong to one and the same community ; if so, the action intended to be taken to give proper representation to other communities among them ?

The Honourable Malik Khizar Hayat Tiwana : (a) Three statements showing community-wise (a) strength of the Government Railway Police Force, (b) enrolled police officers working in office and (c) civilian clerks at present posted to the office of the Assistant Inspector-General, Government Railway Police, Punjab, are laid on the table.

(b) No ; does not arise.

(a)

Statement of police officers community-wise at present working under the Assistant Inspector-General, Government Railway Police, Punjab.

Serial No.	Rank.	Christians.	Muham- madans.	Hindus.	Sikhs.	REMARKS.
1	Assistant Superin- tendent of Police.	..	..	..	.. 1	..
2	Deputy Superinten- dents of Police.	2	1	..	1	..
3	Inspectors ..	5	2	3	..	..
4	European Sergeants ..	16	..	..	..	..
5	Sub-Inspectors ..	..	24	10	8	..
6	Assistant Sub-Inspec- tors.	1	18	3	1	2 vacancies.
7	Head Constables ..	..	195	62	39	1 vacancy.
8	Foot Constables ..	8	848	157	175	43 vacancies.

(b)

Statement of enrolled police officers community-wise at present working in office of Assistant Inspector-General, Government Railway Police, Punjab.

Serial No.	Designation.	Christian.	Muham- madans.	Hindus.	Sikh.	REMARKS.
1	Orderly Head Con- stable.	..	1	..	..
2	Assistant Orderly Head Constable.	..	..	..	1	
3	Reader to the Assist- ant Superintendent of Police.	..	1	..	..
4	Return Writer ..	..	1	..	..
5	Vernacular Record- keeper.	..	1	..	..
6	Assistant Vernacular Record-keeper.	..	1	..	..
7	Assistant Return Writer.	..	1	..	..
8	Vernacular Despatchers	..	2	..	..
9	Vernacular Typist ..	..	1	..	..
10	Stationery Clerk ..	..	1	..	..

NOTE.—The 11 enrolled police officers at present working in office have already been ac-
counted for in the main statement of the strength of the Government Railway Police
Force.

(c)

Statement of civilian clerks community-wise at present working under the Assistant Inspector-General, Government Railway Police, Punjab.

Serial No.	Designation.	Christian.	Muham-madans.	Hindus.	Sikhs.	REMARKS.
1	Head Clerk ..	..	..	1	..	
2	Senior Clerks ..	1	1	2	..	
3	Stenographers ..	..	..	..	1	
4	Junior Clerks ..	..	5	4	2	

POLICE OFFICIALS PROCEEDED AGAINST DEPARTMENTALLY IN ROHTAK DISTRICT.

1315. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of police officials of Rohtak district, community-wise, who have been (i) dismissed, (ii) suspended, (iii) compelled to proceed on pension, (iv) retired prematurely, (v) reduced since the posting of the present Superintendent, Police, Rohtak ;
- (b) number of appeals preferred against the orders referred to in (a) above ;
- (c) number of appeals among them which have been accepted, rejected, or partly accepted ?

The Honourable Malik Khizar Hayat Tiwana : The required information is given below :—

(a) (i) Dismissed ..	..	..	..	Nil.
(ii) Suspended	Hindus	..	..	10
	Muslims	..	..	3
	Sikhs	..	..	1
(iii) Compelled to proceed on pension		..	..	Nil.
(iv) Retired prematurely		..	..	Nil.
(v) Reduced	Hindus	..	..	5
	Sikh	..	..	1
(b) Appeals preferred		..	..	6
(c) Appeals rejected		..	..	4
	Partly accepted	..	..	1
	Result awaited	..	..	1

Total

6

MUNICIPAL BOARD HIGH SCHOOL, BHIWANI.

1316. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Education be pleased to state—

- (a) the date of the opening of the Municipal Board High School at Bhiwani ;
- (b) the date on which it was provincialized ;
- (c) whether any Muslim has ever been appointed as head master of the said Bhiwani High School ; if not, why ;
- (d) the action Government intend taking in the matter ?

The Honourable Mian Abdul Haya : (a) The M. B. Middle School, Bhiwani, was converted into a high school in June, 1911, but was reduced to the middle school standard in 1914. It was again raised to the high standard in July, 1916.

(b) 1st January, 1926.

(c) No.

(d) The question of the appointment of a Muslim headmaster in the school will be considered after the 19th April, 1941, when the present headmaster is due to retire.

MUSLIM ASSISTANT SURGEON FOR HOSPITAL AT BHIWANI.

1317. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Education be pleased to state whether any Muslim has ever been appointed in the Bhiwani Hospital as Assistant Surgeon ; if not, why ?

The Honourable Mian Abdul Haya : No. Appointments are made according to the exigencies of public service. Besides, there is a paucity of senior Muslim Assistant Surgeons.

HONORARY MAGISTRATES AT HANSI.

1318. Chaudhri Suraj Mal : Will the Honourable Finance Minister be pleased to state—

- (a) since when the bench of Honorary Magistrates at Hansi has existed ;
- (b) what is the number of Honorary Magistrates working on this bench ;
- (c) whether it is a fact that 80 per cent of the population of this tahsil consists of Hindu zamindars ;
- (d) whether it is a fact that there has been no representative of the Hindu zamindars on the bench of Honorary Magistrates at Hansi for the last two and-a-half years ; if so, the reasons therefor and the intentions of the Government regarding the nomination of such a representative on the above-mentioned bench ?

The Honourable Sir Manohar Lal : (a) Since the 5th June, 1919.

(b) Two.

(c) About 78 per cent of the population does so consist.

(d) The reply to the first part is in the affirmative. No suitable candidate has been found: the matter is under the consideration of the local officers.

HONORARY MAGISTRATES IN THE HISSAR DISTRICT.

1319. Chaudhri Suraj Mal : Will the Honourable Finance Minister be pleased to state—

- (a) the number of benches of Honorary Magistrates in the Hissar district and the number of Honorary Magistrates working on each of them ;
- (b) the number of benches of Honorary Magistrates in the Rohtak district and the number of Magistrates working on them and whether it is a fact that the number of benches of the Honorary Magistrates in the Hissar district is very small as compared with those in the neighbouring districts of Rohtak ; if so, the reasons therefor ?

The Honourable Sir Manohar Lal : (a) There is one bench of Honorary Magistrates in the Hissar district with two members.

(b) There are four benches of Honorary Magistrates in the Rohtak district and ten members are working on them. The answer to the later part of the question is in the affirmative. Formerly there existed four benches of Honorary Magistrates at Hansi, Bhiwani, Sirsa and Hissar but in course of time with the exception of the Bench at Hansi the other three benches were dissolved as there was no necessity for their continuance.

SUB-REGISTRARS OF HISSAR DISTRICT.

1320. Chaudhri Suraj Mal : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of Sub-Registrars working in the Hissar district and in the Rohtak district ;
- (b) what is the cause of disparity in the number of the Sub-Registrars of the two districts ?

The Honourable Malik Khizar Hayat Tiwana : (a) The honourable member is presumably referring to departmental Sub-registrars. There is one in the Hissar district and three in the Rohtak district.

(b) The number of documents presented for registration in the sub-districts of the Hissar district is smaller.

EMPLOYEES IN THE OFFICE OF THE DEPUTY COMMISSIONER, HISSAR.

1321. Chaudhri Suraj Mal : Will the Honourable Minister of Revenue be pleased to state—

- (a) community-wise, number of clerks recruited for the office of the Deputy Commissioner, Hissar, during the last two years with the names of places to which each of them originally belonged ;

[Ch. Suraj Mal.]

- (b) whether it is a fact that the number of Hindu zamindars among the clerks in the said office is quite negligible ; if so, why ;
- (c) whether he is aware that several representations have been made to the Deputy Commissioner of the said district and also to the higher authorities drawing therein their attention to the inadequate representation of the Hindu zamindars in the clerical establishment of the office mentioned above ; if so, the action taken or proposed to be taken thereon ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 11 Hindus and 14 Muslims. With the exception of one Muslim, who originally belonged to the Sialkot district and is at present residing with his brother who is a pleader at Hissar, all belong to the Hissar district.

(b) *First part.*—Out of 55 Hindus on the district office establishment 12 are agriculturists.

Second part.—Suitable agricultural candidates possessing the requisite qualifications have not been forthcoming in large numbers—

(c) *First part.*—No.

Second part.—Does not arise.

HINDU JATS IN EDUCATIONAL SERVICES.

1322. Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state—

- (a) the number of Hindu Jats at present serving in (i) P. E. S. Classes I, and II (ii) S. E. S. Classes I and II old, (iii) S. E. S. Classes I and II revised ;
- (b) whether there is any Hindu Jat serving at present as a District Inspector or Deputy Inspector of Schools, as a head master of any Government school or a lecturer in a Government College ; if not, what steps Government proposes to take to give proper representation to the Hindu Jats in these services ?

The Honourable Mian Abdul Haye : (a) One only in Class II of Subordinate Educational Service (old).

(b) No. The policy of Government in the matter is well known and it is not proposed to change it.

ILLITERACY CAMPAIGN IN THE AMBALA DIVISION.

1323. Chaudhri Suraj Mal : Will the Honourable Minister of Education be pleased to state—

- (a) the names of teachers from the Government High Schools who have instructed the largest number of adults in anti-illiteracy campaign so far in the province and in the Ambala division, respectively ;
- (b) what encouragement, if any, was given to them for this commendable work ?

The Honourable Mian Abdul Hays ; I regret I am unable to answer this question as the time and labour to be spent in collecting the information will be incommensurate with any benefit which might accrue therefrom.

DISTRICT MEDICAL OFFICERS OF HEALTH.

1324. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani : Will the Honourable Minister of Education be pleased to state—

- (a) the present strength of the District Medical Officers of Health in the Punjab ;
- (b) the number, community-wise, of the District Medical Officers of Health recruited during the last two years ;
- (c) whether Government intends to make up the deficiency of the under-represented community, if any, in this branch of service ?

The Honourable Mian Abdul Hays : (a) 85

(b) Muslims	2
Hindu	1
(c) Yes, as circumstances permit.	

P. E. S. OFFICERS.

1325. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani : Will the Honourable Minister of Education be pleased to state, community-wise, the number of P. E. S. officers appointed by promotion during the last three years and also of those whom the officers so appointed superseded with the reasons for supersession in each case ?

The Honourable Mian Abdul Hays :

Muhammadans	18
Hindus	10
Sikhs	3
Christian	1
Total	27

Promotions from Subordinate Educational Service to Provincial Educational Service (Class II) are made purely by selection. The question of supersession does not, therefore, arise.

CIVIL HOSPITAL, MULTAN.

1326. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani : Will the Honourable Minister of Education be pleased to state—

- (a) when was the Civil Hospital at Multan opened ;
- (b) the number, community-wise, of the assistant surgeons put in charge of the hospital since then ;
- (c) whether it is a fact that no Muhammadan assistant surgeon has so far been put in charge of the said hospital ; if so, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) There are no records to show when the hospital was opened. But this much is known that the hospital was in existence in 1880.

(b) The number of assistant surgeons community-wise posted to the charge of the hospital since the year 1880 is given below :—

<i>Muslims</i>	<i>Hindus.</i>	<i>Sikhs.</i>	<i>Indian Christian.</i>
8	15	7	1

(c) Does not arise.

LADY TEACHERS.

1327. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani : Will the Honourable Minister of Education be pleased to state—

(a) the number, community-wise, of the lady teachers recruited during the last three years, both as junior and senior English teachresses by the Education Department ;

(b) how many of them are B. T. and how many of them J. A.-V trained ?

The Honourable Mian Abdul Haye : (a) There is no designation junior or senior English mistress. Those appointed in the Anglo-Vernacular Section are known as Assistant Mistresses, while others recruited in the Classical and Vernacular Section are called Vernacular teachers. Junior Anglo-Vernaculars are also recruited in the classical and vernacular sections. The total number of women teachers in the Subordinate Educational Service appointed during the years 1938, 1939, 1940 community-wise is :—

<i>Muslims.</i>	<i>Hindus.</i>	<i>Sikhs.</i>	<i>Christians.</i>	<i>Others.</i>
105	72	39	4	1

(b) The information is given below :—

	<i>Muslims.</i>	<i>Hindus.</i>	<i>Sikhs.</i>	<i>Christians.</i>	<i>Others.</i>
B. Ts. ..	25	22	10	..	..
J. A. Vs. ..	84	17	11	2	..

COMMUNAL REPRESENTATION IN APPOINTMENTS MADE AT THE PUNJAB VETERINARY COLLEGE.

1328. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Development be pleased to state—

(a) the superior subordinate appointments, community-wise, made directly or by promotion at the Punjab Veterinary College since the time the present Principal assumed charge of his duties as such ;

(b) the number of agriculturists among those recruited for these posts ?

The Honourable Chaudhri Sir Chhotu Ram : (a) The posts of Artist, Laboratory Assistant and four Assistant Demonstrators were filled up by direct appointment or by promotion at the Punjab Veterinary College. Out of these 2 were given to Muslims, 3 to Hindus and 1 to a Sikh.

(b) Three.

COMMUNAL REPRESENTATION AMONG CERTAIN POSTS UNDER FINANCIAL COMMISSIONER, DEVELOPMENT.

1329. Khan Sahib Khawaja Ghualm Samad : Will the Honourable Minister of Development be pleased to state—

(a) by members of which community the posts detailed below are held :—

(i) Personal Assistant to the Honourable Minister of Development, (ii) Under Secretary to the Honourable Minister of Development, (iii) Financial Commissioner, Development, (iv) Office Superintendent of Financial Commissioner, Development's office, (v) Head Assistant (Veterinary Section), Commissioner of Development's Office, (vi) Director of Veterinary Services, (vii) Personal Assistant to the Director of Veterinary Services, (viii) Principal, Punjab Veterinary College, (ix) Head Clerk, Punjab Veterinary College, (x) Superintendent, Cattle Dairy Farm, Hissar, (xi) Office Superintendent, Cattle Dairy Farm, Hissar :

(b) if none of these posts are held by Muslims, the reasons therefor ;

(c) action that Government intend taking to give due share in these posts to the unrepresented majority community ?

The Honourable Chaudhri Sir Chhotu Ram : (a) (i)— (ii), (vii), (ix) — (x) and (xi) (the post is of Head Clerk and not office Superintendent) By Hindus.

(a) (iii) and (vi) By Europeans.

(a) (v) and (viii) By Sikhs.

(a) (iv). Three posts (two are held by Muslims and one by a Hindu).

(b) Does not arise.

(c) According to the accepted policy of Government all fresh recruitment is being made in the proportion of 50 : 30 : 20. The general proportion of Muslims in the Veterinary Department as a whole is 42.9 per cent as it stood on 1st January, 1940. The Imperial service posts such as the post of Director and that of the Principal, Punjab Veterinary College, are not subject to communal proportions. Similarly the post of Under Secretary, Development, is also not covered by the communal proportion.

COMFORTS COMMITTEE.

Mr. Speaker : I have to announce that I have appointed the following honourable members to constitute the Comforts Committee of this House for the current session of the Assembly :—

- (1) Major Sardar Sir Muhammad Nawaz Khan,
- (2) Khan Bahadur Mian Mushtaq Ahmad Gurmani,

[Mr. Speaker.]

- (3) Tikka Jagjit Singh Bedi,
- (4) Chaudhri Tikka Ram,
- (5) Mian Muhammad Nurullah.

The Deputy Speaker shall act as the Chairman of the Committee and the Deputy Secretary of the Assembly shall be its Secretary (*Hear, hear*).

The function of this Committee will be to advise on such matters connected with members' comforts as may be referred to it from time to time under my orders.

WELCOME TO PREMIER ON HIS RETURN FROM EGYPT.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division (General, Rural): Mr. Speaker, before we begin the formal business of the day on account of the feeling on all sides of the House, I crave your indulgence to permit the House to welcome the Honourable Premier after his return from Egypt.

Mr. Speaker : The honourable member can say a few words in the shape of a ceremonial speech.

Rai Bahadur Mr. Mukand Lal Puri : Those of us, who had the pleasure and privilege of listening to the Honourable Premier at Nedous Hotel, know the work that he did in Egypt. It is a matter of sincere congratulation that he has safely come back to this province after having done such an excellent work. It is equally gratifying to his personal friends that his son did so well and that we have now better news of him. Sir Sikander is, we all know, a very lucky person and it appears that his lucky star followed him to Egypt. Therefore it was a very happy coincidence that his visit to Egypt synchronised with brilliant victories of our forces (*hear, hear*). His presence there must have put heart and courage into our troops. Everyone away from home—and more particularly our soldiers in the desert of Africa—must have been encouraged and heartened a great deal by the message from home, and then in this case, conveyed by no less a person than the Premier of this province, and such a pleasant and genial personality as Sir Sikander. Sir, I wish to extend him a hearty welcome home, after his brief but hazardous and useful sojourn abroad.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, it was a very happy idea for our Honourable Premier to think of paying a visit to the war front in Egypt. He kept quiet practically up to the last minute. Nobody knew whether he was going at all. It was only within a few days of his departure that I came to know of his contemplated visit to Egypt. His visit, I am sure, must have put fresh heart into the Indian troops and not only into the Indian troops but all allied troops who have been fighting in the Western desert. Apart from that, it must have enabled him to appreciate the whole situation at first hand, and with this added knowledge he will be able to give a fresh direction to the recruiting activities in our province. Further, his visit to Egypt is, more or less, of international importance. (*Hear, hear*). He went there as the head of the premier fighting province. His visit to North Africa, his talks with British and Indian troops, and his conversations with commanding officers of various regiments as well as with higher military

officers including the Commander-in-Chief, will be of deep interest, not only to Indians, not only to Britishers and Americans, but also to our enemies, Mussolini and Hitler. I share to the full the pleasure to which expression has been given by Rai Bahadur Mukand Lal Puri on behalf of the province. In fact so far as I and members of the Unionist Party are concerned, any verbal expression of our feelings is almost a gratuitous ceremony. His visit is a matter of pride and his return a matter of pleasure to all of us, and I am sure his trip to the theatre of War will result in immense good all round. (*Applause.*)

Sardar Bahadur Sardar Gurbachan Singh (Jullundur West, Sikh, Rural): Sir, it is with great pleasure and esteem that we all appreciate the action of our Premier in visiting the battlefield in Egypt, at a great personal risk, so as to encourage our soldiers who have been laying down their lives to stop this great danger coming over to our motherland. (*Hear, hear.*) Their bravery has made a new landmark in the history of the world; and they must have felt very pleased that they were not forgotten and that their own Premier from the Punjab had come over to see the wonderful victory they had achieved, to receive first hand knowledge of their gallant deeds, and to look after their comforts. They must have been pleased to know from him that their hearths and homes here in India were safe in his hands. I offer my warm congratulations to him on his safe return.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural), (*Urdu*): Sir, I very sincerely associate myself with other members of this House in congratulating the Honourable Sir Sikander Hyat-Khan on his successful visit to the Egyptian and Sudan Fronts and on his safe return. His visit to the aforesaid fronts has very much encouraged the Indian soldiers there. It has considerably raised their spirits. This in itself is no small service to the Indian Army and to his country. I congratulate him on rendering such a meritorious service to his country and countrymen. I am proud of the fact that the Honourable Premier belongs to the same division to which I belong. We both belong to the Rawalpindi Division which has rendered very valuable war services to the Government. The Honourable Premier undertook this visit at great personal risk. The people of his division feel proud of him. It has infused a new spirit in them, which is a sign of all living nations.

Subedar Major Raja Farman Ali Khan (Gujar Khan, Muhammadan, Rural), (*Urdu*): Sir, I associate myself with other honourable members of the House in expressing my gratitude to the Honourable Premier for his visit to the Middle East front. I also congratulate him on his safe return from there. I may remind him that long before the starting of the present war, at a time when no one could have imagined that the present war would break out, I offered to give one and a half lakhs of recruits from that part of the province to which I belong. Since the outbreak of the present war we have given a large number of recruits and shall give as many more as may be required by the Government. In the whole of the province my district is the foremost among the recruiting areas. We are willing to enlist ourselves in the army in as large numbers as may be required at any time. The Honourable Premier's visit has very much encouraged our soldiers at the Egyptian and Sudan fronts and I am sure they will win all the battles in which they will participate. They will return home glorious as victors.

[Subedar Major Raja Farman Ali Khan.]

I may also press it on the attention of the Government that it is very necessary to do something for the areas which give so many recruits. The population percentage of the Sikhs in the Punjab is only 13 per cent, but in view of the fact that they have rendered meritorious war services and are martial, the Government has granted them many concessions. One of those concession is that for purposes of representation in services and representative institutions they are given weightage. Instead of being given 13 per cent representation to which they are actually entitled on the strength of their population in the province, they are granted 20 per cent representation. For the encouragement of the recruiting areas it is necessary that the martial classes should be given some preference in the matter of recruitment to services, etc. They do deserve such a preferential treatment. I hope the Government will very kindly consider this claim which I have made on behalf of the martial classes of the province.

In the end I once again congratulate the Honourable Premier on his safe return from the Middle East.

Shaikh Sadiq Hassan (Amritsar City, Muhammadan, Urban), (*Urdu*) : Sir, I congratulate the Honourable Sir Sikander Hyat-Khan on the success of his mission of going to the Middle East to encourage the Indian troops there. I also congratulate him on his successful and safe return. He visited the Indian troops engaged in fighting the Italians on the Egyptian and Sudan fronts. He met the soldiers as well as officers to find out their grievances, if any. He acquainted himself with their complaints and has brought them to the notice of the Indian Government who I am sure will remove them. This in itself is no small service. Those soldiers who are engaged in fighting the enemy in the Middle East have earned our deep gratitude. They have offered themselves to protect India at the cost of their own lives. I wish the Congressites had not adopted the policy of civil disobedience and of courting imprisonment. I wish they had gone to the battle fronts instead of going to jails.

I must also make an honourable mention of Lieutenant Shaukat Hyat Khan, the worthy son of the Honourable Sir Sikander Hyat-Khan. He was wounded and captured by the Italians. Although he is still in their hands I am glad that he is safe. Our Honourable Premier bravely sent forth his son to the front and never cared for the risk to which he was thus exposed. I greatly admire his courage and sacrifice for his country.

Sir William Roberts (European) : Sir, I have very great pleasure in adding my tribute to the excellent work done by the Honourable Premier by his visit to Egypt and the Near East. There is no doubt that the eyes of the world were concentrated in these days on the grim struggle that is going on; and the work which the Premier did by his visit raised the status not only of the Punjab but also of India in the eyes of the world. To my mind it is a step forward in the realisation of the aims and aspirations of patriotic Indians. I am very glad to see him back in this country safe and sound. I congratulate him on the excellent work he has done during his visit to the Near East. (*Cheers*).

1 p. m.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban): I should also like to join in this welcome that has been offered to our Honourable Premier and I congratulate him on his safe return. No doubt it was rather a risky task for him to take up this trip, but anyhow we are pleased that he has accomplished it so successfully. Whatever our political differences may be, certainly from human point of view and as the Premier of the province, I heartily welcome him back home. (*Hear, hear*). I do not know the real object of his visit to Egypt and Sudan but I am sure that his visit will create harmonious feelings between the two countries. Furthermore what we are happy to learn is that his dear son who joined in the war and was injured is now safe, hale and hearty and that the time will soon come when we shall be able to see him amongst us hale and hearty. (*Cheers*). I shall not detain the House any more. With these few words I again welcome the Honourable Premier back in our midst and I hope he will accept the welcome.

(*Some more honourable members rose to speak*).

Mr. Speaker: The House appears to be unanimous in offering congratulations to the Honourable Premier on his successful return from his trip to the Near East. So, no more speeches are necessary. Let us proceed with the business of the day.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I am deeply touched, and if I may say so overwhelmed by the kindly and generous references made to me to-day in this House. It is really a surprise that has been sprung upon me. If I had been consulted previously I would certainly not have advised this matter being brought up before the House. I did nothing out of the ordinary. What little I was able to do was a privilege and a pleasure to me. I thought that the opportunity which was given to me through the kind offices of the Army Headquarters here and the General Headquarters of the Middle East Army would enable me to go and see our comrades in arms who are fighting our battles away from their homes for the sake of the safety and honour of our motherland; and it gave extreme pleasure to me to see that our people were not only in good heart but were also in good health. Their spirits were very high. I was fortunate enough to arrive there immediately after that big victory in the Western desert and I learnt of the several acts of gallantry, which are too numerous to be mentioned now, but when the history of this war is written they will deserve to be written in golden letters, and will redound to the credit of the Punjab and of India. (*Hear, hear*). I may point out that the Punjabi soldiers have not only kept up their traditions, but have even enhanced them, because the great victory in the Western Desert was won by a very small force against overwhelming odds and won at the point of the bayonet in most cases. I may add that the Punjabis were not alone in this fight. There were other comrades in arms, the Garhwalis and other Indian troops serving in Sudan and Egypt and these have also done equally well. In some cases their acts of gallantry are not a whit behind those of the Punjabi soldiers. I was delighted to see that the relations between Indian troops—not only amongst our Punjabi troops which was traditionally a happy family—but also their relations with troops from other parts of the Empire were very happy. The dominion troops looked upon the Indian soldiers as their

[Premier]

brothers, and as I have said already on several occasions the estimation of our Indian troops is extremely high and the Indian army at the present moment is considered to be the proudest gem in the Imperial army in the Middle East. As I mentioned on a previous occasion on the 25th December, a big function was arranged for the troops which had come to Cairo and I was told both by the Egyptians and by people who were not directly connected with our own troops that Egypt had never seen such an ovation as was given to Indian troops on that occasion. When the Indian wounded arrived they were cheered by the armies of all the countries present there, including the French and the Egyptians, and they were given a place of honour which they richly deserved.

It may have done some good to our troops to see me among them and to know that we had not forgotten them and that we had them always in our mind, but it certainly did me a great deal of good because it put fresh heart in me to see those people so fit and so full of spirit and seeking further battles in order to vindicate the honour of our country and to end this war quickly with a view not only to remove the threat of this country but also to re-establish civilisation, justice and freedom. I was delighted to see our troops in the front line. When I was going through one of the hospitals at Khartoum, two soldiers standing there advanced towards me and one of them came and saluted me and asked me whether I recognised him. I said, "I remember having seen you, but I cannot place you at the moment." He said, "I was the accountant of the Unionist Party and when you made an appeal for enlistment, I applied and joined the army." I was delighted to see that my appeal had some effect. Later on when I went to see other troops at Suez I again met another private who came forward towards me and said, "You don't seem to recognise me. I was a chaprasi of the Unionist Party and I joined the army immediately on hearing your appeal." These are the two instances which I just give you to indicate that after all the efforts which we have been making have not gone in vain.

The one factor which impressed me most was that this time there was genuine enthusiasm which you did not see during the last war. We fought in the last war gallantly and loyally but there was not that enthusiasm which we notice this time, because they consider it to be a cause not only of Great Britain but their own. That also indicates that they are realistic enough to realise that our defences are no longer the border of this country, but Egypt and the Middle East and Malaya.

I was delighted to find that all classes and communities were trying to vie with each other in doing their duty as soldiers and to enhance the prestige and honour of their country and they have been singularly successful hitherto, and I pray and hope that in future when this war is won we will find that India surpassed all other Dominions in taking not only their legitimate share but doing what others have not been able to do.

The recent news about our advance in Abyssinia is very heartening and I am sure that that means the beginning of the end of the troubles in Abyssinia.

I need not detain the House except to gratefully thank them again. The risk which I ran was nothing as compared to the constant risk which the men there are running day in and day out. They are bombed and bombed practically every day of the week. They were shelled in their trenches and in their outposts and they did not feel at all as if they were risking their lives. They felt as if they were doing their ordinary duties. That is the spirit of our troops and I am glad to say to-day—and that of course has always been the tradition of the Punjab—that all classes and all communities are at one on this question of war and I am grateful to my friends opposite that they have joined to-day in associating themselves with the little effort which I have made, which I undertook as a duty on behalf of the premier fighting province in this country. I was delighted to find when I went there that both the Egyptian Government and the Army Headquarters treated me on the same footing as they were treating the Ministers of any Dominion countries. As a matter of fact I was gratified and most grateful to think that in some cases they did more honour to me than they did to Ministers of other countries. Both in the Sudan and Egypt from the Egyptian Government as well as from the Army Headquarters I met nothing but courtesy and kindness, and it was due to their kindness and courtesy that I was able to traverse nearly 14,000 miles in this short period in order to see the troops which were at the moment serving in that part of the country. There was only one unit which I could not visit, because they were in transit at the time, but I saw two of its officers. Otherwise I practically saw every unit and we have a very large number of troops now serving in that country.

The references which have been made to-day and the courtesy and consideration extended to me in Egypt and Sudan are not meant for me personally, but they are a compliment to the Assembly whose representative I am and did honour to this province whose representative I was, and I hope that the Punjab will continue, whole-heartedly and insistently to give its best for the great cause which we have espoused. (*Loud cheers*).

GENERAL SALES TAX BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I beg to present to the House the Report of the Select Committee on the Punjab General Sales Tax Bill.

AGRICULTURAL PRODUCE MARKETS RULES.

Minister for Development: Sir, I lay on the table a copy of the Punjab Agricultural Produce Markets Rules, 1940, framed under section 27 of the Punjab Agricultural Produce Markets Act, 1939.

Mian Muhammad Nurullah: May I ask whether a day would be allotted to discuss these rules?

Minister: Not in this session but in the next session notices can be given and motions moved for any alterations, modifications or additions in the rules.

Rai Bahadur Mukand Lal Puri: Which is the next session? Is the budget session the next session?

Mr. Speaker: The next item please.

JAGIRS BILL.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Sir, I beg to introduce the Punjab Jagirs Bill. I beg to move—

That the Punjab Jagirs Bill be referred to a select committee consisting of—

Mian Muhammad Nurullah,
 Chaudhri Jalal-ud-Din Amber,
 Chaudhri Abdul Rahim (Gurdaspur),
 Chaudhri Ali Akbar,
 Sardar Balwant Singh,
 Malik Fateh Sher Khan,
 Mr. E. Few,
 Khan Haibat Khan, Daba,
 Seth Kishen Das,
 Khan Bahadur Nawab Chaudhri Fazl Ali Khan,
 Chaudhri Ranpat Singh, and

that the quorum shall be five.

I do not think it is necessary for me to make a long speech while asking this honourable House to agree to the motion of referring the Bill to the select committee. The Bill does not contain any new principle, but it only tries to concentrate into one Act the different rules regarding jagirs which have been now in existence for a long time. As honourable members will observe from the statement of objects and reasons, the law relating to grants and assignments of land revenue commonly termed "jagirs" is at present scattered over various enactments and regulations, and is supplemented by executive instructions. The present Bill is intended to consolidate these various measures in a single comprehensive statute. Also as the honourable members know so far as the question of attachment of the jagirs is concerned, there has been a lot of litigation about it and the Government wants now by means of this Act to remove the chances of any further doubts with regard to non-attachment of these jagirs. I think the House will adopt the motion.

Mr. Speaker : Motion moved is—

That the Punjab Jagirs Bill be referred to a Select Committee consisting of—

Mian Muhammad Nurullah,
 Chaudhri Jalal-ud-Din Amber,
 Chaudhri Abdul Rahim (Gurdaspur),
 Chaudhri Ali Akbar,
 Sardar Balwant Singh,
 Malik Fateh Sher Khan,
 Mr. E. Few,
 Khan Haibat Khan Daba,
 Seth Kishen Das,
 Khan Bahadur Nawab Chaudhri Fazl Ali Khan,
 Chaudhri Ranpat Singh,

and that the quorum shall be five.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I beg to move—

That the Punjab Jagirs Bill be circulated for eliciting public opinion thereon by the 1st April, 1941.

My reasons for circulation are that this Bill involves many questions of principle which are of a far-reaching character, they must be discussed and opportunity given to the public and unless the public knows those principles and unless the public has a say on those principles, we the members, their representatives in this House cannot appreciate the real principles involved, because after all we are to go by the voice of the public whom we represent. This is a Bill which no doubt aims at codifying all the previous enactments, circulars or other instructions issued by the Financial Commissioners and followed by the previous Governments. But the principles underlying all those Acts, circulars and instructions are of very great importance. We in this House have to consider whether jagirs are a necessity at all and if so what are the effects of bestowing them, whether they are to the detriment of the public or whether they are in the interest of the public, what sort of people we create by the conferment of these jagirs, whether those people feel happy after the conferment of the jagirs or not, whether their children are also happy or not and so on. (*Interruption*). The Honourable Ministers are laughing. They cannot appreciate what I am saying. I know of cases where the children of those people on whom jagirs are conferred have been absolutely spoiled. They do not bother to work, they are not accustomed to hard labour and naturally they become idle. Therefore this is not a matter for laughter. This is a matter to be discussed seriously from all aspects and must be known to the public and it must be examined from various angles. Therefore, I was going to say that this Bill involved very important principles and very many questions which must be thoroughly discussed. Without going into details I might mention that the recent tendency all round has been to abolish jagirs. As an illustration I might refer to what was published in the *Tribune* a few months ago with regard to what the Maharaja of Patiala had done.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): On a point of order. Is the honourable member entitled to make a reference to what has been done in an Indian State?

Mian Muhammad Nurullah: I am not making any remarks about what has been done there. I am only referring to the actual fact to illustrate my point and as a reason why this Bill should be circulated. We may also adopt the same policy if it is good. After all the Punjab people live in Patiala and the Patiala people live in the Punjab. So my reference to Patiala was only a sort of illustration and I intend to make no remarks or discuss matters about a foreign state or a state in the Punjab. I am sure that when this matter was published, a few members of this honourable House, probably including some Unionists as well, expressed their opinion in favour of the proclamation of the Maharaja of Patiala and appreciated his action. I think there are many here who still appreciate his action. (*Interruption*). I do not remember the names as I had no personal interest. I do not know whether Chaudhri Tikka Ram is one of them. But all the same I am certain that the number of members who supported the action of the ruler of Patiala was probably more than the number of members present in the Opposition. I do not want to go into details but the arguments expressed therein are arguments that require our serious consideration and which must be examined before we agree that the Bill be sent to the select committee. My opinion is that by postponing this Bill for a few

[Mian Mohd. Nurullah.]

months we will not be doing harm to anybody. My amendment is that it should be circulated till 1st of April up to which time this session would probably continue and you will have ample opportunity to have your say and then pass the Bill into law if you so desire.

My feeling is that jagirs are more harmful than beneficial even to those who get them because sometimes their progeny is spoiled. They create a sort of people who always go about dancing attendance on Ministers, deputy commissioners and commissioners and do the work of what is implied in the term "toady." I know also that the grant of jagirs is sometimes used as an instrument of oppression. I can quote a case of this very House. An honourable member was recommended for a jagir that is my information and I am subject to correction. I hope my statement will not be challenged and the facts I am going to state are correct. A member of this House was recommended, I think last year or year before, by the deputy commissioner for a jagir. It may be that he had done very good work or it may be that he was dancing attendance and was pleasing the officials. Anyhow he was recommended. I do not know the nature of his services. Probably he was a genuine supporter of the administration. Therefore, he secured that recommendation and then that recommendation was endorsed by the commissioner. The Commissioner also sent up his name and then probably it came to the Financial Commissioners. You see you have to please so many officers. His case was sent up for notification after approval by the Ministry. Twenty jagirs are given every year. His name was one of them. In the meanwhile an effort was made by a few members to become independent members. I will not mention the names. They did send a notice to the Secretary that they wanted to get their group recognised. But they were only 11 of them and they could not get the signature of the 12th who was absent and consequently there was some delay and the party could not be recognised unless there were 12 members. Meanwhile the matter came to the notice of the Unionist Ministry. Knowing that that fellow was being recommended for a jagir, the Minister at once ordered on the telephone to withhold his name and only 19 instead of usual 20 jagirs were notified. That is the only instance when only 19 jagirs were allotted.

Mr. Speaker : The honourable member is personal. He is attacking some members of this House for what they are supposed to have done. He should not attack any member, whether he is a Minister or not, except by a substantive motion.

Mian Abdul Aziz : On a point of order. May I enquire whether we cannot say that the Bill as it is introduced is meant for certain *toudis* and give illustration in support of it, and can we not refer to incidents without mentioning names?

Mr. Speaker : That is a different matter.

Mian Muhammad Nurullah : I never named anybody and I only mentioned a fact. I was only illustrating my point that these jagirs are made an instrument of oppression, without mentioning any names. So only 19 jagirs were notified that year and one remained vacant. Simply because a member of this house wanted to be independent of the Ministerial party.

All the same if a few jagirs are not utilized during any one year, their amount would be utilized for giving jagirs in the next. This would be a sort of a cumulative drain on the revenues of the province and I want the public to know this and to express their opinion on this matter also whether this drain should continue on the exchequer of the province. That is a very important principle involved. This revenue is a hard earned revenue of the poor zamindars. Even Chaudhri Sir Chhotu Ram would agree with me that they have to work very hard to pay one rupee or two rupees or five rupees or even five thousand rupees according to the land that they possess. This money would be used for giving away in the form of jagirs to those persons who do not mean good to poor zamindars. Just for the sake of his own good, to serve his own ends such a person goes to the Deputy Commissioner and says, "Certainly there has been a hailstorm, but there has been no damage and therefore there is no need for remission." This time there have been so many closures, as has been stated in answer to a question just now, but this man will all the same say "crops have not suffered." There are people who go and do not tell the truth to the authorities and they do so just with this motive in their minds that the officer will be pleased with them and he will either get a certificate or a recommendation or even a jagir. This frittering away of the revenues of the province does more harm to the public. Such people do not bring true facts to the notice of the administration and officers are very often misled. I know personally they are misled by such people who are running after certificates and jagirs and such other things. Therefore it is a very important question whether we should allow this hard earned money of our province to be frittered away in this form just to produce people who from the point of view of the advance of the country, from the point of view of the advance of the community, or from the point of view of the safety of the public are not desirable people. I know there may be genuine cases who have really worked very hard to help the administration very sincerely and their services should be appreciated. But that is not always done. The right persons are not always supported. Therefore I raise the question whether this money should be retained by the exchequer for the use of the general public and shown in the budget like other revenues or whether this should be allowed to be made a property of persons who are not of the right sort. Any way I think that if this point is discussed and the public knows that this is their money which is being given to these people, they might give a different opinion and we might be impressed with it and say that these jagirs are not necessary. Then there is another thing. I might be allowed to refer to section 4 (2). It is given there that a jagir created under this Act may be continued after the death of the original jagirdar, but the terms thereof shall be so expressed as to provide that the amount assigned to the next holder shall not exceed half of the amount assigned to his predecessor and that the jagir shall be extinguished after the death of the second holder. This is a very unwholesome provision. If A, B or C has done some service to the administration or the Government or the public or even to the country why should we bestow the advantage on his son also? He has done no personal service. He has never got a chance to do anything for the Government or the country. Just because you want him to be running about after you, you want him to follow in the footsteps of his father, even if he is not a fit person. You want him to enjoy the benefit of the jagir or half

[Mian Mohd Nurullah.]

of it. I think this provision must also be taken to the public and we must know their views, because this is bestowing something on a person who has never done anything to deserve it. It might be that by giving him this privilege you may be spoiling him. I think it would be in our interest that the public should know what this principle is and whether this principle should be adopted or not. I think the public would be able to throw proper light on this matter. Then if I go further to section 5 I find it is about assessment and collection. Supposing A has done some good service or bad service, as I call it, more often it is bad rather than good, and you grant him a jagir of Rs. 500 annually out of the revenues of the province. It is not only Rs. 500, it is more than Rs. 500, because after all the agency of collection is there and you spend some money on collection of Rs. 500. Thus it is actually something more than Rs. 500, it may be Rs. 600. Therefore while you are making a grant of this jagir you are actually making a grant of more than its face value. You are actually putting more drain on the revenues of the province than you tell us or you tell the public or they fully know. Going further I have another objection to make and I think the public should know this also. Section 6 reads, "Subject to any rules made under section 151 of the Government of India Act, 1935, all sums so collected shall be brought to account at the local treasury or sub-treasury, but shall be shown therein as short collections." I think the first protest against this should come from our Finance Minister, because after all, this money, a part of the revenues of the province, is not allowed to be shown in the budget. It cannot be criticised. It cannot be assigned by us. This is a matter of accounts; why should there be a deduct entry? Why should the money go from poor people like me, from poor zamindars to the treasury and then go straight to the pockets of A, B or C? We are the custodians of the exchequer here with the Honourable Finance Member as in charge. I think he should protest against this that this short collection or deduct entry business should not be allowed. The money must come up for discussion to the Assembly. Why be afraid of this being discussed? I think it is only side-tracking. You are not bringing this in the budget simply because you do not want that the people may have their say through their representatives. This is the only corollary of your taking this away direct from the treasury in the district to the pockets of A, B or C with whom we are not directly concerned. This is a procedure that has been followed in many other cases also which are much more important than this small amount of Rs. 5,000. This has been done in the case of Irrigation Department where there is a deduct entry of 1,60,000 and also in the case of Hydro-Electric Department. It is time that these deduct entries are not allowed and money is allowed to come to the exchequer to be discussed thoroughly in this House during the Budget session before it is disbursed. Sir, I do not want to detain the House further. Other members might be able to throw more light on this subject than I have been able to do. I urgently request the honourable members of this House to let this Bill go for circulation so that we might have proper opinion and then be able to form our own judgment later on and be able to express our views. (*Hear, hear*).

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

That the Punjab Jagirs Bill be circulated for eliciting public opinion thereon by the 1st of April 1941.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian-Christian), (Urdu) : Sir, I rise to support the motion that the Punjab Jagirs Bill be circulated for eliciting public opinion thereon. I may point out at the very outset that my support to this motion is not blind. It is based on principle. When provincial autonomy was introduced in the Land of Five Rivers, high hopes were raised in the public mind that my honourable friends on the treasury benches, who are at the helm of affairs, would bring about a great political awakening in the masses and a marvellous progress in the country. But the measure now before the House has belied those hopes. We find whereas the world is marching ahead on the road of progressive ideas, our Government is moving in the opposite direction.

Mian Abdul Aziz : *قزاقی ممبرس (Laughter).*

Chaudhri Jalal-ud-Din Amber : I would not use such strong words, but I am reminded of a couplet which very appropriately describes the situation.

راہ تیز گام ے معطل کو ہالیا

ہم معہو نالہ جس کارواں رہے

I am constrained to remark that the Unionist Party which professed to administer even-handed justice to the people and make no discriminations among them, has manifestly given a clear proof of the fact

But it is all the more regrettable that the Honourable Sir Chhotu Ram who while Leader of the old Unionist Party was a champion of the progressive forces in the province, has now kept mum over this important matter. Obviously he has refrained from exercising that salutary influence over the Government when this measure was drafted. His inaction in the matter reminds me of the common saying

ہر کدہ کار کئی معہ کئی نہ

The old Unionist Party would not brook retrograde measures. It opposed them tooth and nail and on the contrary lent its whole-hearted support to such measures as aimed at doing away with the reactionary forces. But now it has made a somersault. The present Unionist Government is trying to rush through retrogressive measures like the one now before the House. It is straining every nerve to introduce nominations. It is rather encouraging and cementing to-day forces in the province. I may also add that through this measure it is the intention of the Government to prop up a class which would support it blindly. I would like to draw the attention of the Government to the fact that gone are the times when the institution of jagirdars flourished. Now it has become a relic of the past. It has outlived its utility. We got the provincial autonomy to get rid of such retrogressive systems and not to maintain or continue them.

Then, sir, no case has been made out for introducing this Bill. The ridiculous line of argument advanced by the Government is to be found in the statement of objects and reasons. It is stated there that the word "jagir" has never been defined and the law relating to grants and assignments of land revenue commonly termed as "jagirs" is at present scattered over various enactments and regulations. And hence the present Bill is drafted to consolidate these various measures in a single comprehensive

[Ch. Jalal-ud-Din Amber.]

statute. You will observe, sir, that the word "jagir" has been in vogue for innumerable years and no government ever experienced any difficulty in understanding it. I fail to understand what revelation (and through what mysterious forces) has been made to Government that as previously the word "jagir" was not well defined the Government should now bring forward a measure to clarify it. Similarly the reason for consolidating the various laws controlling the jagirs does not appear to be convincing. But if we peruse the provisions of this Bill, the cat is at once out of the bag. We find that according to section 7, those jagirs are to come under the operation of the provisions of the Bill, which were created by the Government on or since the first day of April, 1937, i.e. when provincial autonomy was introduced. It is evident that the Government wants to grind its own axe. Its intention is to strengthen its own hands through this measure which is definitely designed to retard the political progress in the province. I am, therefore, of the opinion that the Bill be circulated so that people may come to know of the ulterior motives of the Government and send their opinions with a view to influencing it for discarding this disgusting and loathsome piece of legislation. Again it is a matter of common knowledge that our country is steeped in illiteracy. If the Government had put forward a measure with a view to raise the percentage of literacy from 8 to 50 per cent, we would have hailed it and offered our unstinted support. But a retrograde measure like the one under consideration stinks into our nostrils and we cannot support it. I, therefore, urge upon the Government to accept the motion and send the Bill for circulation.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban), (*Urdu*): Sir, I have to offer a few remarks in support of the circulation motion moved by my honourable friend Mian Nurullah. It is an open secret that the Government is making tremendous efforts to meet its top heavy expenditure, under the crushing weight of which the people are groaning, by putting forward taxation measures like the Urban Immovable Property Tax Bill, General Sales Tax Bill, etc. It is regrettable that on the one hand the Government is rushing through plethora of Bills with a view to squeeze out the last farthing from the pockets of the poor people and on the other it is bringing forward a measure calculated to dole out public money to its maximum in the form of assignment of land revenue or jagirs. I fail to understand how this Government has thought it fit to introduce a Bill of this character at a time when the world is in the throes of a terrible conflict and specially when every ounce of energy and every pie should be conserved for the successful prosecution of war. What I sense from this Bill is this. My honourable friends who are at the helm of the administration think that as the provisions of this measure do not affect their pockets, they need not bother whether the public would be put to great hardships or not. They want money to favour their henchmen who lick their shoes, flatter them obsequiously and play the part of informers or back-biters. Again the Bill would vest large powers in the Deputy Commissioners who would recommend those persons for the grant of jagirs who would be prepared to support the Unionist Party in season and out of season. May I ask the Ministerial Benches whether the expenditure intended to be incurred through this measure is justified? On the one hand my honourable friends

on the treasury benches are piling taxes upon taxes over the people irrespective of the fact whether the latter are in a position or have the strength to bear the burden or not and on the other they are making arrangements by statute to provide for their favourites. In this connection I am reminded of a common saying *جراي مي دگر بوجي کاو* which aptly applies to them. As a matter of fact they want to earn cheap popularity at the expense of public money. This would neither do them any credit, nor would it bring about any betterment of the masses or of their own position. I am of the opinion that when the country is passing through difficult times of economic depression and financial stringency and money is urgently needed in other directions, it behoves the Government to refrain from proceeding with this measure. My honourable friends over there are inscrutable. I wish they had laid bare their real intentions in the statement of objects and reasons, where they have given very unconvincing reasons for the introduction of this measure. For instance, it is stated there that the present Bill is drafted to consolidate all the various measures and regulations controlling the jagirs, in a single comprehensive statute. I would urge upon the Government the desirability of doing away with the system of granting jagirs which has outlived its utility. It is a relic of the past. They should take a lesson from the lead given by His Highness the Maharaja of Patiala in regard to this matter. They should declare that henceforth all the jagirs stand forfeited to the government. They should thus give a proof of their sincerity of purpose and meet their increased expenditure through this source instead of levying additional taxes. I am fully aware of the fact that they would turn a deaf ear to my observations or would flatly refuse to accede to my requests. But I would not be asking too much if I ask them to ponder over the matter dispassionately and say whether they are moving with the times in regard to this measure. They should realise that by granting jagirs they would be creating a class of slaves and spies who would be obliged to suppress their true feelings and stoop to do undignified things with a view to help the Government.

The present conditions, not only of India or the Punjab but of the whole world, demand the strictest possible economy in all branches of administration, and the Punjab Government should think twice before incurring any new or unnecessary expenditure. I would, therefore, urge upon the Ministry that the first best thing would be to withdraw this Bill; the second best would be to circulate it for eliciting public opinion thereon by a certain date which my honourable friend Mian Nurullah has proposed. It may be one month or two months hence. But let the Government agree to the circulation of the Bill. As long as the war continues and more and more taxes are levied upon the public, no fresh measure requiring additional expenditure should be passed. At any rate no legislation of this nature should be taken in hand without eliciting public opinion with regard to it. If the Government is not prepared to withdraw this Bill, let it agree to the circulation motion at least.

There is yet another reason which prompts me to press for the circulation motion and it is this: About 20 or 30 honourable members belonging to the Opposition are absent from the House. Nay, about 40 of them are absent. It would be inexpedient to rush through such a measure without eliciting public opinion and without the full consultation of the Opposition.

[Mian Abdul Aziz.]

(*Minister of Finance*: But you sit here!). On the other hand, the Unionist Ministry may take it as a golden opportunity to pass this legislation in the absence of a large number of Opposition members. Let them not try to make hay while the sun shines. In fact it is mere moonshine. Our popular Ministers should not fall a prey to the temptation of doing whatever they like in the teeth of what we or the public say in this connection. Public finances are a sacred trust in their hands and they should not squander them away in order to please those jagirdars whose only function is to tell tales. The Unionist Ministry should not please their henchmen at the cost of the public. I have already quoted an Urdu saying in this connection, that is, *Halkai ke dukan nani ji ka fatiha*. It aptly applies to the present case of jagirs. The results of such an unfair distribution of public money would be disastrous and highly unwelcome to the Ministry itself.

With these words, Sir, I support the circulation motion.

Mr. Speaker: May I ask a question from the honourable member who has moved the Bill?

Mian Abdul Aziz: Neither the Minister nor his Parliamentary Secretary is present.

Mr. Speaker: I doubt whether the revenues assigned to jagirdars will be shown in the annual statement of estimated receipts and expenditure.

Mian Abdul Aziz: I think they will not be shown, Sir.

Raja Ghazanfar Ali Khan: They will be shown as short collections of land revenue.

Mr. Speaker: Will they be shown in the Budget?

Raja Ghazanfar Ali Khan: They will not be shown in the Budget.

Mr. Speaker: Then the Bill is *ultra vires* and I should rule it out of order. ('*Hear, hear*' from *Opposition benches*). Please read section 78 of the Government of India Act. All revenue receipts and expenditure must be shown in the Budget. If these revenue receipts are not shown on the income side, section 78 shall not be complied with.

Raja Ghazanfar Ali Khan: As this point has been suddenly sprung on the House, I would request you to let members proceed with the speech and in a very short time I will let you know what the position is. I will go through the section and after that I will express my opinion.

Mr. Speaker: Certainly.

Raja Ghazanfar Ali Khan: Let the debate proceed.

Mian Abdul Aziz: May I draw your attention to one point? Mian Muhammad Nurullah did point out in his speech that it was *ultra vires* and there was sufficient time with the honourable member opposite but up to this time no one has considered it. Will it not be waste of time of the House and public money to prolong the discussion?

Mr. Speaker: Let us give him a little time.

Mian Abdul Aziz: We will obey your orders but it is really strange that the Bill is introduced and no study has been made whether the Provincial Government can bring such measure legally.

Raja Ghazanfar Ali Khan : A certain section has been quoted by the Honourable Speaker which deserves very serious attention of the Government. I have, therefore, requested the Speaker to give me time to consider the matter. I will then state what the exact position is.

Mr. Speaker : If this Bill is inconsistent with section 78, the previous sanction of the Governor-General under section 108 of the Government of India Act will be necessary.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural), (*Urdu*): Sir, the Government wants to consolidate the various laws relating to jagirs into a single comprehensive law. In my opinion all laws relating to the grant of jagirs should be wiped off the statute book. (*Hear, hear from the Opposition benches*). Money saved by discontinuing the system of jagirs would be urgently needed for relieving the burden of the poverty-stricken agriculturists. At present about one crore of rupees are spent on jagirs.

Minister for Development : Question.

Captain Sodhi Harnam Singh : I do not assert that it is one crore. But the figure is approximately correct. The amount of jagirs granted in the Punjab comes up to one crore of rupees while the total land revenue is about five and a half crores. The actual figures may be slightly different but the difference will not be great. About one crore of rupees are spent in the form of jagirs, and the rest $4\frac{1}{2}$ crores of rupees go to the Government Treasury.

Mr. Speaker : Are not certain jagirs revenue free, that is revenue is not collected by the Government ; in other words, they are *Muafis* ?

Captain Sodhi Harnam Singh : My submission is that the land revenue amounts to $5\frac{1}{2}$ crores of rupees and one crore is spent on jagirs. These are approximate figures.

Mr. Speaker : Do the jagirdars realise it direct ?

Mian Abdul Aziz : No, Sir, the Government realise it for them.

Captain Sodhi Harnam Singh : I am a jagirdar myself and I realise it from the *lambardars* of the villages. There are two methods of receiving payment of jagirs. The first is one under which the jagirdar applies to the Government to permit him to receive it from the *lambardar* who collects the land revenue from the area in which he resides. Under the second method the jagirdar applies to the Government to allow him to draw his jagir from the treasury of the *tahsil* to which he belongs.

In the Punjab the total amount of jagirs granted to various persons is about one crore of rupees. The largest jagir is of $1\frac{1}{2}$ lakhs of rupees and there are many jagirdars who receive jagirs amounting to thousands of rupees. A jagir of a lakh of rupees was conferred on my family in 1848 and I have also inherited a portion of that jagir. There are many other families in the Punjab on whom such large jagirs have been conferred. I may mention here that if the Government were to bring forward a measure abolishing all such jagirs in the interest of the Government, people or the country, I would be the first person to support such a measure. I would be only too

[Capt. Sodhi Hardam Singh]

glad to give up all my claims to the jagir which I receive at present. Now let us see how far abolition of jagirs is beneficial for the people, the Government and the country. We know that in order to get jagirs people try to make their claims strong by rendering all sort of services to the Government. And it is a well-known fact that often they do things against their conscience in order to win the favour of the local officers. They become informers and many a time give wrong information to win credit in the eyes of the officers. They stoop so low as to do things which no self-respecting man would do. The biggest jagir which can be conferred on any person amounts to Rs. 250 a year. The second grade jagirs amount to Rs. 100 each. Now the person who becomes a jagirdar has to maintain a certain standard of respectability and on account of his raised status has also to entertain the officers who now and then come on a visit to his village.

Mian Abdul Aziz : Subject to correction, may I throw light on this point? As a matter of fact they are collected through revenue agencies, through tahsildars and revenue assistants.

Mr. Speaker : By whom are they received?

Mian Abdul Aziz : They are kept in the Government treasury along with the revenue and then according to the amount which is to be distributed amongst various people, they are given to those people who are their recipients.

Nawab Sir Shah Nawaz Khan : Sir, this Bill does not relate to the question whether jagirs should be abolished or kept in tact. The purpose of this Bill is to consolidate the law relating to jagirs which is at present scattered over various enactments and regulations. The question is not whether the jagirs should be abolished or maintained.

Mian Abdul Aziz (Urdu) : But there is the question of new jagirs also. Up to five thousand rupees they can create new jagirs.

Sardar Lal Singh : Please see clause 8 of the Bill. It says,—

“ Power of Provincial Government to create new jagirs.”

Mr. Speaker : I will invite the attention of honourable members to rule 86, which says:—

On the day on which any of the motions referred to in rule 84 is made or on any subsequent day to which the discussion thereof is postponed, the principle of the bill and its general provisions may be discussed but the details of the bill must not be discussed further than is necessary to explain its principle.

Now, the motion moved is that the Bill be referred to a select committee and this is one of those motions which are mentioned in rule 84. Consequently the discussion raised by the honourable member is not irrelevant.

Mian Muhammad Nurullah : On a point of order. May I know if jagirdars can discuss or vote on this matter?

Mr. Speaker : I will decide that point when the time for voting comes.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, may I explain why it is necessary to bring in this Bill? The real reason why I want to take the House into confidence is this, because I myself have had some doubt about the legal issues involved. The old jagirs already exist.

which we cannot touch under the Government of India Act. They are not shown in the budget. The present practice is that the jagirs are shown as short collection in the revenue and they do not appear separately in the budget. In the old system this practice has continued for a very large number of years. But we thought that in the future jagirs it would be advisable to take the House into confidence and they should know what the position is with regard to jagirs, because sometimes unnecessary doubts, and misgivings are expressed by members on the floor of the House and outside, that perhaps Government is using its powers for doing something surreptitious and giving away jagirs to undeserving persons. So far as the present Bill is concerned, we have taken the opportunity of bringing all the various jagirs into one Bill. There are different kinds of jagirs. There are jagirs which have come from Sikh rulers to the British Government and those jagirs stand on a separate footing. Then there are treaty and *sanad* jagirs which also are of old standing. Some are of the time of Moghals and others are of the time of Sikh regime. Then there are certain jagirs which were created in 1917, the new jagirs with an aggregate of five thousand rupees each year. They were initiated during the last war for the exceptional war services, either in the matter of war efforts or any other public service done by an individual. These jagirs have also been treated as short collections. We examined this matter and came to the conclusion that apart from old Sikh regime jagirs and old Moghal jagirs, those new jagirs which the Government has a right to confer should come before the House, in some suitable form with the budget itself. There should be some indication that the Government has granted a certain amount as jagirs during that year. In the present bill you will find with regard to these jagirs that we have restricted the amount to Rs. 5,000 a year, and we have not made any departure from the previous practice. The question as to the form in which jagirs should be shown in the accounts is a matter of detail. We will devise some method whereby they are shown in the budget itself on the expenditure side. I think the House will agree that it will be better to bring this item in conformity with our practice for other expenditure. That is the reason why for the last two years I have not sanctioned any jagirs, because I wanted to have this matter settled before granting further jagirs. The revised procedure will enable the House to keep in touch with what the Government is doing, so that there is no legitimate accusation against the Government of back-door methods and doing things behind the back of the House. I do not say the intention under the previous practice was anything except a matter of convenience that these jagirs be treated as short collections. If the Bill is passed, they will continue to be treated as short collections, but the House will have an opportunity of getting full information on the subject if they so desire. That is the main reason why this Bill has been brought forward. The old jagirs will be treated as a charge on the revenues of the province as they are charged now.

Sardar Lal Singh : The Honourable Premier has said something which is contradictory. On the one hand he says that these jagirs will be shown in the Budget, and on the other he says that he will show them as short collections. Short collections are not shown in the budget.

Premier : That is why we want to rectify the position.

Sardar Lal Singh : Let me finish. If they are short collections then they will not be shown in the budget just as other jagirs are not shown in the budget. The Government has got the right to alienate the revenues of the province and if they want to alienate the revenues, the first thing to be done is that the revenues should be credited to the province and must be shown as income. Is it going to be shown as income as has been stated in section 82 of the Government of India Act? The Governor should give his recommendation if this Bill is to be brought up in the Assembly. I wonder if this has been done.

Premier : Yes.

Sardar Lal Singh : Has the assent of the Governor been taken to introduce this Bill?

Premier : Yes, otherwise this Bill would not have been introduced if his assent were not taken.

Sardar Lal Singh : This is a Bill which creates a charge on the revenues of the province. Section 82 of the Government of India Act runs thus—

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, and a Bill making such provision shall not be introduced in a Legislative Council.

Premier : I quite understand it. I have told my honourable friend that it is with the assent of the Governor that it has been brought forward.

The point is quite simple. We want now to introduce this practice so far as new jagirs are concerned. As regards old jagirs we cannot do so. Under the Government of India Act, old assignments cannot be altered; it is laid down in the Act itself. It is only the new jagirs which I suspended during the last two years for the simple reason that I was not satisfied as to how they should be shown in the accounts.

Mr. Speaker : So far as section 78 of the Government of India Act goes when a revenue is assigned to a jagir, and is paid to the jagirdar after collection, it must be shown in the budget, otherwise the budget shall not be in order. Section 78 expressly lays down that receipts of revenue and expenditure must be shown in the budget. So, unless this is done the budget cannot be according to law.

Premier : I may refer to section 151. You will see that there is an exception.

Mr. Speaker : I have read it.

Premier : The Governor is to make rules to see—

Mr. Speaker : Can those rules override section 78 of the Government of India Act? The Governor might omit by rules the receipts or expenditure, but this must be shown in the budget.

Premier : It will be shown in the budget. The question is how it will be shown under the rules. The present practice is to show it as short collections. That is a thing which requires consideration, and that is why we have brought forward this Bill.

Mr. Speaker : Section 78 refers to receipts and expenditure from the operation of the new Government of India Act.

Premier : It merely says that the expenditure and revenue of the province must be shown. That is what section 78 says.

Mr. Speaker : Please read the section. It says—

The Governor shall in respect of every financial year cause to be laid before the Chamber or Chambers of the Legislature a statement of the estimated receipts and expenditure of the Province for that year.

The revenue you are spending must be shown. If this is not done the budget is not according to law.

Mian Muhammad Nurullah : May I point out that the Honourable Premier is labouring under a misunderstanding and is putting the cart before the horse? (*Laughter*). Clause 6 of the Bill says—

Subject to any rules made under section 151 of the Government of India Act, 1935, all sums so collected shall be brought to account at the local treasury or sub-treasury, but shall be shown therein as short collections.

This is a clause of that Bill, and if it becomes an Act your rules will not do. I therefore think that the objection that has been raised is quite valid.

Mr. Speaker : May I suggest that instead of proceeding with the Bill, we may postpone it till Friday and in the meantime expert legal opinion may be obtained by the Government?

Premier : Unfortunately my colleague the Minister for Revenue is ailing and I myself saw this case several months ago, in fact more than a year ago. I accept the suggestion that the matter may for the present be postponed, and I shall consult legal opinion in the meantime.

Mr. Speaker : Does the House agree that the Bill be postponed till legal opinion is obtained by Government as to its validity?

The Assembly agreed.

Mr. Speaker : In the meantime the House will deal with the remaining items on the agenda.

FISHERIES (AMENDMENT) BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): I beg to introduce the Punjab Fisheries (Amendment) Bill. I also move—

That the Punjab Fisheries (Amendment) Bill be taken into consideration at once.

The motion was carried.

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

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Minister for Development : I move—

That the Punjab Fisheries (Amendment) Bill be passed.

The motion was carried.

PUNJAB COURTS (AMENDMENT) BILL.

Minister for Finance (The Honourable Sir Manohar Lal) : I beg to introduce the Punjab Courts (Amendment) Bill. I also move—

That the Punjab Courts (Amendment) Bill be taken into consideration at once.

In commending this motion to the House I need only remind honourable members that the Bill is in exact accordance with the Bill as was moved by Lala Duni Chand, the member from Ambala. It is a brief measure and its object is to bring the law here into accord with the law as it stands in the rest of India. All honourable members would remember that in the Punjab when a question of custom or usage arises, no second appeal is possible to the High Court unless the district Judge is prepared to give a certificate that the question of law is of sufficient importance to be taken into consideration in second appeal. The object of the Bill is to remove that restriction. When this Bill is passed it will be possible for persons who think that the decision on the question of custom or usage is not proper to go up to the High Court in second appeal without the necessity of having to obtain any certificate. I hope this Bill would be acceptable to the whole House and if I may say so to the whole province. I have much pleasure in moving that the Bill be taken into consideration at once.

Mr. Speaker : The question is—

That the Punjab Courts (Amendment) Bill be taken into consideration at once.

The motion was carried.

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

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Minister for Finance : I beg to move—

That the Punjab Courts (Amendment) Bill be passed.

The motion was carried.

SIKH GURDWARAS (AMENDMENT) BILL.

Minister for Education (The Honourable Mian Abdul Haye) : I beg to introduce the Sikh Gurdwaras (Amendment) Bill. I also move—

That the Sikh Gurdwaras (Amendment) Bill be taken into consideration at once.

The object with which this measure has been brought before the House is clearly mentioned in the Statement of Objects and Reasons. It is proposed to amend section 75 of the Sikh Gurdwaras Act. Ever since 1925 when the Judicial Commission was appointed for the first time the words 'all expenses' used in section 75 of the Sikh Gurdwaras Act have been interpreted as 'net expenses'. Honourable members are aware that since the appointment of the Judicial Commission there has been some income on account of stamps and court-fees. We have been giving credit to the Sikh Gurdwara Parbandhak Committee for the income that has been received on account of the appointment of the commission. It has now been pointed out that the expression 'all expenses' does not mean net expenses, but gross expenses. Government consider it equitable that the previous practice should continue. It is therefore now proposed to substitute the expression 'net expenses' for 'all expenses' in section 75 of the act.

Mr. Speaker : The question is—

That the Sikh Gurdwaras (Amendment) Bill be taken into consideration at once.

The motion was carried.

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

The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is

That the title be the title of the Bill.

The motion was carried.

Minister for Education (The Honourable Mian Abdul Haye) : I move—

That the Sikh Gurdwaras (Amendment) Bill be passed.

The motion was carried.

GENERAL SALES TAX BILL.

Minister for Development (The Honourable Chaudhri Sir Chhoto Ram) : I beg to move—

That the Punjab General Sales Tax Bill as reported by the select committee be taken into consideration.

I have no comments to make because the only change that has been made by the select committee is in respect of the stages at which exemptions may be granted. In the case of sales of certain commodities it may be necessary that the stages at which exemptions may be granted are prescribed. That is the only change that has been made by the select committee.

Mr. Speaker : Motion moved is—

That the Punjab General Sales Tax Bill as reported by the select committee be taken into consideration.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I beg to move—

That the Punjab General Sales Tax Bill as reported by the select committee be circulated for eliciting opinion thereon by the 31st March, 1941.

Mr. Speaker, this is one of those black Bills with which we have become very familiar in this Assembly. In his note of dissent Sir William Roberts—one of the most important members of the Unionist Party—says : “ I consider this Bill much worse than the Property Tax Bill.” He finds in this Bill no constructive elements whatsoever. “ On the contrary ” again in the words of Sir William Roberts, a most important member of the Unionist Party : “ it will retard business and industrial development and tend to drive business out of the province.” These are words which merit the serious consideration of our Government, especially as the criticism comes from one of their own members, a member who is well versed in the trade and industry of the province.

Coming back to the history of the Bill I readily concede that this Bill is being brought in as a result of the recommendations of the Resources Committee. But I may point out that in framing this Bill and presenting it to this House in the form in which it has been done, the Ministry has gone entirely out of its way to ignore every recommendation of the Resources Committee. The Resources Committee had taken pains and given their time and thought to the consideration of this measure. I am sorry that the Finance Minister is now going out of the House. I wanted to put certain questions to him straightaway as to what he thinks of his report. Now

I will have to do so in his absence. I was saying that in framing this Bill and presenting it to this House in the form the Ministry has done—and this has been done in its collective responsibility—the Ministry has ignored every recommendation of the Resources Committee with respect to this measure. I will not take the time of the House in reading out all of those recommendations. I will quote only the relative portion and not the whole report. I am quoting from page 230. It says. —

In this province a more or less permanent structure of sale taxation which should have the minimum theoretical objections and practical difficulties would be a tax on retail sales of goods.

This is the recommendation of the Resources Committee presided over by no other a person than the Finance Minister himself who says that the best way of putting this taxation will be at the retail stage. In the Bill this very important recommendation has been entirely ignored and a tax is sought to be imposed on everything, on all sales, not once but a number of times over and again, in some cases coming up to eight or ten times and bringing the total tax to something like Rs. 2-8-0 or Rs. 3 on every sale of Rs. 100. This is my principal objection to this Bill.

The Trade Associations and others sought interviews with the Honourable Premier and the Development Minister. They sent telegrams seeking interviews in order to express their points of view. I have in my hand a copy of the telegram sent by eighteen different associations of Amritsar to the Premier and to the Development Minister seeking permission to interview them and to lay their views before them. But unfortunately that opportunity was denied to them. The Secretary of the Piecegoods Association told me the day before yesterday in Amritsar that he has now received a letter from the Personal Assistant to the Premier fixing the 5th of February as the date of interview. Now let us ponder over this for a moment. By that time the Bill will have become an Act. It will be passed by the Assembly. I am quite sure that as things are, although we shall oppose it, the Bill will be passed by to-morrow or the day after. The Honourable Premier has fixed the 5th of February as the date for these associations to come and have an interview with him and express their views on a Bill, which will have been already passed by the Assembly.

Premier : May I interrupt ? There may be no sense in fixing the 5th of February as the date for an interview with the Associations, but I did not anticipate that the Bill would be reached so soon, judging from the past experience. You can never be sure. So far as I am concerned, I received that letter on my return to Lahore on the 11th of January and therefore it was impossible for me to give a reply earlier, because I was not in Lahore. This letter was brought to my notice among a pile of other correspondence which had accumulated and I at once asked them to come and see me at the earliest possible date. The 5th of February was the only date, it was the earliest possible free date and therefore that reply was sent to them. It was impossible for me to give any other date because there was no other free date. That was the real reason and it was not with a view to evading anything because I had received their written statement which enumerates all the points.

Sardar Sahib Sardar Santokh Singh : But my point is, where is the sense of fixing the 5th of February if the Bill is to be passed in the mean-

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time? Let me remind the Honourable Premier that the telegram reached him when he was here. The telegram is dated the 9th December and he sent an interim reply to that Association telling them that as far as the Urban Property Tax was concerned the Bill had already been passed, and so far as the Sales Bill was concerned, he would give them time to see him. And now he gives them the 5th of February by which time this Bill will have been already passed.

Premier : Surely my honourable friend will agree with me that I could not have given a date when I was in Egypt. I received the message on the 9th December and I left for Egypt on the 14th. Surely I could not have given a date while I was in the Western Desert.

Sardar Sahib Sardar Santokh Singh : The Development Minister was most concerned. He was acting as Premier during the Premier's absence, and he never gave a reply.

Premier : He probably thought that since I was corresponding it was not for him to do so.

Sardar Sahib Sardar Santokh Singh : Any way the Association had sent telegrams both to the Premier and the Development Minister and a copy was sent to me. This is the position. Now before the 5th February the Bill will become an Act. What I was saying was that the chief recommendation of the Resources and Retrenchment Committee was that it should be a "tax on retail sales of goods (as distinct from a wholesales tax or turnover tax) at a flat (not graduated) rate applicable throughout the province (and not only in towns), with a low level of exemption based on the quantity (and not class) of sales". This was the principal recommendation of the Resources and Retrenchment Committee and I now put it to the Development Minister whether he made any further enquiries in regard to this matter, whether he made himself familiar with the trade conditions as they exist in this province before setting at naught the very important recommendation of that Committee in arriving at which the Committee had given a lot of time and thought. This is the first question that I would put to the Development Minister. The Resources and Retrenchment Committee goes on further to say :

We do not think, however, that it would be desirable to introduce the full system at once. We suggest for immediate adoption an alternative form of sales taxation which we consider will be administratively simpler, more convenient and less harassing to the tax-payer, easier of collection, and fairly productive, and the operation of which will at the same time provide the necessary experience and familiarity with the organisation of trade to facilitate an advance to the full system of *ad valorem* taxation recommended above — a general sales license tax.

This is a very reasonable proposition indeed, start with a small beginning, make yourself familiar with the trade and industrial conditions in the province and then go ahead according to the circumstances in which you find yourself then. Then further on :

The tax should be leviable on the sale of all commodities and on all dealers whether wholesale dealers or retail dealers.

This is the second recommendation.

Every shopkeeper, trader, merchant or dealer, indeed every seller of commodities, whose gross yearly proceeds of sales are Rs. 5,000 or more, should be required to take out an annual license on payment of a fee.....

We consider that such a fee may be introduced without involving undue disturbance of the smooth course of trade, or any appreciable burden on the consumer, in these days of relatively low prices.

They recommend a flat rate and they also fix the rates. Up to five thousand rupees they do not levy any tax. From Rs. 5,000 to Rs. 10,000 they fix Rs. 10 per annum and the maximum rate they recommend on sales of Rs. 1,00,000 or more is Rs. 200 per annum. If this tax was to be imposed at all, although I do not agree with the necessity of imposing it, it was very reasonable of the Resources Committee to have gone thoroughly into the various aspects of the matter and to recommend a fixed fee which they tell us is one which they consider could be introduced without involving undue disturbance of the smooth course of trade, or any appreciable burden on the consumer, in these days of relatively low prices. This is the recommendation of your own committee. Now what have you done? You set this recommendation entirely at naught, bring in utterly new proposals without making any enquiry whatsoever into the matter and fix your taxation as high as annas 4 per Rs. 100 regardless of the number of times that a commodity changes hands.

Coming again to Sir William Roberts' note of dissent, he has shown how a commodity like cotton will have to pay this tax eight times over, and every time at annas 4 per cent, and in doing so he has not included any hand changes that take place between the various speculators and the merchants, when goods are in their hands. He has included only those minimum processes which are natural, through which a commodity must pass before it reaches the manufacturer and through him to the wholesaler and to the retail seller and consumer. Now I ask in all seriousness whether the Development Minister thinks that any industry, any trade, in the province, can be saddled with such an unreasonable tax as Rs. 2 or Rs. 2-8-0 per cent, not on the profits, but on the amount of sales regardless of the profits or losses that a man might make. When a legislation of this far-reaching character is introduced, and is brought up before the Assembly, for consideration in its second stage, people from all over the province send you letters, send you telegrams asking you, requesting you to give them opportunities to see you, so that they might put their view point before the Government, no action whatsoever is taken to hear their view point and discuss matters with them. The Development Minister in his exclusive wisdom thinks that the Report of the Resources Committee is entirely wrong. I do not know if Sir Manohar Lal holds to-day the same views that he held when making this report or whether he is also a convert to the theory of Sir Chhotu Ram. This will be a most interesting question and I do expect Sir Manohar Lal to enlighten us at least for once what his ideas and what his opinions in a matter of this importance are, especially as he gave a good deal of his time and consideration and thought to this question. I believe this committee had been working for more than 1½ or 2 years and it has presented a very comprehensive report and what has been the result? The report made by such an important committee presided over by no other person than the Finance Minister himself has been set aside simply by an arm-chair critic, sitting in his office and who, if I may be permitted to say so, knows little about trade and industry and who has not cared to consult those who are in the best position to advise him. Little does the ministry realise that most of

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the traders make a turn over of more than a lakh a day and yet their profit in the transaction is next to nothing. It may be that in piece-goods they simply gain the outer iron hoops and in gunny bales trade the ropes that bind the bales. In several cases they actually lose money. But if they are to continue business in this province they must pay Rs. 250 on every transaction of one lakh of rupees, whether they make a profit or a loss. I would ask the Development Minister in all seriousness whether he has given his serious consideration or thought to this aspect of the matter. Does he or does he not know that there are hundreds of mandis in this province which are in the jurisdiction of the native states? He ought to know that almost around every big city there are Indian State markets and if as we all know there are no such taxes to be paid in those mandis, what guarantee is there that those people who presently reside and carry on business in the British mandis, will not migrate to those State mandis at small distances from their present offices, and carry on their business there? This is but natural and I ask in all seriousness whether any attention has been paid to this aspect of the question. My honourable friend further knows or ought to know that there are certain commodities which are governed by world prices, for instance, wheat and cotton. It may be that for the last few years there has not been much export of wheat. Nevertheless, the prices are governed by world prices. How does he expect that a merchant in a British mandi who has got to pay a tax of Rs. 2 on every sale of Rs. 100 will be in a position to compete with those who live and carry on their business in native states and who have not to pay any such tax? Two rupees per hundred may not appear to be a very big sum, to our zamindar friends, knowing little, as they do of Arithmetic, but to a businessman, I tell you, that even decimal ten pie matters. I tell you that just for a margin of three pies per maund a merchant will risk sending goods to, or getting the same from even Andaman. That is the position of a businessman. But unfortunately there is no proper understanding of these matters. Government do not understand these things and they do not try to go into these matters carefully for themselves to find out what the situation is, and still they arbitrarily sitting in their offices set aside the recommendations of their own committees. I asked my honourable friend, the Minister for Development, in the select committee whether he had made any enquiry with a view to set aside the recommendations of the Resources and Retrenchment Committee which was for a maximum flat rate of tax of Rs. 200, and I perfectly well remember my honourable friend telling me that he had made no such enquiry. What are we to understand from that? We have these Acts in some other provinces too. In the provinces of Assam and Bombay we have such Acts confined only to a few articles of luxury, and still they impose the tax at the retail stage and only once. In support, I may quote again from the Resources Committee's Report. A note on page 230 of the Resources Committee's Report says :—

In contrast the Assam Sales Tax on luxury commodities and the sales tax in Bombay on manufactured cloth, etc., are to be levied once — the former at the retail stage, the latter at one stage or the other between production and consumption.

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

Now in these two provinces it was thought necessary that in the first instance these acts be confined only to a few commodities and even then it was definitely ruled that the tax will be imposed only at one stage. As things are in those provinces people are in a state of stability. They know for themselves where they stand. But here if this Bill is allowed to be passed in its present form, there will be absolutely no stability. The traders will be in a fix. They will not know how many times they will have to pay the same tax over again. It may be that in some cases it might go up to Rs. 4 on every sale of Rs. 100. Now in all earnestness I will appeal to the Development Minister whether he thinks that any trade or any industry can be so much taxed especially as every market is surrounded by state markets where no such tax is levied. I said in my minute of dissent that the piece goods market of Amritsar, which it has taken dealers centuries to build, will in no time shift to Delhi. Let me tell my friends that markets of Amritsar and Delhi are only distributing centres. They do not stock their goods for local sales only. What they do is that they get these goods for distribution to the various small markets in the Punjab and Amritsar is the foremost market in the province for this purpose so far as piece goods are concerned. Now what will happen? Why should people pay all these taxes in Amritsar? Why not go over to Delhi? There is no such tax at Delhi and some of the traders already have their shops there where they can go and distribute these goods without paying any tax? Is it your intention really to drive out trade and industry from the province? Or do you think that trade and industry leaves such a margin as to be able to pay a tax of two or three rupees on a sale of every hundred rupees? Let us not forget that this is not the only tax that these people have to pay. They have got to pay on their profits income tax, super tax, surcharge and excess profits tax lately introduced. We have seen from the figures that were very recently quoted by me in this House, which were first refuted by Government and the correctness of which was afterwards admitted, that the income tax within the last three years has gone down from 1,23 lakhs to something like 68 lakhs. This shows the state of trade and industry this province is in at the present moment and still you are bringing in one taxation measure after another and putting this taxation which no trade or industry in the world can stand. This is a matter which should not be brushed aside or ignored. You must give it your very serious thought and consideration. The Government if it has the best interest of the province at heart leaving for a moment their special agriculturists interests if they have the interests of the province and the welfare of the province as a whole at heart, they should not proceed so recklessly with a measure of this importance without even circulating the measure, without even inviting opinion of the public. The Development Minister must have seen, that day in and day out, he has been receiving representations from the various trades stating the difficulties that the trade is in. For myself I have received many copies of these representations that have been made to the Ministry by individuals, associations and traders. What do they all say? They all say that the trade is already very much hard hit, the trade is not in a position to pay this crushing taxation and the only effect of it if you persist with this measure in this reckless manner will be again as stated by Sir William Roberts, that you will be driving trade and industry out of the province. I fully agree

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with what he has stated. I have quoted some clauses from the Bombay and Assam Acts to show how this matter has been dealt with by those Governments. In the case of Bombay clause 3 very clearly lays down that—

There shall be levied and collected a tax on the sale of any kind of goods specified in the schedule at such stage between their manufacture, production or import, as the case may be and their consumption, as may be prescribed, provided that such tax shall not be levied on the sale of any goods at more than one stage; provided further that such tax shall not be levied on the sale of any goods by a manufacturer producer or importer except on retail sale of such goods.

This is the most important provision of the Bombay Act in regard to this taxation measure. I now ask whether this province is richer than Bombay or whether trade and industry in this province are in a more prosperous condition than Bombay to warrant this exorbitant taxation of Rs. 2-8-0 or Rs. 3 on sales of every hundred rupees, besides the other taxes that Government have already imposed ?

The Government will tell me probably that this Bill has been bodily copied from the Madras Act. I concede that. But has
 3 p. m. the Government ever cared to enquire, how this Act is working in Madras ? Has the Government ever compared the conditions prevailing in Madras with the conditions prevailing here ? Is the competition really so great in Madras as it is in this province ? These are the things for a business expert to tell. Did the Government send any representative to find out exactly the conditions prevailing in other provinces and how things are going on there ? I think it is incumbent upon the Government, before they decide to throw overboard the recommendations of the Resources and Retrenchment Committee, in regard to the maximum tax of Rs. 200 per annum on the amount of sales of Rs. 1,00,000 and more to at least make themselves sure and find out how this tax will affect the trade and industry of this province. I ask the Government whether they have made any such enquiries. I think not. Has the Government ever cared to find out how the Madras Act is actually working. It is known to everybody that the Madras Government originally imposed a tax of annas eight per hundred rupees, that is, on sales of every hundred rupees. After the Governor took over charge of the Government, he reduced the tax from annas eight to annas four. That is what we know from the official papers. We have got no experience of the actual working of the Madras Act. In Bombay and the Central Provinces only a few articles of luxury come under this tax, and not others. But here the Government has included all the commodities and all the articles within the purview of this Bill. In this Bill the Government has included all those commodities also which will have to pay a separate tax under the Produce Markets Act as well. When cotton is brought into the market, a tax on it will have to be paid under the Produce Markets Act and so unwisely the Government has allowed the marketing committees to impose a tax up to annas four for a maund. Government will have to face the consequences of this. If any committee was such a fool as to impose a tax of annas four per maund on commodities brought to the markets, they should understand what the consequences of such a tax will be. The General Sales Tax Bill will also be operative on those very commodities.

Has the Government ever tried to find out whether there is a Marketing Act in Madras? I know there is not except in a very limited sense. Has the Government ever tried to find out whether there is any Urban Property Tax in Madras? I know it for a fact that there is not. Has the Government ever realized that the same section of the people will have to pay Urban Property Tax and the same section also the General Sales Tax? How can you expect these persons to go on paying all these taxes which they have got to pay and still live? By this measure and in the form in which it is placed before the House, the Government will make the living of the commercial classes in this province absolutely impossible. I know it for a fact that no trader can pay such a heavy tax. Has the Government ever enquired what the average profits of a trader are in this province? Has the Government ever taken statistics from the Insolvency Courts to find out in what position an urban trader actually is? Is he really in a position to pay all these taxes? Has the Government ever cared to find out from the registrars or the sub-registrar's offices, how much property of a shopkeeper or a trader is generally mortgaged? Government will be disillusioned if it ever makes such enquiries. If the Government does not take my words as gospel truth, it can make enquiries through its own officers, and find out from them what the condition of trade and industry in this province is? Then the Government will be able to understand how far it is justified in imposing this tax, which in its wisdom is going to impose. I cannot persuade myself to believe that there is any necessity for a measure of this kind. The Government has not cared to find out whether the trade in this province is in a position to pay this tax, which the Government in its wisdom is thinking fit to impose. The Government may say that they are taking power under the rules, to prescribe the points in the series of sales by successive dealers at which any goods or class or description of goods may be so exempted, and that they will exclude some of the stages from the payment of this tax. But let me tell the Government that we business people have absolutely no faith in their rule-making power. Any exemptions that are to be given should be incorporated in the Bill itself. I would ask the Government, why they have not levied this tax at a flat rate. A trader may be doing business of lakhs of rupees, but it does not mean that he is earning lakhs of rupees. Anybody who knows something of the trade and industry of this province, will agree with me that the business of one lakh of rupees brings only a very small profit if at all. The turn over may be very large, but the profit is infinitesimal. It is our duty to put before the Government the view point of the traders, the exact situation as it exists today in the province. As I have already said, if the Government do not believe the traders, they should make independent enquiries to make sure of the trade of this province is in a position to pay this tax.

In what manner does this province differ from the other provinces? I have pointed out already that the same commodities will have to pay this tax over and over again, and my friends who were today thumping the tables are the people who will themselves be the losers by the payment of this tax. Who is going to pay this tax after all? Do you think that middlemen will keep on paying? Their trade will fail if they do so. Let me tell them frankly that the burden will fall either upon the grower or upon the

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consumer. It cannot fall on the middlemen. The middleman is not in a position to bear this tax and the middle man will have every time to add this taxation to his original cost. The difficulty in his case will be that for him there will be no stability and he will not know where he stands. If Government had put up a flat rate, however high it might have been, their expenses on collections would have been very much saved but, as it is, you will be employing a number of sub-inspectors, a number of inspectors and a number of high officers drawing princely salaries which might cost you one-fourth or more of the amount of the tax so collected. Is it necessary that you should patronise these people and is it necessary that you must appoint so many of them just to crush the trade? Why not, as the Resources and Retrenchment Committee suggested, impose a flat rate of taxation? Let your tahsil agencies make those collections without incurring further extra expenses and without creating special departments which now you will be compelled to do under the present circumstances. Add then, again, in these services will come the question of proportion of Hindus, Muhammadans, Christians, Sikhs, agriculturists and non-agriculturists. These officials will not be business men. They may be absolutely unaware of the a. b. c. of business but still they will be thrust over the heads of the merchants to advise them in the matter of those market committees and collections of those taxes. This is the position to which the Government are reducing this province in the matter of its trade, and industry. I have told you, by quoting facts and figures, that the trade and industry in the province has already gone down very much. I cannot do better than quote to you from the income-tax figures that the income-tax revenue has gone down by fifty lakhs of rupees in the last three years. Every body knows that the Income Tax Department is a very competent department. There is no escape from them for anybody. They go to the root of everything. Some of the Government officials may be knowing to their cost the extent to which this department goes and when it is proved by facts and figures that the income of this Income Tax Department within these three years has gone down by fifty lakhs, it must provide food even for your reflection, for the Government to think as to where they are taking the province to by passing one taxation measure after the other. It is very easy for the Government to say, "We shall not listen, we have our majority and we shall go on with these measures and will pass them as we like without caring to know what the opinions of those in trade and people outside are". Those people approached you, they made request for interviews but to no avail. Let me assure you that this will lead you nowhere, and will bring business anarchy in the province. The business will be entirely dislocated. It has already been partially dislocated and it will be entirely dislocated by this further taxation. The Government must make up his mind once for all as to how much money they want to raise, without dislocating trade as a result of this measure. If they make enquiries they will feel satisfied, and I hope even the Honourable Minister of Development, if he is an impartial man, will feel satisfied, that the trade is not in a position to bear this burden.

I will not go into the details of this Bill because I am confining myself only to the circulation motion. I would say that it is as much in the

interest of the Government itself as it is in the interest of the business people of the province that this matter must thoroughly be thrashed. If the Government need money, we do not grudge it. Let them raise money by all reasonable taxations. That they have been unreasonable in their taxation policy lately admits of no doubt but they should not keep on making one blunder after another. There is time within which certain things can be retrieved. Time may come when it will be too late for even the Government to retrieve the position, if mills, factories and industries are shifted from this province to either mandis situated in Indian States or to the neighbouring provinces. Such a result will be as much to the detriment of the Government as it will be to the detriment of the commercial community. After all things are clear enough for those who do wish to understand, but if there are people who have eyes but still do not see, then no one on earth can open their eyes. The commodity prices, as I have pointed out before, are governed by the world prices. Naturally everybody will take his goods for sale either to any market in the United Provinces, for example, Meerut, Saharanpur, etc., or to State markets where no such tax is to be paid. And how does the Government expect the traders in British mandis to compete with those living in the neighbouring state mandis who have not to pay all those taxes which people in this province have got to pay? After all the people cannot work miracles. They must have the capacity to pay. This taxation is most unreasonable and most absurd. Nothing will be lost if the Government were to circulate this measure for a period of two months. My proposal is that this measure be circulated for eliciting public opinion thereon by the 31st of March. Will the heavens fall if the passing of this measure were delayed say by two months? The Honourable Premier, on his return from abroad, has been, in his public speeches, saying that we must call a truce over our political differences. Very well, now will he care—I see he is not here just now—I should ask the Honourable Minister of Development, whether he would care to see that they make a beginning in the required direction themselves by calling a halt to this contentious legislation which is causing so much friction in the province. After all what is the period of two months? I am not asking for six months, I am asking for only two months. Why are you making such a hurry? For the Marketing Act you called a special session and notwithstanding the best efforts, you have not been able to introduce this measure yet. Two years have passed, what would the Government lose if they were to postpone this measure for another two months? Do circulate it and try to get the opinions of the business community. Try to find out if the grievances that they are giving expression to are *bona fide* or not. Act on them, if you feel satisfied. Your majority is not going to be reduced within two months. Act on their suggestion if you find it right and ignore their voice if you find that they are in the wrong. May I hope that my appeal will not go in vain? You have not cared for the recommendations of your own committee which had some experts on it. I am sorry the Finance Minister is not here but I did want to know from him whether today he thinks in the same strain as he did when he made these recommendations or whether he is also changed. Unfortunately for us, the Honourable Minister of Finance, whose sole business it should have been to sponsor this taxation measure is not doing it. I do not know what the reasons are. Possibly he differs from the other Ministers

[S. S. Sirdar Santokh Singh.]

and has not the same enthusiasm for this legislation. He could have gone more deeply into these business matters than what our Minister of Development is able to do, especially when there is no love lost between the latter and the traders of this province. But, in the interest of the Government itself, leaving alone the trader, it was his bounden duty to find out exactly by interviews with these people as to what the position was. He would have lost nothing by this. The people were prepared to come to him and acquaint him with the state of affairs but even if he had to go to them for gaining knowledge, for finding out how he could develop industry and trade, it would have been in the fitness of things and he would not have lost anything by adopting that procedure. Let us see how exactly the Government of India is acting in these matters. The question of war insurance arose. The Commerce Member ran from Simla and Delhi to Bombay and Karachi. He consulted the business community and arrived at decisions which were acceptable to all concerned. I wish that this Government took a leaf out of the book of the Government of India and behaved in the manner which one does expect of any Government which has the interests of all classes, all communities and everybody at heart and not of only one particular class. In this particular matter, I repeat that if this Bill were passed in its present form, the agriculturists will perhaps be losing more than the urban people. After all where is the sum of Rs. 2 to 3 per hundred to come from? It must come from somebody. If Government properly understood the position, they would not insist upon imposing this taxation in the form in which they are doing. Have a flat rate and do away with this strife. Other provinces have not gone so wholehog as this Government has done. They have imposed taxation only on two or three commodities and those commodities which are considered to be luxuries. And here without knowing and without caring to know the position, Government come forward and insist that they will tax all stages of sales. It is a most dangerous idea. I warn the Government and if they do not take timely warning, all trade and industry is bound to go out of this province. The fault will be theirs and theirs alone. With these words I move that the Bill be circulated for eliciting public opinion by the 31st March, 1941.

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

That the Punjab General Sales Tax Bill as reported by the select committee be circulated for eliciting opinion thereon by the 31st March, 1941.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural): Sir, before I come to the main motion, I would like to comment on the astounding state of affairs which has been revealed on the floor of the House just about an hour ago. Here is a Bill by means of which the whole province is going to be taxed. Every little shopkeeper that sits in a village or a town is going to be taxed and a lot of money is going to be raised. When a telegram is sent by a member of commercial institutions or business organisations asking for interview with one of the Ministers, no time is given for one whole month to listen to what they have to say. I do not think there is any province in this country whose affairs are so badly managed. A Minister cannot stand upon his legs, and his business somehow or other is being carried on by others. Another Minister flies to Egypt without telling us

where he is going and when he is going. There are important measures on the anvil of this House and they are hanging on the people of the whole province, but nobody can be found to listen to what the public have to say. I say, there is something rotten about the State of Denmark. In a province like this it is well to say.

گر زمین ملک است و این
کا طفلان تمام خوار شد

The zamindar Ministers and zamindar members—I am a zamindar myself—lay all their hopes upon this one catch phrase that we are for zamindars and we are going to burden non-zamindars with taxes. There can be some good even in this phrase if they were to lighten the burden of one and put a part of this—as they profess to do according to the statement of objects and reasons—on the shoulders of the other. There would be ample justification and I would heartily support such a motion if that were going to happen. We have been crying hoarse on the floor of this House asking them as to how they are going to spend all this money and we also asked them to please fulfil all their promises and particularly the foremost promise that they made when they came into office when they issued such a long declaration saying that they would remove all the troubles of zamindars and lighten their burden and make their life worth living. That is not at all being done. Economically also if the agriculturists were to be profited, the non-agriculturists will automatically be profited, because economically zamindars and non-zamindars are counter parts. If one profits, the other, however indirectly it may be—also profits ultimately. If the zamindar is prosperous, the non-zamindar will also derive the same benefit from that prosperity. But if none is going to get any benefit, then as they say in Punjabi :

مے پئے مہ چرموان نہ مہان دے پئے نہ پیر دے پئے

Bills like these benefit nobody. Coffers of the State are going to be filled. Well and good. But what is the State doing? The State is making the administration more top heavy than before and this is what we object to. We do not support measures like these on this score. What can be the aim of taxation measures? A taxation measure becomes necessary when there is an impending expenditure and to raise money for that expenditure they come to the Assembly and say, 'we want money for this purpose and let us raise it in this manner'. There is no expenditure. The Finance Minister every year, when he presents the budget always says—and even this year I hope he will say—'ours is a surplus budget'. If sometimes it shows a deficit, it comes on the top next year. With these surplus budgets and no impending expenditure, what is the need of measures like this, especially when they are not going to benefit any part of the province. There must be some impending expenditure, or, as the Resources and Retrenchment Committee has stated, they must raise money to give relief to a part of the people. No relief is being given. If there is any relief, the Honourable Minister can get up and enlighten us. The recent debt legislation is not properly speaking a relief. Money has been taken from the pocket of one man and paid to the other. The moneylender has been made to divest himself of whatever he had and some thriftless people, who could not pay their debts have been pleased. This is not how the morale of the province

[S. Lal Singh.]

should be raised by cancellation of debts of people. People should be self-supporting and self-respecting and their standard of life should be raised. They should feel that this is their Government and that they have a say in the matter. So far we have not seen a single instance where the voice of the people has been heard. Not a single pie of the revenue of the zamindars has been reduced, nor any promise made nor any commitment made on the floor of the House that any part of the revenue will ever be reduced. In fact in answer to some questions they have deliberately avoided saying that the revenue will ever be reduced or that the burden of zamindars will ever be reduced. That being the state of affairs, will it be justified for any zamindar to give his support to such measures which are going to give relief to nobody and which displease everybody ?

Another small point I should make is this that apart from the merits of this taxation whether the business people are able to pay or not, in these Bills a complex system is being introduced of licences as to how people are going to be allowed to enter certain doors and how petty officials will have the power to persecute them if they fail to obey some of these little rules that they are going to frame. There is introduction of licence again in this Bill. I submit that apart from the merits of the Bill, the practice of introducing such pinpricks is highly unpopular. For a man to renew his gun licence he has got to go to the treasury, get the chalan, next he has to go to the bank to pay the money and waste 15 minutes or half an hour according to his influence or lack of influence. He has to go to the treasury with his application. That takes about two or three hours. Now in a civilised country if these little matters are going to be made complex like this I think the people will turn mad. I submit that simplification should be the rule. With these words I support the motion made by Sardar Sahib Santokh Singh that this Bill should be circulated for eliciting opinion thereon.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*):
Mr. Deputy Speaker, I fail to understand the opposition to this Bill which seeks to impose just a nominal tax on the sale of goods. If this small tax on the sale of goods is given to the Government by way of tax, it would be able to augment its beneficent activities and thus the whole of the province will stand to gain. My submission is that it is not at all a harsh measure and the poor people are not going to be burdened with any tax. It has been provided that no tax will be levied on a turnover of less than Rs. 5,000. The turnover of a poor man or a petty shopkeeper cannot be expected to exceed Rs. 5,000. Thus they will not be touched. Even the bigger shopkeepers will not have to pay any considerable sum inasmuch as a person with a turnover between Rs. 5,000 to Rs. 10,000 will have to pay only Rs. 10 a year, which undoubtedly is a very small sum. But these small contributions will increase the income of the Government to an appreciable extent and at the same time this Bill will provide work for many young men, who are at present without any employment and will thus be instrumental in removing the curse of unemployment.

This Assembly has now been in existence for four years and it is at this stage that the Honourable Minister of Development has introduced this

measure. I wish it had been introduced in the very first year of their regime. Again my submission is that these taxes alone would not do. Besides these taxes on property and sales, we must tax the contractors who are amassing fortunes without contributing a single pie to the provincial exchequer. Similarly we can levy a tax on the professions. It is a well-known fact that people in certain professions make lots of money without paying any proportionate taxes to the Government. The same is the case with those who buy a certain bungalow or a plot of land and after a few months sell it at double the price paid for it. There are many other sources of such income which can be easily tapped. I would, therefore, request the Honourable Minister to get this and other similar measures enacted during this session so that people may not say that the Chaudhri Sahib can only make fine speeches but has not the power or will to put them into practice. He should act up to his utterances and try to accelerate the machinery of the Government so that the burden on the zamindars may be lessened and there may be an equitable distribution of the burden of taxation among the various sections of the population. I do not see any harshness in this measure. If I can purchase for my use a piece of cloth worth Rs. 10 I can very well afford to pay another four annas even if the contention that the burden will be shifted on to the consumers be accepted as correct. The well-to-do people, who are the only consumers of luxuries, can very well bear this burden and they should not grudge this income to the Government, because it will be utilized for the benefit of the poorer classes.

Moreover the rate of tax proposed in this measure is by no means high. In England people have to pay as much as 16 or 17 shillings in a pound by way of income-tax and are left with 3 or 4 shillings only. I may add that the only way to check the tide of socialism and communism is for the rich to realize that the poor section of the population also has a right to exist. If they do not realize even this much the socialistic ideas are sure to gain ground in the province. I would, therefore, request those honourable members who are opposing this measure to give up their opposition and let the Bill be passed without unnecessary loss of time so that the Government may be in a position to enhance their beneficent activities and thus the tide of socialism may be checked effectively. With these words I support the motion for the consideration of the Bill and oppose the circulation motion moved by the opposition.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, it would have been better if the Government had made its intentions and view-point with regard to this Bill absolutely clear and placed all its cards on the table. As it is we have only had an inkling from the speech of the Honourable Minister of Development, who has not taken the trouble to tell us as to how the proceeds of the tax will be utilised and what is the programme of the Government in this connection. Had he thrown some light on these questions, we would have been in a better position to express our views on this measure. Anyway, let us consider this measure as it is. If we look at it from the economic point of view we are faced with the fear lest the burden should eventually be passed on to the zamindars. We are, therefore, really afraid that the measure will hit not the merchants and shopkeepers but the growers and producers. If we study the minutes of dissent appended to the report of the select committee we find that one

[Mian Mohd. Nurullah.]

of them is from Sir William Roberts, a very important member of the Unionist Party. He is an expert on the question and besides being a big zamindar he has been the Principal of a college, and has also worked as a professor. He can be expected to look after the interests of all sections of the population and as such his opinion deserves careful consideration. It is clear from his note of dissent that the burden will ultimately fall on the zamindars. The sahlukars, banias and merchants are clever people and they will not pay this tax from their own pockets. They have not opened their shops to pay such taxes out of their profits and therefore they will certainly shift the burden on to the growers. Sir William has told us in clear words how much burden will fall on the sales of cotton and in what manner. The Government says that the sale of cotton by a zamindar is not going to be taxed. But this is a mere eye-wash, because although apparently the zamindars will not have to pay the tax on such sales, yet the merchants will pay lower prices for cotton and thus indirectly the tax will have to be paid by us. Sir William Roberts tells us that in the case of a commodity like cotton the tax would apparently be collected from eight agencies, i.e., —

1. The village shop-keeper,
2. the mandi merchant,
3. the factory owner,
4. the merchant, if his office is in the Punjab,
5. the yarn merchant,
6. the cloth merchant,
7. wholesaler,
8. retailer.

Assuming the rate of cotton to be Rs. 6 per maund and the tax realized from every agency to be annas 4, the total tax paid would amount to Rs. 2. Now if the world prices do not rise wherefrom would the dealers pay this amount? Naturally they will pass the burden on to us and instead of Rs. 6 we will receive only Rs. 4 or at the most Rs. 4-4-0. The ignorant zamindars will take it as the will of God Almighty, although the real reason will be something else. My submission is that the Government should have followed the Bombay Act where it is laid down in section 8 that the tax is to be levied only at one stage for each commodity. In that case the question would have been only to pay the tax once and be done with it. But now the zamindars will have to sustain a great loss on account of the successive taxes without knowing it. May I know whether the Government have taken any steps to raise the prices of cotton? Have they represented to the Government of India to adjust the prices of cotton at Bombay in such a manner as to save the Punjab growers from unnecessary loss? Sir, we have to pay a large amount by way of railway freight and thus cannot compete successfully with Bombay. It is just like the coke from Bengal which is available there at Rs. 4 per ton and by the time it reaches here its price goes up to Rs. 20 or Rs. 22 per ton. This means that we burn not coke but the railway freight. The Government has not devised any scheme to raise the prices of agricultural commodities. During the last Great War, the prices had gone up and the zamindars were benefited.

to a great extent. This time too they expected that the war would raise the prices and they would become better off. But unfortunately the case happens to be quite the reverse. The prices have fallen and those who had deferred the sale of their produce in the hope of better prices have suffered a great loss. I have myself lost thousands in this manner. This is not the case with cotton alone. Even *gaur* which fetched very good prices before the sugarcane crop was harvested, is selling very cheap now. Whereas sugarcane used to be sold only last year at the rate of annas seven per maund, now is being sold at annas 4 per maund, and thus the zamindars are almost ruined. If the Government were to make enquiries it would be found that the prices of sugarcane, cotton, wheat and all other agricultural commodities have fallen considerably. Of course wheat is selling at Rs. 3-4-0 per maund and is thus paying its way, but other commodities do not yield even the cost of cultivation. If the measure under consideration were such as to convince the zamindars that the whole burden will fall on dealers and the zamindars will not have to pay anything, we would have welcomed it. Even if we were sure of half the burden definitely falling on others we would have been satisfied. But unfortunately that is not the case. My honourable friend Captain Sodhi Harnam Singh's simple statement that this measure will ease the situation created by unemployment can satisfy no one. We have a very bitter experience about the recommendations of the Land Revenue Committee and the Unemployment Committee. We also know that any jobs that are created do not go to the deserving poor people. They are the monopoly of the favourites and relatives of the members and their friends. When these jobs are released for the poor, I shall be only too glad to support the contention of my honourable friend. But for the present, the Government is going on the same old ruts.

I wish that the Government had paid some attention to a scheme presented by me a good many years ago. When in the year 1919—1922, we had enough money on account of good prices, the Government could get some of it for starting new industries as well as developing the existing ones, with the result of adding a few crores of rupees to the provincial exchequer and we zamindars would have benefited too, because you could utilize the profit from such industries for reducing our land revenue by half. Similarly, you could be in a position to abolish *abiana* in the case of such canals as have paid their cost of construction many times over. Even now you should adopt some such methods so that the merchants, the producers, and the consumers may all prosper and contribute enough money towards the provincial revenues enabling you to lighten the burden of poor zamindars. My point is that the Government have never given favourable consideration to the hardships of poor zamindars. For instance, when the Urban Immovable Property Tax Bill was introduced in this House I asked the Government to utilize half of the income which the said Bill would bring to the treasury for relief to the zamindars. The prompt reply we had from the Government was that the money realized by that tax would be spent on beneficent departments. When it was suggested that no land revenue be charged from self-cultivating zamindars paying less than Rs. 5 annually and that only about 20 lakhs of rupees was required for this purpose, the Government did not appreciate this idea. Again the Government have kept us in the dark with regard to the income and expenditure of this new

[Mian Mohd. Nurullah.]

measure, that is, the Punjab General Sales Tax Bill. The Government have not told us definitely as to how much money will be realised by this tax and how it will be spent. Moreover I am sorry to say that the Government have no scheme and no plan and if there is any we are being kept in the dark with regard to that, as I have already submitted. I would also point out that in the face of a surplus budget it is nothing but injustice to impose Sales Tax. It means that the Government have no constructive work to perform on which the surplus money may be spent. My honourable friend Sardar Lal Singh has also asked, while the Government had surplus budget where was the need of levying this tax on the public? He further asked the Government as to whether by the imposition of this tax they wanted to fill the Assembly Chamber with money or they wanted to construct roads of rubies and palaces of glass instead of kankar and stone. My friend is correct in asking such questions. I also submit that if the Government come forward and demand more money from the public saying that the surplus money has been utilized for the public benefit and in continuing the beneficent works for the good of public they require more money, we will have no hesitation to give them. But they do not say a word of this kind, and most unfortunately the burden of taxation is falling on the poor. In Lyallpur the Government is levying an additional tax of rupees 10 per square with this knowledge that the rural people would not object while urban people are made to pay after passing a Bill. Again I request the Government to save us from this additional burden and it can be done if they make a provision by which assurance is given to us that the burden will not fall on us. I submit, if the circulation motion is accepted the Government will not stand to lose. The public opinion will be received and it would help us a great deal in discussing this measure. If my honourable friends opposite want to rush through this measure I would assert that at least the obnoxious provisions included in the Bill must be removed. Again I submit that public opinion should not be ignored on this measure of far-reaching effects and therefore the opinions of urbanites in general and zamindars in particular must be obtained by the Government and it can only be done if the Bill is circulated.

Sir, if an eminent economist says that the zamindar will not have to bear the brunt I am prepared to resume my seat without saying a word in support of this motion. If Honourable Sir Manohar Lal, our renowned economist who was also member in charge of the Resources and Retrenchment Committee were to tell us that the burden of this tax will not fall on the poor zamindar, I will not press this motion. The Honourable Finance Minister, Sir Manohar Lal, as the Leader of the independent party stated, did not consider the general sales tax as of much importance and they did not take even the trouble of working out the details. It is regrettable that of all the recommendations of that committee this is going to be acted upon by the Government. Next to the Honourable Sir Manohar Lal I would say that the words of my honorable friend Sir William Roberts who is connected with industry and agriculture, carry much weight regarding this subject and if he assures us that the burden will not fall on the zamindars and therefore public opinion need not be obtained, I would agree.

With these few remarks, Sir, I support the circulation motion.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, it cannot be denied that this is a measure of a highly contentious and controversial nature, which is likely to have considerable effect on the trade and industry of this province irrespective of the amount of money that it is likely to bring to the coffers of the state. It is a matter for regret that the Punjab Government does not treat the time of war as a period of truce for political controversies, and has chosen to disregard the advice of one of its best friends, an old minister of the Punjab Government, Sir Jogendra Singh, who only the other day raised his voice, a voice of serious warning against the discriminatory Bills and measures of taxation with which the present Government was flooding the province at this critical time. In all countries controversial measures, unless they are absolutely necessary, are laid aside for the time being, so that the entire efforts of the community might be directed towards the war efforts which the Punjab Government, or at any rate, the Premier wishes to pursue vigorously. But it is a matter for deep regret that the advice of Sir Jogendra Singh as well as other well-wishers of this province has fallen on deaf ears, and unfortunately for this province the present Government or at any rate some members of it think that the opportunity of the war, the opportunity of the crisis created by the absence of the parliamentary opposition and the power which they possess under the Defence of India Rules to crush all agitations is the best opportunity from the party point of view to bring about measures and proposals which perhaps in other times would be opposed more vigorously and more effectively. I also wish to raise my humble voice against this attempt of the Punjab Government to utilize this opportunity of the war for party ends and for party purposes for legislation and taxation of a highly partisan character, which attempts to exempt one part of the population and seeks to impose the entire burdens wholly unjustified on the other. As to where the burden of taxation proposed by the present Bill will ultimately fall is a very difficult problem. But amongst other objects, the main object of the Honourable Minister for Development appears to be to ruin the shopkeeper and to make his life and occupation as inconvenient and uncomfortable as possible. He wants to kill the shopkeeper. I wish to raise my emphatic protest against such attempts of a partisan and discriminating character. Apart from bearing the burden of taxation, the shopkeepers will have practically to be licensed, and will have to keep accounts. Most of our shopkeepers are illiterate people, and they will have to employ accountants. They will have to keep details of their petty retail dealings. In this connection I wish to draw your attention to very pertinent remarks made in the Minute of Dissent by Sardar Lal Singh. He says :

I must also strike a note of warning against the cumulative effect of the general ministerial provisions of this and other laws recently enacted introducing altogether a plethora of licences, an army of controlling and assessing officers and the wide powers with which the already pampered Punjabi petty official is being armed. The whole thing looks like a bewildering mass of ways and means to kill business.

You will notice, Sir, that the measure is of an all-comprehensive character and it is impossible for any one to judge its effects on the various trades and industries which exist in this province. It has been pointed out by no less a person than a Parliamentary Secretary

[R. B. Mukand Lal Puri.] of the Government, Sir William Roberts, that this Bill is "much worse than the Property Tax Bill which had some constructive elements whereas I can see none in this. On the contrary it will retard business and industrial development and tend to drive business out of the province." If an opinion so emphatic as that is expressed by a person who is engaged in trade and business in this province, who is connected both with industry and agriculture in this province, who happens to be—if I mistake not—the private Parliamentary Secretary at this time and who adorns the ministerial benches, is it not time for any Government to make further inquiries, is it not time for any Government to have an expert enquiry instituted as to whether the effect of that taxation is not likely to result in what Sir William Roberts has clearly described, namely, that it would drive business out of the province? Is that a situation which any Government, which any legislature or any well-wisher of the province can contemplate without wishing to take steps to avert it? That being the case, it is highly necessary that this measure should be circulated and further information obtained. It should be sent to the commissioners, the deputy commissioners, tahsildars and local bodies for consulting local opinions and the various trades and industries which are carried on in their respective areas and for reporting how these proposals are going to affect them. Any Government Minister, howsoever well informed he might be, cannot possibly be conversant with the local conditions to the extent that these local officers are conversant. The conditions vary in different parts of the province. I respectfully ask, does the Government want to deprive itself of that available measure of opinion which will be at its service? It may be that when that opinion is received Government might exclude certain trades or certain business or certain classes of goods or certain areas from the purview of this taxation. It may be that it might provide different rates of taxation for different kinds of goods. It might be that it might provide exemptions or it might adopt the rule which is laid down in the Bombay Act that the tax should be imposed only once and not 20 times as it might happen in this case. A pair of shoes, for instance, might have paid tax at the factory. If so, why should the wholesale dealer at Lahore or even the retail dealer at Gujranwala pay the tax a second time? Why should the tax be paid six times or ten times over? I cannot with my limited knowledge of the subject place before this House the various anomalies which would be created by the universal rule laid down in the Bill. But if opinions are invited, I am sure that the trades people would place their grievances or their difficulties before the Government and I am quite confident that if the measure were subjected to careful scrutiny, the difficulties and anomalies would be removed. Why, I respectfully ask, is the Minister of Development not taking the opinions of the various trades and industries in this province? In this connection I wish to draw your attention to the note of Sardar Sahib Sardar Santokh Singh. He is a businessman of the highest ability and of first rate importance in this province. This is what he says about the possible effects of this measure. He says :

This legislation of a far reaching character governing the destiny of the province in respect of its trade and industry is being rushed through by the Government. The Bill of such an importance was not circulated for public opinion. Traders and industrialists could not have their say in it. The implications of the

measure have not been properly understood, much less realized. No data was collected to find out what its influence will be on the trade and industry of the province, which are yet in their infancy. Business Associations who sought interview with the Premier and the Development Minister to explain their view point were denied that opportunity.

Sir, this is a deliberate attempt to exclude all possible avenues of information. What can you expect of a legislation whose sponsors have refused to receive information when it was brought to their doors?

Efforts made in the select committee to reduce the rigours of this measure yielded no result.

Sir, this is the improper manner in which legislation of a most important kind is being rushed through. What have we been told here? It has not been circulated for eliciting public opinion and the deputationists who wanted to wait upon the Honourable Premier have been denied that opportunity. Why was this done? Why I respectfully ask have they been denied the opportunity to place their point of view before the Government? Again, why even in the select committee the point of view of the traders and industrialists has not been given a hearing? I hope, the House is aware of the method of legislation adopted in other countries in measures of this nature. In such matters where trade and industry are likely to be affected, legislatures take evidence themselves. In our own rules of procedure, we have a definite provision for taking evidence in such cases. Our rules lay down that the select committee shall in certain circumstances call upon experts in the province to come and let the committee have the benefit of their knowledge. But that kind of procedure has never been followed here. If that procedure was intended to be utilized on any occasion, this was a fit case where the select committee ought to have called in such evidence. I ask the Honourable Minister for Development, has he done anything of that type and if he has not done it, why has he not done it? If he had shut out one method, one avenue of obtaining information by circulation for eliciting public opinion, at any rate the procedure before the select committee might have been followed. It will be interesting to inquire as to how much time the select committee spent on this important measure. Did they spend a week over it? Did they spend five days of sittings or even two days of sittings over it? I understand that it disposed of this measure in one sitting. Unfortunately legislation in this province is being carried out in disregard of all the conventions which have been found by experience of civilized nations best suited to regulate the affairs of democracies all over the world. Now kindly see what even our rules provide. Our rules provide the normal procedure of circulating a Bill for information. Is this not a contentious measure? Is this not a measure on which two opinions can be honestly held? Is this not a measure which is of a complicated nature and on which opinion is divided? Conscientious and honest men, with business experience like Sardar Sahib Sardar Santokh Singh of the Opposition and Sir William Roberts of the ministerialist party hold the opinion that this Bill will retard industry and drive out trade and business from this province and will work to the detriment of traders and industrialists in this province, and will put industry and trade in our province at a discount in competition with similar undertakings in the various native-

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states with which our province is interspersed and in the neighbouring provinces of Delhi, United Provinces and North-West Frontier Province. That bring the situation with respect to this Bill, can anybody say that the Government has acted wisely in not following the normal procedure of legislation, of circulation for eliciting public opinion? I respectfully submit that the Government is guilty of great indiscretion, if it is not guilty of something greater in not following the normal procedure. Not having followed that procedure one would expect that they would at any rate not shut themselves up in their private rooms and deny access to the deputation of traders and industrialists who wanted to discuss this matter with them. Sardar Santokh Singh had made a definite statement that all attempts by these bodies were repulsed and that no opportunity was afforded to any of these bodies to place their submissions before the Government. Again, Sir, you know our rules. The rules provide, and very rightly provide and provide because our rules were copied from the procedure that is followed in the Parliament and other respectable legislatures, that no select committee shall report unless two months have expired from the date on which the Bill is referred to the select committee.

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

Why did our rules and why did the rules of other countries lay down a minimum period in which a select committee shall not report? The object is obvious. Delay leads to deliberation, to discussion, to consideration so that a point of view which in the original draft was not sufficiently considered might be reviewed at a later time. Now, unfortunately the practice which is followed in the Punjab is not this, because select committee is not considered to be a body which has to deliberate on a matter and which has to give its advice, it is merely supposed to be a registering body, a body which only registers the dictates of the ministers. My unfortunate experience in some of these select committees is that even no attempt is made to convince a dissentient member. If a member gives an opinion which on the face of it appears to be reasonable, he is ignored because he is in a minority. And, Sir, what would you say about the proceedings of a select committee which when dealing with an important Bill of that type did not take evidence and did nothing else and in one short sitting disposed of a Bill which dealt with such complicated matters as are dealt with in this Bill? Democratic Government is a Government by discussion and persuasion and legislation is as a result of discussion and deliberation. But here the legislature is being treated merely as a registering body by a small body of opinion and a small body of persons. We are well nigh drifting to the very system of Government which it is a fashion these days to decry, the system of Government by dictators. It is a question whether the party in whose name this legislation is being brought forward is even taken into confidence with respect to this and similar other measures and whether the provisions of this measure are explained to them, or whether they come here merely to register their votes and who even after the law has been passed are entirely ignorant of its provisions and do not know what is contained in it. But that is a matter for the party itself. I, as a person who am concerned with the effect it has on the province, want to raise

my most emphatic protest against the most undemocratic way in which a legislation of a highly controversial character is being foisted on this province. Kindly see that there is not only a disregard of the forms of procedure, but also the spirit of the procedure is entirely disregarded. Now, may I in this connection draw your attention to a very important remark in the dissentient note of Sardar Santokh Singh which is to the following effect :—

The Resources Committee after giving its time and thought to taxation recommended a maximum annual tax of Rs. 200 on sales of Rs. 1,00,000 or more. But this Bill introduced as a result of that recommendation seeks to impose a killing taxation of annas four per centum which will have to be paid at all points in the series of sales by successive dealers which will mean not a maximum annual tax of Rs. 200 but many times over. The total of this tax might easily come up to Rs. 2 to Rs. 2-8-0 on sales of over 100.

This is the point which was made in the select committee by Sardar Santokh Singh, and this is how it was dealt with.

The Development Minister when questioned to give any reasons whatever as to why was this most important recommendation of the Resources Committee disregarded in favour of the enhanced tax, as proposed in the Bill said nothing.

I sympathize with Sardar Santokh Singh and others who joined the select committee with a view to assist the Government and who were thus shabbily treated. They very naturally pointed out to the Government the restrictions with which the Resources Committee had hedged in this recommendation for a sales tax. May I know the reasons which led the Government to adopt the recommendation while removing these necessary restrictions? The thing was indefensible. The Resources Committee had spent two years over the matter. It had gone from one end of the province to the other, it had taken evidence of scores of witnesses, it had the assistance of expert members, it was presided over by no less a member than the Honourable Finance Minister who had the assistance of two other economists, a Muslim professor from the Hailey College and another Hindu professor from the Sanatan Dharam College and was assisted and very ably assisted by a large number of members who adorn the Unionist Benches. The result of these deliberations was placed before this House in the form of the recommendations of the Resources and Retrenchment Committee and Sardar Santokh Singh was quite justified in asking the Government or the spokesman of the Government on the select committee as to why this important recommendation of the Resource Committee was being trampled under foot. He was quite justified in asking the reasons which led the Government to throw overboard this recommendation of an expert body. Whether the Government accepted the suggestion of Sardar Santokh Singh or not, it was a matter for their choice; it is they who have to determine their policy, it is they who have to determine what form their taxation or their legislation is to take, but ordinary courtesy required that the Honourable Minister for Development or somebody on behalf of the Government should have explained convincingly or unconvincingly to the member who raised this objection their reasons for departing from the recommendations of this expert committee. Whether decency required or not, whether courtesy required it or not, I maintain and maintain with all the emphasis that I can command that the rules of procedure of democratic form of Government required it, or this Assembly is a sham, the

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select committee is a sham, if to a leader of a party, nominated to a select committee on the nomination of the party itself, when he asks a question based on the report of a committee appointed by the Government absolute silence is maintained and his inquiry is treated with a contemptuous silence. Then why have this farce of a legislature? Why have the farce of a select committee? Why not let the Premier and his cabinet be entrusted with the responsibility of formulating the proper legislation for this province and to say what amount of taxation is to be paid. It has often occurred to me whether by participating in these futile debates or whether by participating in these committees in which even private discussion is not allowed, we are really serving the interests of this province or whether we are really serving the interests of those people whom we represent.

It is our misfortune that the opinion of the opposition however reasonable it might be, is treated with contempt which is not done in any responsible legislature. Again, Sir, there are trades and industries which would be very seriously affected by this legislation. The people who are likely to be adversely affected by this legislation have not been able to study the Bill and the possible effect of this legislation. A copy of a representation from the members of the Northern India Flour Mills Association, addressed to the Honourable Premier and the Development Minister, was sent to me. I wish to inquire from the Honourable the Development Minister or from the members of the select committee, who helped in formulating this report, whether this very important communication from an organized association was placed before the select committee or was considered by the Honourable Development Minister. If the select committee considered the representation, did they in any way try to meet the point of view of this important industry of the province and to prevent it being placed at a disadvantage compared to similar industries in other provinces? I want to ask the Honourable Development Minister, whether this representation was at all brought to his notice, and if not, why it was not brought to his notice, and if it was brought to his notice what action, if any, he took in the select committee to meet the point of view of that association. Such a representation should have been placed before the select committee. After all what is a select committee appointed for, if such representations are not even placed before the members? I wish to place this representation before the House for its very serious consideration. It points out :—

The Members of the Northern India Flour Mills Association beg to submit the following memorandum in connection with the General Sales Tax for your kind consideration.

Before coming to the Sales Tax we take an opportunity to lay before you the present state of the industry. In spite of the fact that the Punjab is an important wheat producing centre, the flour-milling industry is working under many handicaps. For instance, the Calcutta mills get coal and gunny bags at much cheaper rates than the Punjab and special railway freights from the wheat producing centres to Calcutta are encouraging the exports of wheat to the detriment of the Punjab Mills and the grower, which is clear from the fact that the railway freight for one maund of wheat from Lyallpur to Howrah is Re. 1-0-4, while that on flour is Re. 1-6-4.

In addition to this, the supplementary charges levied on flour has encouraged the export of wheat and discouraged that of flour.

This discriminating railway freight policy has done incalculable harm to the industry in which crores of rupees have been invested.

Now, Sir, the Sales Tax will be superimposed upon a tax system which already includes a variety of direct and indirect taxes and the same persons and objects will be exposed to multiple taxation. At this stage when the war taxes are rapidly mounting and the industries are heavily taxed on account of the Central Taxation such as Excess Profits Tax and the increased rate of Income Tax, it is highly undesirable that a general sales tax should be introduced in the Punjab. No wonder that this policy will curb the industrial development of the province.

Now, Sir, they proceed to point out the result of this legislation.

A legislation of this kind would result in unequal business taxation because gross sales bear no normal relation to the net profits and by such taxation the flour-milling industry is apt to suffer most. In this industry the profits are very small and the turn-over very large.

I would ask the Honourable Minister of Development whether he has ever considered this aspect of the measure. Was this aspect of the measure mooted before the select committee over which he had the honour to preside?

It is seldom that a profit per bag of two maunds of flour is more than an anna, while sometimes the price of the flour equals the price of the wheat.

The tax will add to the cost of production and put the flour-milling industry at a great disadvantage as compared with the stone-mills for the latter will be required to pay no tax or a very little tax than the former. Naturally the capital, in order to escape from such injurious taxation, will flee from the Punjab to the neighbouring states where it enjoys many amenities such as there are no terminal or octroi duties on raw materials and coal, etc., and the state industries are jealously protected by levying heavy import duties on finished products.

From the beginning of the Sales Tax, in principle at least, exports have been exempted everywhere.

Now, Sir, I may point out that this should have been brought to the notice of the select committee.

But the Punjab Bill allows only half rebate. This would penalize the flour-milling industry which is already keeping its head above water with great difficulty and would place the Punjab in a highly unfavourable position in competition with the other provinces, because more than 50 per cent of its products are exported.

By placing the exports on the exempt list your honour—

This is addressed to the Honourable Premier.

Will be following a policy which has been adopted by almost all the nations which collect a general sales tax as for instance United States of America and Germany. The incidence of this taxation from the consumers' point of view is not to be ignored. Flour is one of the necessities and is an article of daily consumption.

Except for the Honourable Ministers who live in luxuries and use very little flour as compared with other people—

The poor masses spend the bulk of their income upon flour and the tax on this commodity will be a tax on the bare minimum subsistence. It is regressive in its effects on consumers, for it taxes the rich and the poor at the same rate and ignores the fact that the marginal utility of the rich man's rupee is lower than the marginal utility of the poor man's rupee. This will press harder on persons of small means than on persons of large income and will prove to be a tax on millions of unemployed and distressed wage-earners who are already living on the verge of starvation.

At this stage the Assembly adjourned till 12 noon on Thursday, 23rd January, 1941.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for a systematic approach to data collection and the importance of using reliable and valid measurement instruments.

3. The third part of the document discusses the ethical considerations that must be taken into account when conducting research. It stresses the importance of obtaining informed consent from participants and ensuring that their privacy and confidentiality are protected throughout the study.

4. The fourth part of the document describes the various methods used to analyze the data collected. It discusses both qualitative and quantitative methods and the importance of choosing the most appropriate method for the research objectives.

5. The fifth part of the document discusses the importance of reporting the results of the research in a clear and concise manner. It emphasizes the need to provide a detailed and accurate account of the findings and to discuss their implications for practice and policy.

6. The sixth part of the document discusses the various challenges that researchers may encounter during the research process. It highlights the importance of being prepared to overcome these challenges and to maintain a high level of integrity and ethical standards throughout the study.

7. The seventh part of the document discusses the importance of disseminating the results of the research to the relevant stakeholders. It emphasizes the need to communicate the findings in a way that is accessible and understandable to a wide range of audiences.

8. The eighth part of the document discusses the various ways in which research can be used to inform practice and policy. It highlights the importance of working closely with practitioners and policymakers to ensure that the research findings are effectively translated into action.

9. The ninth part of the document discusses the importance of ongoing evaluation and monitoring of the research process. It emphasizes the need to regularly assess the progress of the study and to make adjustments as needed to ensure that the research remains relevant and effective.

10. The tenth part of the document discusses the various ways in which research can be used to promote social change and improve the lives of people. It highlights the importance of being socially responsible and committed to the well-being of the community.

11. The eleventh part of the document discusses the various ways in which research can be used to inform the development of new theories and models. It emphasizes the importance of being open to new ideas and perspectives and of being willing to challenge existing assumptions.

12. The twelfth part of the document discusses the various ways in which research can be used to inform the development of new policies and programs. It emphasizes the importance of being evidence-based and of using the best available research to inform decision-making.

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

Thursday, 23rd January, 1941.

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

STARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF EXTRA ASSISTANT COMMISSIONERS.

***7483. Rai Bahadur Mukand Lal Puri:** Will the Honourable Premier be pleased to state the names and places of residence of persons who have been appointed Extra Assistant Commissioners by (i) direct nomination, (ii) promotion from Tahsildars or other services from the 1st April, 1937, to the 1st December, 1940?

Parliamentary Secretary (Mir Maqbool Mahmood): The information in regard to Extra Assistant Commissioners appointed by direct nomination was given in reply to unstarred question No. 1169¹ and the honourable member is referred to it. A statement giving the required information in regard to Extra Assistant Commissioners appointed by promotion from tahsildars, naib-tahsildars and ministerial Government servants is laid on the table.

Statement.

Year.	Number.	Name.	Residence.
1937	8	1. Sheikh Muhammad Iqbal Khan (Tahsildar).	Sialkot.
		2. Chaudhri Balwant Singh (Tahsildar).	Village Kuluwal, District Sialkot.
		3. Chaudhri Amar Singh (Tahsildar).	Village Harita, District Hissar.
		4. S. K. Partap Singh (Tahsildar).	Village Narangwal, District Ludhiana.
		5. Khan Asmat Ullah Khan, (Tahsildar).	Isa Khel, District Mianwali.

Year.	Number.	Name.	Residence.
		6. M. Abdul Aziz (Tahsildar)	Village Thathel, District Hoshiarpur.
		7. Khawaja Habib Ali (Tahsildar).	Panipat, District Karnal.
		8. Lala Atam Parkash (Naib-Tahsildar).	Multan.
1937	3	1. Khan Sahib Sheikh Rashid Ahmad (Personal Assistant).	Kasur, District Lahore.
		2. Lala Chuni Lal (Personal Assistant).	Gujranwala.
		3. Khan Abdul Majid Khan (Assistant).	Hoshiarpur.
1938	6	1. Sardar Gurdas Singh (Tahsildar).	Village Munak Khurd, Tahsil Dasuha, District Hoshiarpur.
		2. Chaudhri Bhim Singh (Tahsildar).	Village Kair, Delhi Province.
		3. Khan Faiz Muhammad Khan (Tahsildar).	Basi Khawaja, Tahsil and District Hoshiarpur.
		4. Mian Sher Muhammad (Tahsildar).	Mianwali.
		5. Sardar Ghulam Farid Khan (Naib-Tahsildar).	Taunsa, District Dera Ghazi Khan.
		6. Chaudhri Mohammad Zafar Yasin (Tahsildar).	Village Kot Nizam Din, Chak No. 184-R.B., District Sheikhpura.
1938	2	1. Mr. C. Bwe (Superintendent).	Lahore (reverted).
		2. Sardar Sher Jasjit Singh (Assistant).	Jullundur City.
1939	11	1. Chaudhri Mohammad Afzal Khan (Tahsildar).	Dheriala, District Rawalpindi.
		2. Rai Khuda Bakhsh Bhatti (Tahsildar).	Barana, District Jhang.
		3. Mr. P. N. Bhanot (Tahsildar).	Ajnala, District Amritsar.
		4. Sardar Indar Sain (Tahsildar).	Village Bhawn, District Jhelum.
		5. Sardar Udham Singh Kamboh (Tahsildar).	Chunian, District Lahore.

Year.	Number.	Name.	Residence.
		6. Mian Mohammad Zia Ullah Khan (Tahsildar).	Thutha Rai Bahadur, District Gujrat.
		7. Chaudhri Sultan Muhammad (Tahsildar).	Village Nasha, District Amritsar.
		8. Chaudhri Mahbub Ali Khan (Tahsildar).	Shurtana, District Hissar.
		9. Chaudhri Abdul Majid (Naib-Tahsildar).	Dusuha, 242-R.B., District Lyallpur.
		10. Chaudhri Muhammad Anwar (Tahsildar).	Village Ghatylian, Tahsil Pasrur, District Sialkot.
		11. Sardar Udhan Singh (Naib-Tahsildar).	Village Dhamian Kalan, Tahsil and District Hoshiarpur.
1939	5	1. Lala Sawan Mal Chopra (Superintendent).	Jhang City.
		2. Mr. C. N. Bose (Superintendent).	Lahore.
		3. Sardar Kashmira Singh (Personal Assistant).	Village Kalichpur, Post Office Dinanagar, District Gurdaspur.
		4. Mr. Ghulam Hussain Rathor (Personal Assistant).	Gujrat.
		5. Malik Muhammad Akram Khan (Assistant).	Lahore.
1940	10	1. Dewan Kesho Das (Tahsildar)	Lahore.
		2. Thakur Kanti Chand (Tahsildar).	Amritsar.
		3. Sardar Hardyal Singh (Tahsildar).	Pasrur, District Sialkot.
		4. Syed Mehdi Ali Shah (Tahsildar).	Sialkot.
		5. Malik Khan Zaman (Tahsildar).	Sagar, Tahsil Talangang, District Attock.
		6. Khan Fazal Ali Khan (Tahsildar).	Basti Baba Khel, District Jullundur.
		7. Sardar Sher Singh Randhawa (Tahsildar).	Pandori Gola, District Amritsar.
		8. Malik Muhammad Yar (Tahsildar).	Multan.

Year.	Number	Name.	Residence.
1940	4	9. Chaudhri Qaim-ud-Din (Naib-Tahsildar).	Village Gorsl, Tahsil and District Gujrat.
		10. Malik Nadir Khan (Tahsildar).	Village Sarwallah, District-Attock.
		1. Sardar Hazara Singh Dhillon (Superintendent).	Village Tundiwind, District Amritsar.
		2. Sheikh Ghulam Ahmad (Superintendent).	Gurdaspur.
		3. Lala Manohar Lal Gupta (Superintendent).	Patiala.
		4. Mr. D. F. R. Le Meur (Superintendent).	Lahore.

CONDITIONS IN VILLAGES IN HARYANA DISTRICT.

***7122. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that there is a considerable number of villages in the Haryana districts of Rohtak, Hissar and Gurgaon where on account of the rains in the last rainy season completely failing, acute famine conditions still prevail; if so, the names of such villages and the areas concerned;
- (b) what steps the Government has taken or intends to take in order to give relief to these distressed people?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Rainfall was sufficient during the earlier part of the last monsoon, but it was deficient in the latter part of August and in the month of September in certain parts of the Hissar district. A statement showing the names of such villages there, as also of a few villages in the Rohtak district is laid on the table. There is no such village in the Gurgaon district.

(b) Attention of the honourable member is invited to the answer given to part (a) of question No. *7120.¹

List of villages in the Hissar and Rohtak districts in which (acute) famine conditions prevail.

HISSAR DISTRICT.

Hissar Tahsil.

1. Badon Banghran.
2. Onwar.
3. Gorebhi.
4. Fimnai.
5. Aarawan.
6. Ladwi.
7. Jakhod.
8. Malapur.
9. Inchha Kharkhari.
10. Nawali Khurd.
11. Sundawas.
12. Rawalwas Khurd.
13. Bhojraj.
14. Saman.
15. Nangla.
16. Fatehpuri.
17. Amani.
18. Ratta Khera.
19. Dongra.
20. Sambalwala.
21. Damkor.
22. Akanwali.
23. Chandpura.
24. Karandi.
25. Ruanwali.
26. Talwandi Badshahpur.
27. Talwandi Rukka.
28. Chandnaud.
29. Pahal.
30. Rawat Khera.
31. Charaud.
32. Kaluwas.
33. Khairian.
34. Chaudhriwas.
35. Kalirawan.
36. Risalu Khera.
37. Tokas.
38. Muklan.
39. Dewe.
40. Talwandi Rana.
41. Juglan.
42. Bahbalpur.
43. Badonpati, II.
44. Badonpati, I.
45. Pinghal.
46. Sarera.
47. Laleda.
48. Lohakhera.
49. Malaheri.
50. Kanhri.
51. Kamalwala.
52. Balyawala.
53. Diwans.
54. Dharaul Kalan.
55. Manghera.
56. Hedarwala.
57. Baharwala.
58. Kudni.
59. Udepur.
60. Bhorthali

61. Mundhalian.
62. Indachhui.
63. Chandar Kalan.
64. Chandar Khurd.
65. Thirsi.
66. Pirthal.
67. Parta.
68. Chuharpur.
69. Nathuwal.
70. Chilewal.
71. Handalwala.
72. Kanakhera.
73. Dhair.
74. Dharaul Khurd.
75. Nanheri.
76. Zabtewala.
77. Kulan.
78. Gularwala.
79. Nomunpur.
80. Narel.
81. Thirna.
82. Tohana.

Hansi Tahsil.

83. Sandana.
84. Chhan.
85. Bandhauri.
86. Bhada Khera.
87. Chirai.
88. Kharkhari.
89. Bawani Khera.
90. Suera Khera.
91. Kani Kheri.
92. Sotha.
93. Foadawar.
94. Gurana.
95. Khanpur.
96. Rajli.
97. Mandhana.
98. Pur.
99. Siwara.
100. Tallu.
101. Mandhal Kalan.
102. Pandhsheri.
103. Mandhel Khurd.
104. Gauskani.

Bhiwani Tahsil.

105. Khosra.
106. Gujrani.
107. Lohar Bhiwani.
108. Papura.
109. Changhela.
110. Jhumpa Khurd.
111. Jhumpa Kalan.
112. Lila.
113. Siwani.
114. Bhani Bulheratwala.

- 115. Gurera.
- 116. Mitathal.
- 117. Ghuakani.
- 118. Tigri.
- 119. Tigrana.
- 120. Fulwani Jonpal.
- 121. Rajpur Kharkhari.
- 122. Mohla.
- 123. Kikral.
- 124. Nalsi.
- 125. Barwa.

Fatehabad Tahsil.

- 126. Kheri Rahan.
- 127. Digo.
- 128. Maghawali.
- 129. Palsar.
- 130. Pondri.
- 131. Kherewala.
- 132. Bhotan Khurd.
- 133. Jandli Khurd.
- 134. Khundan.
- 135. Luthera.
- 136. Bazanwala.
- 137. Munshiwali.
- 138. Razzabad.
- 139. Malhar.
- 140. Khan Mohammad.
- 141. Shekupur Sotar.
- 142. Chando Kalan.
- 143. Mohammadpur Sotar.
- 144. Ahrwan.
- 145. Badalgarh.
- 146. Mahmara.
- 147. Bhawani Khara.
- 148. Lamba.
- 149. Teliwara.
- 150. Bara.
- 151. Hijrawan Kalan (Northern part ad-
joining Chankothi is bad).
- 152. Basti.
- 153. Bawan (excluding Bhani).
- 154. Bhoara.
- 155. Hamzapur.
- 156. Bharpur.
- 157. Rata Khara.

- 158. Phul.
- 159. Alipur Bharota.
- 160. Harolf.
- 161. Dadupur.
- 162. Hukmanwali.
- 163. Hanspur.
- 164. Bharolanwali.
- 165. Chankothi.
- 166. Bahbalpur.
- 167. Theri.
- 168. Nikuwana.
- 169. Ayalki.
- 170. Khanpur.
- 171. Dhir.
- 172. Boswal.
- 173. Raepur.
- 174. Qalandargarh.
- 175. Chiman.
- 176. Ghaswa.
- 177. Kanol.
- 178. Jallopur.
- 179. Bhundarwas.
- 180. Ratangarb.
- 181. Mirana.
- 182. Alawalwas.
- 183. Balyala.
- 184. Bora.
- 185. Nangal.
- 186. Khairpur.
- 187. Kalotha.
- 188. Alika.
- 189. Malwala.
- 190. Mohammadki.
- 191. Khai.
- 192. Laduwas.
- 193. Sardarenwala.

Rohatak District.

- 1. Achhej.
- 2. Puharipur.
- 3. Godhri.
- 4. Islamgarh.
- 5. Shafipur.
- 6. Majra (Dubaldhan).
- 7. Dubaldhan.
- 8. Malikpur.

HAVELI MAIN CANAL.

***7445. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that L. Section of Haveli Main Canal shows that the main line is designed for running a discharge of 5,447 cusecs of water ;
- (b) whether it is a fact that on 1st May, 1940, a breach occurred in the Haveli Canal when it was running with a supply of 3,802 cusecs only ; if so, the reasons therefor ;
- (c) what is the supply that the said canal is capable of taking with a free board of one foot not as designed but actually after completion ;

- (d) whether it is a fact that the canal, after completion, cannot run, as experience has shown, more than 4,500 cusecs with a free board of one foot though designed for supply of 5,447 cusecs of water; if so, the reasons therefor;
- (e) how does the Government propose to make the capacity to carry the balance of the supply;
- (f) whether Government is aware that raising the lining by 2 feet even will not be enough; if so, what other measures Government proposes to take to avoid breaches and breakdowns in the said canal in future;
- (g) whether it is intended to open the Shorkot Branch to make up the deficiency in the design; if so, what is going to be the cost of that branch;
- (h) whether it is a fact that when the lining will be raised to make up the deficiency in design other works like bridges and aqueducts will have to be raised; if so, the cost to be incurred for raising the (i) bridges, (ii) aqueducts concerned;
- (i) whether it is a fact that supply of channels of Lower Chenab Canal that cross the main line of Haveli by viaducts will be effected when they are raised; if not, will the aqueducts be allowed to be drowned; if so, with what effect?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) No. The Haveli Canal is designed to run a discharge of 5,249 cusecs.

(b) Yes.

The breach was caused by a severe storm. The strong wind caused waves to splash over the bank thus causing a breach.

(c) Some of the supplies actually run with corresponding free board to top of lining are given below—

(1) 10th June, 1940	..	..	4,220	1·36
(2) 18th June, 1940	..	..	4,322	1·25
(3) 26th September, 1940	..	..	4,000	2·40
(4) 1st October, 1940	..	..	4,123	2·10
(5) 5th October, 1940	..	..	4,312	1·80

(d) No.

The canal was running 4,312 cusecs on 5th October, 1940, with a free board of 1·80 and could have been run 5,000 cusecs with a free board of one foot.

(e) Government proposes to raise the lining by two feet to provide against damage by storms and to give ample capacity.

(f) Government considers that raising the lining by two feet will be quite enough and that no other measures are required.

(g) The honourable member may refer to the reply given to part (b) of question No. *6869.¹

(h) The lining is to be raised chiefly to provide for wave action. It is neither necessary nor proposed to raise other works.

(i) Does not arise.

¹Voi. XIV page 456.

TRENCH WORK ON THE HAVELI MAIN CANAL.

***7446. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state whether any trench work is in progress on the Haveli Main Line ; if so, what is going to be its cost and the reasons why it became necessary so soon for that work to be taken in hand ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The approximate cost of the work is Rs. 1,47,500. The trench work was necessary to set right the havoc wrought by the cyclone of the 20th June, 1940, and to properly repair and consolidate the banks which had been perforated by innumerable leakages.

CANAL BRIDGE ROAD AT CHANDIWALI IN GURGAON DISTRICT.

***7447. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that the road of the canal bridge at Chandiwali in tahsil Ballabgarh, district Gurgaon, on the Agra Canal is in a very precarious condition and not fit for traffic ; if so, what steps, if any, are being taken by the Government to put the road in proper condition ; if no steps are being taken, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The Agra Canal and its bridges are maintained by the United Provinces Government and the honourable member should address the Superintending Engineer, 3rd Circle, Lucknow, on the matter.

REPORT ABOUT THE DISTRIBUTION OF LAND IN THE PIR MAHAL COLONY.

***7476. Mian Muhammad Nurullah** Will the Honourable Minister of Revenue be pleased to state whether any report was prepared by Khan Niaz Muhammad Khan, Naib-Tahsildar, Pir Mahal, about the distribution of land in the Pir Mahal Colony ; if so, when it was prepared and whether the Honourable Minister would lay a copy of the report on the table of the House ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :

First part.—Yes.

Second part.—On 24th October, 1932.

Third part.—It is not in the public interest to lay a copy of the report on the table.

APPOINTMENT OF TAHSILDARS AND NAIB-TAHSILDARS.

***7484. Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister of Revenue be pleased to lay a statement on the table of the House giving the names and places of residence of persons who have been appointed Tahsildars and Naib-Tahsildars from the 1st April, 1937, to the 1st December, 1940 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement showing the home districts of the Tahsildar and Naib-Tahsildar candidates accepted from 1st April, 1937, to 1st December, 1940, 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 accepted from 1st April, 1937, to 31st December, 1940.

Name of home district.	Number of Tahsildar candidates accepted.	Number of Naib-Tahsildar candidates accepted.
Hissar	2	2
Rohtak	2	1
Gurgaon .. .. .	..	2
Karnal	2	3
Ambala .. .. .	..	4
Delhi	2	2
Kangra	1	2
Hoshiarpur	5	6
Jullundur .. .. .	..	1
Ludbiana	2	3
Ferozepore .. .. .	..	4
Lahore	6	4
Amritsar	3	3
Gurdaspur	1	3
Sialkot	2	4
Gujranwala .. .. .	..	7
Sheikhupura	2	2
Gujrat	1	3
Shahpur .. .. .	..	5
Jhelum	3	4
Rawalpindi	1	5
Attock	1	2
Mianwali	2	5
Montgomery	3	5
Lyallpur	1	4
Jhang	3	3
Multan	5	7
Muzaffargarh .. .. .	..	3
Dera Ghazi Khan .. .. .	..	5
Total	50	104

Rai Bahadur Mukand Lal Puri : Does the Parliamentary Secretary himself know what is given in that statement ?

Parliamentary Secretary : It is laid on the table of the House.

Rai Bahadur Mukand Lal Puri : Is it given in the statement as to what the policy of the Government is ?

Parliamentary Secretary : The policy of the Government is not to give names. (*Laughter.*)

Rai Bahadur Mukand Lal Puri : Not to give names of persons whom it employs ? What is the reason for withholding the names ?

Parliamentary Secretary : I have told you that the policy of the Government is not to give names.

Rai Bahadur Mukand Lal Puri : Why does the Government desire to conceal the names of persons whom it employs ?

Parliamentary Secretary : There is no intention of concealing the names. They are gazetted and published. The policy of the Government is not to give individual names in reply to questions.

Sardar Lal Singh : Does the Government fear exposure of its communal bias ?

Parliamentary Secretary : No.

Rai Bahadur Mukand Lal Puri : Or of nepotism ?

Parliamentary Secretary : That is absolutely wrong.

Rai Bahadur Mukand Lal Puri : Then what are the fears of the Government ? How would the disclosure of the names adversely affect the Government or any public interest ?

Parliamentary Secretary : It is merely a question of policy.

Rai Bahadur Mukand Lal Puri : Is there any reason for that policy ? Can that policy be defended on any intelligible ground ?

Parliamentary Secretary : I cannot give that reply in answer to a supplementary question.

Chaudhri Jaleel-ud-Din Amber : After all what are the names ?

Parliamentary Secretary : The honourable member should read the names in the Gazette ; it is not the policy of the Government to give the names in reply to questions.

EXPENDITURE ON THE MAINTENANCE OF LAWRENCE GARDENS.

*6957. **Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state—

(a) the total expenditure on the maintenance of the Lawrence gardens, Lahore, for the year 1939-40 ;

(b) the total strength of the establishment entertained for the upkeep of the Lawrence Gardens, Lahore, and salary bill of the establishment for the year 1939-40 ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) Rs. 30,120.

(b) *First part.*—1 overseer.

3 Head Malis.

65 Beldars.

6 Sweepers.

4 Bhishtis.

This establishment does not include the Superintendent, Government Gardens, who in addition to the Lawrence Gardens is also in charge of other Archæological Gardens.

Second part.—Rs. 15,120.

This amount does not include Rs. 12,554 on account of the pay of the Superintendent, Government Gardens, and his office establishment.

DEMONSTRATIONS BY AGRICULTURAL ASSISTANTS
IN LUDHIANA DISTRICT.

***7264. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state—

(a) the number of exhibitions of agricultural produce held by the Agricultural Assistants of each tahsil in the Ludhiana district from April, 1940, to 31st October, 1940 ;

(b) the number of demonstrations to popularize the modern methods of agriculture held by the above-mentioned employees of the department of agriculture during the period mentioned in (a) in each tahsil of the said district ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) By exhibitions of agricultural produce, the honourable member presumably means the competitions held for exhibition of agricultural produce. If so, the number of such competitions held by the Agricultural Assistants in each tahsil of Ludhiana district from April to 31st October, 1940, is given below—

<i>Name of tahsil.</i>	<i>Number of competi- tions for exhibi- tion of agri- cultural produce.</i>
Ludhiana	6
Samrala	1
Jagraon	Nil
Total	7

[Ch. Tikka Ram.]

(b) The number of demonstrations to popularize modern methods of agriculture, held by Agricultural Assistants from April to 31st October, 1940, in each tahsil of the district is shown below—

<i>Name of tahsil.</i>	<i>Number of demon- strations.</i>
Ludhiana	180
Samrala	140
Jagraon	98
Total ..	418

EXTRA EXPENSE ON EXODUS OF PUNJAB GOVERNMENT TO SIMLA.

*6895. **Mr. Dev Raj Sethi :** Will the Honourable Minister for Finance be pleased to state—

(a) the extra expense involved in exodus of the Punjab Government to Simla this year, department-wise, giving also the details of the special allowances, if any, paid to any Government officials ;

(b) the names and number of officers permitted to recess at Simla, Mashobra or Mahasu, and the period of recess as also the special allowances paid for the recess period ?

The Honourable Sir. Manohar Lal : It is presumed that by the term " special allowances " the honourable member means the usual travelling allowance and compensatory (hill) allowance admissible to Government officials under the ordinary rules. Those rules are given in Appendices " J " and " K " to the Travelling Allowance Rules. No allowances other than these were paid.

Two statements giving the required information are laid on the table.

Statement showing the expenditure in connection with the move of the Punjab Government to Simla during the years 1939 and 1940.

Name of Department.	EXPENDITURE INCURRED DURING THE YEAR 1939.				EXPENDITURE INCURRED DURING THE YEAR 1940.				INCREASE (+) OR DECREASE (-) IN 1940, COMPARED WITH 1939.			
	Hill allowance.	Travelling allowance.	Contingencies, etc.	Total.	Hill allowance.	Travelling allowance.	Contingencies, etc.	Total.	Hill allowance.	Travelling allowance.	Contingencies, etc.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Punjab Civil Secretariat.	24,735	19,189	25,182	69,106	28,302	25,302	24,914	78,518	3,587	6,113	-268	9,412
Offices of the Secretary to the Governor and the Military Secretary to the Governor.	830	672	..	1,502	920	806	..	1,726	90	134	..	224
Public Works Department, Irrigation Branch.	13,771	10,870	5,828	30,469	15,850	12,970	6,181	35,001	2,079	2,100	353	4,532
Public Works Department, Buildings and Roads Branch.	5,369	4,098	3,532	12,989	5,458	4,175	3,602	13,135	99	77	-30	146

Name of Department.	EXPENDITURE INCURRED DURING THE YEAR 1939.				EXPENDITURE INCURRED DURING THE YEAR 1940.				INCREASE (+) OR DECREASE (-) IN 1940, COMPARED WITH 1939.			
	Hill allowance.	Travelling allowance.	Contingencies, etc.	Total.	Hill allowance.	Travelling allowance.	Contingencies, etc.	Total.	Hill allowance.	Travelling allowance.	Contingencies, etc.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13
Education Department.	4,125	3,672	474	8,271	4,080	3,047	297	7,433	-36	-625	-177	-838
Office of the Financial Commissioners, Punjab.	10,163	7,824	1,165	19,052	11,417	8,880	508	20,805	1,251	1,556	-657	2,153
Legal Remembrancer's Office.	1,264	1,419	467	3,150	1,741	2,026	631	4,398	477	607	164	1,248
Office of Inspector-General of Police, Punjab.	1,823	1,537	299	3,659	2,265	2,441	383	5,089	442	904	84	1,430
Office of Deputy Inspector-General of Police, Criminal Investigation Department.	2,496	1,861	210	4,567	3,029	2,212	420	5,661	533	351	210	1,094
Total	64,566	50,642	37,157	1,52,365	73,071	61,859	36,836	1,71,766	8,506	11,217	-321	19,401

Statement showing the names of officers permitted to recess at Simla, Mashobra and Malasa and the expenditure incurred in this connection during the years 1939 and 1940.

Serial No.	Name of Department.	Name and designation of officer.	STATION OF RECESS AND PERIOD.				EXPENDITURE INCURRED DURING THE YEAR 1940.			
			1939.		1940.		Hill allowance.	Travelling allowance.	Contingencies.	Total.
			Station.	Period.	Station.	Period.				
1	2	3	4	5	6	7	8	9	10	11
1	Education Department.	Miss L. E. Thomas, Deputy Directress of Public Instruction, Punjab.	Simla	2 months	Simla	2 months	..	..	..	..
2	Ditto	S. M. Sharif, M.A., K.B., Inspector of Schools, Lahore Division.	Simla	12 weeks	..	..	..	..	..	..
3	Ditto	M. Abdul Hamid, Inspector of Schools, Ambala Division.	Simla	12 weeks	..	..	..	..	..	..
4	Ditto	Dr. K. N. Sita Ram, Curator, Central Museum, Lahore.	Simla	2 months	..	..	..	..	..	..
5	Ditto	Mrs. A. Chauthri (nee Gupta), Inspectress of Schools, Rawalpindi Circle.	Simla	12 weeks	..	..	..	..	..	..

Serial No.	Name of Department.	Name and designation of officer.	STATION OF RECESS AND PERIOD.				EXPENDITURE INCURRED DURING THE YEAR 1940.			
			1939.		1940.		Hill allowance.	Travelling allowance.	Contingencies.	Total.
			Station.	Period.	Station.	Period.				
1	2	3	4	5	6	7	8	9	10	11
6	Education Department.	Miss Uppal, District Inspector of Schools, Sheikhpura.	Simla	6 weeks	..	..	..	..	..	..
7	Ditto	Miss M. Nasir Ahmad, District Inspector of Schools, Jhang.	..	..	Simla	6 weeks	..	..	..	..
8	Ditto	Miss F. Tressler, District Inspector of Schools, Montgomery.	..	..	Simla	6 weeks	..	..	..	..
9	Ditto	Miss R. S. Qari, District Inspector of Schools, Sheikhpur.	..	..	Simla	6 weeks	..	..	..	..
10	Public Works Department, Irrigation Branch.	Mr. W. N. McLeod, S.E., Drainage Circle.	Simla	4½ months

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11	Ditto	Mr. James L. Roy, S.E., Drainage Circle.	Simla	4½ months
12	Ditto	L. Jagan Nath Juneja, S.E., Ferozepore Canals Circle.	Simla	3½ months	Simla	4 months
13	Ditto	Mr. J. H. Fletcher, S.E., Nili Bar Circle.	Simla	3½ months	..	..	..	..	..
14	Ditto	Mr. F. F. Baigh, S.E., Ist Haveli Circle.	Simla	4½ months	..	..	..	..	..
15	Ditto	R. B. L. Daya Krishna Khanna, S.E., Thal Circle.	Simla	3½ months	..	..	..	..	..
16	Ditto	Mr. F. F. Haigh, S.E., Thal Circle.	..	..	Simla	3½ months	..	..	..
17	Public Works Department, Buildings and Roads Branch. Ditto	Mr. L. A. Freck, I.S.E., S.E., 2nd Circle.	Simla	4½ months	Simla	4½ months	..	..	..
		Camp Establishment of S.E., 2nd Circle.	Simla	4½ months	Simla	4½ months	42	42	42
18	Ditto	Mr. J. B. Vesugar, I.S.E., S.E., 3rd Circle.	..	..	Simla	3½ months	..	..	..
19	Ditto	Mr. D. A. Howell, S.E., P. H. Circle.	Simla	2½ months	..	..	..	..	..
	Ditto	Camp Establishment of S.E., P. H. Circle.	Simla	2½ months	..	..	..	..	..
	Ditto	*Camp Establishment of Sec- retary, Communications Board.	Simla	4½ months	Simla	5 months	23	129	152

*In regard to the Secretary, Communications Board, the post is also held by the S. E. (Roads) particulars regarding whom are given in statement for Secretariat.

Serial No.	Name of Department.	Name and designation of officers.	STATION OF ROCESS AND PERIOD.				EXPENDITURE INCURRED DURING THE YEAR 1940.			
			1939.		1940.		Hill allowance.	Travelling allowance.	Contingencies.	Total.
			Station.	Period.	Station.	Period.				
1	2	3	4	5	6	7	8	9	10	11
20	Criminal Tribes Department. Ditto	Mr. B. Rai, P.C.S., D. C. C.T., Punjab. Camp establishment ..	Simla	2½ months	Simla	2½ months	..	Rs. 287	Rs. 131	Rs. 418
21	Public Health Department. Ditto	Lt.-Col. C. M. Nicol, I.M.S., Punjab. Director of Public Health, Camp Establishment ..	Simla	2½ months	Simla	2½ months	140	113	..	253
22	Agriculture Department. Ditto	Mr. H. R. Stewart, Director of Agriculture, Punjab. Camp Establishment ..	Simla	3¼ months	Simla	3¼ months	..	152	310	462
23	Industries Department. Ditto	Mr. M. H. Mahmood, Director of Industries, Punjab. Camp Establishment ..	Simla	3¼ months	Simla	3¼ months	604	91	..	695
24	Industries Department. Ditto	Mr. H. R. Stewart, Director of Agriculture, Punjab. Camp Establishment ..	Simla	3¼ months	Simla	3¼ months	..	250	219	469
			Simla	3¼ months	Simla	3¼ months	873	313	..	1,186
			Simla	3¼ months	Simla	2 months	..	152	285	437
			..	..	Simla	1 month	..	162	..	152
			Simla	3¼ months	Simla	3 months	500	319	..	819

25	Ditto	Mr. J. G. Cowie, Inspector of Industrial Schools, Punjab.	..	..	1 month	..	..	..	..	..
26	Ditto	Miss J. M. Siraj-ud-Din, Inspector of Industrial Schools for Girls, Punjab.	Simla	1 month	Simla	..	..	..	..	..
27	Public Works Department, Electricity Branch.	Mr. V. F. Critchley, Chief Engineer.	Simla	3 1/2 months	Simla	624	524	1,148	..	..
	Ditto	Camp Establishment	Simla	3 1/2 months	Simla	171	..	444	..	..
28	Jails Department	Lt.-Col. N. D. Pari, Inspector-General of Prisons, Punjab.	..	..	Simla	152	75	227	..	..
	Ditto	Camp Establishment	..	..	Simla	..	..	..	..	..
29	Medical Department.	Col. P. B. Bharucha, I. G. C. H., Punjab.	Simla	3 1/2 months	Simla	134	..	295	..	..
	Ditto	Camp Establishment	{ Simla	3 1/2 months	Simla	152	..	152	..	..
			{ Simla	3 1/2 months	Simla	700	257	1,150	..	..
30	Forest Department.	Mr. R. N. Parker, C. C. F., Punjab.	Simla	3 1/2 months	..	..	..	..	..	..
	Ditto	Mr. H. M. Glover, C. C. F., Punjab.	..	..	Simla	1,049	100	1,149	..	..
	Ditto	Camp Establishment	Simla	3 1/2 months	Simla	150	..	421	..	..
31	Ditto	Mr. H. M. Glover, C. F., Eastern Circle.	Simla	2 1/2 months	..	182	11	193	..	..
32	Ditto	Mr. H. L. Wright, C. F., Eastern Circle.	Simla	2 1/2 months	..	91	..	91	..	..
33	Ditto	Mr. W. H. G. Samler, C. F., Eastern Circle.	..	..	Simla	..	..	..	..	..

Serial No.	Name of Department.	Name and designation of officers.	SITING OF OFFICERS AND PERIOD.				EXPENDITURE INCURRED DURING THE YEAR 1940.				
			1939.		1940.		Hill allowance.	Travelling allowance.	Contingences.	Total	
			Station.	Period.	Station.	Period.					
1	2	3	4	5	6	7	8	9	10	11	
			Station.	Period.	Station.	Period.	Hill allowance.	Travelling allowance.	Contingences.	Total	
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
34	Forest Department.	Camp Establishment .. Mr. A. P. F. Hamilton, D. A. E. Circle.	Simla ..	2½ months ..	Simla ..	2½ months ..	..	20	..	20	
	Ditto	Camp Establishment ..	..	..	Simla ..	2½ months ..	..	91	32	123	
35	Police Department.	Mr. E. W. E. Wace, D. I. G., C. R.	..	..	Simla ..	1½ months ..	..	..	69	69	
36	Ditto	Mr. R. C. Jeffreys, D. I. G., Ambala Range.	..	..	Simla ..	1½ months ..	..	89	11	100	
	Ditto	Camp Establishment ..	Simla ..	1½ months ..	Simla ..	1½ months ..	..	23	..	23	
		Total	..	..	..	..	3,424	5,286	2,024	10,734	

Sardar Lal Singh : Cannot this House know the approximate total amount of this cost ?

Minister : I have given the detailed amount in the statement.

CANCELLATION ETC., OF LICENCES OF LEGAL PRACTITIONERS.

***7182. Pandit Shri Ram Sharma :** Will the Honorable Finance Minister be pleased to state the number and names of legal practitioners and petition-writers whose licences were suspended or cancelled during the last five years together with dates, charges and the period of suspension in each case ?

The Honourable Sir Manohar Lal : A statement is laid on the table—

A.

Statement showing the number and names of the Advocates suspended or removed from the roll of Advocates of this Court during the last 5 years (1936—40).

Name of Advocate.	Suspended or removed.	Date of suspension or removal.	Period of suspension.	Charge in brief.	REMARKS.
1. Mr. A. S. Osborne ..	Suspended ..	8th April, 1936 ..	18 months ..	Criminal breach of trust.	
2. Mr. Marghub Ahmad ..	Do. ..	19th November, 1936.	3 months ..	Use of threats and other improper methods in an attempt to induce the District Magistrate, Lyallpur, to withdraw a Criminal Case pending against his client.	
3. Mr. Behari Lal ..	Removed ..	15th December, 1936 ..	..	Conviction under Section 409, Indian Penal Code.	
4. Mr. Faqir Singh ..	Suspended ..	19th November, 1938 ..	Until further orders ..	Conviction under sections 120-B., 467 and 471, Indian Penal Code.	
5. Mr. C. L. Galati ..	Do. ..	12th January, 1940 ..	Do. ..	Prosecution under Section 193, Indian Penal Code, ordered by the High Court. Also being prosecuted under section, 409, Indian Penal Code.	
6. Mr. Gian Singh ..	Removed ..	30th April, 1940 ..	..	Conviction under sections 193-109 and 419, Indian Penal Code.	
7. Mr. Joti Sarup ..	Do. ..	1st May, 1940 ..	..	Embezzlement of money entrusted to him by his client.	
8. Mr. Badr-ad-Din, Qureshi ..	Do. ..	14th October, 1940 ..	..	Conviction under sections 409 and 477-A, Indian Penal Code.	
9. Mr. L. M. Datta ..	Do. ..	23rd October, 1940 ..	..	Employment of tons in 2 cases and cheating of his fellow members of the Bar by representing that he was acting for them.	

B.

Statement showing the number and names of the Pleaders who were suspended or removed from the roll of Pleaders of this Court during the last 5 years (1936—40).

Name of Pleader.	Suspended or dismissed.	Date of suspension or dismissal.	Period of suspension.	Charge.	REMARKS.
1. Pandit Bearsi Dass Sharma, Pleader, Simla.	Conditionally suspended.	15th July, 1937	3 months	Fraudulent retention of money	Suspension did not take place as he fulfilled the condition, i.e., paid Rs. 900 costs of the suit.
2. Lala Ishar Das Gera, Pleader, Lahore.	Suspended	16th November, 1937	One year	Misrepresentation of facts.	
3. Gian Chand Sharma, Pleader, Hamirpur (Kangra).	Dismissed	21st October, 1938	..	Concealment of fact regarding his dismissal from Government service.	
4. Lala Summat Parshad, Pleader, Ambala.	Suspended	14th November, 1939	One year	Filing of a false affidavit.	
5. Mr. Sunder Dass, Pleader, Jyallpur.	Do.	15th February, 1939, to 24th April, 1939.	2 months and 9 days	Becoming partner of a Registered business firm without permission.	Notification regarding his suspension issued on 15th February, 1939, but was cancelled as he tendered an unconditional apology.

B—*continued.*

Name of Pleader.	Suspended or dismissed.	Date of suspension or dismissal.	Period of suspension.	Charge.	REMARKS.
6. Lala Tej Bhan, Pleader, Lahah.	Suspended	30th April, 1940, to 31st December, 1940.	Suspended from 30th April, 1940, to 31st December, 1940, and thereafter his license not to be re- newed.	Money-lending and institution of suits on nominal court-fees.	
7. Lala Sobh Raj, Pleader, Lahah.	Do.	Ditto	Ditto	Ditto ditto.	
8. Lala Karam Chand, Pleader, Lahah.	Do.	Ditto	Ditto	Ditto ditto.	
9. Lala Mohan Lal Jagota, Pleader, Ludhiana.	Dismissed	14th October, 1940	..	Money-lending.	
10. Lala Rala Ram Takyar, Pleader, Paunth.	Suspended	3rd December, 1940	For six months	Ditto.	

C.

Statement showing the number of Petition-Writers whose licenses were suspended or cancelled during the last five years (1936—40).

District.	Name of petition-writer.	License suspended or cancelled.	Date of suspension.	Period of suspension.	Charge.	REMARKS.
1. Karnal ..	1. Raqibbar Dial, P. W., Karnal.	Suspended ..	6th April, 1936 ..	6th April, 1936, to 29th May, 1936.	Breach of High Court Rule 4 (b), Chapter 17-B., R. & O., volume I.	
	2. Aqil-ud-Din, P. W., Rohtak.	Cancelled ..	24th December, 1938	..	Concealment of his dismissal from Government services.	
2. Hoshiarpur ..	1. Ghulam Rasool, Hoshiarpur.	Suspended ..	18th August, 1938..	6 months ..	Forging of a document.	
	2. Damodar Dass, Kullu.	Do. ..	5th November, 1938	One year ..	Insubordination.	
3. Jullundur ..	Khushi Ram ..	Do. ..	14th February, 1939	3 months ..	Attending Sub-Judge's Court while drunk.	
4. Lahore ..	T. I. Umor Din Khan.	Do. ..	10th May, 1940 ..	Till further orders ..	Using of disparaging words against Registrar, Small Cause Court, Lahore.	

C-continued.

District.	Name of petition-writer.	License suspended or cancelled.	Date of suspension.	Period of suspension.	Charge.	REMARKS.
5. Amritsar ..	Mohammad Munir Khan.	Cancelled ..	15th June, 1940 ..	..	Suppression of a mortgage-deed written by him and entrusted to him for safe keeping, with intention to gain advantage in his own case relating to the same property.	
6. Cantuar ..	1. Padri Nath of Pashankot. 2. Basant Singh of Batsala.	Suspended .. Cancelled ..	24th June, 1937 .. 28th November, 1938 ..	3 months	Writing of a document in the form of a deed of gift of land although the land was actually sold for money and the petitioner had knowledge of this fact.	
7. Gujranwala ..	1. Ghulam Moby-ud-Din, Gujranwala.	Suspended ..	23rd December, 1937 ..	One year ..	Having affixed and cancelled a stamp on a promote subsequent to its execution.	Perjury.

8. Seogodha ..	2. Des Raj, Gujrat ..	Do.	26th January, 1939 ..	15 days ..	Contempt of court by not appearing when summoned to refund diet money wrongly received by him.
	1. Chanan Das, Jhang.	Do.	14th March, 1939 ..	Till winding up money-lending business.	Money-lending.
	2. Wali Ram ..	Do.	31st October, 1940 ..	Ditto ..	Ditto
	3. Pars Ram ..	Cancelled	Ditto ..	..	Ditto
9. Jhelum ..	Urnat Basni ..	Do.	23rd August, 1940 ..	..	Using of Government papers for writing applications for litigants.
10. Mianwali ..	Bakshi Moti Ram	Cancelled by High Court.	18th November, 1940	..	For making unfounded attacks on Judicial Officers.
11. Montgomery	1. Bhai Hukam Singh,	Suspended	6th September, 1939 ..	29th October, 1940	Money-lending.
	2. Ganesh Das ..	Do.	29th August, 1940 ..	Under suspension pending enquiry.	Ditto.
	3. Gajjan Ram ..	Do.	Ditto ..	Ditto ..	Misconduct.

**REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG
PROCESS-SERVERS AND BAILIFFS.**

***7455. Chaudhri Sumer Singh :** With reference to the answer to unstarred questions No. 1188¹, asked by Captain Sodhi Harnam Singh during the current session of the Assembly, will the Honourable Minister of Finance be pleased to state the number of posts held by the Hindu statutory agriculturists ?

The Honourable Sir Manohar Lal :—

Process-servers	215
Bailiffs	23

COURTS OF SUB-JUDGES.

***7481. Rai Bahadur Mukand Lal Puri :** Will the Honourable Finance Minister be pleased to state—

- (a) the total number of courts of Sub-Judges of all grades existing in the province on the 1st April, 1937, and on the 1st December, 1940 ;
- (b) the names of places in the province where the courts of Sub-Judges existed on the 1st April, 1937, and where they have been abolished ?

The Honourable Sir Manohar Lal : The required information is given in the attached statement.

(a) *The total number of Courts of Sub-Judges—*

On 1st April, 1937	154
On 1st December, 1940	136

(b) *The names of places in the Punjab where the Courts of Sub-Judges existed on 1st April, 1937, and 1st December, 1940 :—*

Place.	Number of Courts on 1st April, 1937.	Number of Courts on 1st December, 1940.
Hissar	4	2
Rohtak	3	3
Jhajjar	1	..
Sonepat	1	..
Gurgaon	2	3
Karnal	3	2
Panipat	1	1
Kaithal	1	1
Ambala	4	3
Jagadhri	1	1
Rupar	1	1
Dharamsala	1	1

Place.	Number of Courts on 1st April, 1937.	Number of Courts on 1st December, 1940.
Kangra ..	3	2
Hoshiarpur ..	8	6
Garhshankar ..	1	1
Una ..	1	1
Dasuya ..	1	1
Jullundur ..	4	5
Nakodar ..	1	1
Phillaur ..	1	1
Nawanshahr ..	1	1
Ludhiana ..	5	4
Jagraon ..	1	1
Samrala ..	1	1
Ferozepore ..	3	4
Zira ..	1	1
Moga ..	1	1
Fazilka ..	1	1
Muktsar ..	1	..
Lahore ..	11	12
Chunian ..	1	..
Kasur ..	1	1
Amritsar ..	9	7
Ajnala ..	1	1
Tarn Taran ..	2	1
Gurdaspur ..	3	3
Batala ..	2	2
Shakargarh ..	1	..
Pathankot ..	1	1
Sialkot ..	2	3
Pasrur ..	1	1
Narowal ..	1	1
Daska ..	1	1
Gujranwala ..	3	3

Place.	Number of Court on 1st April, 1937.	Number of Court on 1st December, 1940.
Hafizabad	1	1
Wazirabad	1	..
Sheikhupura	3	3
Gujrat	4	3
Mandi Baha-ud-Din	1	1
Sargodha	3	2
Shahpur	1	1
Bhera	1	1
Jhelum	1	2
Chakwal	1	1
Pind Dadan Khan	1	1
Rawalpindi	5	4
Gujar Khan	1	1
Campbellpur	2	2
Pindigheb	1	..
Mianwali	2	2
Bhakkar	1	1
Montgomery	2	2
Pakpattan	1	1
Lyallpur	4	3
Gojra	1	..
Toba Tek Singh .. .. .	..	1
Jhang	3	3
Chiniot	1	1
Multan	6	5
Khanewal	1	1
Muzaffargarh	2	1
Alipur	1	1
Leiah	1	1
Dera Ghazi Khan	2	2
Rajanpur	1	1
Total	154	136

(i) Courts have been abolished at :—

Hissar	..	..	..	..	..	2
Karnal	..	..	..	..	..	1
Ambala	..	..	..	..	..	1
Kangra	..	..	..	..	..	1
Hoshiarpur	..	..	..	..	..	2
Ludhiana	..	..	..	..	..	1
Amritsar	..	..	..	..	..	2
Tara Taran	..	..	..	..	..	1
Gujrat	..	..	..	..	..	1
Sargodha	..	..	..	..	..	1
Rawalpindi	..	..	..	..	..	1
Lyallpur	..	..	..	..	..	1
Multan	..	..	..	..	..	1
Muzaffargarh	..	..	..	..	..	1

(ii) Sub-Judges at the stations entered in column 1 of list below visit the stations entered in column 2 for the periods shown in column 3, so that these courts cannot be regarded as completely abolished :—

1	2	3
Rohtak	Jhsjar	Up to 10 days each month as work may require.
Rohtak	Sonepat	Ditto.
Fazilka	Muktsar	Ditto.
Lahore	Chunian	Ditto.
Narawal	Shakargarh	Ditto.
Hafizabad	Wazirabad	Ditto.
Campbellpur	Pindigheb	Ditto.

STRICTURES PASSED BY SESSIONS JUDGE, FERROZPORE, IN CASE CROWN
VERSUS JAGJIT SINGH.

*6798. **Sardar Pritam Singh Siddhu** : Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that serious strictures were passed against the investigation officer by the Sessions Judge, Ferozepore, in his judgment in the case under section 302, Indian Penal Code, Crown *versus* Jagjit Singh, Dalel Singh of village Mehmud Kera in the Fazilka tahsil and the Government also made an inquiry against the said officers after these strictures were passed ;

[S. Pritam Singh Siddhu.]

(b) if the answer to (a) above be in the affirmative, what was the result of that enquiry ?

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

(b) Three were exonerated and 2 were punished departmentally. One foot constable died during the enquiry.

Mian Abdul Rab : May I know from the Parliamentary Secretary as to who made the enquiry in this case against the investigating officer ?

Parliamentary Secretary : Departmental enquiry was made by an officer of the police.

Mian Abdul Rab : Is the Parliamentary Secretary prepared to disclose the name of that officer who made that enquiry ?

Parliamentary Secretary : I am not prepared to disclose the name of that officer, as it will serve no useful purpose.

BISHAN SINGH, SUB-INSPECTOR, POLICE, JARANWALA.

*6808. **Sardar Pritam Singh Siddhu** : Will the Honourable Minister for Public Works be pleased to state—

(a) whether on the request of certain gentlemen of Jaranwala the Government had, sometime ago, inquired into the conduct of one Bishan Singh, Sub-Inspector of Police, at Jaranwala, for his corrupt practices ; if so, the result of that inquiry ?

(b) whether it is a fact that recently fresh applications were submitted by Jaranwala public to the authorities concerned for further inquiry into the conduct of this Sub-Inspector ; if so, the action taken by the Government on those applications ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) A complaint of corruption emanating from certain zamindars of Jaranwala Police Station was received against Sub-Inspector Bishan Singh in January, 1939. An enquiry was made into the allegations of corruption against the Sub-Inspector, but these could not be substantiated.

(b) Another petition from certain residents of Jaranwala praying for a fresh enquiry into the previous complaint of corruption against the Sub-Inspector was received by the Deputy Inspector-General of Police, Central Range, on the 28th March, 1940, but as the Sub-Inspector had retired by that time, no action was taken on this petition.

GOHANA MUNICIPAL COMMITTEE.

*6846. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Public Works be pleased to state—

(a) the reasons for which the Gohana (district Rohtak) Municipal Committee was suspended on 10th November, 1933 ;

- (b) whether after the supersession, the financial condition of the Committee became satisfactory; if so, whether it is proposed to revive the Committee?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) and (b) The attention of the honourable member is invited to the replies given to starred questions Nos. 5240¹ and 5906² asked by him in the last session. A notification reconstituting the Committee with effect from the date of the publication of the results of the next general election has already issued.

EXPENSES INCURRED IN CONNECTION WITH KHAKSAR MOVEMENT.

***6964. Mr. Dev Raj Sethi:** Will the Honourable Minister for Public Works be pleased to state the approximate expense which has so far been incurred in connection with the Khaksar movement, giving the details of the punitive police appointed in Lahore in connection with the Khaksar movement the date of its posting and the total monthly expenditure?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): The expenditure incurred up to November, 1940 in connection with the Khaksar movement is estimated at Rs. 1,94,730.

An additional police post consisting of 1 Deputy Superintendent of Police, 1 inspector of Police, 20 Assistant Siub-Inspectors of Police, 20 Head Constables, 20 Naiks and 588 Foot Constables was located in Lahore City for a period of one year with effect from the 1st July, 1940. The total monthly expenditure on account of additional police amounts to Rs. 21,770.

Mian Muhammad Nurullah: May I know how much of this amount, that is, Rs. 1,94,730, was realised from the public?

Parliamentary Secretary: This is not the cost on account of additional police post. It is the total expenditure incurred in connection with the Khaksar movement.

NOMINATION PAPERS OF MR. RAM LABHAYA CHANANA, MUNICIPAL COMMITTEE, LYALLPUR.

***7066. Sardar Sampuran Singh:** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that the nomination papers of Mr. Ram Labhaya Chanana, a candidate from Ward No. 2 to Municipal Committee, Lyallpur, were rejected by the Revising Authority in December, 1939;

(b) whether it is a fact that a petition against the order of the said authority was filed by the candidate;

(c) whether that petition has so far been referred for trial to any magistrate; if not, why not?

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

(c) Yes; the latter part does not arise.

¹Vol. XII, page 276.

²Vol. X, page 1094.

FRANCHISE TO WOMEN IN LOCAL BODIES.

***7067. Sardar Sampuran Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether and when Government proposes to extend franchise to women in local bodies and if it does not intend to give women that right how it proposes to secure the representation of women on the local bodies ;
- (b) whether Government has accepted the principle of nominating ladies to local bodies ; if so, the names of the local bodies in which this principle has been given effect to and also the names of the ladies nominated to such local bodies ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) This will be considered in consultation with the committees appointed by Government recently to advise on amendments to the existing legislation.

(b) Yes. A statement containing the information is laid on the table—

Statement.

Serial No.	Local body.	Lady nominated.	REMARKS.	
1	Municipal Committee, Simla.	Dr. (Miss) L. H. Poynder.		
2	Municipal Committee, Ludhiana.	Dr. Dame Edith Brown, M.D., O.B.E.		
3	Municipal Committee, Lahore.	Begam Shah Nawaz .. Dr. (Miss) Shave .. Mrs. Nanak Chand Pandit	} The Municipal Committee has since been superseded.	
4	Municipal Committee, Amritsar.	Dr. (Miss) K. S. Vine ..		No longer a member.
5	Municipal Committee, Dalhousie.	Miss A. Stiffle.		
6	Municipal Committee, Rawalpindi.	Dr. (Mrs) Shakuntla Budwar.	No longer a member.	

LAWLESSNESS PREVAILING IN LUDHIANA DISTRICT.

***7158. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it has come to his notice that the special staff deputed with the police force in Ludhiana to arrest Ajaib Singh and other dacoits and absconders does not get full co-operation from the district police ; if so, the action taken in the matter ;

(b) if reply to the above be in the negative, will Government be prepared to make a detailed inquiry and find out reasons for the lawlessness prevailing in the Ludhiana district ?

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

(b) No. There is no general state of lawlessness prevailing in the Ludhiana district. However, there is a dangerous military deserter at large and Government has adopted special measures to effect his arrest. I may add that Ajaib Singh was shot dead on the 7th December, 1940.

LAWLESSNESS IN LUDHIANA DISTRICT.

***7159. Chaudhri Muhammad Hasan:** Will the Honourable Minister of Public Works be pleased to state whether Government is aware that the zamindars in general in the Ludhiana district have lost confidence in the police administration as evidenced in the address presented by the Zamindara League at Jagraon to three Honourable Ministers in February or March last ; if so, whether it is intended to make a detailed inquiry to find out the reasons for the lawlessness at present prevailing in the district and to take suitable action in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): No. Government is not aware that the zamindars in the Ludhiana district have lost confidence in the police. The honourable member's attention in this connection is drawn to answers to questions Nos. *7049¹, *7157² and 7068³.

VOTERS IN BHIWANI MUNICIPAL COMMITTEE.

***7469. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of wards and voters in each ward of Bhiwani Municipal Committee in the new list prepared recently ;

(b) reason of disproportionate number of voters of each ward ?

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

(b) Wards have to be constituted with due regard to the recognised land marks in a town and it is not always possible to have an equal number of voters in each ward.

¹Vol. XIV, page 590.

²Vol. XIV, page 44 etc.

³Vol. XIV, page 606.

Statement.

Number of ward.	Number of voters.
Muslims	
1	1,029
2	907
Non-Muslims.	
1	558
2	663
3	597
4	720
5	695
6	715
7	780
8	451
9	461
10	695

HINDU AND MUSLIM VOTERS OF BHIWANI MUNICIPAL COMMITTEE.

*7470. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister for Public Works be pleased to state—

- the total number of Hindu and Muslim voters in Bhiwani Municipal Committee, respectively ;
- the percentage of Muslim voters and that of Muslim seats in Bhiwani Municipal Committee ;
- whether the number of Muslim seats is in consonance with the formula adopted by the Government in allotting seats ; if not, the action Government intends to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) 6,415 and 1,777 respectively according to the lists of the last general election.

(b) 21·69 and 18·75 respectively.

(c) The share of a community is determined on the basis of population *cum* voting strength. Muslim representation on the municipal committee of Bhiwani is correct in accordance with this formula.

MURDER OF DARSHAN LAL, SON OF ARJAN DASS PURI, OF RAWALPINDI CANTONMENT.

*7482. **Dr. Sir Gokul Chand Narang** : Will the Honourable Minister of Public Works be pleased to state—

- whether a boy named Darshan Lal, aged about 7 years, the only son of one Arjan Dass Puri, shopkeeper, Gowalmandi, Rawalpindi Cantonment, was murdered between the night of the 3rd and 4th of September, 1940, and that his dead body was recovered from the *Ihata* of Gangabishan situated in Gowalmandi, Rawalpindi Cantonment ;

- (b) whether it is a fact that the matter was reported to the local police, Gowalmandi, and the names of the persons suspected by the father of the murdered boy were also mentioned ;
- (c) whether it is a fact that on the failure of the local police to trace the culprits a petition was sent by the said Arjan Dass Puri to the Inspector-General of Police, Punjab, sometime towards the end of September, 1940 ; if so, what action has been taken on the said petition and if no action has so far been taken thereon, the reasons therefor ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) The boy was missing from the evening of the 2nd September, 1940, and his dead body was found on the night between the 3rd and 4th September, 1940.

(b) Yes. The matter was reported at Police Station, Rawalpindi Cantonment, and a case F. I. R. No. 147 of 1940, under section 302 of the Indian Penal Code was registered. The names of persons suspected by the father of the boy were mentioned.

(c) When Arjan Das's petition was received investigation into the case, which was proceeding, was given a fresh drive by senior officers. The culprits have not yet been traced but investigation is proceeding.

RECREATION SCHEMES.

***7060. Sardar Sampuran Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Punjab Government sometime ago received certain schemes for urban and rural recreation drafted by Principal G. D. Sondhi, M.A., I. E. S., for consideration ; if so, whether he will be pleased to lay a copy each of the schemes on the table of the House ;
- (b) whether Government has so far examined the schemes and has worked out their details ; if so, whether it has decided to put the schemes through and if so, when these may be expected to be put through and if not, why not ?

The Honourable Mian Abdul Haye : (a) Yes. A copy each of the schemes is laid on the table.

(b) Mr. Sondhi was asked to work out the cost of his proposals to enable Government to gauge the financial commitments Government would incur if the schemes were implemented. This he found himself unable to do and Government is considering what further steps are now possible.

Wanted a Department of Urban Recreation by G. D. Sondhi, M.A., I.E.S., Member, International Olympic Committee, Vice-President, International Hockey Federation, Member, Advisory Committee of the International Recreation and Spare Time Congress.

A Department of Urban Recreation is an urgent necessity. This is the conclusion to which I am impelled through a study of the recreational movement in most of the advanced countries of the world, and of the conditions prevailing in India.

In addition to my study through books and periodicals, I have had the good fortune to be present and to be closely associated with both the First International Recreational Congress held at Los Angeles in 1932, and with the Second one held at Hamburg in 1936.

Delegates from 19 countries were present at the First Congress and representatives of over thirty countries were present at the Second one.

These representatives were all unanimous as regards the vital necessity of the recreational movement for the uplift of their countrymen. The only difference that existed was as regards the share of the state on one side and of the individual and of the voluntary associations on the other in the work of providing recreational facilities for the people.

The tendency among the Anglo-Saxon countries was to stress the voluntary organisations, and among the continental countries the activity of the state.

Taking into account the conditions in India, the apathy of the people, the vastness of the organisation required, the probable necessity of legislative assistance, I am forced to conclude that in the early stages at least Government help and guidance will be indispensable.

It is possible that there may be a doubt in the minds of some as to whether recreation is a serious and an important enough work for the Government to undertake. I would request such people to consider closely the programme of recreational work set forth below, and not to be led away by the obvious implications of the word "Recreation".

To begin with, Recreation is concerned with the art of living well. No doubt, most of our time and effort is spent in earning, or in qualifying for earning, a living. Nonetheless it is true that man works only to live and lives not only to work.

All the toil, the sweat and the struggle are no doubt necessary to gain a sufficiency of the goods of the world. But indispensable though these goods are they are not the end of human endeavour. The end is a life of health, of joy, of culture and refinement, and of service to others. Recreation, properly understood, is on one side the art of living well, and on the other a study of the methods by which a man can live well. Thus understood, recreation is no redundant appendix to the life of work; it is the real aim and object of that life. The establishing of a Department of Recreation is no indulgence for times of surplus budgets. It is an urgent necessity and a necessity which is even more imperative in times of economic and social depression than at other times.

The problem of a good recreational programme for a country like India is one of great magnitude. On one side there is the large section of population that lives in villages, and on the other there is the urban population.

Each section has its own peculiar problems. The villages, for instance, have their conservatism and their predominantly physically exhausting occupations. The towns on the other hand have the problems of congestion, of a more radical and quick mind, of the existence of commercialised amusements, and of the concentration of children and youths in educational institutions.

On account of the vastness of the subject and on account of the marked differences between city and village life, I have considered it advisable to deal chiefly with one portion of the subject. I shall deal chiefly with the problems of urban recreation and with the aims and the work of a department of urban recreation.

THE AIMS OF THE DEPARTMENT.

The chief aims that the Department of Urban Recreation should keep before itself are :—

1. To bring joy into life through—
 - (i) improved health and physique;
 - (ii) better appreciation of beauty in Nature, Art, Literature, etc.
2. To introduce discipline and restraint in life through—
 - (i) ideas of sportsmanship;
 - (ii) indirect and more subtle methods of games and other forms of recreation.
3. To inculcate a spirit of citizenship and service through offering a wide field for voluntary social work.

The general methods to be adopted by the Department should be the encouragement of self-activity. Self-effort in amusing one's self, in bettering one's self, in realising one's self, is the best method. The help of others is necessary but after a time is secondary. The help of commercialised agencies is perhaps equally necessary, but beyond a certain point dangerously demoralising. The emphasis must be on self-activity.

It follows from this that the work of the Department would therefore be not so much to do things itself as to provide impetus to self-activity, and to provide suitable avenues for the expression of this activity.

DETAILED PROGRAMME.

WORK OF THE DEPARTMENT OF URBAN RECREATION.

1. PHYSICAL CULTURE for children, adults and other people of both sexes.—

(i) Group and mass exercises.

(ii) Games of various kinds, especially those leading to agility and co-ordination of eyes and hands and legs, etc.

(iii) Mass exercise displays and inter-ward and inter-town competitions.

The above work will require an adequate provision of parks and playgrounds for recreation for both sexes. It will involve:—

(i) the conversion into playgrounds of nazul lands, municipal waste land, reclamation of ponds;

(ii) the securing of grounds from private or semi-public institutions;

(iii) the better utilization of grounds already in existence;

(iv) the helping of the municipalities with layout plans of playing fields.

Play centres for children will also have to be provided. This will involve—

(i) the securing of suitable buildings;

(ii) the drafting of a suitable programme of leisure-time work for children according to age or size groups;

(iii) the training and appointment of play-directors.

2. SOCIAL :—The work of the Department in the social sphere will be mostly to encourage private initiative in the celebration of festivals—mostly seasonal, such as Basant, Baisakhi. The Department can be more directly concerned in arranging for outings and amusements and games on these occasions. Such work is being done by Governmental agencies in Germany and Italy.

3. CULTURAL & EMOTIONAL :—With regard to these, the Department will have to concern itself with activities like the following :—

Dramatic Clubs.—Interward municipal competitions, inter-city competitions, open air performances in summer.

Concerts.—Indoor and outdoor.

Pageants.—Historical, allegorical, etc.

Competitions requiring mental skill mostly.—Chess matches, etc.

Exhibitions.—Art, hobbies, collections, flower shows, etc.

Lectures in connection with—

(i) Art, literature, drama.

(ii) Health, sanitation.

(iii) Hobbies and amusements.

(iv) Parenthood, bringing up of children.

(v) Adult education.

4. SEMI-ECONOMIC :—The Department will have to take an active interest in arranging for such classes as will lead to the greater efficiency of the people. Under this heading will come vocational lectures on the lines of the London Polytechnic.

5. TRAVEL AND EXCURSIONS :—The Department will have to deal directly or indirectly with matters like the following :—

(i) Propaganda to encourage travel, etc.

(ii) Issue of pamphlets giving information about places.

(iii) Division into groups such as Cycling, Hiking, Motoring or Railway.

(iv) Securing cheap fares from public transport companies.

(v) Arrange for hikers, shelters and camps.

(vi) Issue information about camping out fit, etc.

6. LEGISLATION :—A very important work of the Department will be to suggest the direction in which legislation can help the programme of recreation. For example, legislative provision for :—

(i) early closing hours;

(ii) half holiday a week, etc.;

(iii) open spaces and playgrounds in New Abadis and in schools and factory settlements.

The programme sketched above is a very wide and varied one. For its proper discharge a huge Department would be needed in time.

But we do not want a big Department from the very beginning, because—

Firstly, the work of the Department must be started and extended with caution.

Secondly, the Department should not try to do everything itself. It should be more concerned with evoking the desire for recreation and the capacity to fulfil that desire among the people.

Thirdly, there are already a number of voluntary associations at work which supply some of the recreational needs of sections of the people. The Y. M. C. A.'s, the Y. W. C. A.'s and the other sports associations and clubs are rendering a great service to the physical and social uplift of the country.

A question may here be asked: If the voluntary societies are doing so much work what need is there of a Government Department? The answer to this question lies on one side in the peculiarly backward condition of India in all matters of recreation, and on the other hand in the very intensity of the problem to be tackled.

There are also the peculiar limitations under which the voluntary societies work and which prevent their work from spreading beyond certain limits.

Taking all these considerations into account, it will be found that there is an urgent need of such a Governmental Department. The experience of other countries also points in the same direction. In important countries like Germany, Italy, France, and in many other smaller countries there are either state departments or state-aided institutions guiding, controlling and conducting the work of the recreation of the people. In England and the U. S. A. the recreational work is either in the hands of voluntary associations or of municipal bodies. In India neither of these can fully meet the requirements of the people. There is not enough support behind voluntary associations and there is not enough civic consciousness in the municipalities.

The only course possible is the establishment of a Government Department.

If such a Department is created, and if the Department undertakes the work in the right spirit of service, then it would be one of the greatest boons the Government can confer on its people. In the Punjab, we find that there is an active Department of Rural Reconstruction which takes a great deal of interest in the physical betterment of the rural population. What is wanted is a similar department for the urban population as well. The problem of urban recreation is equally urgent and important, and if properly tackled will have healthy repercussions on the economic, social, moral and political life of the people.

We must bear in mind that cities can be worse disease centres than villages, that facilities for healthy physical life are extremely scanty in towns, that thought—good or evil, social or anti-social—spreads much more quickly in towns than in the country side, that all the agencies of commercialised amusements, i.e., amusement for private profit and not necessarily for public benefit, flourish most in urban areas, that most of the haunts of vice are in the towns and that it is there that the allurements to vice are used most skilfully; and last but by no means the least in importance is the fact that it is in the towns that we have the centres of higher education, and that it is to the towns we send the youth, the future hope of their parents and the country. If we want our young men and women to develop along the lines of moral, mental and physical health, we must give them surroundings which are not antagonistic to body, brain and virtue. To neglect the right development of the youth, and to neglect the foul atmosphere in which it may have to live, is to sin against the holy ghost of Youth and to be guilty of moral if not physical infanticide.

I, therefore, hope that the problem of a sound recreational programme for the people in general, and the urban population in particular, will receive the attention it deserves and that the new Legislative Assemblies will take up this work as one of their most important duties.

Rural Recreation by G. D. Sondhi, M.A., I.E.S., Member, International Olympic Committee, Vice-President, International Hockey Federation Member, Advisory Committee of the International Recreation and Spare-Time Congress.

I.—CHARACTERISTICS OF RURAL LIFE.

II.—REQUISITES OF THE PROGRAMME.

III.—THE PROGRAMME.

I.—Rural occupations have three marked characteristics which distinguish them from most urban occupations—

- (1) Rural work is in the open fields, whereas most urban work is indoors, in shops, offices and in factories.
- (2) Rural work mostly calls for physical effort.
- (3) Rural work is seasonal.
- (4) To these we should add another characteristic which though not inseparable from rural life is yet a prominent feature of it, the lack of literacy.

All these features of life will have an influence in determining the kind of recreation most suitable for the village population. Let us consider the bearing of each of these factors on the programme of rural recreation.

(1) *Open air life.*

This feature of rural life gives it a great advantage over urban life. Whereas the first essential for the townsmen is that they should be taken away from the dust, smell, smoke and germ-laden atmosphere of the towns into the open air, the villagers are already there. The villagers thus start with an initial advantage, and the life in the open saves them from many of the diseases that play such a havoc among the townsmen. Not only does the open-air life save the villagers from some of the city diseases, but as they work in all kinds of weathers, they acquire a sturdiness of physique and a capacity to bear the vagaries of weather which is the envy of city-dwellers.

A recreational programme for the country-side will not thus have to stress open-air so much and may actually have to suggest some indoor occupations.

(2) *Rural work mostly physical.*

The work in the country side, whether purely agricultural, or subsidiary to agriculture, is almost wholly on the physical plane. There is little of mental strain involved in it. Rules of thumb obviate thinking.

And as the rural economy involves a number of different kinds of daily chores, there is a certain amount of variety in village work. But though there is a variety in work, yet it does not escape being monotonous. The work is all on the physical plane and the interest that comes from a mixture of mental with physical work is not there.

This fact again will make a difference to our programme. We must supply elements of mental interest in easily assimilable doses, in our scheme of recreation.

We shall also have to stress more the moral side of the games and of the other items of recreation, than the physical.

The deadening monotony of work at the physical level will also have to be counteracted through games and other suitable means of emotional release.

Thus mental, moral and emotional aspects of recreation will have to be kept specially in view when selecting our programme of activities.

(3) *Seasonal character of Rural Work.*

Though it is frequently said that the villager is always busy and has no leisure at any time of the year, yet it is undeniable that there are periods when the work is much less heavy than at others. In the Panjab, about the months of February when the crops cease to require much attention the villager's slack time begins. And this is also the time when most of the litigation starts and village fights take place. This increase in crime and litigation can be directly traced to the slackening of work in the fields.

Injurious socially, wasteful economically, harmful morally though litigation is, it does serve a purpose outside itself—the purpose of emotional release. Pressure of work so far had left no time for indulging in feelings of enmity and hate, party faction and rivalry, but once the pressure is reduced and the numbness induced by physical work partly overcomes the emotions claim an outlet, and the season of fights and murders begins. To meet the onset of the slack season and to divert the combative instincts from unsocial into social channels we must have a programme of recreation ready in advance, for the agricultural slack time must be the recreational busy time.

(4) *Lack of Literacy.*

This feature of rural life will have a bearing on the kind of recreational activities that are to be encouraged. Some of the prominent recreational activities of city-life—literary, debating and cultural clubs, will not be available for the country-side.

The programme will have to be comparatively simple and less exacting to attention. At the same time it must provide as much mental stimulus as possible under the circumstances.

II.—REQUISITES OF THE PROGRAMME.

To meet these conditions a manysided programme of recreation would be needed. This programme must, however, fulfil the following conditions:—

1. Must not be too fatiguing. Its aim must be more to restore the disturbed balance than to provide excessive physical culture.
2. Must not be dull. It should not consist of much physical drill, nor of much lecturing, nor too much advising. Any upsetting of balance in one direction or the other will make the programme uninteresting. There must be a judicious mixture of all ingredients, physical, mental, emotional, cultural, economic, etc.
3. Must provide controlled emotional outlets. Must provide opportunities for the safe indulgence or expression of emotions that get suppressed during the working hours. There must be provided supervised opportunities for outshining rivals, for excelling, for local patriotism, even for party-spirit.
4. Must be mentally and morally stimulating. But the stimulation must not be a very direct one, because that would make the programme didactic and therefore dull. A suitably composed recreational programme which partly leads and partly urges their minds is essential for this. But the ingredients of the programme must be comparatively of a simple kind. Any complexity which puzzles the villager more than to a certain extent will make the item less attractive if not wholly repugnant to him.
5. Must be such as encourages self-expression along personality-making, social and health-giving lines. This would necessitate more self-activity in recreation than mere passive reception. The creative aspect of recreation must be the most important one if recreation is to be of real good to man and society. From this point of view the provision only of ready-made amusement, such as through radios and lectures and cinemas is not wholly desirable.
6. Finally the recreational programme must not be an expensive one. The erstwhile village amusements and games satisfied this essential condition. This was particularly noticeable in the case of games and sports where hardly any implements were used, or if used were like the 'mugdar' the common property of the village. Not only the games required no expensive outfit, but the villager further economised by wearing as little as possible during the games. This while exposing his body to air and light on one side saved the clothes being torn or worn out on the other.

III.—THE PROGRAMME.

Having seen the conditions of village life and the essential conditions that a programme of rural recreation must satisfy. I proceed to suggest a possible programme of activities. It is to be noted that the programme given below is of necessity of a very general kind and may have to be added to or curtailed to suit local conditions. The programme may be roughly divided into two parts:—

I. Physical activities.

II. Cultural activities.

I. Physical activities:—Exercises, Games and Sports.

Though the work in the country-side is mostly on the physical plane, and though our creative activities must not be physically exhausting, yet physical activities are bound to make an important part of the programme for the following reasons:—

1. Exercises, like Swedish Gymnastics, etc., given to the children and the youth will help to develop their bodies on scientific lines and thus make them better fitted to bear the strain of work. They can also be used to give special development to those muscles chiefly used in agriculture. To an extent, therefore, drill and gymnastics even though dull, should be included in the programme.
2. Games and sports by giving exercise to many of the muscles and organs not so much used in the slow agricultural work, will help to give a more harmonious development to the body.
3. But even more than this they will provide some of the most valuable means of imparting discipline, team and village spirit, and of getting rid of surplus energy and of giving vent to suppressed emotions.
4. Physical activities are to be included in the programme precisely because the life of the villager is spent mostly on the physical plane. The recreation that he will like and appreciate most will to a great extent, be on that plane too. This is the kind of tonic of excitement best appreciated by the villager.

But in the playing of games the real objective must on one side be the acquiring of discipline and the learning of co-operation, and on the other side, the provision of controlled channels for the expression of emotions and instincts. Rivalry and jealousy, the party-spirit and factional animosity must be sublimated into a healthy spirit of emulation. Only games played with due regard to rules can best serve this purpose. Thus great regard must be paid to the psychological, social and emotional value of the games.

The games and sports most suitable are firstly those that are already current in the locality. The rules of these should be standardised, but not made difficult to understand or complicated to apply. Kabaddi, Sonchi, Atya-Patya, etc., are admirable for the purpose. They are native to the soil and cost nothing.

Other games like volley-ball, which teach team-spirit and discipline, and are not expensive are also useful to give variety and novelty to the programme.

Athletic sports, feats of physical strength, wrestling, etc., should be greatly encouraged.

II. Cultural Activities :—These will comprise of all educative, artistic and creative activities through elementary lecturers, cinema and magic lantern displays, musical and dramatic entertainments, and the radio.

But in all these the aim, as far as possible, should be to emphasise self-activity to promote self-expression. Lectures will not develop self-activity, but they can be directed toward teaching and leading to this. At the same time direct instruction should not be made the staple recreational diet. It is now admitted that the instructive programme of the radio is a failure. The peasants are not much interested in it and for the very good reason that instruction helps only those who are already instructed. The villager listens impatiently, because he does not follow intelligently this part of the broadcast. He is only interested when the musical or amusing part of the programme begins.

The radio can, however, be used for stimulating the minds of the school-going children. The radio programme, therefore, should confine its educative activity mostly to the children and as regards the adult villager should seek chiefly to amuse him. But there is a great danger in this latter activity also. It is apt to make the villager a passive recipient and one dependent on outside agency for his recreation. Our real objective should be to develop the faculty of self-amusement, individually and collectively, in the village population.

With this end in mind it would be more desirable to encourage music, vocal and instrumental, simple mystery and folk plays, fancy-dress competitions and the like.

Some of the agricultural activities can also be given a tinge of sports and competition, such as straight-ploughing, fencing, winnowing, etc. Vegetable, flower, crops, dairy produce and cattle-shows should also be held from time to time.

Most of the above-mentioned activities can be made the basis not only of intra-village but of inter-village competitions. Suitably handled they can be made the means of fostering a healthy village-consciousness and pride in one's village.

The musical and dramatic entertainments when organised and conducted by the villagers themselves, will afford an outlet on one side for the creative impulse and on the other for the emotions. They will also minister to the hankering for beauty and its expression in art. Creativeness and self-expression through one's own efforts should be the keynote of this part of the programme. It should assist the villagers to do things rather than to provide them ready-made. There are some items of recreation where there cannot be much room either for creativeness or self-effort. Among such are to be included excursions by rail or motor bus or on foot to places of religious or other interest. Such excursions should be encouraged both because of their effect in breaking the monotony of life and because of their educative influence.

The Requirements of a Recreational Programme by G. D. Sondhi, M.A., I.E.S., Member, International Olympic Committee, Vice-President, International Hockey Federation, Member, Advisory Committee of the International Recreation and Spare-Time Congress.

In order to put into practice a Programme of Recreation for Urban and Rural areas the most urgent requirements are :—

I.—Organisation.

II.—Funds.

III.—Playing-fields and Play-centres; Community halls.

I.—ORGANISATION.

I have placed organisation first and funds next because if it works successfully it will be able to get funds, but if it does not, no amount of funds will get the work done.

Most careful attention must therefore be given to devising a suitable organisation. But on account of provincial and local differences in the conditions and mode of life it would not be possible to draw up a scheme of organisation suitable to every province and locality. All that can be done is to lay down very broad lines leaving the details to be filled in according to local conditions.

The enormous extent of the country, the magnitude and diversity of the work to be undertaken, the general poverty and educational backwardness of the people, coupled to their inability to realise to the full the significance of the far-reaching environmental changes, that are taking place in the towns and the countryside, make governmental initiative and help an absolute necessity.

In the beginning therefore the initiative must come from the government. Whether the initiative is to take the form of the actual carrying on of the work by the government or of subsidising and encouraging of honorary work, will be determined by provincial and local conditions. The general policy should, however, be to replace governmental by honorary work as far and as soon as possible.

The scheme of organisation must also make full use of the existing games and sports organisations. Their representatives should be included in the provincial or local committees; and subject to supervision, they should be made grants of funds and of playing-grounds.

In the country-side wherever there are rural reconstruction or similar agencies at work the organisation of games and other forms of recreation may suitably be made over to them. They will, however, need the help in time, if not immediately, of trained play-directors and inspectors.

The scheme of organisation may take the following general forms :—

1. *Village Recreational Committees.*

The nucleus of these committees will either be provided by the school-master or by some retired civil or military officer, or, by the leading landlord. But the committee must be of a mixed composition, i.e., village and ex-officials and non-officials should both be on it.

The work of these committees will be to administer the funds, to secure playing-fields and recreationsrooms and to carry out a regular programme of physical and recreational activities. In time, large-sized villages may be able to employ trained play-directors.

If the villages are too small, then they may be grouped together and a common centre provided in one of them. Care must, however, be taken in making these groupings. Villages with history of mutual antagonism must not be grouped together in the beginning, and the Committee of Control must consist of men anxious and able to work for mutual help and advancement.

2. *Zail Recreational Committees.*

These will supervise the work in the villages in their areas and will also collect funds and secure playing-fields through gifts or purchase or renting officials and non-officials in the Zail. The personnel of these committees will consist of the important persons.

3. *Town Recreational Committees.*

By the very nature of the diversity of life in the towns the work of these town-committees will be of a very varied kind. The paucity of playing-grounds will necessitate careful working of time-tables for the use of the grounds, and will also necessitate the use of other methods of recreation, particularly for the children, such as play-centres.

Recreational facilities of 'non-physical' kind will also have to be provided for the other sections of the population. Lectures and demonstrations will form an important part of the town Recreation programme.

The bigger the town the more numerous and more complex will have to be the arrangements to be made. The Town Recreational Committee consisting of officials and non-officials will, however, have some help from the already existing sports and other recreational organisations. But in addition to such help they must get the help of one or more paid play-directors according to the size of their town.

4. *The District Recreational Committees.*

The work of these committees will be to get funds, and to secure gifts of playing-ground and buildings. They will also have the further work of supervising the work in the villages, zails and the towns. The detailed supervision will have to be exercised through special inspectors. In the Punjab, for the time being, this work may be entrusted to the District Inspectors

of Physical Training employed by the Education Department in each district. But in course of time this work will have to be made over to persons with special training for this work.

5. *The Divisional Recreational Committees.*

Co-ordination, directing and helping the District Committees there may be Divisional Committees. If the conditions in any province do not necessitate these then the District Committees may be directly linked through their representatives to the Provincial Committees, or Leagues of Health and Recreation.

6. *The Provincial Leagues of Health and Recreation.*

These Leagues will form the central directing bodies in the provinces. Their work will be of a wider and in some respects of a different nature from that of the previously mentioned bodies.

These will have :—

1. To secure grants from the Provincial Governments.
2. To secure donations of money, gifts of play-grounds and buildings suitable for play-centres, and of games equipment.
3. To maintain an adequate staff for supervision and direction of physical and recreational work. Included in this work will be the employment of provincial trainers and coaches for athletes and other games.
4. To maintain directly or through existing voluntary associations play-grounds, running tracks, etc., to be used for provincial and inter-provincial purposes.
5. To propose any legislative action that may be necessary in the interests of their objects. Such legislation may be to secure early-closing hours, or to secure adequate recreational and open spaces in municipal areas.

7. *All India Advisory Board of Health and Recreation.*

While the Provincial Leagues will be the final controlling and directing bodies, carrying on their work autonomously there still will be the need of an All-India Board. The work of this Board will be :—

1. To suggest new lines of physical and recreational activities.
2. To collect and to issue information about similar work being done in other countries.
3. To organise occasional conferences between the representatives of provinces.
4. To set up and maintain an All-India College for the training of Physical and Recreation Directors.

If in the beginning the funds do not allow of this college being set up, grants of funds may be made to some of the existing Physical Training Schools or Colleges, if they are willing to take up the work of training in play-directing and leadership.

5. In time to come, the Board may also set up through governmental help, Research Laboratories whose work will be to ascertain the effect of occupations and hours of work on health; of diet on capacity for work, etc. Laboratories for the former work have been set up in Japan and I am informed are doing good work.

II.—FUNDS.

In the case of the villages and zails, what is called the "malba" fund in the Punjab, or its corresponding fund in other provinces, should be made use of. The 'malba' fund would have to be supplemented by grants from the District Board Funds.

In the case of the Districts, the District Board Funds are the most suitable to be utilized for providing physical and recreational facilities. The heads of the district will also have to appeal for donations of money and land, etc.

The Provincial Leagues will have to look for support both to the provincial governments and to donations from the public. Appeals from the Governors of the Provinces would be specially effective.

The maintenance of the All-India Advisory Board and its staff will naturally fall on the central government.

III.—PLAYING-FIELDS, ETC.

The provision of playing-fields, play-centres and community-halls should be the first item in the scheme of work.

The erstwhile open-spaces inside the towns are being steadily built over and in most cases are over-built. Hardly any unbuilt lands are left as lung-spaces and for playground inside the towns. The growing pressure of population is making the provision of play-grounds, public gardens an immediate necessity.

In the villages too the common-lands are being encroached upon and in many cases have ceased to exist. Increased economic pressure has led to their being brought under the plough.

The playing-fields should also include in their category running-tracks and covered or open-air gymnasia. With the growing sports consciousness there is a real demand for such facilities particularly on the part of the school and college students. One chief reason why India makes such a poor show in the Olympic and other international athletic competitions is the absence of running tracks and similar facilities.

The play-centres for children are increasingly becoming special features of civic life in England and in the U. S. A. Their need is equally acute in the larger towns of India.

Community-halls are needed for lectures and dramatic performances, and for holding the various kinds of shows artistic and cultural.

The above note on the requirements is of necessity a sketchy one. Provincial and local conditions would have to be studied by their relevant authorities in order to make the programme fit local conditions and in order to devise the necessary machinery to put the programme into practice.

GOVERNMENT TRAINING SCHOOL FOR TEACHERS' WIVES AT GAKKHAR.

***7436. Chaudhri Sumer Singh:** Will the Honourable Minister of Education be pleased to state—

- (a) the number of candidates, districtwise, admitted in the Government Training School for teachers' wives in Gakkhar since the opening of this institution;
- (b) the number of seats, if any, which are placed yearly at the disposal of every division; if no such arrangement has been made, the steps, if any, which have been taken to safeguard the interests of far-flung divisions of the province?

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

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

PUBLICATION AND SALE OF HOLY BOOKS RESTRICTING BILL.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muslim, Urban): Sir, I beg to move—

That leave be granted to introduce the publication and sale of Holy Books Restricting Bill.

Mr. Deputy Speaker: Motion moved—

That leave be granted to introduce the publication and sale of Holy Books Restriction Bill.

Is there any objection?

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, I beg to object to the introduction of the Bill in its present form.

Khan Sahib Khawaja Ghulam Samad (Urdu): Sir, in 1938 my honourable friend Khan Muhammad Yusuf Khan sought leave to introduce a Bill in regard to the publication and sale of the Holy Quran. The Honourable Premier, while objecting to its introduction, assured the House that the Government would introduce a Bill which would be more comprehensive and in a form more acceptable to all sections of the House. But, unfortunately, nothing has been heard of that Bill so far. In 1939, Khan Muhammad Yusuf Khan again sought leave of the House to introduce a similar

measure and although the leave was granted and the Bill introduced, yet it has not come up for discussion up to this day. The speech made by the Honourable Premier in 1938 led me to believe that objection was taken to the Bill probably on the ground that there was some communal tinge about it. Keeping that in view I have brought forward this measure which applies to holy books of all religions and communities. It would mean that no one will be allowed to publish or sell holy books of a religion other than his own.

Now I would like to give reasons as to why it is necessary to have such a measure. To begin with, let us take the Holy Quran. In the Arabic language putting a *zer* instead of *zabar* and *vice versa* makes a world of difference in the meaning of a word, and in view of this fact Muslims are enjoined to be very careful while reciting Quranic verses because if this injunction is lost sight of it would amount to an act of heresy. If, for instance, the *fatah* (*zabar*) in the word فَاتِحَة occurring in Surah Fatiha is read as *kasr* (*zer*) or *zamma* (*peah*) it will certainly be an act of heresy. The reason for these and various other mistakes in the text of the Holy Quran is that the publishers as well as the calligraphers are all non-Muslims who are, naturally, not conversant with the Arabic language. Besides this, when the Holy Quran is brought for sale by non-Muslim dealers the same amount of respect and reverence is not observed by them which Muslims are enjoined to observe. There is a definite injunction in the Holy Quran

لَا تَمَسُّوا هَٰذَا الْقِتَابَ which means "Do not touch (the Holy Quran) unless you are perfectly clean."

Pir Akbar Ali : On a point of order. My honourable friend is misquoting the Quranic verse. He said لَا تَمَسُّوا whereas the correct word is لَا تَمَسُّوا

Khan Sahib Khawaja Ghulam Samad : Unfortunately, you did not catch my words. I certainly said لَا تَمَسُّوا and not لَا تَمَسُّوا.

Mr. Deputy Speaker : I would request the honourable member to address the Chair.

Khan Sahib Khawaja Ghulam Samad : The House is well aware of the fact that the Sikhs hold Guru Granth Sahib in great reverence. None but the Garanthi is allowed to touch the Sikh scriptures and the room in which the Granth Sahib is placed is always kept fragrant with scents and perfumes. Similarly, the Christians and Hindus show the greatest respect to their holy books like the Bible, the Vedas and Gita.

My specific purpose in bringing forward this measure is to restrict the publication and sale of religious books to the votaries of the religion to which these books may pertain. The mere fact of neglecting to show due respect to the holy books of another community often leads to communal clashes which besides resulting in broken heads cause no end of trouble to the Government. If the Government allows this Bill to be passed they would be rid of the ever present danger of communal clashes on this ground and, in addition, a legitimate demand of the Muslim community will also be satisfied. With these words, I request the House to grant leave to introduce this Bill.

Parliamentary Secretary (Mir Maqbool Mahmood) (*Urdu*): Sir, so far as the object of the Bill is concerned, no honest and religious person, whatever his creed and religion, can take exception to it. It was for this reason that while objecting to leave being granted to introduce this Bill, I made it quite clear that I objected to the measure in its present form. First of all, there is a legal restriction on the enactment of such a law and the Bill which my honourable friend seeks to introduce suffers from that legal flaw. In clause 4 of his Bill he wants to prohibit the printing, publishing, or selling by any person of holy books of any religion other than that which he professes. Now our legal advisors have expressed the opinion that such a restriction cannot be imposed because under section 298 of the Government of India Act, 1935, it is not open either to the Central Government or any provincial Government to make a law prohibiting any one from carrying on any occupation, trade, business, or profession on grounds only of religion or descent, etc. Therefore, it is not possible to pass this Bill in its present form. It was in view of such difficulties that when another honourable member sought to introduce a similar Bill in 1938, the Honourable Premier promised that the Government would draft a Bill for introducing in this House which would be free from this and other such legal flaws. Since then the matter has been under the consideration of the Government and its legal advisors. Now I have been authorised by the Honourable Premier to inform the honourable members that after thoroughly and carefully considering the various aspects of the question, the Government has reached the conclusion that it is possible to devise such a measure. I may also inform my honourable friends that a Bill is actually being drafted and it is just possible that it may be introduced and passed during the Budget Session.

I may also point out to my honourable friend the Khawaja Sahib that his Bill suffers from a good many defects and flaws. First of all, there is the legal difficulty to which I have already referred. Secondly, this Bill seeks to restrict the circulation of religious books, and that is a proposition which cannot be acceptable to anybody whether he is a Hindu, a Muslim, a Sikh or professes some other religion. Everybody wants that his religious books be read as widely as possible both by his co-religionists and by the followers of other religions. Therefore, this is another defect which makes the present Bill objectionable and unacceptable.

Then my honourable friend has laid great stress on the point that the holy books are now-a-days found to be replete with errors. But what remedy has he proposed in his Bill? None whatsoever. He has assumed that the Quran printed by a Muslim, the Vedas printed by a Hindu, the Guru Granth Sahib printed by a Sikh and the Bible printed by a Christian will be absolutely free from errors. But, unfortunately, I cannot subscribe to that assumption. The figures collected by the Government show that out of 883,000 copies of the Quran printed in the Punjab, no more than 12,000 were printed by non-Muslims and we find that those printed by Muslims themselves are not free from errors. Thus the errors in any holy books are not due only to their having been printed by people who profess a religion other than that to which those particular books relate. Honourable members will be pleased to know that the Government propose to have

in their Bill a clause to the effect that no printer or publisher will allow any error to creep into the holy books of any religion.

But I may point out that this is not intentionally done. Since there is no legislation in regard to correct publication of holy books, errors and mistakes have been creeping in them. But as I have already submitted, it has been provided in the Bill as drafted by the Government that Hindus, Muslims and Sikhs should be careful in publishing their respective holy scriptures—the Vedas, the Quran and the Granth Sahib—and see to it that they are free from any mistakes. I may also tell my honourable friend that we are at one with him in saying that wrong publication of the Vedas, the Quran and the Granth Sahib cannot be stopped unless a rigid restriction is laid down in a legislation to the effect that holy books of various religions cannot be printed, published and sold by persons who do not belong to that religion. The second point which the honourable mover has stressed upon is that booksellers do not elicit the same respect in course of handling the holy books as is due to them. But to my surprise, no provision has been made in this Bill to meet this general complaint of people that book-sellers do not show due respect to holy books while selling them. Moreover no punishment has been provided in this Bill for a Musalman, Hindu or Sikh who does not show due respect to the Quran, the Vedas and the Granth Sahib respectively. The Bill is quite silent on this point. Only this much is there that if any person prints, publishes or sells or causes to print, publish or sell holy books of a religion other than that he professes, he shall be fined with Rs. 1,000. I am afraid that the Bill in its present form is not comprehensive as different punishments should have been provided in the Bill for different crimes. Let me again point out to my honourable friend, Khawaja Sahib that the Bill as drafted by the Government is better than his because we have drafted it keeping all such necessary points in view.

Perhaps my honourable friend the mover of the Bill does not know that a Bill of this type was introduced in the Sind legislature and the legal advisors told the Government of that province that it was permissible for a Muslim or non-Muslim to print, publish or sell holy books under Section 298 of the Government of India Act, provided it had been his profession. I may again point out to my honourable friend Khawaja Sahib that our Bill will be given its final shape in the near future. It may be objected that much time has been taken for its drafting. Quite true. But my honourable friends should not ignore this point that we had to consider its various aspects very carefully and thoroughly. And as the Honourable Premier does not want to displease any section of this province by the introduction of that measure that is why we have devoted much time to its drafting. The House might remember that only two months ago such a measure was brought forward by my honourable friends Khan Muhammad Yusuf Khan and Mian Abdul Rab and I was then instructed by the Premier to inform the House to the effect that a measure, better and more comprehensive and free from any flaw would be placed before the House in the near future.

With these few remarks, Sir, I request the honourable mover to withdraw this Bill.

Khan Sahib Khawaja Ghulam Samad : May I know whether such a Bill has been passed by the Frontier Province ?

Mir Maqbool Mahmood : Not of the type you have brought forward.

Khan Sahib Khawaja Ghulam Samad : Do you mean that the Frontier legislature has considered all those points which you claim to have considered ?

Mr. Deputy Speaker : The answer has already been given.

Khan Sahib Khawaja Ghulam Samad : I have to put a question.

Mr. Deputy Speaker : No debate can be started.

Khan Sahib Khawaja Ghulam Samad : I am only asking a question for my benefit.

Mir Maqbool Mahmood : Sir, I may point out that the Bill introduced by the Frontier legislature is not identical with the Bill moved by my honourable friend the Khawaja Sahib. And I may also add that the Bill drafted by us is far better than the one introduced in the Frontier legislature.

Khan Sahib Khawaja Ghulam Samad : I beg leave to withdraw my motion.

The motion was by leave withdrawn.

MUSLIM MUSAWAT BILL.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) : Sir, I move—

That leave be granted to introduce the Punjab Muslim Musawat Bill.

Mr. Deputy Speaker : Motion moved—

That leave be granted to introduce the Punjab Muslim Musawat Bill.

Is there any objection to leave being granted ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes, Sir, I have objection to leave being granted.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) : Sir, Before I proceed with my speech I would like to tell you the reason and necessity for which this measure has been brought forward. Although I have explained in the Statement of Objects and Reasons as to why I thought it necessary to draft this Bill, yet there are certain points which I want to place before the House at this moment. Sir, This Bill is simple and it speaks for itself, as the preamble reads thus :—

Whereas it is expedient as enjoined by the Holy Quran to give legislative sanction to the principle of musawat among the Muslims.

The Bill, as it is clear from the Statement of Objects and Reasons, seeks to remove the distinction of caste among the Muslims, which is an institution foreign to the teachings of Islam. The evil of caste system which has become so popular and vogue among the Musalmans and which is eating into the Muslim society to the core and affecting the Muslim public of this province, is quite unnatural and against the teachings of Islam and the Holy Quran. It is very much regrettable and I feel ashamed that to-day we are seeking the help of the Government to introduce a Bill relating to the golden and cardinal principle which was almost the foundation of Islam and

for the propagation of which our Holy Prophet devoted and ordained his life. May I point out that this was the cardinal principle acting upon which a handful of Musalmans conquered the whole of Europe and prevailed upon almost the whole of the world? The Musalmans acting upon this laudable principle introduced equality and fraternity not among the Muslims only, but among other nations as well and they abolished caste system and treated each other as brothers.

Again, the tenets of Islam strictly enjoin upon the Muslims to observe *musawat*. Take for instance, the *namaz* (Muslim prayer), the *haj*, the institution of *zakat*—they all point to the evershining and cardinal principle of *musawat* underlying them. As a matter of fact the Holy Quran has given its verdict that all Muslims are alike in the eyes of God and hence no distinction of caste exists among them. In this connection I may point out that the caste system is nowhere prevalent in the Muslim world. This evil is confined to the borders of India only. Unfortunately the Muslims have got this infection from their sister communities with whom they have been coming in contact for centuries. Now the object of this measure is to extricate the Muslims from the grips of this evil. I have confined this Bill to the Muslims of this province as the caste system is deeply embedded among the non-muslims. It may be due to some religious belief which I have not ventured to touch on account of the respect for the religion and susceptibilities of other communities inhabiting this province. But the fact remains that the institution of caste system is foreign to Islamic teachings and is the main source of creating heart-burning and dissensions among the Muslims by bringing into existence barriers and hindrances on the ground of accident of birth. In fact the Muslims have so much come under the influence of this evil that we daily find them falling at each others throats. The caste system has wrought havoc on the Muslim society. It has shown the seeds of disruption among them, as a result of which, I understand, a new party is going to be set up against this party. If the evil is not nipped in the bud, it is bound to create difficulties for the Government.

Mr. Deputy Speaker : Order please. The honourable member can simply discuss the principles underlying the Bill. He cannot raise a debate.

Khan Sahib Khawaja Ghulam Samad : I assure you that I am discussing the principles only. Another distinction which is eating into the Muslim society and affecting the Muslim public of the province is the unnatural classification on the basis of agriculturists and non-agriculturists. Then the problem of urban and rural Muslims has been created. As a result of such distinctions a certain section of the Muslim public has been deprived of those rights and privileges enjoyed by the other section. This has caused a wave of great indignation among the Muslims so affected. These people wanted to take some action but I persuaded them not to do so, as I would try to get their grievances redressed by the Government by putting forward a Bill calculated to introduce *musawat* among the Muslims. As a matter of fact the measure, if passed into law, would redound to the benefit of the Government.

Then, Sir, I have not the slightest intention to disturb by this Bill the provisions of any Act now in force. It does not even touch the underlying policy and objects of the Punjab Alienation of Land Act which was designed

[K. S. Khawaja Ghulam Samad.]

to rid the zamindar from the clutches of the rapacious *sahukar*. But when this Act was brought into force, certain section of the people were declared zamindars and others non-zamindars, with the result that the latter were debarred from the enjoyment of rights enjoyed by the former.

Mr. Deputy Speaker : The honourable member should discuss the underlying principles.

Khan Sahib Khawaja Ghulam Samad : Well, Sir, if clause 3 of the proposed Bill causes some misunderstanding, the same can be removed during the select committee stage.

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

Then if you peruse the Bill, you would find clause 5 as one of the most essential clauses. It lays down—

5. All entries in the revenue papers creating any distinction on the ground of any profession or calling and debarring any Muslim from acquiring, obtaining or gaining any interest in land shall be considered deleted".

Previous to this I requested the Honourable Premier through letters and representations to remove this invidious distinction, but in vain. I may point out that those Muslims who have taken to such callings as meat-selling, carpentry, black-smithy, etc., are in reality full fledged zamindars. In fact, their lands were sub-divided to such an extent that they could not eke out their living from the soil and hence they took up some other profession to make their both ends meet. But being illiterate they got their professions also entered into the revenue papers. Consequently they were declared non-agriculturists and were deprived of rights conferred on those astute people who were careful not to get their professions entered into the revenue records. Evidently this unjustifiable distinction strikes at the very root of the cardinal principle of *musawat*. Although outwardly all Muslims are considered to be equal, yet the truth is that Muslims engaged in certain professions are being spurned by the agriculturist Muslims. Even appointments in government service are denied to them. Merit and higher academic qualifications are at a discount with the sole qualification of being a zamindar. This sorry state of affairs in the Muslim society calls for a purge and that can only be achieved if *musawat* is introduced among them.

I may also point out that I have made a special research on this subject. (Hear, hear). I have toured a great part of the province to find out as to how far the Muslim people who originally belong to agricultural tribes, but being engaged in professions other than agriculture, have suffered on this account. I have come to the conclusion that they have been victimised merely because they despite being agriculturists have taken to some callings other than the tilling of the soil. It is to bring such countless people on par with the so-called zamindar Muslims that I intend to introduce *musawat* among them by means of this piece of legislation. I fervently desire that where the lot of the Muslims engaged as artisans, etc., is bettered, the lot of Hindus and Sikhs in similar circumstances should also be ameliorated by statute. (An honourable member : Will my honourable friend treat the village carpenters and blacksmiths just as he would treat the *bona fide* agriculturists? They are our kamins). My honourable friend has not understood my point. As a matter of fact kamins do not belong

to any inferior race or caste. They have adopted certain professions for the sake of division of labour and not on account of their belonging to any low castes. More often than not they belong to highly respectable castes like Rajputs and Jats. My honourable friend can verify my statement by asking his own kamins as to what caste they belong. The fact of the matter is that my honourable friend has made no research in this behalf while I have done so and travelled far and wide in the Punjab in order to ascertain the truth. I have collected sufficient data about this problem and I am in a position to put before you the results of my inquiry and research. It is on the basis of this research that I have drafted this Bill.

With these few words, Sir, I ask the leave of the House to introduce my Bill.

Raja Ghazanfar Ali Khan (Parliamentary Secretary) (*Urdu*): Sir, I have risen to support each and every word that my honourable friend Khan Sahib Khawaja Ghulam Samad has spoken and if his Bill had been in conformity with his speech, or if his speech had even a remote relevancy to his Bill, I would not have opposed his Bill either. But unfortunately he has been labouring under a serious misapprehension. As a matter of fact my honourable friend should have named his Bill as the Repeal of Land Alienation Act (*laughter*). After all what has he said? Let us examine his speech. In the first place, he suggested that there should be a perfect equality between the agriculturists and the non-agriculturists. Now this cannot be done unless the Punjab Alienation of Land Act is repealed. The second point made in his speech was that agriculturists and non-agriculturists should be treated alike at the time of making recruitment to the various services. As my honourable friend has demanded a treatment of perfect equality between man and man, I am entirely at one with him, and if he starts some movement for the removal of the various barriers that divide man from man, I will certainly join hands with him and try my level best to give a great impetus to that movement. Islam strongly enjoins equality among men and declares that the whole human race is only a single family. No man is big or small on account of his birth. It is on account of one's good actions that one can excel another man. But my honourable friend should be careful and he should not misrepresent the principle underlying the Punjab Alienation of Land Act. As a matter of fact, this Act does not bar members of any particular caste or creed to become agriculturists. There is no caste restriction as such. On the other hand, members of all castes and creeds are included among the statutory agriculturists. There is no particular caste the members of which are excluded from the pale of statutory agriculturists merely because of their belonging to a certain caste. I can safely challenge my honourable friend to get up and say if there is any particular caste in the Punjab the members of which are not declared agriculturists in one part of the province or another. No caste has been exclusively and wholly excluded from the group of statutory agriculturists. It is nowhere stated in the body of this Act that only a particular caste will be included and another particular caste will be entirely excluded from the definition of agricultural tribe. The only three points to be considered for this purpose are as follows. In the first place, it is ascertained as to whether a certain group mainly depends on the proceeds

[Raja Ghazanfar Ali Khan.]

of land for livelihood. The second point is as to how much land is owned by that group in a certain district. The third criterion is as to whether that group has been losing land for the last several years.

Dr. Sir Gokul Chand Narang : That is wrong.

Raja Ghazanfar Ali Khan : Will my honourable friend get up and say if this is not the policy which underlies this Act ?

Dr. Sir Gokul Chand Narang : Will the honourable member refer to the Alienation of Land Act embodying these conditions ?

Raja Ghazanfar Ali Khan : Will my honourable friend, Dr. Sir Gokul Chand Narang, kindly point out any section of this Act which lays down that members of certain castes will alone be called agriculturists while members of certain castes will not be included among them ?

Dr. Sir Gokul Chand Narang : What I submitted was that the worthy and honourable member pointed out that if anybody satisfied those three conditions he would be notified as a member of agricultural tribe and I said, "This is wrong" and I say it again. The honourable member does not know that this is not the case and the Alienation of Land Act does not lay down any such conditions.

Raja Ghazanfar Ali Khan : We have several times made it clear that the Government does not debar any caste as such to be included among the agricultural tribes. Can my honourable friend point out any particular caste the members of which do not enjoy the fruits of this Act in one district or another ? Some members of every caste must be known as agriculturists in certain parts of the Punjab, and to my mind there is no such caste all the members of which are excluded from the pale of agricultural tribe simply because of their being members of that caste.

If my honourable friend wants to repeal the Alienation of Land Act, I am afraid I will not be able to support his Bill. The peculiar equality which he advocates cannot find favour with all reasonable men. If he is opposed to the restrictions imposed on owning land in the Punjab, he may equally oppose the system of competitive examinations for recruitment to the various services. My honourable friend may argue that all men are equal. Therefore, all should be treated alike whether some of them are abler than others and whether some of them are highly educated or not educated beyond the primary standard. Men may be regarded equal in the social sphere as men but not as workers and servants irrespective of their merits or demerits. Such an equality can only be pleaded by my honourable friend and not by all reasonable persons. Similarly, in police and military departments where men of a certain height and stature are wanted. Our Government has by the parity of reasoning adopted this policy that the members of those tribes who pay large sums of money to the provincial exchequer should also be given a proportionate hand in the administration of the province. Hence the principle that so many should be taken from the zamindars and so many from the non-zamindars. This principle in no way affects the Islamic equality. If discrimination had been introduced to favour particular castes as against some other

castes then of course it could have been called as negation of Islamic equality. For the information of Khawaja Sahib I may state that so far as equality is concerned the wide franchise which has been conferred upon the people under the Government of India Act, 1935, has done a lot to level up the various classes of people by removing such social barriers as were due to social status and social position. People know that men of very high status have to beg for votes at the door of the menial classes. Never before had social equality been established to the extent to which it has been established by the Government of India Act, 1935. It is possible that there may be some factors in the knowledge of Khawaja Sahib which are operating against social equality which has been established under the present day democracy. If there are any he can mention them and they can be removed. But so far as the aims and objects of the Land Alienation Act are concerned, I may submit that so long as we the representatives of the zamindars occupy these seats, no power in the world can make us consent to any change being introduced in them. So long as we are here as members of this House the said Act can never be repealed. Ninety per cent of the Muslims of this province, I am sure, are against the repeal of this Act. They know that if this Act is repealed they would be deprived of the means of earning their livelihood. I request my honourable friend to withdraw his Bill. His purpose has been served. He has placed before the House his views on this subject. His constituents will also come to know what his views are regarding this matter and if they happen to be in favour of such a Bill as has been brought forward by him then he has done his duty towards them. I request him to withdraw his Bill.

Khan Sahib Khawaja Ghulam Samad (Urdu): The honourable member has said a few things regarding me. I may be permitted to state my position regarding them.

Mr. Speaker: Order, order. I cannot allow a second speech. The honourable member is referred to Rule 62. The question is—

That leave be granted to introduce the Punjab Muslim Musawat Bill.

The motion was lost.

RESOLUTIONS.

BUNDS FOR STORAGE OF RAIN WATER.

Chaudhri Abdul Rahim (Shakargarh, Muhammadan, Rural): Sir I beg to move—

That this Assembly recommends to the Government that bunds should be constructed in as many hill tracts as possible to store rain water for the purpose of irrigation.

(Urdu): Sir, this resolution is very beneficial for the zamindars. There are many semi-mountainous tracts where no water is available for irrigation purposes. I also belong to such a tract. All the rain water that flows down the mountains does not remain in the aforesaid tracts. If the Government makes arrangements to store this water, by constructing bunds, it will prove of great use for the zamindars. The first useful effect of storing this water will be that the water level, which has considerably gone down in these areas, will once again rise and it will make it easy for the zamindars to sink wells, a fact which will be of great benefit to the zamindars. The

[Ch. Abdul Rahim.]

second benefit of constructing bunds will be that they will check the flow of water which rushes down the hill sides at a tremendous speed destroying crops and agricultural lands. Arrangements to check the flow of this water will save crops and fields from destruction. This water which is at present very harmful for the zamindars can be utilized for the benefit of the zamindars. By constructing bunds it can be stored up for irrigation purposes. In these areas there is even scarcity of drinking water. It is very necessary to help the people of these areas. For example, tahsil Shakargarh to which I belong is a very backward area. There are no irrigation facilities there. Boring has also proved unsuccessful in that tahsil. For the last one year the Forest Department is carrying on the work of *wat bandi* in the aforesaid area. But *wat bandi* has not proved of any benefit to the people. My submission is that the money which the Government is wasting on *wat bandi* may be utilized for constructing bunds to help the residents of Shakargarh tahsil. All the money that is being spent on *wat bandi* is now being wasted. I am not in a position to say anything about other hilly tracts but so far as tahsil Shakargarh is concerned, I can say that this tahsil is very backward and its people are very poor. It is very necessary to help them. They deserve help. They have in every way helped the Government in war. So far as war services are concerned they are second to none. During the last Great War people of Shakargarh tahsil rendered meritorious services to the Government. The Gujars of Shakargarh gave a double company. In the present war in addition to contributions to various war funds they have given Rs. 60,000 as war loan and have promised to advance Rs. 40,000 more as contribution towards war fund. Moreover, the said tahsil has given many recruits. But so far the Government have done nothing to help the people of Shakargarh tahsil. Tahsil Shakargarh is a very backward area. There are no canals and wells for irrigation purposes. They need irrigation facilities. I, therefore, request the Government to help these people, who have been rendering help to them, by accepting this resolution.

Mr. Speaker : Resolution moved—

This Assembly recommends to the Government that bunds should be constructed in as many hill tracts as possible to store rain water for the purpose of irrigation.

Tikka Jagit Singh Bedi (Montgomery East, Sikh, Rural) (*Urdu*) : I rise to support the resolution now before the House. I am of the opinion that the bunds referred to by the mover of the resolution should be constructed for such ilaqas where there is dearth of water for irrigation purposes. In fact the construction of bunds for the storage of rain water can be of use only for those ilaqas where there are non-perennial canals and where during winter season sufficient quantity of water is not forthcoming for irrigation purposes. Sir, you are aware of the fact that in the summer season plenty of rains fall and naturally the zamindars have so to say too much water which when not stored is simply wasted. We also see that during rainy season the volume of water flowing in the canals is also decreased because the irrigators do not need it. Sometimes on account of the on-rush of water the canal banks give way and thus water not only causes loss to the Government, but it destroys standing crops of the zamindars also. Yet with all this plenty of water in the rainy season dearth is felt during winter when

zamindars sorely need it for sowing their crops. If bunds are constructed and rain water is thus stored, it can be put to a very good use during winter when there is no water available for irrigation purposes. I think if this suggestion is adopted by Government it will benefit the zamindars to a very large extent. I personally know that Dipalpur tahsil of Montgomery district, which usually suffers from lack of water supply, has suffered a great deal this year on account of scarcity of rainfall and scanty water supply. As a result of this the crops of the zamindars have been destroyed by a disease called *tirk* which usually appears when the crops do not receive good water supply. The commissioner was also of the opinion that that disease appeared on account of scanty water supply. It is, therefore, requested that for ilaqas where there are non-perennial canals and where there is scanty water supply, if such bunds are constructed they can be of great benefit to the zamindars. Besides, I may point out that two or three years ago the Punjab Government sent two of their engineers to the United States of America for getting training in the construction of dams. Now their services can be availed of. This would not require the Government to incur any extra expenditure for carrying out this recommendation which will both benefit the zamindars as well as the Government. With these words I support the resolution now before the House.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (*Urdu*): Sir, I rise to support the resolution now before the House. I know that Government would certainly accept it, but whether they will take any action on it or not it depends upon their sweet will. What is needed is that they should do something substantial in this behalf. It is with that end in view that we have to din this thing into their ears over and over again so that they should do something for the benefit of the poor zamin-

dars. Government is acting on the old adage: *جس کو کھانا نہ ملے اس کو کھانا نہ ملے*

There was a time when the lands situated near the sub-mountainous regions were very fertile and productive. It was due to their fertility that the Punjab was known as the paradise of India. But now those lands are no more than waste lands. The Government have failed to pay any attention to the needs of the zamindars of those *ilaqas*. At present the policy which they are pursuing is to open more canals and thus get more income from the disbursement of canal water. The districts which previously were lying waste and where only *janglis* lived have now been converted into meadows by the opening of new canals. My honourable friend Raja Ghazanfar Ali Khan is smiling. Even the barren lands beyond his district have been converted into fertile lands. But against this the lands which in the earlier were productive and fertile have now become waste and the zamindars of those *ilaqas* have been reduced to abject poverty. The reason for this is indifference on the part of the Government to help these people. Nobody cares for them. The Government are undertaking new projects and are opening new canals for the sake of augmenting their resources, but they do not pay any attention to the needs of these unfortunate people. Even where there are canals in existence, for example, the *ilaqa* on Rayya Branch, there people do not get sufficient quantity of water and none at all on the west side. In short the plight of the zamindars has become very miserable. But my honourable friends over there are pushing ahead their new projects:

[Ch. Jalal-ud-Din Amber.]

regardless of the fact whether the zamindars living in these *ilagas* prosper or not. I would request the Government to do something for them.

Besides I may point out that even when experiments regarding the sinking of tube-wells are made they are carried out near about Lahore and alongside some metalled roads so that the ministers and engineers of the department should reach there in their luxurious cars. I ask, what is the use of carrying out tube-well experiments at places where there are already sufficient means of irrigation? What is required is that such experiments should be made in those *ilagas* where there is dearth of water supply for irrigation purposes. But my friends provide such facilities only to those areas from where they have any hope of getting more money. In Sialkot, Pasrur, Zafarwal and Shakargarh tahsils there is lack of water supply and it is in these *ilagas* that such bunds should be constructed for storing rain water. When we put forward such suggestions my friends laugh at them. Now new canals are being opened which will irrigate the *banjar ilagas* of Muzaffargarh and Mianwali districts. When those lands begin to receive water they will begin to produce gold in the real sense of the word. But the Government do not pay any attention to the needs of the people of sub-mountain *ilagas*. I respectfully draw the attention of the Honourable Ministers to the advisability of constructing bunds for storing rain water so that the condition of the zamindars living in the vicinity of sub-mountainous regions should be ameliorated to some extent. Even if they have to incur some initial expenditure they should not fight shy of doing so.

There is one thing more which I wish to bring to the notice of the honourable members. Some years back Narowal-Sialkot railway line was opened. This railway line instead of benefiting the zamindars has harmed their vital interests. Previously water was supplied by *dek* to the whole of that *ilaga* which helped the zamindars in irrigating their lands. Now that particular railway line acts as an obstruction and it has limited the supply of *dek* water to a particular *ilaga*. The water now goes only to one side and the other side remains without it. This has caused great hardship to the zamindars of the Sialkot district. I think a long syphon can be constructed to pass rain and flood water of *dek* freely. If this suggestion is adopted it will go a long way in solving the difficulty of the zamindars which they feel with regard to the supply of water for irrigation purposes. But it is a pity that my friends over there pay no heed to our requests. Deputation after deputation of zamindars has waited on the Honourable Minister but he would not listen to their grievances. So far their voice has proved to be a voice in the wilderness. The Honourable Sir Chhotu Ram has paid a visit to these *ilagas* and he knows the real condition of the zamindars. In fact their condition is pitiful and it behoves the Government to pay some attention to their grievances. My friends are in the habit of holding out great hopes to the zamindars, but they do not fulfil their promises. Their attitude reminds me of a verse which is as follows :—

وعدہ ہے چئے ہم نہ یہ جان جو کس کا
کہ سونے سے مرے چئے اگر عاقر (و)

I know that they do not want to do what they profess, still I would earnestly appeal to them to do something in this behalf. With these words

I strongly support the resolution which my honourable friend Chaudhri Abdul Rahim has moved.

Chaudhri Ali Akbar (Gurdaspur East, Muslim, Rural) (*Urdu*): Sir, this is a very important resolution and deserves to be passed unanimously. The Government will probably offer the usual plea that a large sum of money will be required for the purpose and that the Government is not in a position to spare any funds. Some of the honourable members may not be aware of the situation and, therefore, I shall try to explain it by means of a concrete example. There is a *nala* called *bein* in the Shakargarh tahsil. In the rainy season there is a flood of water in it which plays havoc with thousands of acres of our land. But when the rainy season is over and we actually require water for our crops and animals, not a drop of it is available. It is, therefore, the duty of the Government to construct a bund there so that the flood water may be stored in the rainy season to be distributed through small canals during the period of scarcity. I admit that the Government will have to spend a large sum of money on the construction of this bund, but it is a very necessary expenditure which will result in a great benefit both to the people and the Government. This *bein* is about a mile in width and if bund is constructed there will be enough water to irrigate the adjoining lands and to make them fertile.

I may also suggest that the bund should be constructed at the place where water leaves the hills, and also that it should be a very strong bund so that it may not give way and release the water to flood the whole *ilaga* playing havoc with life and property. The question of constructing bunds on the *bein*, the *Basantar nala* and the *Dek* deserves the most urgent attention of the Government. They will save from floods our lands worth lakhs of rupees and the extra revenue to the Government from these lands will more than make up the expenditure incurred by it. The people to whom the Government has entrusted the duty of making experiments in this connection confine their attention only to big canals where they can enjoy motor rides. If they were to divert their efforts to smaller *nalas* their experiments would prove very useful. These *nalas* cause great damage to lands in the Shakargarh and Narowal tahsils and that is why the people of those *ilagas* are in a very sad plight. Since those people have no other means to ameliorate their condition the Government should bestow their urgent attention to the matter. With these words I strongly support the resolution.

Raja Ghazanfar Ali Khan (Parliamentary Secretary), (*Urdu*): Sir, I rise to assure the honourable mover of the resolution that the object which he has in view has the fullest sympathy of the Government. My honourable friend Chaudhri Ali Akbar was pleased to remark that the Government would put forward the plea of paucity of funds. He was quite right. You do require money for constructing bunds and no such scheme can be undertaken unless sufficient funds are available.

Mian Abdul Aziz: Come forward with another taxation measure.

Raja Ghazanfar Ali Khan: Well, that is not a bad idea. But if we take it up you will raise a hue and cry as usual. I would just refer you to the attitude of my honourable friend Chaudhri Jalal-ud-Din Amber

[Raja Ghazanfar Ali Khan.]

with regard to such problems. In the course of his speech on this resolution he mentioned the grievances of 6 or 7 tahsils, probably included in his own constituency, and stated that the Government has forfeited the confidence of the people of those tahsils. But unfortunately his own attitude happens to be very incomprehensible. Whenever a taxation measure is brought forward he opposes it tooth and nail, but when a proposal involving expenditure comes up before the House, he wants the Government to spend crores of rupees without bestowing the least thought upon the question as to where that money is to come from. Such an attitude shows that he is never serious about anything and that is the reason why most of us were laughing when he was making his speech. He ought to know that the times are gone when tahsildars could get large bunds constructed for nothing. *Begar* is no longer the order of the day. Now you have to pay the wages of every labourer to the last pie.

Sir, my personal sympathies are also with this resolution, because I belong to a tahsil where irrigation water is not available and people are in a very sad plight for that reason. My honourable friend Chaudhri Jalal-ud-Din Amber was making a thoroughly wrong statement when he said that my tahsil was like an ever-green—

Chaudhri Jalal-ud-Din Amber : On a point of order. I made no such mis-statement. What I said was—

Mr. Speaker : That is not a point of order. If the honourable member wants to make a personal explanation or wants to correct a mistake, that is a different thing ; but it is not a point of order.

Chaudhri Jalal-ud-Din Amber : I did not say anything about the residential *ilaga* of Raja Sahib, I mentioned the *ilaga* near and beyond his *ilaga*, that is Sargodha and Shahpur.

Raja Ghazanfar Ali Khan : Thank you. I thought the honourable member had said that my *ilaga* was in an enviable position and that perhaps, a canal had been constructed there without my knowledge. Anyway, Sir, it goes without saying that you cannot construct bunds without money. But I again assure my honourable friends that the matter will receive the earnest attention of Government and we will do all that is possible in the matter. The speeches made and suggestions offered by the various honourable members will be sent to our experts including those who were sent to America and we will see what can be done. But let me warn my friends that such undertakings are not free from difficulties and considerations which laymen are likely to overlook. For instance you cannot do anything to check the flow of perennial *nalas*. Again, bunds can only be constructed at places where a *nala* leaves the hills and also there is a suitable place for the purpose. Moreover, it should be feasible to store the water and sufficient supply of it should be forthcoming. Then again the lands proposed to be irrigated with the water so stored should be such as can be cultivated profitably, because otherwise the whole expenditure and labour will be wasted. These and many other technical points can be considered only by the experts and they are the people who can take proper decisions in the matter. However, as I have said, I assure you of the fullest sympathy of the Government.

We are not oblivious of the fact that there are hilly districts like Jhelum, Rawalpindi, Campbellpur, Gurdaspur and Kangra, where there are no means of irrigation except the natural springs and rain-water in the various *nalas*. You cannot construct canals there and all that the Government can do to help the people of such areas is to construct bunds for storing water as has been proposed in this resolution. Such a step will not only ameliorate the condition of the zamindars but it will also prove a source of income to the Government. Therefore, the Government will do all that is possible to help the zamindars to bring under cultivation the lands that are lying waste. With these words, I would request my honourable friend to withdraw his resolution. (*Voices*: No, no, let it be passed unanimously.) Very good. I have no objection either way. Whether the resolution is passed or withdrawn, I assure you that the Government will stand by the promise that I have made. A resolution moved by such an honourable member and supported by so many honourable friends will be taken by the Government as a definite order. (*Hear, hear.*)

Sardar Bahadur Sardar Gurbachan Singh (Jullundur West, Sikh, Rural): Sir, it is a matter of great pleasure to me that this resolution has seen the light of the day. I also gave notice of this resolution; and I am very glad that a member of our party has got it balloted in his name. Though this matter has now come before the House, yet I have never missed any opportunity to impress upon the Government the dire need of conserving water by constructing bunds. In the doaba *ilaga* of Jullundur and Hoshiarpur districts, where water level in the wells has already fallen to a great depth, and 90 per cent of the wells have gone dry; the zamindars are experiencing great difficulty to draw water for their crops. Notwithstanding their efforts to go deeper into the bowels of the earth by sinking small wells inside their existing wells, they have been unsuccessful in finding a good strata of water. Hence it is very essential to stop the water of all hill torrents by constructing bunds and thus raise water level in the wells. There was a conference held at Simla about 1½ years ago to think of the ways and means to stop the subsidence of water level in the doaba and one of the recommendations of that committee was that bunds should be constructed at different places in the *chos* that come from the hilly tracts of Hoshiarpur district. Also it was recommended that in the two *beins* on either side of Jullundur district which are called the western *bein* and the eastern *bein* bunds should be constructed at different places. The House will be pleased to know that last year Mr. Ormerod, Deputy Commissioner, Jullundur, took keen interest in this direction, and persuaded zamindars of Nakodar tahsil to give help by way of labour; while he by sanctioning funds from the district board, constructed a dam in the eastern *bein* near Malsian village. This has been a source of great benefit to the people of the surrounding villages, where the water level in the wells has definitely risen. It is a pity that such a good officer has been taken away from us, otherwise a lot more would have been accomplished. Our Minister for Development was pleased to visit this place and was so much impressed that in the very meeting he was addressing at Malsian he promised to give a sum of Rs. 8,000 for the construction of a similar bund at some other suitable place selected by the Deputy Commissioner. It is not with one or two bunds of this kind that the subsidence of water level in the doaba could be checked, but it

[S. B. Sardar Gurbachan Singh.]

would require a series of dams to be built in both the *beins* and the hill torrents to produce an everlasting beneficial effect. I, therefore, strongly impress upon the Government to take immediate steps in this direction and save this garden of the Punjab from being turned into a barren waste. Then so much has been said about the Bhakra Dam and the Government even sent two engineers to America to study the construction of high dams. They returned a year ago, but we do not know where they are and what they are doing, and whether or not this dream of Bhakra Dam is going to come out to be true. With these words, I lend my whole-hearted support to this resolution.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural): Sir, this resolution is a very important one from the point of view of the province as a whole. We know that an increase in the agricultural produce is effected by good cultivation of the land. One of the most welcome features of the province as regards our land is that there has been good work of irrigation of those areas which are in the plains but unfortunately the Punjab Government has been quite oblivious of the fact that those who live in the hilly tracts have no system of irrigation. It is, therefore, with great pleasure that I have seen this resolution moved in the House by an honourable member of our party, who belongs to one of the hilly tracts of the province. Sir, it is a long felt need of the people who live in the hilly areas that somehow some arrangement should be made to increase the produce and the income from their land. If this resolution is given effect to, I believe that in due course of time we will find throughout the province an appreciable enhancement in the earning capacity of the zamindars and the earning members of the society irrespective of the fact whether they belong to the plains or to the hilly tracts. Fortunately or unfortunately I also come from a district which is a hilly one, as has already been referred to by the Parliamentary Secretary. Sir, there has been a great demand by the people of this *ilaga* for the irrigation of their lands and there have been good many suggestions made by the people, and they have suggested places where good bunds could be constructed for the purpose of irrigation. I had a mind already to approach the Minister for Development to point out some places in my own district where some bunds could be constructed successfully; but in view of the fact that there was shortage of money in the treasury I thought that it would not be advisable at this moment to approach him for this purpose. But as has been stated by the Parliamentary Secretary this question of expense will not be given undue importance, because if those hilly tracts are also properly irrigated in due course of time we will get an income. Therefore, I might suggest on the floor of the House that there is an area of land in my district near Bharacow where a good bund could be constructed and which is hoped to give more income and more agricultural produce to the people for their maintenance. There is another *nala* Sohan in Rawalpindi district which is a good tributary for this purpose. It is worth while taking the opinion of an expert in this respect. The local people who have got some knowledge of bund construction or some sort of engineers working there, are of the opinion that at such a place good bunds could be constructed. Moreover, I need not go into details on the floor of

the House to suggest so many other places, but it will be much profitable if I confine my remarks that as soon as this work is taken in hand I hope my district will not be looked over and perhaps it will be the first one to receive attention from the Government as everybody knows that being a hilly district there is very little land left for the people to live upon or to give them good emoluments for their work. Sir, with these remarks I support the resolution.

Mr. E. Few : I move—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

This Assembly recommends to the Government that bunds should be constructed in as many hill tracts as possible to store rain water for the purpose of irrigation.

The motion was carried.

IMPORT DUTY ON FOREIGN COTTON.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural): I beg to move—

This Assembly recommends to the Government to press upon the Government of India the urgent need of imposing a heavy import duty on foreign cotton.

Perhaps some members of the House may be wondering as to the necessity of a resolution like this. For their information I would like to tell them that there is a great necessity and an urgent necessity too. Honourable members must know that thousands and thousands and crores of rupees worth of cotton is imported every year into India. It is imported by those who are very big mill-owners and who make large profits out of it. Those are the mill-owners who do the greatest *parchar* of swadeshi goods, because it suits them. They preach the use of swadeshi goods but they get foreign cotton for the purpose of manufacture in their mills here in India. I understand that this matter was brought before the Central Assembly, but the proposal was rejected because those big mill-owners have a lot of influence with the members of the Central Assembly, especially with the members of that great political party, the Congress which has got a fair, a substantial strength in that legislature.

If this resolution is passed by this Assembly it will be of very great benefit to the zamindars who at present undergo a lot of hardship and trouble. This proposal will not only enable them to enrich themselves, but enrich others also. If a zamindar is rich, I am sure all the other classes will become rich; because if the zamindar has got some money he will surely go to the city and spend it there and thus enrich the people of the city. Thus his earnings will be distributed among other classes also. With these few observations, I command my resolution for the acceptance of the House.

Mr. Speaker : Resolution moved—

This Assembly recommends to the Government to press upon the Government of India the urgent need of imposing a heavy import duty on foreign cotton.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary): I rise to give my whole-hearted support to the resolution moved by my honourable friend Tikka Jagjit Singh. The total of Indian cotton crop

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varies between 4½ to 6 million bales per annum. Out of this hardly 2½ to 3 million bales are consumed by the Indian mills. The rest has got to find market elsewhere. Hitherto, Indian cotton used to be exported in large quantities to Japan and to some extent to the United Kingdom and other countries. Some of the honourable members may be knowing that in order to dispose of our surplus cotton, the Government of India had to negotiate with Japan and with the United Kingdom. The last trade agreement has expired and no new agreement has yet been concluded with Japan. The Indian cotton hitherto had to be purchased by Japan by a system of quota to the extent of one million bales annually. Similarly in accordance with the Indo-British Trade Agreement although no definite quota was fixed, it was understood that the United Kingdom was to purchase a large quantity of Indian cotton. When we have to find a market for such a large surplus cotton, it is really astounding that Indian mills should go out of India for the purchase of cotton to meet their needs. Most of these mills are said to be managed by patriotic people who are loud in their slogans for use of swadeshi cloth. There is nothing wrong in that. I do not think there is any one in this House or outside, who would not patronise Indian cloth. But it seems rather surprising that the patriotism of these mill-owners should be confined to the use of Indian cloth and should not go beyond that. There is no reason why when we patronise Indian cloth we should not patronise Indian cotton also. The imports of foreign cotton increased considerably since the year 1934-35. In 1934-35 the import of foreign cotton was 839,158 bales, and in 1937-38 the quantity rose to 788,000 bales with two definite detrimental results to growers of Indian cotton. One was that Indian cotton began to sell at a lower price than its proper parity with world price of cotton. Secondly, the premium for long staple cotton in India began to fall. Now, when the duty on imported cotton as some of my honourable friends know, was enhanced in February, 1939, by the Government of India, it had a direct effect upon these two factors. As a result of that enhanced duty Indian cotton began to sell at a higher price, that is, began to fetch proper price according to world factors; secondly, long staple cotton began to fetch higher premiums. In this connection I would like to quote the opinion of an Indian firm in Bombay with regard to the result of this enhanced duty on foreign cotton. The Bombay firm in a bulletin, dated 1st March, 1939, after the imposition of this extra duty on foreign cotton stated: "the increased duty on imported cotton should have the effect of increasing the prices of staple Indian cotton." On 23rd March, 1939, another bulletin was issued: "the mills are securing their supplies of staple cotton the prices for which continue to rise."

The main argument advanced by the mill-owners against increase of import duty on cotton is that long staple variety of cotton is not available in India. To some extent it is true that we are not able to produce such good quality of cotton as the sea island cotton or some of the best Egyptian cotton, but still we have one or two very good varieties, for instance, "Cambodia" which compares quite favourably with them. During the last four or five years we have in the Punjab started growing two varieties—289-F and 48-F which can spin up to forties or fifties. There can be no reason, therefore, why these mill-owners should not be able to meet their

demands from indigenous stuff. With regard to those American varieties that we grow here, I would like to quote some figures. We in the Punjab have an area of nearly 1½ million, 1,482,000 acres to be exact under American cotton, and out of this we have nearly five lakhs of acres under those long-staple varieties like 289-F and 49-F which have a staple length of nearly one inch and which, as I have said, can spin up to forties or fifties. With this supply of good cotton there seems to be absolutely no reason why these mills should be permitted to buy foreign cotton at all. If foreign cotton is prohibited by the imposition of a heavy import duty on a protective basis, one good result would be a better price of cotton for the Punjab grower. I may quote a few figures. When these mills were allowed to import foreign cotton on very small duty then they imported 788,000 bales in 1937-38. Since the duty on cotton was enhanced in February, 1939, the import of foreign cotton dropped, but the mills were still able to import as much as 500,000 bales in 1939-40. As a result of the enhanced duty, however, the premium for 289-F variety rose from Rs. 40 per candy to Rs. 75 per candy over Broach. During this cotton season on account of War and good demand by Indian mills, the premium of the long staple varieties that we grow in the Punjab has gone up still further. In these days they fetch as much as Rs. 100 per candy. This is the direct benefit which will accrue to the zamindar if protective duty on foreign cotton is imposed. It will prove an incentive to the growth of long staple varieties. The Indian Central Cotton Committee which has been set up for encouraging the growth of long staple varieties has been spending a good deal of money on research and other works. If this measure is adopted, I am sure that long staple varieties of cotton will be grown very extensively and that Indian mills will not stand in need of importing any foreign stuff at all.

Along with this, I may be allowed to submit that there should be a heavy import duty on wheat as well, because although we have not got such a big exportable surplus in the case of wheat, still whatever surplus we have that is to the extent of 500,000 tons, we have to adopt measures to dispose it; otherwise it has a very depressing effect on prices. On the top of it if foreign wheat is allowed to be imported, it depresses prices still further. It may be asked why and how those people who are outside and situated at such distances are allowed to sell wheat in India and sell it cheaper. Two reasons are at the back of this. For instance, Australia which exports wheat to India takes advantage of the nearness to Calcutta market and low shipping freights. The wheat from the Punjab is much dearer, that is, it costs much more to export wheat from any of the Punjab markets to Calcutta than it is for Australia to export wheat to Calcutta. That is an advantage to Australia. Another advantage they have is that of the exchange ratio; to the extent of 25 per cent. Besides, they have another big advantage and that is that their cost of production is low. Durs is a country of very small and uneconomic holdings, with the result that our cost of production is high. If Australian growers are allowed to send their stuff to India to depress our prices, our growers suffer. The existing import duty on wheat which is due to expire on 31st March, 1941, should be reimposed. With these few words, I strongly support the resolution.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban):
This is a resolution which I feel sure will not only command support from

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all sections of this House but also from every Punjabi outside it. Ours is a cotton and wheat producing province. We are now through the efforts of the Agricultural Department producing cotton for finer counts which was not formerly the case. If in former years the mills in India were compelled to buy cotton for finer counts from America, those conditions do not exist now. The Punjab has made a headway in the production of finer counts of cotton and I really see no reason why the import of cotton into India should continue to be allowed. I am at one with my friends that protective duty ought to be imposed by the Government of India with a view to stopping all imports of cotton and with a view to give encouragement to the home produce of *kapas* and cotton.

So also in the case of wheat. My only regret is that if the Government instead of frittering away its energy in passing useless measures such as the Marketing Act had taken steps from the very beginning to exercise the necessary influence on the Government of India to secure for the Punjab a reduction of railway freight not only to port towns but also to places in other provinces of India, a lot of good could have been done to the Punjab. I hope it is not yet too late and that our Ministry with its undoubted influence with the Government of India will still try in every possible way to secure a reduction in the railway freight for cotton and wheat going to port towns and to other towns in the other provinces. By this means alone we can bring crores of rupees to our province. Unfortunately instead of securing a reduction, an additional freight was imposed upon commodities like cotton by the Government of India only very recently. My friends all know that an addition of one-eighth, that is two annas per rupee on railway freight has been sanctioned by the Railway and if formerly we were paying 16 annas per maund on commodities like cotton, we are now forced to pay 16 annas *plus* two annas, that is 18 annas. This is a thing against which our ministry should have protested. I do

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not know whether they were aware of this situation or not. But I do hope that now it has been disclosed to them, and they are aware of it, they will take every possible step they possibly can to bring about not only the stoppage of the import of wheat but also a reduction in the railway freight which alone will help the zamindar in this province a good deal. With these words I whole-heartedly support the resolution.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*): Sir, this is a very salutary resolution and if put into practice will prove highly beneficial to the zamindars of the Punjab, because American cotton is grown in abundance in this province. Now if we succeed in raising the price of our own cotton, we will increase the prosperity of the agriculturists of the Punjab. The Government of India should be urged upon to impose protective duty, so that the foreign cotton should not have an unnecessary advantage over our own cotton. The price of our cotton is very low at the present moment, and the zamindars can save little after paying the Government dues. Their savings were already inconsiderable but they have now been further reduced. The Government will be helping the zamindars to a great extent by urging upon the Government of India to impose duty on foreign cotton. After all the prices depend on the twin

factor of supply and demand. Our mill-owners generally demand American cotton on the pretext that our cotton is inferior to foreign cotton. But it is in reality a myth which should be sooner or later exposed. If foreign cotton has to pay a duty and sell dearer, our cotton will certainly sell higher and if the mill-owners will demand higher quality, the zamindars will try to improve their cotton. As the demand is so will the supply be. At present the capitalists expect greater gain in the business of foreign cotton, and prefer it on that account. On the other hand, if our zamindars are encouraged, they will certainly produce better cotton than they are doing at present. Due to the foreign exploiters, the prices of our cotton are decreasing day by day. We should try to eliminate foreign competition so that zamindars can have better prices and more savings than before. I am sure that the money saved by zamindars will be freely given to the Government for the successful prosecution of the war. This is, therefore, another reason why the Government should try to improve the economic position of the zamindars. The imposition of duty on foreign cotton will enable the agriculturists to save more money than they are doing at present. Similarly the Government of India should also be urged to impose duty on foreign wheat. I hope the Government will accept this resolution and put it into practice at an early date.

With these words, sir, I resume my seat.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan Rural), (Urdu): Sir, I welcome this highly important resolution which is calculated to improve the financial conditions of the zamindars. I would urge upon the Government to do the needful in this behalf. The free import of foreign cotton into this country is not only detrimental to the interests of the zamindars, but is also injurious for the progress of the country as a whole. Our capitalistic classes and mill-owners have developed a taste for purchasing foreign cotton in preference to the American cotton which is grown in this very country. I would appeal to the capitalists and factory owners of this country to prefer the native produce to the foreign imported cotton. That will be true patriotism and will ultimately result in bringing the freedom of the country nearer.

If the rates of our agricultural commodities increase, the agriculturists will have more savings than they have at present. It will enhance the purchasing power of the zamindars and improve their financial position. They will help the Government all the more in their war effort against Hitlerism. In short the imposition of import duty on the foreign country will produce many good results not only for the zamindars, but for non-zamindars as well. Even the Government stands to gain thereby.

With these words, sir, I strongly support the original resolution which recommends to our Government to urge upon the Government of India the necessity of imposing a heavy duty on the import of foreign cotton into this country.

Pir Akbar Ali (Fazilka, Muhammadan, Rural), (Urdu): Sir, I rise to support this resolution. It goes without saying that the prices of agricultural commodities are very low at the present moment. The chief cause of this dump in the prices of agricultural produce is that foreign cotton and wheat are imported into this country and begin to compete with our cotton

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and wheat. Ordinarily imported commodities should have sold dearer than our own produce. But that is not the case. The reason is that no duty is imposed on the imported cotton and wheat. Foreign governments too grant concessions to their exporters who import their commodities into our country. On the other hand, our railway freight is very heavy and when we convey our goods from place to place we have to pay huge sums for this transport, while the foreigners are granted concessions by their shipping companies. They can, therefore, afford to sell their cotton and wheat cheaper than our zamindars. The result is that our agriculturists too have to sell their produce at cheap rates. Another reason is that foreign cotton continues coming into our country while our cotton is not exported to Europe due to the war that is raging there. Thus supply has increased in our country in excess to the demand. The net result is that foreign importers are exploiting the situation to the detriment of our poverty-stricken agriculturists. It is high time that the Punjab Government should urge upon the Government of India to impose a heavy duty on the import of cotton and wheat in this country, so that the foreign countries may not be able to successfully compete with our cotton and wheat. This will result in the amelioration of the conditions of the Punjab agriculturists. Moreover, our farmers will be induced to produce better stuff as the demand for the same will increase. Our produce will increase in quantity and its quality will also be improved. It will no longer be possible for foreigners in that case to compete with our cotton and wheat.

With these words, sir, I strongly support the resolution which seeks to impose a heavy duty on the import of foreign cotton into our country.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural): I rise to support this resolution. As you know the main crops of our province are wheat, sugarcane and cotton. Out of these the only important crop that is grown in *rabi* is wheat, while sugarcane and cotton are the only two crops forming the major portion of the income of the zamindars during *kharij*. Comparing the figures of the prices prevailing in the market so far as all these crops are concerned, I would at once say that the depression in these days is so hard that it is impossible for the zamindars cultivating their lands with ordinary implements which are available to them and with the ordinary means of agriculture to make both ends meet. In one acre of sugarcane the average yield varies from 400 to 700 maunds and if *gur* is produced from that sugarcane, the average yield varies from 40 maunds to 50 maunds. You will be surprised to know that in these days the price of *gur* has fallen to the lowest ebb known so far. It is about Rs. 2-8-0 per maund which means that *gur* fetches lower price in the market than fuel. Price of charcoal in these days is somewhere near Rs. 3 a maund while the price of one of the most important agricultural commodity is only Rs. 2-8-0 a maund. Sugarcane sells at the rate of 5 annas a maund, as my experience of the Rahwali Sugar Mill tells me which is working in my district. This means that a full acre of sugarcane fetches only Rs. 156-4-0 at the average yield of 500 maunds. Making allowance for the labour spent and for *abiana* and revenue, the zamindar is left with very little saving so far as the sowing of this particular crop is concerned. Now, sir, as I have submitted before you, the average yield of *gur* is from 40 to 50 maunds. At this rate the total

yield from one acre of sugarcane varies from Rs. 100 to Rs. 125. There is a third method of disposing of this crop and that is to sell it as fodder. But this does not fetch more than 15 to 20 rupees a kanal. Even by this method the price of selling this crop ranges between Rs. 120 to Rs. 160. This means that one of the most important crops which is grown all over the country in irrigated areas, does not fetch the price which is required for the zamindar to meet his expenses. I need not discuss the case of wheat, because you know the variations of its prices and it is too well known that the price of wheat during the major portion of the year is always below normal. The third most important crop with which we are left is cotton. What is the position of cotton? The price prevailing in our country is at the lowest ebb as compared with all other cotton growing countries. The most important cotton growing country in the world is the United State of America and as you remember very recently when in that country on account of bumper crops there was a slump in the market so far as the price of cotton was concerned, they took a very important action in order to check the further depression in the market. What did they do? A new system of work known as "New Deal" was introduced with the result that the Government raised a loan and financed those people who were dealing in various commodities in general and those people who were dealing in cotton in particular. The result was that the cotton grower was not driven to throw his produce in the market and fetch whatever price he could, the cotton was put as it was technically called as "cotton in loan." The Government paid money to the growers to the extent to which they wanted it. In as way the cotton was pawned to the Government. The result was that there was very little free cotton left in the market and these people were not driven to throw away their cotton at the lowest possible prices which were available in the market at that time. It had two advantages. One, that there was a squeeze in the market and the price did rise and, secondly, that the cotton growers without running the risk of getting least prices from the market, could meet their various requirements with the help of the money which was advanced to them by the Government itself. Unfortunately no such thing was done in our country. The only thing that is done is that sometimes when the Government of India is hard pressed on all sides from all provinces, they do impose an import duty to check the import of certain commodities. My submission is that this is rather a lukewarm attention paid to the matter and I would further submit that the Government of India has not been so alert to its duties as the governments of other countries. Unless it is shaken from its deep slumber, unless resolutions are passed by various provincial legislatures to remind it of its duty, it does not take any action. Now the chief country to which cotton was being exported from our country is Japan, besides the United Kingdom and China and other Eastern countries excluding Japan. The figures which are available to me are that in 1938 and 1939 the total production of our country was 5,120,000 bales of 400 pounds each. Out of this amount exported to the various European countries except the United Kingdom was 826,000 bales. To the United Kingdom alone it was 402,000 bales, to Japan it was 1,268 thousand bales and to other countries in the East excluding Japan 867,000 bales. The total export was 3,867,000 bales. Out of 5,120,000 bales, 3,867,000 bales were exported. This means that 66 per cent of the total produce of cotton was exported to other countries. Now, all this has

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been shut up practically on account of the reasons which everybody here knows but mainly on account of war. This has been the chief factor which has told very heavily on the fall of prices of cotton in this country. As I have already submitted, the price of cotton has reached its lowest ebb. So, unless and until we take certain steps to regain our position, it is impossible for this country to compete with any other country, so far as the production of this one commodity is concerned.

Now, sir, I would submit before the House that there are two means to meet this situation; either there should be export or import from other countries who can afford to import cotton into our country, because they apply, as I have already submitted on another occasion, advanced methods of agriculture with scientific implements and also enjoy other facilities and so can afford to import cotton into our country and sell it at an equal rate or even at lesser rate. Therefore, it is incumbent upon us to recommend to the Government of India to take early steps to impose heavy import duty on foreign cotton, if they want that this industry of cotton growing in our country should survive. With these words, I support this resolution.

Sardar Bahadur Sardar Gurbachan Singh (Jullundur West, Sikh, Rural): Sir, it is a matter of great pleasure and satisfaction that this House is unanimous on this resolution. When the war broke out, we agriculturists thought that the prices of cotton will go up, but instead of rising, the prices of cotton have gone down. The main reason for this is that there is no export of cotton out of our country. The cotton of the last year and also of this year is lying dumped on the ports, and there is no shipment to countries abroad. England even has not taken its quota and is, therefore, responsible for low prices. Again Japan is no more an active buyer of Indian cotton, because she finds suitable land in China for growing cotton. Sir, no doubt our Agriculture Department has done excellent work in producing varieties of long staple cotton with finer counts, and which finds a ready market with our mill-owners in India, but it is not enough for their needs and they have to depend on foreign cotton. Our industrialists so far have not been able to consume our short staple cotton, and it has always been imported. America, the biggest cotton growing country in the world as you know, has been holding its cotton for the last two or three years, and if that cotton is released, which some day it must, and finds its way to India unrestricted, then our Indian cotton is doomed and the Punjab zamindars will receive the severest blow. These are the bare facts which I have placed before the House which show how essential it is that a heavy import duty be levied on foreign cotton, and that too permanently, if the Government is anxious to save the zamindars. The actual facts and figures have already been so ably given by my honourable friend Sardar Bahadur Sardar Ujjal Singh and I need hardly repeat them. With these few words, I strongly support this resolution.

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

Chaudhri Muhammad Yasin Khan (North-West Gurgaon, Muhammadan, Rural), (*Urdu*): I rise to support the resolution now before the

House whole-heartedly. Every section of the House has willingly lent its support to it. Sir, you are aware of the fact that on account of the efforts of the Government and the Agricultural Department now-a-days long staple cotton is grown in sufficient quantities in the Punjab. But it is a matter of great regret that it cannot fetch that much price which it should have done ordinarily. The reason for this is so to say the indifference on the part of the Government of India to help the zamindars to get reasonable prices for their produce. It is a thousand pities that upto now the Government of India are under the influence of the capitalists. Whatever the capitalists desire they get the Government of India to do. If there is anything which benefits the mill-owners, the Government of India does it willingly. For instance, the Government of India imposed a heavy duty on the cloth manufactured in Japan and Lancashire so as to help the Indian mill-owners to get reasonable prices for the cloth manufactured by them. But they do not help the growers to get reasonable prices for their raw material. For example, there is the cotton crop. If the zamindar does not get good price for the cotton produced by him, he is no where. I fail to understand why the Government of India do not help the zamindars to get good price for their produce. Taking into consideration the services which the Punjab has rendered and is rendering to Government and the statement of the Honourable Premier that the voice of the Punjab carries a great weight, one fails to comprehend why the Government of India has slept over a resolution which was unanimously passed by this House. The only reason we can guess for this indifference is that that Government is still under the influence of the capitalists and therefore it does not pay any attention to the interests of the zamindars. So long as the Government of India do not effect a change in their attitude, there is no use of bringing forward and passing such resolutions. It behoves that Government to see that the growers should get reasonable prices for their raw materials so that they should also pass their lives easily. I may also make it clear that I do not want that the Government should impose the duty, as has been suggested, only for a year or so in order to facilitate the realization of their land revenue. But they should see that the growers of cotton get good and reasonable price for their produce and that can be done only if a heavy duty is imposed on the import of foreign cotton in this country. With these words, I support the resolution now before the House.

Mir Maqbool Mahmood (Parliamentary Secretary): Sir, detailed arguments have already been given with regard to the economic capacity of the resolution which we are now discussing. I submit that this resolution has more than one economic utility. As you are aware, it has been truly said that modern wars are not won in the trenches only. The basis of all true and frank wars these days is a planned economy at home and no modern war can be won unless it is based on sound organisation and sound economy at home. What is the position to-day? The position to-day as we find it, to say the least, is that it threatens to weaken and undermine the economic basis and equilibrium of the agricultural classes. I had the privilege of studying some of the later reports of the Export Advisory Council and the latest trend of cotton prices and cotton production in this country. I need not worry you in detail but the position is that already a stage has been

[Mir Maqbool Mahmood.]

reached when the producers or the growers of cotton find that the cost of production has almost touched a stage when it would not be profitable for them to grow cotton and that being the stage we are also faced with another crisis. The latest indications are that whatever little trade of Indian cotton is left with Japan, it is threatened to be closed and when that happens it will be a crisis not only for the patriotic Indians but particularly for the Government of India who are saddled with the responsibility of betterment of this Province. If at this stage, when cotton produced in India is more than the requirements of mills, foreign cotton still comes here and is utilised in our mills and the growers of cotton do not get true prices for the stuff. I think this will be a calamity for the Province and, therefore, the time has come when this Province, in view of its great responsibility in the matter of growth of cotton, should address the Government of India strongly, seriously and quote some facts and figures in support of this problem and I hope that while sending forward a communication on this subject the agricultural sentiment and sympathies of the Honourable Chaudhri Sir Chhotu Ram and the economic abilities and genius of Sir Manohar Lal will be pulled as a double barrel proposition in support of this resolution (*Hear, hear*). That is my first submission in support of this resolution, but still there is something more. Each one of our soldiers, who is fighting in Africa and elsewhere the battle of the Empire, has his eyes set and his mind set on the cotton and the cotton field that he has left here and if we do not do all that we can to get him and his dependents here the price which he is entitled to, then I submit that we will be letting down our comrades who are carrying arms to-day and undergoing all the risks and troubles which the war has entailed. I am not an alarmist but I deem it my duty while standing on the floor of this House to declare that unless this question of cotton and wheat is courageously taken up in a spirit of fore-sighted statesmanship, there may be conditions in this country and more particularly in this Province which will threaten to upset the whole social order and, what is more, the whole basis of recruitment in this Province in the face of all efforts to the contrary. When I have said that, it is my duty also to declare that those of us who have given some thought to this question are convinced that the question is not beyond solution by constructive sympathy, and if the Government of India and the mill-owners and other interests concerned join their heads together in their sympathy, in their constructive thought to this question, as has been displayed at a recent meeting of the Export Advisory Council, I feel confident that we will have a solution of this question in which cotton growers of this Province will get a price which will make it worth their while to grow cotton. In 1937 when I had the privilege of being in America in connection with a certain conference, I found that when their cotton crop had outgrown their local requirements, they not only imposed very heavy duty on the import of cotton in their country but they went further. They would pay many of their farmers the profits which they would have earned if they had sown cotton. This they would do for their not sowing cotton. Thus the whole cotton area of the United States of America would be chalked out and certain picked and selected classes who produced cotton of best variety, were allowed to grow cotton and the others were paid their profits, so that they got their profits, but there was no bumper crop in their country to reduce the prices. When

other countries similarly placed have taken such courageous steps, it is the duty of the Government of India to give a lead in these matters and I will submit with due deference that the duty is all the more on the shoulders of the members of the Government of India because they have to run themselves in a responsible spirit at this time when due to various conditions other types of governments cannot be set up. The duty of the Government that sits there not by a popular vote of the people but under circumstances of the constitution which due to war cannot be revised, is greater than before. We are luckily fortunate that the present member in charge of Commerce—I am referring to Sir Ramaswami Mudaliar—has approached these questions in a spirit of sympathy and goodwill and I have seen sometimes in conferences that he has more than once spoken and supported the cause—the legitimate cause—of the grower of this Province as well as others and I submit that with him sitting there let us hope that the Government of India will be able to do their best for the cotton grower. (*Loud applause.*)

Sardar Lal Singh (Ludhiana Central, Sikh, Rural): Mr. Deputy Speaker, the unanimity of this House on this resolution is beyond question. I need not repeat the arguments because it hardly needs any argument that the cotton grower, the chief cotton grower in India, should be protected from outside competition. But there are one or two questions to be considered. What I mean to say is that the mere passing of this resolution will not serve our purpose. After the passage of this resolution it will have to be brought to the Government and unless it is backed up with some moral strength and not only persuasion but certain amount of force, I feel that the resolution may not be able to serve the purpose for which it is being passed. It should be brought home to the people at the centre particularly, as at the centre we have, at the moment, practically no responsible government and the Governor-General is all in all, and to that representative of the Government that if it is a matter of life and death for the Britisher to seek the aid of the Punjabi, it is as well a matter of life and death for the cotton grower of the Punjab, that he should be well paid for what he grows because after all he has got to live and he has not got to live for others, but for himself and his family. If the Punjabi can fight on the soil of a foreign country which has not declared war and which has not participated actively, I should say it is more a duty of the Britisher to have cotton of the Punjabi cotton grower than to have cotton of the Egyptian grower whose cotton comes as a sort of competition in this country. With these words I support the resolution whole-heartedly.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): It is a source of great pleasure to me to find that at least on one question all the representatives of the Punjab population in this House are agreed. In so many other matters we are divided, not excluding the question of India as a whole. We are divided on lines of communities, we are divided on lines of classes, we are divided on lines of interests, that is, as Hindus, Muslims, as representatives of labour and capital, as representatives of dealers and growers or consumers. But on the question of our main cash crops, that is, of cotton and wheat it is a pleasure to note that we are all agreed, both in the letter and the spirit. The debate which has taken place to-day in this House on this resolution will strengthen the hands of the Government considerably when they make an approach to the irresponsible Government of India.

[Minister for Development.]

When the war broke out the agricultural community was hoping that the prices of their produce would go up. But unfortunately in most cases, the very reverse of that has happened. Our wheat has appreciated slightly in price but nothing like what was expected by the people generally. Our cotton prices do not compare favourably with the prices which we were able to obtain two years ago, and these being the chief cash crops of the province, we can easily imagine the feelings of dismay which prevail in the province at present. Most of our markets are lost on account of the war. We cannot export our cotton to Germany or to Italy or to France, and, unfortunately, we cannot export our cotton to Japan either, although so far we are at peace with that country. Shipping difficulties and difficulties of so many other kinds intervene and prevent the export of cotton from India to other countries. To our great disappointment and to our great misfortune the United Kingdom have not given help to India as they have done in the case of certain other countries. The Government of Great Britain has agreed to purchase the whole wheat crop from Argentine and the whole cotton crop of Egypt. But the Punjab has been left unheeded either by the Government of United Kingdom or by the Government of India. Therefore it is a great pleasure to me to find that the House has given expression to a unanimous opinion and unanimous feeling, a feeling of great strength and intensity, on this important question.

Another unfortunate feature of the whole economic situation prevailing at present is that while the requirements of an ordinary zamindar have gone up in prices, he has to be content with lower prices in most cases for his produce. He has to purchase timber and has to pay more than he used to pay before the war broke out. He has to purchase iron and steel and has to pay probably double of what he was paying two years ago. He has to purchase kerosine oil and has to pay appreciably more than he used to pay two or three years ago. He has to purchase salt and has to pay a higher price for it now. He has to purchase coarse cloth and even for this he has to pay higher prices. When as against the high prices which he has to pay for almost all his domestic requirements, we are face to face with the fact that he cannot command enhanced prices for his own produce, one can easily imagine the feelings of the agricultural community. Under these circumstances, Sir, it is obviously clear that the Government of India should come to our help and that help should best be rendered by imposing a very heavy duty on the import of foreign cotton and foreign wheat. Further, the duty should not be for a single year on the ground that the Government wants to raise a little more revenue for improving its finances. That does not really help the agricultural community because when the crucial time comes everybody begins to apprehend that the duty may disappear. That tends to depress the prices. Therefore, I think that speakers have done a signal service to the province by insisting that this duty on the import of foreign cotton should be imposed not on a revenue basis but on a protective basis at least for 3 years in the first instance so that the producer may feel quite sure that the import duty on cotton and wheat is not going to be lifted. If the import duty on these two commodities is maintained at a reasonably high level for a period of 3 years, I think, the Punjab agricultural community will feel satisfied. But if the Government of India fail

to come to the rescue of the Punjab agricultural community at the present moment, the results will be anything but satisfactory. In fact, I feel that there would be every ground for the Punjab peasant to feel unhappy, sore and dissatisfied, at a time when the satisfaction and co-operation of the Punjab is very necessary for the Government of India. This province has been doing its level best to help the cause of the war. The Punjab peasant has done his duty even more liberally and more courageously than he did during the last Great War, both in respect of supplying men and making contributions of funds. The Punjab peasant has been supplying not only its full quota of recruits for the army but he has also been coming to the help of the Government of India valiantly in the matter of making liberal contributions to the war purposes fund and to the war loan fund. Under the circumstances it is only fair that the Central Government should come to the rescue of the Punjab peasant by imposing a heavy duty on the import of foreign cotton and foreign wheat. That duty should be imposed not for revenue purposes but for protective purposes for a period of at least 3 years (*Cheers*).

Mr. Deputy Speaker : The question is—

That this Assembly recommends to the Government to press upon the Government of India the urgent need of imposing a heavy import duty on foreign cotton.

The motion was carried.

Sardar Sahib Sardar Santokh Singh : Since the House is unanimous, if the Chair permits, may I make a suggestion? The word "wheat" should also be included in the resolution.

Minister for Development : Unfortunately, formally we cannot add the word "wheat" because that will go beyond the scope of the present resolution.

LEGISLATION FOR LABOUR WELFARE.

Khan Bahadur Raja Muhammad Akram Khan (Jhelum, Muhammadan, Rural) (*Urdu*): Sir, I beg to move—

This Assembly recommends to the Government to undertake legislation which will promote labour welfare without adding to the direct commitments of the State.

Sir, at the very outset, I want to make this fact clear that in moving this resolution, I am not concerned with labour as a whole, but only with those labourers who have to work in large factories for long hours. On account of widespread unemployment the factory owners do not attach any importance to their employees. They know that if one goes away ten more will be willing to take his place. Consequently their employers whose main concern they should be, do not care about their welfare, and the wages given to them are a mere pittance. Only this morning while out for a walk I chanced upon some shabby looking mill-hands who had not enough clothing to keep the cold off and were shivering before the gates of a mill. Besides being insufficient, their clothes were very dirty. They were waiting outside for the gates to open. On enquiry, I was told that the gates open at 6 a.m. and they work there till 6 in the evening. I asked them if they got any time for lunch and was informed that at half-past eleven they get half an hour for their mid-day meals. On further questioning, I gathered

[K. B. Raja Mohd. Akram Khan.]

that none of them belonged to Lahore, and that they were residents of Gujranwala, Sialkot and other places. They had no proper housing arrangement made by the factory owners for them and three or four men lived together in one quarter at their own expense.

This is the condition of labourers and these are the hardships which they have to bear. I may point out that I have not said a word in connection with those labourers who work for long terms, but I have told you the miserable condition of casual labourers including women who have to leave their weeping babies behind them in order to earn their bread. My point is that medical aid is not available to these labourers. There may be some doctors for visiting clerks in certain factories, but so far as labourers are concerned no heed is being paid to them in this respect. I may also bring this point to the notice of the Government that the Central Legislature has enacted a measure under which comforts and facilities are provided to the labour class, but even there no practical step has been taken on it. I would, however, request the Honourable Minister for Development to put this resolution into practice and not to sleep over it. Sir, I submit to him, through you, that by paying surprise visits to different factories he will be in a position to know how things go in factories. Now let me tell you how these factory-owners deceive the Government authorities at the time of inspection. Whenever an inspection of a factory is to take place doctors are employed temporarily and after the inspection they are removed forthwith. This is a general practice.

The next submission which I want to make is to enhance the rate of wages. Broadly speaking, labourers are paid according to the wishes of the factory-owners. And so far as professional labourers are concerned, a fixed wage is paid to them but for daily labour no wage has been fixed. The factory-owners pay them whatever they like and the poor labourers having no alternative have to work on it. Same is the case even with English factories. As I have to send people for test works, I have seen myself that thousands of persons gather round a factory and we have to call for police sometimes in order to control this huge mass of people. I, therefore, submit that something must be done for the benefit of these poor labourers whose number is largely increasing in this province. For instance, they work in factories from sunrise to sunset and only one hour for recess is given to them. This recess period should be extended and the factory owners should provide free medical aid to the labourers living in the premises of factories during their illness. I am confident that if legislation of this type is passed by this House the labour class will gain much out of it. Their wages will be enhanced, recess period will be extended and arrangements will be made for the maintenance of babies of female labourers. Furthermore their standard of life will be raised and efforts will be made for the maintenance of their health and education. As a matter of fact, these are the hard necessities which they stand in need of. The last point but not the least is this. If any labourer undergoes a damage, physically or mentally while on duty, no compensation is granted to him or his relatives. This is sheer injustice and therefore compensation must be granted.

With these few remarks, sir, I commend this resolution for the acceptance of the House.

Mr. Deputy Speaker : Resolution moved—

This Assembly recommends to the Government to undertake legislation which will promote labour welfare without adding to the direct financial commitments of the State.

Shaikh Sadiq Hasan (Amritsar City, Muhammadan, Urban), (*Urdu*): Sir, I rise to support the resolution and I submit that it is the bounden duty of the Government to look to the needs of labourers. You might be aware of the fact that in England labourers are given every possible facility of life by the State and the Government have passed labour legislation for their welfare. Our Government has also passed measures for labour benefit, but I will say that there is still much scope for affording them with more amenities of life. Sir, I am sure you know that there are Acts in England by which a small amount has to be contributed by the labourers and an equal amount by mill-owners and the State, and the whole amount is spent on the labourers when they are unemployed or sick. I am sure if this resolution is passed and practical steps are taken by the Government, the hardships of labour classes in this province will be decreased to a considerable extent. I may point out that one of the greatest hardships is the lack of medical aid in factories. No doubt, the labourers are paid in factories for their working hours, but if one is unfortunately taken ill, no medical aid is available to him and the poor fellow is too poor to get medical aid himself. The result is obvious. His illness prolongs and he cannot work in factories for weeks and weeks together. Therefore, efforts should be made to provide them with medical aid and factory-owners should employ doctors for examining sick labourers. In this connection, I may point out that certain factory-owners managed to provide medical aid to the labourers, but when they saw that other factory-owners had not followed suit and that medical arrangements proved an additional burden on the factory while they had to compete with other factories as well, they were obliged to stop the aid. Now if the Government takes up this matter and enacts a measure to this effect, I am sure, every factory-owner will have to provide medical aid to their labourers. And as this extra burden of expense will be born by every factory equally, none will stand to lose like those who took the initiative in doing so, as I have just submitted. And at the top of it, greater benefit will accrue to the labourers.

With these few remarks, Sir, I lend my whole-hearted support to this resolution.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban), (*Urdu*): Sir, I really sympathise with male labourers, but the condition of female labourers is more pitiable. Wherever they work they are paid less than half the wages given to a male labourer because they are physically weaker than men. On the one hand, they have to bear this hardship and, on the other, no facility is being provided to them for the maintenance of their health and vigour. I may point out that they do not come out of their houses of their own sweet will, but they resort to labour for the whole day for the sake of their children. They do it being forced by the circumstances. I have seen myself that they leave their weeping and crying babies behind while going to factories at dawn. It is indeed a very auspicious idea to take a practical step for providing them with comforts and I would say that Government should make a special arrangement for

[**Begum Rashida Latif Baji.**]

looking after the small babies in the absence of their mothers. I may draw your attention to a most important point and that is this. Women labourers are not paid for their maternity period. The Government should, therefore, consider this matter favourably and I request that leave may kindly be granted to women for a sufficient period during their days of maternity and wages should also be given to them for that period. Residential arrangements should also be made for those women labourers who work in factories regularly and the factory-owners should see to it that proper medical aid is provided to them during their illness and if needed they are attended by midwives. I have seen poor women who after giving birth to a child resort to labour in factories before they are strong and have completely recovered. In such cases some lives are lost. If the Government takes it upon itself to provide every possible medical aid to maternity cases, I am sure a large number of lives can be saved.

With these few words, sir, I strongly support this resolution because it aims at the welfare of labourers, both male and female.

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural) (*Urdu*): Sir, this is an important resolution in which sympathy has been shown to the poorest class of people who suffer from hardships all their life. I, therefore, lend my full support to this resolution. In fact it is our earnest desire that our Government should be in a position to enact measures for the betterment and uplift of labour and peasantry, so that after having worked for some time the former may not have to face unemployment and the latter may not be forced to migrate for the purpose of earning bread and the poverty which goes from generation to generation may thus be ended.

With these few words, sir, I strongly support the resolution and I request the Government to do something for this poorest class of our province.

Tikka Jagit Singh Bedi (Montgomery East, Sikh, Rural) (*Urdu*):

3 p. m. Sir, I rise to offer my whole-hearted support to the resolution moved by my honourable friend Khan Bahadur Raja Muhammad Akram Khan. Well, it is a matter of common knowledge that our Government have all along been taking their stand on the most laudable and cardinal principle of affording relief to the poor people without any distinction. This fact is amply borne out by the legislative measures that this Government have so far been able to bring on the statute. I believe that the labourers are the most poverty-stricken and down-trodden class of people. They urgently stand in need of help at the hands of the Government. Although some legislation in the form of Workmen's Compensation Act does exist for the benefit of factory labourers, yet it does not help them to any appreciable extent. For instance if a factory labourer or a mill-hand meets with an accident resulting in the loss of limbs to him, the compensation of a few hundred rupees evidently would prove of no avail to him. Hence I am strongly of the opinion that the Government should undertake effective legislation for the welfare of the labouring classes.

Then I quite agree with my honourable friend Shaikh Sadiq Hasan that no satisfactory arrangements exist in factories for affording medical

aid to the labourers who happen to receive injuries due to the action of machinery. I would request the Government to legislate a measure requiring the factory-owners as well as the mill-owners to establish hospitals in their premises with a view to providing proper and speedy medical aid to their workmen. I would also suggest to Government to appoint a committee consisting of official and non-official members, who should thoroughly go into the labour problems in this province and make recommendations for the amelioration and uplift of the labouring classes. Then the Government should take steps to give effect to those recommendations after having given a due consideration to them. With these words I close my remarks.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I rise to support this resolution which is of vital importance to the poor people. It is regrettable that the honourable mover has restricted its scope to the factory and mill hands only. But the perusal of the resolution does not indicate that other labourers should not come under its purview. The honourable mover seems to have been influenced by the miserable plight of some factory labourer. However, I would request the Government that they should concentrate not only at improving the lot of the factory labourer, but they should also do something for the welfare of those labourers who are employed in small factories, shops and firms. I am aware that some legislative measures like the Employees Bill have been passed for the benefit of the labourers, but they do not go far enough to ameliorate their general condition.

Now I would like to say a few words about the utensils-manufacturers of Panipat, who have at present fallen on bad days. I drew the attention of the Government in the past to their miserable condition, but unfortunately no action has so far been taken by them regarding this matter. Well, sir, previously these artisans used to do business with their own capital. They manufactured utensils and sold them in the market. Now they are in straitened conditions and entirely depend upon the nominal wages paid to them by the capitalists who provide them with raw materials and obtain manufactured goods. These poor people put in hard labour day and night for a wage of 4 annas even at the cost of their health. But it is a thousand pities that no arrangements exist for affording medical relief to them. I request the Government that they should take early steps to undertake appropriate legislation with a view to improving the condition of such artisans who have been reduced to wage earners. It is obvious that a wage of 4 annas a day is too small a sum to support a family or to make both ends meet. I would urge upon the Government the desirability of doing something to raise their wage. I would suggest that they should appoint an officer to look after the condition of these poor people just as they have done to some extent in the case of carpet manufacturers and weavers of Panipat. The Government should grant subsidies to these poor artisans in order to make them independent of Government help and create markets for the goods prepared by them.

Besides, I would like to make a mention of weavers of Hoshiarpur and other places. They are also a victim of capitalists' rapacity. The capitalists who deal in silk cloth, supply silk yarn to these weavers and get woven cloth from them. Previously they used to pay the latter a wage at the rate of 2 annas per yard of woven cloth, but now with the increase in the number of

[K. S. Khawaja Ghulam Samad.]

weavers they have reduced it to an abnormally low rate of 6 pies a yard. The capitalists have resorted to the tactics of higgling because they know that the weavers have no other market for their products, so they exploit them by paying the minimum wage. They absolutely take no pity on these poverty-stricken artisans. My object in telling these woeful tales of labourers is to fully impress upon the Government the urgent necessity of legislating measures not only for the amelioration of the factory and mill hands, but also for the uplift of labourers of all types. (*Hear, hear*). With these words I support the resolution now before the House.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu* : Sir, thanks to the efforts of the Unionist Government that our province is making a fair progress in the field of industries. It goes without saying that the more our industries flourish, the more self-sufficient will our province become. But in order to give a fresh impetus to the industries, we should devote our attention to the welfare of the labourers. If a labourer is happy and contented, he will put in better work and begin to take a keen interest in his work. In fact he will not only like his job but will love to do labour because that will bring him happiness and comfort. It is time that the capitalists and the mill-owners realised that a better paid labourer will naturally be inclined to put his heart and soul in his job. After all it is the labourers who are really responsible for the ever-increasing wealth of the factory-owners. The welfare of the labour should be the chief concern of the factory-owners. A well-paid labourer will take a real interest in his work and produce better stuff than what his less paid brother will produce without liking his job. That is the hard fact which every mill-owner and capitalist should bear in mind. It will do the capitalist an immense good and will increase his riches.

Contented and happy labourers will also remove beggary from the province, because one of the chief causes of beggary is that labourers are not paid sufficient wages to attract an unemployed person. The poverty-stricken people prefer beggary because they think that if they work hard for any factory-owner, his reward will not be commensurate with his labour. If he is well paid, he will certainly prefer honest labour to the indignity of beggary. Moreover, the poor labourers cannot get sufficient to finance the schooling of their children. They can hardly manage to make their both ends meet. How can they train their children for any industry? They cannot even buy medicine at the time of their falling ill. Thus it is that the children of the poor people learn no art and acquire no knowledge. They are thrown into the world in a state of helplessness. What should they do if they do not beg? They cannot but follow the line of least resistance and begin to beg, borrow or steal. But they find beggary to be the most profitable and the least painful business. Now if we can manage to ameliorate the condition of the labourers, they will certainly try to bring up their children on desirable lines and teach them how to earn their living. They will realise that it pays to work. But an ill paid labourer is sure to dislike his job. He will try to shirk his duty and seek deliverance from labour because that does not enable him to satisfy his primary wants and needs. He should be paid sufficient wages, so that he can look after his own health as well as after the health of his family. His wages should enable him to

arrange for his decent board and lodging. In fact the welfare of the labour will result in the welfare of the whole province. Our country will flourish on the whole if labourers are prosperous and contented. We should see to it that the capitalists offer a certain percentage of their profits to the labourers after reserving a certain percentage for themselves. Supposing the capitalists make a profit of 25 per cent in a certain business concern or factory, they should reserve 20 per cent of their gain for themselves and allow 5 per cent to their labourers. The poor labourers will look upon the factory as their own and have a life-long interest in it. The country as a whole will gain through the prosperity of the labourers.

I would strongly urge upon the Punjab Government to accept this resolution and pass a suitable legislation for the above-mentioned purpose, and carry it into effect at an early date.

With these words, I resume my seat.

Subedar Major Raja Farman Ali Khan (Gujar Khan, Muhammadan, Rural) (*Urdu*): Sir, I have risen to support this resolution. We must try to ameliorate the condition of our labourers. The Punjab Government and the Government of India can inflict a crushing blow on their enemy by improving the condition of labour in the country. Our country abounds in raw material, but it is sent to England for preparing munitions. The labour in that country is very dear. The result is that Government finds it very costly to prepare munitions in England. It would be very cheap to prepare cannon balls, rifles and guns, etc., in India. If the British Government had already trained Indians in the preparation of these articles it would not have been confronted with so many difficulties. In England a labourer gets ten shillings per day against 4 annas that an Indian labourer gets here—as his daily wages. The British Government would be well advised even now to get all ammunition and war machinery prepared in India. This would help to improve the condition of labour in India. A duty should also be imposed on all foreign imports into India.

With these few words, I support this resolution.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I congratulate the honourable mover on his having brought forward this resolution. I further congratulate him on the fact that he has proposed his resolution in a very well considered form. One feature of this resolution is particularly welcome to me as a member of the Government. The resolution suggests that the legislation undertaken should be of a character which will not impose any financial burden upon the state itself, that is financial burden of a direct nature. Every legislation which is undertaken results in some expense to Government. But that expense may be of an indirect character, for instance, an expense which must necessarily be incurred for the administration of laws passed by the legislature. That burden must necessarily always fall upon the Government. The honourable member has, however, taken the precaution of suggesting that no direct burden be placed upon the Government as a result of the legislation to be undertaken by Government for securing the general welfare of labour.

There are just one or two aspects of this question to which attention may be drawn. One is that the field of labour legislation is a concurrent

[Minister for Development.]

field, that is, a field in which both the Central Government and the provincial Government are entitled to undertake legislation which they consider suitable from their own standpoint. There are certain questions which are now under consideration by the Government of India which bear on the subject matter of this resolution. If any legislation is undertaken by the central Government on any phase of labour welfare, then legislation on the same subject here will become unnecessary. It may be that in certain respects we may have to amend the central legislation which is passed. But any substantive legislation on the subject will no longer be necessary.

Another factor which has to be borne in mind is whether sufficient expression has been given to the view of the capitalist class, the class of employers. So far as the general run of the Unionist party is concerned, I am sure they will feel a pleasure in passing any legislation which secures the welfare of labour, because the fundamental principle upon which this party is based is that we should show special solicitude for the welfare of backward classes, and labour is decidedly a backward section of the Punjab population. Thus all the Unionists who have spoken have naturally supported this resolution and I am glad to find that even Shaikh Sadiq Hassan, who is himself an employer of labour, has kindly lent his support. The three representatives of labour in this House are not present. One is away from the House because as a matter of party discipline he is to be absent from the House. There are two other members who are supposed to represent labour in this House. They are also absent to-day. So we have not had the benefit of the views of those who formally and officially represent labour here. Unfortunately no body representing capitalist interests or representing the interests of employers, with the exception of Shaikh Sadiq Hassan, has opened his lips on the subject. May I take it that they welcome the subject matter of this resolution? If so, it will give me an additional pleasure to bring forward such legislation as Government is able to decide upon in the course of the next few weeks because labour welfare which is the subject matter of this resolution has already been under consideration on one previous occasion. As a matter of fact more than a year ago I gave an indication of my own personal desire to pilot a fairly comprehensive Bill on the subject of labour welfare, more or less on the lines suggested in the resolution, that is legislation which will not impose any financial burden upon the state directly. So the expression of views in this House which has been very clear will help me in pressing the case upon the attention of my colleagues in the Cabinet. I have no doubt that when the Cabinet comes to discuss the subject matter of this resolution, this clear enunciation of the policy which the House desires the Government to follow will prove helpful; and will certainly guide the future course of Government in the matter of labour legislation (*cheers*).

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): I do not want to make a long speech on this subject. The fact that nobody opposed this resolution from our side implied consent to the main principles underlying it. On behalf of our party I would definitely say that any well considered labour legislation will be welcomed by all sections of the House.

Mr. Deputy Speaker : The question is—

This Assembly recommends to the Government to undertake legislation which will promote labour welfare without adding to the direct financial commitments of the State.

The motion was carried.

RETIREMENT OF SUB-JUDGES.

Sayed Nawazish Ali Shah (Jhang East, Muhammadan, Rural) : I beg to move—

This Assembly recommends to the Government that in view of the considerable fall in the volume of civil litigation all sub-judges who have put in twenty-five years' service qualifying for pension and who have no reasonable prospect of becoming District and Sessions Judges should be retired compulsorily.

Mr. Deputy Speaker : Resolution moved—

This Assembly recommends to the Government that in view of the considerable fall in the volume of civil litigation all sub-judges who have put in twenty-five years' service qualifying for pension and who have no reasonable prospect of becoming District and Sessions Judges should be retired compulsorily.

Mian Abdul Rab (Jullundur South, Muhammadan, Rural), (*Urdu*): Sir, on account of the golden enactments which the Unionist Party has passed during the last two years, there has occurred a considerable fall in the volume of civil litigation. Previous to the passage of these enactments the work of civil litigation kept the sub-judges busy from 10 in the morning till 4 p. m., but now as the work of civil litigation has considerably decreased they finish their work in the courts before 1 p. m. and during the remaining court hours sit idle. It is, therefore, necessary that such of the sub-judges who have completed their twenty-five years' service and are entitled to go on pension should be retired. Their retirement will be helpful in two ways. First, it will afford some relief so far as the educated unemployed are concerned. Secondly, it will result in some saving to the Government. With these words, I support the resolution now before the House.

Parliamentary Secretary (Mir Maqbool Mahmood) : So far as the import of the resolution that "in view of the considerable fall in the work of civil litigation the number of sub-judges should be reduced" is concerned Government are in full sympathy with it. The honourable members will be glad to know that Government are already taking steps in that direction. Now and then Government have consulted the Honourable Judges of the High Court in regard to this matter and as a result of that only recently 25 sub-judges have either been compulsorily retired from service or transferred to the executive side after carefully considering their service record. Besides during the last two years fresh recruitment has not been made and I do not think that recourse will be had to it even this year. But there is one thing which should not be overlooked. That is, that if we give effect to this principle in regard to the judicial branch and leave the executive branch alone, it will amount to a differential treatment between the two branches of one and the same service. It is, therefore, my submission that so far as the principle of the resolution now before the House is concerned, Government are in full sympathy with it and now and then they have discussed this matter with the Honourable Judges of the High Court with a view to arrive at some workable decision. In future also

[Mir Maqbool Mahmood.]

they propose to explore this question still more carefully. I think the House will agree with me that the principle that the sub-judges who have put in 25 years of service should be made to retire compulsorily be not given effect to so long as its application is not extended to all the services in the province. When Government arrives at such a decision in regard to all the services of the province it can be applied to this service as well. In view of this assurance, I hope the honourable member would withdraw his resolution.

Sayed Nawazish Ali Shah : I seek leave of the House to withdraw my resolution.

Mr., Deputy Speaker : Is it the pleasure of the House that the resolution may be withdrawn ?

(Voices : No, no).

Khan Bahadur Mian Mushtaq Ahmed Gurmani (Muzaffargarh North, Muhammadan, Rural) (*Urdu*) : Sir, the object of the resolution is quite clear from its wording. Daily some such arguments are advanced on the floor of the House that retrenchments should be made in the services and as far as possible expenses of administration should be reduced. For this purpose this House appointed a Resources and Retrenchment Committee as well. Now my submission is that when Government are bringing forward taxation measures it is the duty of the House to impress upon them that along with imposing new taxes on the people they should try their level best to reduce the expenses of administration. The facts and figures relating to civil litigation which sometimes have been supplied on the floor of the House in reply to questions or which have come to the knowledge of the honourable members, prove it beyond any shadow of doubt that the work of the sub-judges has fallen considerably. As a matter of fact the object for which Government enacted the golden Acts, was to save the money of the people from being incurred on unnecessary litigation in which they previously indulged. The Government has succeeded in attaining that object. Consequently the work of the civil sub-judges has fallen considerably. Now when the volume of their work has considerably fallen, why should Government maintain these white elephants? Besides when under the existing rules we can retire them after they have completed 25 years of their service, what is the reason that we should not take advantage of that power and thus retire those sub-judges who have put in 25 years of service, especially when there is no more work for them to do and when they have no prospects for future promotion? If Government is bringing forward measures for imposing fresh taxation, the House as well as the public outside have the right to expect from it to effect reasonable savings in their expenditure as well. I may tell the Government that neither the House nor the public can put up with the idea that highly paid officers should be maintained in Government service even though they may have completed their normal period of service. This is a thing which cannot satisfy anybody in the province. We earnestly desire the Government to do all that lies in their power to effect retrenchments and economies in those expenses which are unnecessary and superfluous.

Now my honourable friend Mir Maqbool Mahmood has pointed out that Government has been considering the question of stopping fresh recruitment

of sub-judges because their services are not needed and as a result of that during the last two years fresh recruitment has not been made and that the sub-judges who were considered suitable have been transferred to the executive branch. I think while making such transfers Government must have given due consideration to their suitability in the executive branch rather than to the question of only making provision for them in Government service. We also expect that in future also Government while transferring these sub-judges to the executive line will give due consideration to their ability to perform executive duties efficiently. The reason why I have suggested this is that the opinion which the general public have formed about the mentality of such officers is such that if they are transferred in large numbers to the executive branch the fear is that the people would be dissatisfied with that action of Government. In the circumstances, I would request my honourable friend that while making such transfers he should particularly bear in mind that only those sub-judges are transferred to the executive branch who are suitable and who have experience of that line. For the fear is that on account of working for long time as sub-judges they have lost executive ability. Sir, we cannot be satisfied with this assurance only that in future no fresh recruitment will be made when those at present in the service must perforce be inflicted on us whether we require their services or not. We expect the Government to ask all such officers who have put in twenty-five years of service to get their full pension and go home and make themselves more useful members of society and thus benefit the public with their experience. For this purpose it will be necessary for the Government to take stock of the work of the civil courts before the year 1937 and also of what it is at present.

Thus their strength should be reduced in the same proportion in which the work has decreased. Sir, one of the recommendations of the Unemployment Committee was to the effect that one method of providing work to the unemployed young men was to compel those who have been in service for more than 25 years to make room for new comers. In these days when the problem of unemployment has become so serious it is not a sound policy to retain those who have completed a service of 25 years qualifying them for pensions. Similarly it is unfair to the unemployed young men to grant extensions to those who have completed the full period of service. Of course, you can make exceptions in special cases where the services of a particular officer have to be retained in the public interest but such extensions should be exceptions, rare exceptions rather than the rule. With these remarks, I strongly support the resolution, and hope that the Government will give to this recommendation a practical shape without the least possible delay.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural) (*Urdu*): Sir, it is generally believed that work in civil courts has appreciably decreased on account of the passage of the agrarian laws. So far as a statement, in this respect, backed by facts and figures is concerned, no one can assert that the work has not decreased. But anyhow at the present moment the proposition under the consideration of the House is this. Now that civil work has decreased to a great extent, the sub-judges should either be transferred to the executive side or in case they have completed 25 years service, they should be compulsorily retired.

[Khan Mohd. Yusuf Khan.]

Now Sir, all sections of the House are agreed upon the point that if the Government can conveniently reduce their expenditure and thus can have more funds at their disposal for other activities, they are welcome to do it. But there is one thing which has compelled me to say these few words. It is this. If the Government want to transfer to the executive side or compulsorily make sub-judges retire on the plea that there is no work or that they have completed 25 years' service, cannot the same thing be done in respect of other departments? It would be most unfair if others in similar circumstances were left untouched. (*Voices*: Certainly). If due to a decrease in work the services of certain sub-judges who have completed 25 years' qualifying service have to be dispensed with, do so by all means. But, as I have already said, the same principle should be followed in other departments. Otherwise there will be heart-burning among the members of the judiciary that the axe is being applied to them alone, and other departments are being left untouched. People will think that the Government are meting out a discriminatory treatment to one class of public servants and are leaving out others. It is in the fitness of things that these points should not be lost sight of while giving a practical shape to the recommendation contained in this resolution. Moreover, as it is sought to exempt from attachment property worth up to Rs. 5,000 belonging to the non-agriculturists also and the decree-holders will not be able to touch such properties the work in the civil courts as well as the conciliation boards will be further affected, and the Government should keep this fact also in view while taking any step in this connection.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, It is a matter of regret that even when the mover of the resolution, after the very reasonable speech made by my honourable friend Mir Maqbool Mahmood, wanted to withdraw his resolution, he was not given the permission to do so. Some of the speeches and especially the one made by my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani, have proceeded absolutely on wrong lines. There was no question of a general reduction in the cadre of officers. This resolution, discriminatory as it is, (and it will be accepted on all hands that it is a discriminatory one), should not have been brought in at all, and when the mover desired to withdraw it, permission should have been given to him to do so. I ask the reason why this department alone has fallen in the bad books of the Government. We all know that Government has given a great proof of its apathy towards this class of its officers, since the time the present ministry came into power. We all know that in all the legislations that have been enacted by this Government, they have ousted the powers of the civil courts. This is one thing that they have done. And now because on account of those legislations the work of civil courts has gone down they want that all sub-judges, who have put in twenty-five years' service must be compulsorily made to retire for no fault of theirs. I cannot understand the logic of it. If the resolution was intended to apply to all departments, as my honourable friend Mir Maqbool Mahmood rightly pointed out, nobody would have said anything against it. Let everybody be treated alike. Why are you treating in this shabby manner these sub-judges alone, who are trying to do justice between man and man, according to their lights and administering the laws of the

land? Why is the Government treating this department alone in this way? Is it because this department is under the High Court and the underlings of the Ministry have not the same opportunity of influencing these sub-judges as they have in the case of the executive officers? Is it for the reason that the sub-judges do not sing the praises of Government in the same manner as the executive officers are doing? The Government should honestly and frankly say what is in its mind on this particular matter. This resolution to my mind is an inspired one. It has been moved by a member of the Government party, and when he wanted to withdraw it, after hearing the speech of my honourable friend Mir Maqbool Mahmood, he was not given permission to do so. The matter is not beyond suspicion. Suspicion must arise. The Government will be well-advised to bring pressure upon their rank and file not to bring into disrepute by means of such resolutions in this House this class of honest and impartial officers, whose business it is to administer the laws of the land and do justice between man and man. If this resolution is to apply to all the departments of Government, I repeat nothing must be said against it. Let it be accepted by the Government. But why should a particular class of Government servants be discriminated by this resolution? Why should a particular class of these officers be subjected to this discriminatory resolution, culminating in their compulsory retirement? I hope better sense will prevail and that Government will not support this highly ill-advised resolution.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I had no intention of speaking on this resolution. It does not concern any of the departments which fall in my *port folio*. But some remarks which have been made by Sardar Santokh Singh compel me to say a few words by way of reply. He thinks that this resolution has been inspired, is meant specifically to do harm to a particular class of public servants and that the Government does not mean to apply the same principle to other departments. For his information I may state that I have already taken action against three or four Provincial Service officers in my own departments. (*Hear, hear*). I have already directed them to be retired compulsorily on certain grounds. Here also the principle is the same. If there are any sub-judges who have put in twenty-five years of qualifying service and who have no reasonable expectation for being considered to be promoted to the office of District and Sessions Judge, they can be retired on the ground that civil litigation has gone down very materially. This is a special feature which is not present in the case of other services, but if it is present in the case of other services, there is no reason why that service should not be treated exactly in the manner in which the proposal has been made in this resolution with regard to sub-judges.

(*At this stage Mr. Speaker resumed the chair.*)

If there is any other department of the Government in which work has gone down to an extent which does not justify the retention of the whole existing strength of public servants, I see no reason why they should not be retired just as the resolution under discussion proposes the retirement of sub-judges. So far as the Government is concerned the position is absolutely clear. Under this twenty-five years' rule every officer, whose retirement is in the public interest, should be retired whether he is a sub-judge or an extra assistant commissioner or a tahsildar or extra assistant,

[Minister for Development.]

director of agriculture or a veterinary deputy superintendent or an assistant engineer or any officer of any other service. The rule is the same for all. The principle applicable is the same. Whether in the particular instance of sub-judges the alleged additional ground does or does not exist is a matter for the administrative department to judge.

Tikka Jagjit Singh Bedi : Will the Honourable Minister explain what he means by "public interest" ?

Minister for Development : "Public interest" is an expression which is difficult to define precisely, but I think the general meaning of this expression is well understood by everybody. Wherever public interest requires that a particular action should be taken, that action should be taken. "Public interest" means interest of the public.

Shaikh Karamat Ali : Interest of majority of the public.

Minister : Yes, promotion of the benefit of the public in general. If it is in the public interest to retire a public servant then he should be retired. That public interest may be indicated by the amount of work—rather inadequacy—which is to be transacted ; or it may be that an individual officer happens to be inefficient and incompetent ; or it may be that that officer has not been able to maintain a reputation for honesty which is above suspicion. It may under such circumstances be desirable to ask that gentleman to retire because he has already put in twenty-five years' service which qualifies him for a pension. These are only some of the instances which may be regarded as supplying an adequate justification for asking an officer to retire before his retirement is due under normal circumstances.

Sardar Sahib Sardar Santokh Singh : Not general class officers. It may be in the case of individuals but not the general section of the public service.

Minister : Any officer can be asked to retire compulsorily after he has put in twenty-five years' service without assigning any reasons, if it is in the public interest to make him retire. I have given a few instances which may be regarded as indicative of public interest. There may be other grounds upon which action can be taken against any particular officer. But I suggested a few moments ago that in this particular instance the reason which has been put forward for the compulsory retirement of a certain proportion of sub-judges is, that litigation has gone down to such an extent that it is not proper to continue to spend public funds on the continued employment of officers who are no longer required. Whether the House will regard this as a sufficient ground for retiring anybody, I am not in a position to say, but this is the ground which has been urged for making a reduction in the existing number of sub-judges. Anyway, there should be no illusion about the position of the Government as such. That position is that if it is in the public interest to retire any officer before his time after he has put in twenty-five years' service, he should be retired whether he belongs to the cadre of sub-judges or the cadre of extra assistant commissioners or the cadre of any other service under the Government. That is the position of the Government.

With regard to the merits of the resolution we have heard the views of the House. It was a good thing that Sayed Nawazish Ali was not allowed to withdraw it earlier, because if this resolution had been withdrawn at that stage the Government would have remained ignorant of the views to which expression had been given at the later stages of the discussion. If Sayed Nawazish Ali is now inclined to ask leave for withdrawing the resolution, he is at liberty to do so. There is no question of any pressure. If he asks for that permission, I am sure that, in deference to the wishes of the Honourable Premier conveyed through Mir Maqbool Mahmood, the ministerial party will certainly allow him to withdraw it.

Mr. Speaker : I understand that withdrawal was sought by the honourable member, but that the House refused it. Has the honourable member a right to seek it again ?

Minister for Development : The intention was to have further discussion on the resolution and not that he should not be allowed to withdraw it if he wished to do so.

Raja Ghazanfar Ali Khan : As a matter of fact the question whether he had leave of the House to withdraw the resolution was never put to the House.

Mr. Speaker : I was not then here.

Raja Ghazanfar Ali Khan : May I explain what exactly happened ? What happened was that some people said, "Withdraw" The honourable member wished to withdraw but then he sat down.

Mr. Speaker : I shall consult the House once again. Is it the pleasure of the House that leave be given to withdraw the resolution ?

The Assembly agreeing, the resolution was by leave withdrawn.

MUSEUM FOR INDUSTRIAL PRODUCTS.

Shaikh Sadiq Hassan (Amritsar City, Muhammadan, Urban) (*Urdu*) :
I beg to move—

This Assembly recommends to the Government that a provincial museum for industrial products should be brought into existence at once and similar divisional and district museums should be established gradually as funds permit.

Sir, Industrial museums are found in every civilised country but unfortunately our province is lagging behind in this respect. Here in the Punjab a considerable number of factories are in existence and on account of limited imports due to war many new articles are being manufactured in these factories, therefore the Government should deem it its duty to exhibit those products in a provincial museum. My further request is that such museums should be established gradually in each division and district. It may be asked as to what benefit will accrue out of them. Some honourable members may put this question as to whether the money will be wasted on establishing a provincial museum. I submit that the money will not be wasted at all but excellent results will be obtained by opening this museum to begin with. May I point out that in the Punjab different industries are in progress. First, here are hundreds of industries that are being run on a large scale. Secondly,

[Sh. Sadiq Hassan.]

there are industries running on a small scale, such as cottage industries, which provide employment to hundreds of thousands of persons. It is an admitted fact that big industrialists carry on a vigorous propaganda for their products by advertising them in papers and sending their agents to every corner of the country. But cottage industries unfortunately not being so rich, are lacking this type of propaganda. The Government, therefore, should step forward for helping these industries and I think that this help can be given by establishing a provincial museum which would be a source of attraction for people interested in industries. I am sure besides propaganda work, it will serve an educative purpose, as a large number of people will come to visit it and will derive an inspiration from it and will be thus in a position to make new improvements. The cottage industries will be developed in this way and the money of this province would remain in the province. This is a great thing and it will certainly prove an asset to the provincial industry.

With these few words, Sir, I put my resolution before the House.

Mr. Speaker : Resolution moved is—

This Assembly recommends to the Government that a provincial museum for industrial products should be brought into existence at once and similar divisional and district museums should be established gradually as funds permit.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : Sir, I rise to support the resolution of my honourable friend, Shaikh Sadiq Hassan. I would only impress upon the Government to open these industrial museums as soon as possible and in making this request to the Government, I would draw your attention to the fact that at present the Government of India, specially the Indian Stores Department, are buying large quantities of various industrial products of India and our manufacturers and craftsmen cannot know what products are required till such time as they see the samples of those articles which are required by the Indian Stores Department. I know that efforts have been made by this department to show the required articles in various large centres of India, such as Lahore, Delhi, Calcutta, Bombay and so on. But some efforts should be made by our Government to facilitate small craftsmen and manufacturers to see those articles, so that cottage industries can be developed. We know that in Wazirabad we have a large number of people who manufacture articles of cutlery. In Sialkot, again, we have a large number of people, who, on cottage industry basis, manufacture small articles, as canes, which have been taken in large quantities by the Government of India.

I would therefore request the Government to open these museums as early as possible, so that the greatest benefit could be derived out of the supplies being taken in connection with the war.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, this resolution concerns education and also industries. Those members of this House who have been to Europe and have been to the centre of education called South Kensington, would have found institutions of this description. There one can find children of various schools going to some cinema display which is carried on throughout the day. In that cinema the English children are shown the peoples of various countries, colonies and of the different

aces of the earth. Nearabout there is a museum in which real aeroplanes are placed and the whole theory of aeroplane construction, from the beginning to the end is explained to the average child who is interested to learn how aeroplanes are made. Nearabout there, there is a museum in which all the propaganda leaflets of the late war are displayed, the implements of war, and the propaganda methods, the dresses of various regiments, all these things are displayed. Now these, I submit, are the instruments for educating a child. But then there is a system there which is entirely different from that of ours. Here Government employs certain people according to their qualifications, and once they get confirmed they do not care how they really do the teaching. They have to get confirmed, if it is a pensionable post and they go on to the end of their life without making any real effort. Of course there are some exceptions. They carry on their lecturership or teaching the text books and end their career like that. But in other countries the system of educating the children is placed on an entirely different basis. There the colleges, the schools and other institutions have got their own governing bodies to make the students more efficient. Here until the whole system of education is overhauled, something on a contract basis, I think the education of this province will take a long time to come up on a par with that of the other countries. I submit these museums are a necessity for a city like Lahore where we have dozens of schools for boys and schools for girls. The boy reads his text books, but he has got no demonstration except what he gets in the school from the tired lecturer at the fag end of the day. We have not got practical demonstrations. In other countries, there are not only museums but there are people who give their honorary services as lecturers to educate children. Evening lectures are arranged and notices are put up that lectures by such and such people on such and such days will be held, and those who want to attend should give their names. Students from all colleges and schools enlist themselves and attend these lectures. They are not lectures by the so-called Provincial Service gazetted officers or Imperial Service officers who are being paid so heavily simply because they are confirmed in the Provincial Service as they say. These people do not care at all. There those people take interest in giving their children and other people education. I, therefore, submit that for a city like Lahore we should have a museum to illustrate how from the beginning of growing of cotton, for example, till finished cloth comes out of the handloom or out of the machinery. It is strange that in a city like Lahore there is no place to find out the whole process from the point cotton seed is sown to the point it comes out as cloth, whereas in countries like England you will see coloured pictures and you cannot say whether it is actual cotton grown or whether it is a picture. You see these things displayed in the windows and you will see in what countries cotton is grown. I am not at all exaggerating that there are many of these children here who have no knowledge at all of how these crops are grown and how people work at the mills. I am sorry that the Minister for Education is not here; the other Minister for Industries, whose business it is to take hand in these museums, is here. I think these Ministers should put their heads together, the Education Minister and the Minister for Industries, and arrange at least two or three good museums where the elementary industrial process could be explained to the laymen as well as to small growing children who have got some literacy. I think this is one of the

[S. Lal Singh.]

important resolutions, but I am sorry it has not received as much attention as it should have from the House. It is resolutions like this which if carried out can actually revolutionize the education of a country. I therefore support this resolution.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I congratulate the House on the judicious and profitable use which it has made of its time. In less than four hours we have disposed of 4 or 5 resolutions. If this spirit is continued and the House enables me to finish my General Sales Tax Bill to-morrow I shall be in a position to run up to Delhi and have a personal discussion with the Honourable Member for Commerce on the subject of import duty on wheat and cotton. Otherwise I shall have to give up my intention of going to Delhi. I was to be there on the 27th and 28th to attend the Labour Ministers' Conference, but in view of the fact that my own Bill was under discussion I have intimated the Honourable Member of Commerce that I shall not be in a position to attend the conference. But if to-day's pace is continued to-morrow, it may be possible for us to dispose of our General Sales Tax Bill to-morrow.

I need hardly say that I welcome the discussion which has taken place on this very important resolution. Everybody knows that if industrial development is to take place the province must have a very effective organisation for informing the people what industries are in progress in the province and what articles are being produced in the province. At present the misfortune is that very few people know what our province is producing and what it is capable of producing.

I am glad that this resolution has been brought forward by Shaikh Sadiq Hassan and several honourable members have taken part in the discussion. It seems to have the general blessings of all sections. The resolution has my fullest sympathy. But as the next resolution is also very important, perhaps, even more important than the present one, I do not want to take up any more time of the House in making a long speech on this resolution. I have no doubt that the Assembly will adopt this resolution unanimsously.

Mr. Speaker : The question is—

This Assembly recommends to the Government that a provincial museum for industrial products should be brought into existence at once and similar divisional and district museums should be established gradually as funds permit.

The motion was carried.

CO-OPERATIVE MARKETING ORGANISATION.

Sardar Indar Singh (Gurdaspur North, Sikh, Rural) (*Urdu*): Sir I beg to move—

This Assembly recommends to the Government that a suitable co-operative marketing organisation should be devised both for the sale of agricultural produce and the products of cottage industries.

This resolution is highly essential for the welfare of the agriculturists. By putting it into effect, we can improve the financial position of the zamindars. Not only this. We can also eradicate unemployment from the

Punjab by organising co-operative markets. A lot of money can be saved for the agriculturists which at present passes on to the middlemen, that is, commission agents, *sahukars* and the *arhtis* in the various markets of the province. It will be highly beneficial for the agriculturists to bring their produce to their own co-operative markets instead of carrying it to the *arhtis* who charge them heavily. At the time of paying land revenue, money is urgently needed by the zamindars, but they cannot get fair prices for their produce. They sell cheap under a heavy pressure and consequently get only 50 per cent of the actual price of their produce. The middlemen make huge profits at the cost of the zamindars. It is time that the Government should save them from the clutches of the capitalists who have monopolised all markets. Co-operative commission shops will do the agriculturists an immense good. It will become easier for them to pay their land revenue in time and sell their agricultural commodities at the proper time and at the proper rates. I am confident the Government will lose no time in accepting and acting on this resolution.

With these few words, Sir, I move my resolution.

Mr. Speaker : Resolution moved—

This Assembly recommends to the Government that a suitable marketing organisation should be devised both for the sale of agricultural produce and the products of cottage industries.

Raja Ghazanfar Ali Khan (Parliamentary Secretary): I rise to support the resolution which has been moved by my honourable friend Sardar Indar Singh. The proposal contained in this resolution is a very important one and if the Government can find ways and means to give effect to it, I am sure it will prove a great relief to the poor zamindars. We are all aware of the great hardship felt by the zamindar being compelled to sell his commodities at a time when the prices are very low and he cannot afford to wait till the prices rise, because he needs money to meet his immediate requirements. If the Government can find some means by which the zamindar can deposit his commodity with a co-operative society and get some amount as advance, he will be in a position to sell the commodity at a time which will be most suitable to him. At present he does not get a proper price for his commodity. However, the proposition contained in the resolution is not so simple as it appears to be. I do not know what large amounts Government shall require to invest if it is to undertake such a co-operative concern; but I have no doubt that it is not beyond the means of the Government to give effect to this resolution. It is a fact that there are certain marketing organisations which pool together to keep down the prices of agricultural products. If the Government jumps into the field and starts a buying and selling organisation so far as these commodities are concerned, I am sure that it will lead to the break up of the undesirable alliance which is arrived at between interested people at the expense of poor cultivators. I have no doubt that the Minister for Development who has the welfare of the zamindars always at heart and who is a versatile genius will be able to formulate some definite scheme which will benefit the zamindars. The need for such co-operative concerns has been felt for a long time and I think the Government has been approached by various non-official organisations from time to time to start such co-operative concerns. As a matter

[Raja Ghasanfar Ali Khan.]

of fact there is hardly any place visited by the Ministers where one of the demands of the zamindars did not relate to this question. I am glad that by moving this resolution the honourable member has given an opportunity to honourable members of this House to express their views on this question. I am sure that honourable members sitting on the opposite benches will also give us the benefit of their opinions on this subject in a most unbiased way, because this is a very serious matter which involves money and in the common interest of the province it is only fair that we should all put our heads together and see whether anything can be done to achieve the object of the resolution.

At this stage the Assembly adjourned till 2-30 p.m. on Friday, 24th January, 1941.

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 24th January, 1941.

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

STARRED QUESTIONS AND ANSWERS.

DISTRIBUTION OF WATER OF RIVER INDUS BETWEEN DIFFERENT PROVINCIAL GOVERNMENTS.

***6959. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Punjab Government has received any communication from the Government of India regarding distribution of waters of River Indus and its tributaries arising out of the question raised by the Sind Government on the subject ;
- (b) whether any final decision or award has been given by the Government of India in this respect ; if so, will the Government be pleased to lay it on the table of the House, if not, what is the latest position in the matter ?

Parliamentary Secretary (Raja Ghazanafar Ali Khan) : (a) Yes. Information has been received from the Government of India that a complaint has been made by the Government of Sind under section 130 of the Government of India Act, 1935.

(b) No decision or award has yet been given.

The Government of India have under consideration the question of appointing a Commission under section 131 of the Government of India Act, 1935.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG EMPLOYEES IN THE OFFICE OF FINANCIAL COMMISSIONER.

***7452. Chaudhri Sumer Singh :** With reference to the answer to unstarred question No. 1185¹ asked by Captain Sodhi Harnam Singh in this session, will the Honourable Minister of Revenue be pleased to state the number of posts held by the Hindu statutory agriculturists of the Ambala division ?

¹Volume XIV, page 75.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which the honourable member may bring to my notice in a more informal way.

DISCHARGE OF WATER FROM CERTAIN OUTLETS OF JHANG
BRANCH.

*7477. **Mian Muhammad Nurullah**: Will the Honourable Minister of Revenue be pleased to state what was the discharge of the outlets between Janiwala R. H. and R. D. 124,000 of Jhang Branch in 1936 and again in 1940 after these outlets had been remodelled and also the B. H. and Y of each of these outlets during that period?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): A statement showing the required information is laid on the table.

LOWER CHENAB CANAL WEST CIRCLE.

Statement showing data of direct outlets on Jhang Branch Lower from Janiwala Rest House (Tail Jhang Branch) Lower, to R. D. 1,24,000-J. B. L. as existing in 1936 and in 1940.

Serial No.	R. D. and side of outlet.	Name of Chak.	DATA IN 1936.				DATA IN 1940.				Date of construction or alteration.	
			B.	Y.	H.	Type of outlet.	Dia.	B.	Y.	H.		Dia.
1	2	3	5	6	7	8	9	10	11	12	13	14
1	180,904-R.	315 (Kala Pahar) ..	0.63	0.62	1.60	2.81	A. P. M.	0.63	0.62	1.60	2.81	23-4-38
2	1,85,646-R.	425 (Purana) ..	6" dia.	..	Depth 0.96	1.30	A. P. M.	0.25	0.50	2.50	1.30	23-4-38
3	188,200-R.	425 (Naya) ..	0.40	0.48	1.60	1.49	A. P. M.	0.40	0.48	1.60	1.49	23-4-38
4	188,160-L.	318 (Kothi Bajwa) ..	0.50	0.75	1.60	2.38	A. P. M.	0.50	0.63	1.70	2.38	23-4-38

NOTE.—Outlet R. D. 185,646-R. was converted into A. P. M. in 1937.

SUPPLY OF WATER FROM RAJBAB KHEWRA, JHANG BRANCH.

*7478. **Mian Muhammad Nurullah** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a deputation of zamindars of Rajbah Khewra, Jhang Branch, district Lyallpur, sometime ago waited on him; if so, the exact date when he received the deputationists;
- (b) whether it is a fact that the main grievance of the zamindars as represented to him by the deputationists is that in 1940 they have not been given the same supply of water as they used to get five years earlier when settlement operations were on; if not, whether he will be pleased to give the date showing thereby that that grievance is not genuine;
- (c) whether any remodelling of Khewra Rajbah outlets was done in 1939 or 1940; if so, the discharge of water from the outlets before and after the remodelling of these outlets with the reasons for remodelling them?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes on 22nd June, 1940.

(b) The grievance is not genuine as the supply of water given to Khewra Rajbah as a whole is the same now as in 1935.

(c) A statement of discharges is laid on the table. The reason for the remodelling was to bring the actual discharge closer to the authorised discharge, which in some cases actually meant an increase of the discharge given and in no case resulted in less than the authorised discharge after remodelling except in the case of 4 outlets on Khanora Minor where imdadi pipes were given. These outlets are at:—

15478-R.

15478-L.

24255-L.

24255-R.

of this minor.

Mian Muhammad Nurullah : May I know how the grievances are not genuine? Does it follow from this answer?

Parliamentary Secretary : I am sorry, I have not understood the question.

—Statement showing Discharges of Outlets on Kheora Distributary and its minors from 48,000 to Tail before and after remodelling for April, 1940.

Serial No.	R. D. of outlet.	A. F. S. Discharge.	Actual discharge before re-modelling.	Actual discharge after re-modelling.	REMARKS.
KHEORA DISTRIBUTARY.					
1	48,900-L.	1.65	2.2	1.67	
2	48,900-R.	1.54	1.85	1.65	
3	50,096-R.	1.16	1.35	1.22	
4	56,056-L.	1.78	2.37	2.02	
5	59,700-L.	1.33	1.53	1.54	
6	59,810-R.	1.18	1.57	1.22	
7	60,215-R.	1.03	1.37	1.03	
8	70,313-L.	2.82	3.76	2.82	
9	71,004-R.	2.27	3.03	2.27	
10	71,987-L.	1.81	2.1	1.81	
11	72,208-L.	4.12	5.5	4.12	
12	72,803-R.	1.94	2.56	1.95	
13	79,152-R.	3.1	4.13	3.2	
14	79,197-L.	1.97	2.6	2.08	
15	86,880-L.	2.09	2.79	2.02	} Outlets built correctly. Water courses not silt cleared at the time of observation. Silt clearance will bring the discharges to authorised.
16	91,276-L.	1.85	2.47	1.82	
17	98,028-L.	0.65	0.88	0.72	
18	10,118-R.	3.08	4.11	3.2	
19	103,331-L.	0.82	1.1	0.9	
20	103,405-R.	1.48	1.97	1.65	
21	106,806-R.	1.31	1.75	1.37	
22	101,190-R.	1.29	1.72	1.32	
23	113,515-L.	0.16	0.21	0.25	
24	115,705-L.	0.75	0.86	0.77	
25	115,708-R.	1.30	1.49	1.32	

Serial No.	R. D. of outlet.	A. F. S. Discharge.	Actual discharge before re-modelling.	Actual discharge after re-modelling.	REMARKS.
KHEWRA DISTRIBUTARY.—contd.					
26	116,210-R.	0.89	1.13	0.9	
27	123,980-R.	2.14	2.85	1.77	Outlet built correctly. Watercourse not silt cleared at time of observation. Silt clearance will bring the discharges to authorized.
PINDORI MINOR.					
1	9,223-R.	1.70	1.88	2.4	
2	9,223-L.	0.98	1.08	0.73	Outlet built correctly. Watercourse not silt cleared at time of observation. Silt clearance will bring the discharges to authorized.
3	14,720-T. R.	1.30	1.37	1.91	
4	14,720-T. L.	1.60	1.75	2.36	
5	14,720-T. F.	1.42	1.48	2.09	
KHANORA MINOR.					
1	8,509-R.	1.80	1.79	1.72	Supplies in Khanora improved by silt clearance and shortage in these outlets made up.
2	8,509-L.	1.17	1.22	1.14	
3	15,478-R.	0.90	0.84	0.68	Imdadi pipes given.
4	15,478-L.	2.31	2.41	1.87	
5	24,255-L.	1.38	1.49	1.05	
6	24,255-R.	0.77	0.78	0.59	
7	30,778-R.	1.62	1.46	1.78	
8	30,778-L.	1.45	1.31	1.35	
9	38,316-T. F.	2.55	2.35	2.55	
10	38,316-L.	1.43	1.33	1.43	

DEBT CONCILIATION BOARDS.

*6849. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Development be pleased to state—

(a) the amount which has been paid to the *Jat Gazette*, Rohtak, by the Debt Conciliation Boards of the districts of Rohtak, Gurgaon, Hisar and Karnal separately from 1st April, 1939; to 30th September, 1940, in respect of their respective notices ;

(b) the present circulation of the paper and the rates of charges per notice mentioned in (a) above ?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) and (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 rates and the payments. I do not propose to answer questions dealing with the circulation of newspapers, as in the past publishers have objected to Government giving estimates of their circulation.

VISITS BY THE OFFICERS OF THE AGRICULTURAL DEPARTMENT TO DISTRICT BOARD FARMS IN LUDHIANA DISTRICT.

***7265. Chaudhri Muhammed Hasan :** Will the Honourable Minister of Development be pleased to state the number of visits paid by the officers of the Department of Agriculture to the District Board farms attached to the vernacular middle schools in the Ludhiana district from 1st April, 1940, to 31st October, 1940 ?

Parliamentary Secretary (Chaudhri Tikka Ram): Ten visits were paid by the officers of the Agricultural Department to five of the farms attached to the District Board Vernacular Middle Schools from 1st April to 31st October, 1940.

MODEL FARMS LUDHIANA DISTRICT.

***7266. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Development be pleased to state the number of private, Government and District Board Model Farms in the Ludhiana district at present ?

Parliamentary Secretary (Chaudhri Tikka Ram): The number of private demonstration farms in Ludhiana district at present is 47. There are, in addition, one Government Farm and five District Board Farms.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG RANGERS, DEPUTY RANGERS, ETC., OF THE FOREST DEPARTMENT.

***7454. Chaudhri Sumer Singh :** With reference to the answer to unstarred question No. 1187¹ asked by Captain Sodhi Harnam Singh in this session of the Assembly, will the Honourable Minister of Development be pleased to state the number of posts held by Hindu statutory agriculturists ?

Parliamentary Secretary (Chaudhri Tikka Ram): In accordance with the well-understood convention on the subject I regret I must decline to answer this question as one savouring of communalism.

DEPUTY SUPERINTENDENT, POLICE, MIANWALI.

***6850. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that two police constables were drowned recently in the river while chasing a party of dacoits in the district of Mianwali ;
- (b) whether they were ordered by the Deputy Superintendent, Police, of the district to plunge into the river loaded as they were with rifles ; if so, whether any action has been taken against the said Deputy Superintendent, Police ?

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

The facts are that a constable of the provincial additional police Punjab, fell down when crossing a small branch of the river Indus and was washed away. The rest of the platoon of the additional police crossed this branch of the river at the same place quite safely. They did not cross the river under orders of the Deputy Superintendent of Police, nor was this officer with them at the time.

MUNICIPAL READING ROOM, JHAJJAR.

***6852. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the Deputy Commissioner, Rohtak recently suspended a resolution passed by the Municipal Committee, Jhajjar, in favour of opening a reading room ; if so, the reasons therefor ;
- (b) whether it is also a fact that even on further representation from the Committee the Deputy Commissioner did not agree to allow a monthly rent of Rs. 1-8-0 for the room while the papers had already been subscribed to ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) No. The latter part does not arise.

(b) The municipality had a deficit budget, which was balanced with difficulty after effecting several economies suggested by the Deputy Commissioner. Arrangements for the reading of the papers already subscribed for could be made at the Town Hall.

USE OF THE HALL BUILT BY LALA KAPUR CHAND AT KALKA AS
A PUBLIC LIBRARY.

***7073. Sardar Sampuran Singh :** Will the Honourable Minister for Public Works be pleased to refer to starred Assembly question No. 4725,¹ asked on 19th April, 1939, and supplementaries thereon and state—

- (a) the action taken by the commission concerned on the representations mentioned in part (f) of the question ;
- (b) if no action has so far been taken, the reasons for the delay ?

Parliamentary Secretary (Shaikh Faiz Muhammad):—(a) The representations were filed by the Deputy Commissioner as the claims made therein were unfounded.

(b) Does not arise.

TRAFFIC IN WOMEN.

***7175. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) how many cases in all relating to the abduction, kidnapping and illegal detention of married women were instituted in Ludhiana criminal courts from 1st of April, 1940, till 31st October, 1940;
- (b) the number of acquittals and convictions in each of the above-mentioned cases;
- (c) whether traffic in women has now increased to a great extent in the province?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): (a) and (b) A statement giving the required information is laid on the table.

(c) No. There was a considerable decrease in 1939.

Statement showing details of kidnapping or abduction cases instituted decided or pending in Ludhiana criminal courts from 1st April, 1940 till 31st October, 1940.

	Number of cases instituted.	Number of cases decided.	Number of cases acquitted.	Number of cases convicted.	Number of cases pending.
Abduction cases	41	31	29	2	10
Kidnapping cases	15	8	7	1	7
Illegal detention cases .. ..	..	..	..	..	..
Total	56	39	36	3	17

ELECTIONS TO DISTRICT BOARD, LYALLPUR.

***7480. Mian Muhammad Nurullah :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the date of the last general elections to the District Board, Lyallpur, and the date when the next general elections to the said Board may be expected;
- (b) whether any changes in the constituencies of the District Board of Lyallpur are under consideration; if so, when would they be finally notified for objections;
- (c) the likely date by which final notification sanctioning them will come out?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The last general elections were held in November, 1935 and the next general elections are expected to be held in June, 1942.

(b) **Yes.** Proposals are still awaited from local officers. They will be asked to expedite the submission of their suggestions.

(c) About two months from the date on which the changes are notified for inviting objections.

DEATHS FROM TUBERCULOSIS.

***6955. Mr. Dev Raj Sethi:** Will the Honourable Minister of Education be pleased to state—

(a) the total number of deaths from tuberculosis during the years 1920, 1930, 1938 and 1939 in the province;

(b) whether it is a fact that this dreadful disease is on the increase in the province;

(c) if so, what are the causes of its increase;

(d) whether any of these causes are preventible;

(e) if so, what steps have so far been taken by the Government to prevent the spread of this disease?

The Honourable Mian Abdul Haye: (a) The total number of notified deaths from tuberculosis was 14,074 in the year 1938 and 18,920 in the year 1939. These figures do not, however, indicate even approximately the incidence of the disease in the province, as deaths and their causes are not properly notified. No figures are available for the years 1920 and 1930, because before 1935 tuberculosis was not separately a notifiable disease and was included under the heading of respiratory diseases.

(b) In the absence of any reliable statistics it is not possible to make a statement one way or the other.

(c), (d) and (e). Do not arise. But I may state for the honourable member's information that fundamental causes of tuberculosis are overcrowding and mal-nutrition, which invariably accompany poverty. They are preventible but their elimination is impracticable, as the cost is prohibitive. Government, are however, doing whatever is possible within their limited resources. They help in the maintenance of tuberculosis sanatoria and hospitals several of which have been opened during the last few years. It has also been decided to conduct a survey on a large scale in order to obtain exact information in regard to the behaviour of tuberculosis in particular surroundings. When this information is available, it will be possible to devise means for a more direct attack to check the spread of the disease.

EXAMINERS FOR VARIOUS EXAMINATIONS OF PUNJAB UNIVERSITY.

***6960. Mr. Dev Raj Sethi:** Will the Honourable Minister of Education be pleased to state—

(a) the total number of examiners for various examinations held by the Punjab University in 1940;

- (b) the total bill paid for setting question papers and that for marking the answer papers ;
- (c) the highest amount paid to an individual examiner both for setting question papers and examining answer books combined ;
- (d) the number of examiners appointed from outside the province for examinations held in 1940 ?

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

(b) Rs. 3,36,719.

(c) Rs. 1,028.

(d) 446.

REPORT OF LAHORE MEDICAL RELIEF COMMITTEES.

***7061. Sardar Sampuran Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) when was the Lahore Medical Relief Committee mention of which was made by him in the speech delivered on the floor of the House on 24th March, 1939, appointed ;
- (b) the terms of reference of the committee ;
- (c) whether the committee has submitted its report so far or not, if it has submitted the report, whether he will be pleased to lay it on the table of the House ;
- (d) the action taken by the Government on the recommendations made by the committee on their report ;
- (e) whether the Government propose to publish the report if not why not, if so when ?

The Honourable Mian Abdul Haye : (a) In July, 1938.

(b), (c) and (e). The report was submitted to Government in April 1939. Government did not consider that any useful purpose would be served by publishing it. A copy is laid on the table¹. The terms of reference are reproduced in paragraph 1 of the report.

(d) A statement is laid on the table.

Action taken on the recommendations of the Lahore Medical Relief Committee.

(i) Government have acquired a part of the Forman Christian College site at a cost of Rs. 6½ lakhs for the extension of the King-Edward Medical College and the Mayo Hospital, Lahore.

(ii) Government have decided that in the case of patients whose stay in the private ward of certain hospitals at Lahore is necessary for a period of more than two months, the ordinary charges should be levied for the first two months after which they may be reduced by not more than one-half at the discretion of the Medical Superintendent, provided that no reduction shall be made in the diet charges.

(iii) Government have accepted the recommendation that the development of voluntary hospitals staffed by private practitioners in an honorary capacity should be encouraged.

(iv) Government agree with the committee that it is impracticable to give private practitioners in general access to Government hospitals.

¹Kept in the Assembly Library.

[Education Minister.]

(v) Government have administratively approved, subject to the provision of funds, of the appointment of two private medical practitioners as part-time honorary medical officers in each of the five out-patients departments of the Mayo Hospital, Lahore, viz., Medical, Surgical, Eye, Ear, Nose and Throat and Tuberculosis as an experimental measure for a period of three years.

(vi) In view of the present financial stringency, it has been decided that the proposals for the establishment of new hospitals and the provision of increased bed accommodation in pursuance of the recommendations of the committee should be postponed and reconsidered next year.

(vii) As there are only 22 lepers in the whole of the Lahore district, Government have decided that the expenditure involved in the extension of the Lepers Act, 1898 to Lahore will not be justified, especially in the present condition of provincial finances.

ASSOCIATING OF HONORARY PHYSICIANS AND SURGEONS WITH PRIVATE WARDS
AND GENERAL WARDS OF MAYO HOSPITAL, LAHORE.

*7062. **Sardar Sampuran Singh** : Will the Honourable Minister of Education be pleased to state whether Government have ever considered the proposal of associating honorary physicians and surgeons with (i) private wards and (ii) general wards of the Mayo Hospital, Lahore, if so on what occasions and with what results ?

The Honourable Mian Abdul Haye : The question of associating honorary physicians and surgeons with private wards of the Mayo Hospital, Lahore, was considered on several occasions, but was dropped on account of administrative and other difficulties. Government have now decided to appoint with effect from the next financial year two private medical practitioners as part-time honorary medical officers in each of the five out-patients departments of the hospital as an experimental measure for a period of three years, provided that funds are made available to meet the expenditure involved in giving effect to the scheme.

Rai Bahadur Lala Gopal Das : What about family wards ? Are you permitting any honorary physicians and surgeons to look after the patients there ?

Minister : The answer is in the negative.

Sardar Lal Singh : Is it because the patients there are paying and the others are non-paying ?

Minister : No, it is not so.

Sardar Lal Singh : Is it the policy of the Government to discourage private practitioners by appointing them to wards which are not paying and by not appointing them to wards which are paying ?

Rai Bahadur Lala Gopal Das : Do they charge any fees in the family wards ?

Minister : A scale is fixed.

Rai Bahadur Lala Gopal Das : Is that scale not very expensive ?

Minister : I have not received any such complaint.

GOVERNMENT HINDU WIDOWS' HOME, LAHORE.

*7448. **Chaudhri Sumer Singh** : Will the Honourable Minister of Education be pleased to state the number of Widows yearly admitted during the last ten years in the Government Hindu Widow's Home, Lahore, and the number of those among them who belonged to the Ambala division. If the answer to the latter part be nil, or the number be comparatively very small the action which Government intend taking to safeguard the interests of the widows of Ambala division ?

The Honourable Mian Abdul Haye : The required information is laid on the table.

Year.	Total number of widows admitted.	Number of widows from Ambala Division.
1931	31	6
1932	50	2
1933	31	2
1934	49	3
1935	31	4
1936	48	4
1937	34	5
1938	44	7
1939	37	7
1940	40	7

APPROPRIATIONS AND FINANCE ACCOUNTS.

REPORTS OF PUBLIC ACCOUNTS COMMITTEE.

Minister of Finance (The Honourable Sir Manohar Lal) : Sir, I beg to present the report of the Committee on Public Accounts of the Punjab Legislative Assembly on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1938-39.

I may also say in this connection that Government proposes to give the 25th February for the consideration and discussion of this report.

ACTION TAKEN AGAINST CORRUPT OFFICIALS.

Secretary : Annual statement showing action taken against corrupt officials in the Punjab during the period, 1st April, 1939 to 31st March, 1940, is laid upon the table.

JAGIRS BILL.

Mr. Speaker : The other day when the motion to refer the Punjab Jagirs Bill to a select committee was being discussed in the Assembly, it was alleged that the Bill was repugnant to the provisions contained in section 78 (1) of the Government of India Act and that, therefore, it could not be proceeded with. Section 78 (1) provides that the Governor shall, in respect of every financial year, cause to be laid before the Assembly a statement of the estimated receipts and expenditure of the province for that year, and according to the Punjab Jagirs Bill, the land revenue which is to be assigned by way of jagirs would not be shown as "receipt" in the annual financial statement. The matter has been examined both by the law officers and by myself and I am satisfied that this Assembly is competent to proceed with the Bill. It is clear from Article 39 of the Provincial Legislative List in Schedule VII of the Government of India Act that a Provincial Legislature can legislate about "alienation of revenue". After assignment by the Government of any land revenue by way of jagirs, as is provided in the Punjab Jagirs Bill, such land revenue shall not be a "receipt" of revenue by Government which need be shown in the annual financial statement. Collection by Government of such revenue will be done as agent of the grantee for which Government will charge a commission. I, therefore, rule that the Bill is not repugnant to the provisions of section 78 of the Government of India Act and may be proceeded with.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*): Sir, the other day I was pointing out that the grant of jagirs was good neither for the people nor for the country nor for the Government itself. It is not in the interest of the people because whenever Government intend to distribute any jagirs, the prospective candidates hang upon the commissioners and deputy commissioners and flatter them to win their favours. They even go to the length of telling lies and giving false reports to the officials with a view to exhibit their fidelity to Government. Any way they do not hesitate to use fair or foul means for getting these jagirs. They do not feel any compunction even in selling their conscience in order to get these jagirs which are worth only Rs. 100 or Rs. 250 a year. Besides people waste large sums of money for getting these jagirs. Not that they bribe the officers, but they spend them on hanging after them. When they get these jagirs which, as I have pointed out already, are worth only Rs. 100 or Rs. 250, they are a poor compensation for the money which such jagirdars must have incurred in getting those jagirs. The result is that such people run bankrupt and they hang after the officers for getting more favours. The system of granting jagirs is not at all commendable to Government, because in this way much public money is wasted, and wasted without purpose. This method encourages the people to hang after Government officers so that they should make good reports about them which would ultimately help them to get jagirs. These leeches, as I should call them, mislead the officers by supplying wrong information. In this way the administration also suffers a good deal. This system is also not good for the country because the money that is disbursed by way of jagirs can be very well spent for ameliorating the condition of the poor people. Under the circumstances, I would request the Government to abolish the system of granting jagirs with a view to rid the people of their slave mentality and

to spend the money thus saved on beneficent departments. I hope that after what I have submitted the Government would withdraw this Bill. With these words I resume my seat.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural): Sir, I would like to draw your attention to another point of constitution. As you will see in clause 2 (b) (2) the word 'jagir' has been defined as—

Any assignment of land revenue made by competent authority before the passing of this Act.

Thus the word 'jagir' is made to cover the jagirs which have already been given. The Government knows that the annual jagirs amount to a total of about 37 lakhs. This is the figure given by the Land Revenue Committee. Out of these 37 lakhs a greater part is for perpetuity, that is these jagirs will continue perpetually. Now what is the Government seeking to do by means of this Bill? The Government is seeking to regularize that practice for ever. I submit this legislation is being made for the past also. It is regularizing that practice and will make these jagirs in force for perpetuity from today. The word 'alienation' I submit should not mean alienation for ever. The Government are entitled to legislate about assignments of revenue. This is what the Honourable Speaker was pleased to rule and he referred to item 39 of the Provincial List relating to alienation of revenue. But that does not mean that revenue should be alienated for perpetuity whereby the province will be deprived as it were of the right to get back that revenue or even to legislate about it, because if a permanent alienation is made it will be beyond recall. The clause quoted above says—

Any assignment of land revenue made by competent authority before the passing of this Act.

Before the passing of this Act means even before the 1st of April, 1937. On pages 4 and 5 of the Land Revenue Committee's report it is said that the total jagirs amount to 37 lakhs of the revenues of the province. Of these 37 lakhs a greater part is for perpetuity. Supposing this Bill becomes an Act, it would mean that these jagirs which are for perpetuity will be perpetuated, that is, they will be assigned for ever and there will be no power left to this legislature to revoke the grant or to cancel these jagirs. I submit that the power was never given to this legislature to legislate away the revenues of the province for ever. I know there is the word alienation, but I submit that it does not mean permanent alienation.

Mr. Speaker : It does not necessarily mean a permanent alienation. It may be only for a number of years.

Sardar Lal Singh : But there are jagirs which are according to Government's own report for perpetuity, they not only want to regularise the practice but they want to alienate perpetually a certain amount of revenue of this province. I would like that the Honourable Speaker should look into this question and say whether it is within the powers of this legislature to legislate to this extent.

Coming to the motion before the House, I beg to submit in the first place that this is a very retrograde measure. Not only to regularise the past jagirs but to continue that practice and to create more jagirs for future

[S. Lal Singh.]

is a sign which is against the times. Even the Maharaja of Patiala — Princes are supposed to be behind times — has taken a step from which this Government might well take a lesson.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : On a point of order. The honourable member cannot make a reference to any ruling prince. If counter references are made they might be objectionable under the rules of business of this House and it would be much better if he keeps the ruling princes out of the debate.

Sardar Lal Singh : I am not making any reference to the person of a ruling prince. I am only referring to his acts and this is not the first time that a reference has been made on the floor of this House and I am certainly entitled to call attention of this Government to the acts of other Government be they the Governments of a state.

Premier : Certainly not to the acts of a ruling prince.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : You will certainly be doing him a disservice by bringing in his acts in this controversy.

Sardar Lal Singh : I am not making any reference to the conduct of the prince, but only to the Government of a certain state.

Mr. Speaker : The honourable member is not in order in referring to an Indian prince.

Sardar Lal Singh : I am not referring to any Indian prince. I am only referring to the Government of an Indian prince. I am mentioning it as an instance of an advanced Government.

Mr. Speaker : The conduct of a ruling prince also cannot be discussed.

Sardar Lal Singh : I will not suppose from this that references cannot be made to the good acts of other Governments although they may be governments of states. I understand the rule is that references should not be made to the person of princes or to their conducts. This Bill seeks to create jagirs and the amount of these jagirs will be of the value of about Rs. 5,000 a year. That would mean that if there are 27 districts and if these jagirs are to be evenly distributed, each district will get about two hundred rupees. And I submit that this sum is a very trifling sum and it will not add to the honour of a man or to his property. What would it come to? It would simply come to this that a trifling sum of money will be given to certain people, on account of what? No definition is given in the body of the Bill as to what will be the qualifications of those persons who will be given these jagirs. For what services will these jagirs be given to them? Will it be for some scientific research or will it be for some patriotic service or for some public utility service? No definition is given in the Bill as to whom this jagir will be given and how it will be given. Just as a poet says by breath of mouth. So these jagirs will be created just by the breath of any one and will be given, as has been referred to on the floor of this House, to those who do back-biting and do menial services to Government. What will be the result of this? By giving jagirs of Rs. 50 or Rs. 100 the

*Government will be creating a class of people, not self-made, but who will do some minor service to the Government or do back-biting to the police. The Government will be introducing a demoralizing feature in the administration of this province by creating the class of men, called jagirdars, a highly dignified name, but fetching nothing and doing nothing. Such class of people will be brought forward amongst the aristocrats. They will be made the noble and the elite of the public. They will be made noble people because they have done some minor service to the executive officers, and because they have been back-biting.

Now, Sir, as to the financial side, as I have already stated the province has already been burdened with 87 lakhs and there will be 4 or 5 lakhs more. It comes roughly to 42 lakhs of rupees, that is, about half a crore, about 1/20th, that is 5 per cent of the revenues of the province. This amount will be given away in jagirs. To whom? To the people or to the class of people who will do no service to the state, but to the executive officers of Government. These 42 lakhs of rupees will be a drain on the finances of this province. A measure like this, especially in the days of retrenchment is a reprehensible one. Instead of retrenchment you want to increase the expenditure by creating a certain class of people who will not at all be the adornment of the province. With these words I support the motion moved by my honourable friend Mian Nurullah.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, unfortunately I was not present on the first day of the debate on this Bill, but to-day it has caused me no end of surprise to listen to the speech made by my honourable friend Sardar Lal Singh. I fail to understand why gentlemen like him begin criticising a measure which they have not carefully perused. In case my honourable friend had found any difficulty in understanding the Bill he should have either consulted me on the matter or should have got his difficulty removed by some one else. But as was expected of him he has, in spite of the fact that he did not fully comprehend the import of this measure, indulged in a meaningless criticism. There is not one thing in the whole of his speech which may be said to be based on facts. In respect of the definition of a jagir contained in the Bill his objection was that it will be applicable to all the jagirs granted before the passing of this Act, or for the matter of that, before this Government came into power, inasmuch as this definition includes "any assignment of land revenue made by competent authority before the passing of this Act". I am free to admit that it is so and the fact is that this Bill has been brought forward for this very purpose so that the word 'jagir' may be definitely defined and no difficulty may arise in regard to its interpretation in courts of law.

Sardar Lal Singh: So your definition is that whatever was a jagir hitherto shall be considered a jagir.

Premier: No. The definition given in the Bill is quite clear. It says—

- (1) Any assignment of land revenue made or deemed to have been made under this Act.
- (2) Any assignment of land revenue made by competent authority, before the passing of this Act.

[Premier.]

I hope my honourable friend has now understood the definition of 'jagir'. If he has not, I am prepared to remove any doubts that may be still lurking in his mind. I may tell him that all his objections were based on misunderstanding and, therefore, were absolutely groundless. He should know that there are jagirs worth lakhs of rupees in the Punjab, and they are of different types. There are cis-Sutlej and trans-Sutlej jagirs dating back to the Sikh period. For instance, there are some jagirs which were granted by Maharaja Ranjit Singh. Now my honourable friend would perhaps like us to confiscate all those jagirs as he thinks that the Government have the power to do so. But my submission is that such an act would be sheer injustice and no Government can be justified in dishonouring the princely grants, agreements and undertakings of rulers like Maharaja Ranjit Singh simply because my honourable friend Sardar Lal Singh or myself are not in favour of granting jagirs.

My honourable friend opposite wants us to do away with jagirs granted in olden times. If he really holds this opinion he should come forward with a resolution to this effect and if he does not possess sufficient moral courage he should not interrupt me.

Sardar Lal Singh : My point is that this Bill is a retrograde measure. Why should you continue jagirs which were granted to one's forefathers?

Premier : I am sorry my honourable friend has not apparently understood me. It is just like *من چہ می سرانم (ظہور من چہ می - اے)*
(Laughter from Government benches). I was submitting that I had not granted these jagirs. How could it be possible for me to abolish them which were granted by Muslim kings and Maharaja Ranjit Singh? I may again tell my friend Sardar Lal Singh that these favours were shown to those who had rendered some service or the other.

Sardar Lal Singh : The Honourable Premier should not address me by name.

Mr. Speaker : The honourable member should not interfere.

Sardar Lal Singh : Then can he address me?

Mr. Speaker : He has not addressed the honourable member.

Sardar Lal Singh : He is addressing me by name. He says "Lal Singh."

Premier : Sir, I was submitting that I could not be a party to any attempt to deprive any person of jagirs which were granted to the holders for their acts of bravery or for some services rendered by their ancestors. Strictly speaking, I consider it a moral sin to undo the favours which the kings of olden times had shown to them. If my friend Sardar Lal Singh is of the opinion that Maharaja Ranjit Singh had made a mistake by granting jagirs, he is at liberty to hug this idea. But I must say that I cannot believe that Maharaja Ranjit Singh had granted jagirs for nothing and thus committed a blunder.

Sardar Lal Singh : That is another insinuation that I said that Maharaja Ranjit Singh made a mistake. That is another mistake.

Mr. Speaker : If the honourable member wants to give a personal explanation he should rise in time and seek the permission of the chair.

Premier : Sir, I may also point out that after the reign of Maharaja Ranjit Singh jagirs had been granted by the British as well to those who served in the Mutiny of 1857. They were not granted to the people of the Punjab only but certain portions of land were included in the States as jagirs which the British bestowed upon them in the capacity of despots of those days. How can I take them back now? No one can revoke those jagirs which have become a permanent feature of those States.

Sir, the times went on changing and the present Government came to power during whose regime jagirs to the extent of five thousands rupees were granted. I was consequently asked as to how the accounts of those jagirs would be maintained. The very moment I was asked it struck me that the ancient kings were despots and now it was the regime of democracy, therefore it was quite possible that tomorrow another party might come to power and jagirs might suffer at their hands. Although the Punjab Government had a right to grant jagirs, yet, in the changed circumstances, I thought it more advisable to take the House into confidence and provide that in future jagirs should be granted with the permission of the popular representatives of this province. The present Government, as I have already submitted, has not granted jagirs of the value of more than Rs. 5,000 and I may add that in future the Government does not propose to grant jagirs of more than Rs. 5,000 yearly. I understand that in my absence some honourable member asked as to what sort of a jobbery it was that the Government published 19 names of jagirdars and withheld the twentieth. May I point out that the Government do not grant jagirs directly. They depend upon the recommendations made by local officers in connection with the services rendered by persons with regard to local administration, rural uplift, co-operative societies and so on. We receive hundreds of recommendations from different districts for jagirs, but my honourable friends should bear in mind that they are granted to the most deserving persons alone. Let me inform the House that we on receiving the recommended names from all divisions, selected 19 persons who were actually deserving jagirs for their meritorious services to the Crown. Had they been 20 then the jagirs would have been equally granted to the divisions of the province. So I thought it advisable to return the papers to the division from whom we received comparatively less recommendations, asking the local officers of the division to send us one name more. My honourable friends might have understood the reason why I did so. It was done with a view to grant an equal number of jagirs to each division. But unfortunately the name could not be received in time. Consequently we postponed that jagir saying that it would be granted next year. I may also tell you that I made up my mind at that very moment to bring this matter before the House and to enact a measure to provide that jagirs should be given with the consultation of the honourable members of this legislature. Now I have come with this measure before you and ask my friends opposite that when we can remit land revenue for a certain period with the permission of the honourable members, why should

[Premier.]

not this responsible House be taken into confidence in the matter of granting jagirs? Had my honourable friends opposite gone through the Government of India Act, they would have seen, on page 300, sub-clause (3) which says that the jagirs have been made quite safe and none can touch them at any time. Let me therefore, point out to my honourable friend Sardar Lal Singh that it would be the height of absurdity to talk of abolishing jagirs granted in olden times. He may take it from me that neither he can abolish a jagir granted by Maharaja Ranjit Singh nor can I. But, Sir, I would again submit that the right of granting jagirs has always been vested in every civilized Government in power and it is still there. We can reward people for their yeoman services. We have not introduced a new thing. You might remember that during the Great War it was declared by Sir Michael O'Dwyer that jagirs would be granted to those who were fighting in the war. Furthermore, if my friends were to study the proceedings of the meetings of the last Legislative Council they would come to know the object underlying the grant of jagirs. And now I have come forward with a measure to enable the Government to grant jagirs to the extent of five thousand rupees according to the old practice and include the arrears of 15 thousand jagir money in the amount to be given away as jagirs next year. As I have already stated, jagirs are granted to the people in recognition of their public services. For instance, those people who rendered valuable services in connection with rural uplift, consolidation of holdings and affording of medical aid during epidemics, have always been rewarded by Government with jagirs and I may make it clear that no departure will be made from this practice in future also. Besides I am of the opinion that jagirs should be given to those persons also who do yeoman service in maintaining law and order in the province. It is not a new proposal. It has been a practice with the previous governments to grant jagirs to such persons and it is the intention of this Government also to continue it. Honourable members should bear this fact in mind that a jagir has already been earmarked for this purpose. In this connection the criterion for public service is this. For instance, dacoities are frequently committed in a certain ilaqa. Now if a brave person encounters the marauders with a view to rid the people of their nefarious activities and at the peril of his life succeeds in apprehending those dacoits, he is surely entitled to a grant of jagir for this public service. Again, when we have powers to grant remissions in land revenue, why cannot we give jagirs for acts of individual gallantry?

Then I may point out that this measure includes those jagirs as well which were given to the people in recognition of their great military services in the last Great War. And the honourable members would be interested to know that at first jagirs were given for military services only but afterwards this practice was extended to other services as well. However, I have the fullest confidence, that this august Assembly would unanimously support the idea of rewarding those persons who render meritorious services in the present war. But the compensation can be given only in the form of jagirs. So, if after the termination of the war these jagirs to be given in appreciation of military services prove to be inadequate (and provided I come to power again) I would come before the House with a proposal for enhanced jagirs so that those who helped in the present war might

be properly rewarded. But as at present the matter of enhanced jagirs is not under discussion. I have no mind to take much time of the House on this subject.

Well, sir, today I take this opportunity to tell you as to how the people with military services would be rewarded by the Government. It is proposed that in future in all the new appointments which may be made by the Punjab Government, other things being equal, preference will be given to those who themselves (or their kith and kin) rendered services in the present war. They would be given special concession in the form of nominations to the provincial civil service. I would like to make this fact clear on the floor of this House that anybody who gives his all for the prosecution of this war shall receive special attention at the hands of the Government. I ask the honourable members of this House to tell their constituents unequivocally that our Government are not indulging in mere tall talks, they are determined to carry out their assurances into effect. Besides we have decided that in the case of those who become over-age for any Government service on account of having remained abroad with the Indian Army, the age limit would be waived. For instance, when a young man of 24 gets an Emergency Commission or joins the Army in any capacity and comes back after four years of active service in the field, he would not be considered 28 but 24 years old for the purposes of government service. We are extending these concessions to our zealous young men because the Punjab considers this war as its own. It is, therefore, our imperative duty to see that those persons who in view of this principle are giving ~~aid~~ in the form of men, money and material for the successful prosecution of war, should receive the proper reward that is due to them. I declare in this august House that it is the policy of this Government to grant maximum jagirs and other concessions to all those who take part in this war which is being fought with a view to save the civilization and freedom of the world from annihilation. I assure the honourable members that the Government have proposed these concessions in good faith. In the end, I would say that we have brought forward this measure with this object in view that even if tomorrow (Heavens forbid!) we are not on these benches, the jagirs remain untouched by any future Government. (Cheers).

(Voices : Question may now be put.)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That the Punjab Jagirs Bill be circulated for eliciting public opinion thereon by the 1st April, 1941.

The motion was lost.

Mr. Speaker : The question is—

That the Punjab Jagirs Bill be referred to a select committee.

The motion was carried.

Mr. Speaker : Motion moved is—

That the select committee may consist of the following members:—

Mian Muhammad Nurullah,

Chaudhri Jalal-ud-Din Amber,

[Mr. Speaker.]

Chaudhri Abdul Rahim (Gurdaspur),
 Chaudhri Ali Akbar,
 Sardar Balwant Singh,
 Malik Fateh Sher Khan,
 Mr. E. Few,
 Khan Haibat Khan Daba,
 Seth Kishan Das,
 Khan Bahadur Nawab Chaudhri Fazal Ali Khan,
 Chaudhri Ranpat Singh.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Sir, I beg to propose that two more names may be added. The names I propose are :

Nawab Sir Shah Nawaz Khan,
 Khan Bahadur Nawab Sir Muhammad Jamal Khan Leghari.

Mr. Speaker : The question is—

That to the list of 11 members of the select committee, the following two names be added :—

Nawab Sir Shah Nawaz Khan,
 Khan Bahadur Nawab Sir Muhammad Jamal Khan Leghari.

The motion was carried.

Mr. Speaker : The question is—

That the whole list of 13 members be approved.

The motion was carried.

Mr. Speaker : The question is—

That the quorum of the committee be 5.

The motion was carried.

GENERAL SALES TAX BILL.

Mr. Speaker : The Assembly will now resume discussion on the motion that the General Sales Tax Bill be circulated for eliciting opinion.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, when the House rose the other day, I brought to its notice a representation which had been sent by the Northern India Flour Mills Association to the Premier for consideration, and I brought to the notice of the House several very important observations which that association had made on the provisions of this Bill. That association further drew attention to the fact that the Bengal General Sales Tax Bill had definitely exempted certain raw materials and other necessities, such as, flour, wheat, rice, etc. I see no reason why that exemption should not be made in the present Bill. Again, Sir, I wish to place before the House the opinions of one of the leading authorities on taxation, a well-known economist, Professor Bastable, who remarked :

Tax on all commodities on transfer of goods and on the different forms of production would be extremely prejudicial to the development of industries, irksome and inconvenient to the tax-payer and very costly in collection, and the financial history of the various countries who have resorted to this kind of taxation afford an abundant example of the evils which I have just now enumerated.

The duty levelled on all sales in Spain has been regarded by Smith as the cause of the ruin of agriculture and manufacture in Spain. I am not unaware of the fact that the Sales Tax had been resorted to as a means of raising taxation in some of the other countries after the last Great War, but we must realise the fact that it was due entirely to the extraordinary situation which had been created by the Great War and its after effects, when the treasuries of the combatants as well as non-combatants had practically been denuded of cash to meet their liabilities that such a tax was thought of to meet the extraordinary situation then created, but countries like Great Britain appointed expert committees to examine the various forms of taxation which might be employed in Great Britain to meet the situation that arose there, and as a result of expert examination they definitely decided against the Sales Tax Bill. The only reply that the Punjab Government has given to this criticism is that if the Congress Government of Madras has chosen to introduce this tax and therefore why should not they ; but have the Government watched the effect of the Madras tax although it is much restricted in scope than the taxation proposal of the present Bill ? Do you know that the effect of the Madras tax has been on Madras business even during the short period it has been in existence ? Is the honourable Minister for Development aware that well known houses like the Lipton and the Imperial Tobacco Company, which had their business established in Madras, have thought it fit to remove it to the neighbouring territories of Native States ? A General Sales Tax hampers local trade and industry as compared with the trade and industry of the neighbouring province or of countries outside where there is no such sales tax. One of the chief encouragements, to manufacturing industries is the possibility of obtaining cheap raw material. Would not the industry in this province be placed at a comparative disadvantage if it has, as a result of the Sales Tax, to pay more for its raw material than a mill in a neighbouring state or a mill across the Jumna. If such a taxation has to be introduced, let it be on an all-India basis. An effort should be made to induce Native State to adopt it also and if a general tax like that is not to be imposed all over India, then it is desirable that before venturing on this uncertain and unfamiliar ground, the Punjab Government should consider and study carefully the local conditions so that in their hurry to raise taxation they might not be killing the goose that lays the golden eggs and kill the nascent industries which are by no means favourably placed in the province. My fear is that this General Sales Tax, without restriction, will certainly retard the growth of industrial development in this province, possibly cripple it and ultimately may kill it. What has this Government done to encourage industry in the province or for promoting the industries in this province ? In other countries with an industrial outlook, for example Japan transport facilities are provided to encourage industries, subsidies are given, and the raw produce for the industries is exempted from taxation. This Government has neither the power, nor the means nor the will to do anything of the kind. But now by this measure, it proposes to put a clog on the wheels of the industrial development in the province. I ask the Honourable Minister for Development, who is in charge of industries of the province, whether he has carefully considered the effect of the proposed

[R. B. Mukand Lal Puri.]

measure on the industrial development for which he has not so far done anything. Again Sir, the majority of the dealers of goods in this province are merely middlemen. They are neither producers nor manufacturers. They are merely trying to eke out a miserable existence by working as commission agents for the primary producers and manufacturers. If the Honourable Minister for Development thinks that he is taxing the middlemen he is entirely mistaken. Wherever the sales tax has been introduced in other countries it has been recognised that this will ultimately be passed on either to the consumers or in this case to the producer, because our consumer is not a rich consumer and is already living on the margin of subsistence level so that it may not be possible to pass it on to the consumer. It will be passed on to the producer. I ask the Government to consider if in their endeavour to help the agriculturist they are not actually taking away with one hand what they profess to give with another. Does the Minister for Development think that the tax on the sale of wheat or flour, that the tax on toria or cotton and tax on the various articles that are produced by the agriculturists of the province will have to be paid only by the consumer or that it will fall on the middleman? I respectfully submit that in case of agricultural produce, if it is not exempted it will mainly fall on the producer, and I ask the honourable members of this House to consider, whatever the conditions in Madras and in other provinces, whether the Minister for Development is justified in imposing this heavy taxation on the agriculturist producer. Again, if you notice the definition of goods in clause 2 of the Bill you will find that the definition is too wide. Necessities of life which enter the family budget of an average man are not exempted I think if the Government has any regard for the very poor then the necessities of life should be exempted. Again, articles which form the raw material for the manufacture of finished goods should be exempted so that the local industry is not placed at a disadvantage with similar industries outside India or other provinces, so as to enable them to compete favourably with other similar industries in other provinces and other parts of India. Again, the Bill makes no provision for exempting even hire purchase and the liability level of the tax is too low; it is Rs. 5,000. Every one who has a sale of Rs. 5,000 a year is liable to pay the tax. This approximately comes to Rs. 400 a month, practically Rs. 13 or Rs. 14 a day. Now is it intended that every milk vendor, fruit seller, halwai and street karker should be subjected to this tax and that all this fraternity should under clause 12 of this Bill be required to maintain regular accounts of their sales? Most of this fraternity, to whatever community they may belong, are illiterate and it is impossible for them to maintain accounts. Does the Minister for Development expect an ordinary vendor of fruits who carries his basket on his head from door to door—no one can say that he does not sell fruits for Rs. 10 or 12, a day, for otherwise he cannot make a profit of twelve annas or a rupee which he needs for himself and for his family for subsistence — to keep regular accounts and on failure to keep regular accounts be at the mercy of the subordinate taxing official to be taxed to any amount to suit the whims of the tax collector? If you do not keep accounts the income tax officer has authority to tax you any amount. Has the Honourable Minister looked at the aspect of the matter? I would certainly

request him, if he wishes to have a tax of that type to raise the minimum level to at least Rs. 20,000 the minimum level of a shopkeeper who according to you does maintain accounts or who is in a position to pay for the maintenance of his accounts from his earnings. I do not think it is the intention of the Minister to insist on the subziwalah outside the Lahori Gate to maintain accounts and to tax the vendor who cannot afford to rent a shop and who is prepared to shift his place of business the very moment that the policeman directs him to do so. It is true that their turn over is Rs. 13 or 14 a day, but it is not possible for him to maintain accounts. This only goes to show what Professor Bastable pointed out, namely the great inconvenience and harassment which is cast upon the shop-keeper. I know that this taxation is going to create impossible and highly inconvenient conditions for business people. I therefore ask the Minister to pay some attention to matters of this type.

Again, the exemption clause is very narrow. Books, literature, scientific and other periodicals should be exempted. I submit that literacy or desire to learn should not be taxed. In our own province where the Minister for Education is going about with his anti-illiteracy drive, the Minister for Development should not tax literacy. I say that it is taxing literacy if even the sale of books is to be taxed. This tax will prevent people from becoming literate if the books by which they are to educate themselves are taxed and their prices raised.

Further, one does not mind any proposal for taxation if the need for a particular taxation is demonstrated to the House. My honourable friend is fond of referring to Madras Act. Now, Madras resorted to this Act when there was a deficit budget and when they embarked on schemes of social reform, when they wanted to introduce prohibition. It was only in those circumstances that a tax of this sort was levied. Fortunately for us, we are not faced with a deficit budget. Our budget is a surplus one. Recently we have passed taxation Bills which are going to bring us some money and therefore there is no hurry for this Bill. The hurry with which this Bill is being rushed through deserves the strongest condemnation. Why is the Minister for Development not prepared to send it for eliciting public opinion? It is possible that when opinions are received the Minister may think it proper to start with taxing only one or two articles and ultimately extend it to others. Why is he anxious to rush through a measure of such a universal nature? If after further enquiry the Minister considers that a measure of this kind is not likely to affect industry, is not likely to retard the development of industries in this province as compared with the industries of Indian States and other provinces, if he comes to the conclusion that taxation of a particular article is not likely to expose us to the evils which have been mentioned, he may provide for such a taxation. Has he satisfied himself that the various articles which he proposes to tax are not likely to adversely affect the industrial development of the province? If he has not satisfied himself, how is he justified after devoting only two hours in the select committee to the Bill in asking this House to give assent to a measure like this? I should like to have an assurance from him that he has applied his mind to the various criticisms which have been made on the floor of the House and to the various criticisms of the measure sent

[R. B. Mukand Lal Puri.]

to the Honourable Premier and is satisfied that there is no such danger. I do not know whether he has considered those criticisms and whether after considering them he has come to the conclusion that this criticism is not justified and there is no substance in it. If he has done that, then there would be some justification for him; at any rate there will be the judgment of one man on which this House could rely. If he is not in a position to give that assurance, he should not embark on a legislation which may lead us to barren ground. Now, we know the controversy about the black Bills and golden Bills. Now, take a measure like the Restitution of Mortgages Act which this House has passed and of which the Minister for Development is so proud. This Act may have taken away lands out of the hands of one community and class of persons and put them into the hands of another. It may have robbed Peter and paid Paul; or it may have robbed a person whom the Minister did not like and helped a person whom he liked. I do not at this stage wish to enter into the merits of that controversy. After all it was only a transfer of property from one to another by a legislative fiat. But does not know that one of the effects of that measure is that no zamindar, no member of a statutory agricultural tribe now takes a mortgage of land from another member of a statutory agricultural tribe? Whenever a member of a statutory agricultural tribe needs money in circumstances which admit absolutely of no solution, the only method left for the poor man is to sell his land which he previously used to mortgage for a hundred or two hundred rupees, and which he could redeem later but which he has now to part with forever for practically the same money. Thus the small proprietor is being eliminated. Let us hope that the present Government will take some steps to prevent this utter destruction of small proprietors.

My point in raising this question is to show the effect of passing a law which has not been given detailed consideration. Now, we do not know the effect of the Madras Act. Are you satisfied that everything that the Madras Government or the Congress Government has done is the right thing? In my opinion, a General Sales Tax should only be resorted to in an extreme case, Madras example is not the one to follow. The country whose lead we should follow, in this matter is Great Britain, the country which is leading in commerce and manufacture and which has after an expert enquiry has refused to pass a General Sales Tax Act after the last Great War.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urhan): Sir, in opposing the motion of the Honourable Minister that the Punjab General Sales Tax Bill as reported by the Select Committee be taken into consideration, and in lending my support to the amendment of the honourable Sardar Santokh Singh that the Punjab General Sales Tax Bill as reported by the Select Committee be circulated for eliciting opinion thereon by the 31st of March 1941, I do not propose to traverse the ground already covered or to repeat the arguments already advanced in the course of the discussion that has taken place. It appears to me that a minute of dissent recorded by such a responsible member of this House as Sir William Roberts, who is in a sense a member of the Government, being Private Parliamentary

Secretary, and who is himself a leading business magnate and a captain of industry, would at least make this Government pause and incline it to seek public opinion and in particular the opinion of the leading business men by agreeing to a motion for circulation of the Bill. But it appears to me that this Government, or to be more exact, the Honourable Minister who is in charge of this Bill and who is probably its inspirer, has developed all the qualities of a steam roller. An inanimate steam roller is designed from the very nature of things to roll on and to crush all opposition in its way. But in this House which is constituted on the principle of debate, of argument, of discussion and of persuasion, such methods will become a Minister who as a thinking individual possessed of that God-like reason which distinguishes man from beast,—it ill becomes, I say, a thinking Minister to absolutely brush aside such powerful and substantial criticism and to act in a manner which to my mind has all the essential characteristics of what the world to-day is condemning with one voice, namely, Hitlerism, and undoubtedly amounts to what Swift has called, the right of the granadier to take the property of the naked defenceless man.

As I look at the provisions of this Bill, it appears to me that the far-reaching character of some of these provisions has not yet been appreciated by the House. The professed object of this Bill is to levy a tax from all dealers whose outturn exceeds Rs. 5,000 a year. But I shall presently show to the House that the scope of this Bill goes much wider, and that this Bill has within it provisions of a most extraordinary character. I shall draw the attention of the House to clause 18 of this Bill. Under clause 18 of this Bill every dealer, not necessarily a dealer whose outturn exceeds Rs. 5,000 a year, but every dealer even if he sells articles worth Re. 1 a day,—every dealer is required to produce before “such officer as this Government may nominate the accounts and other documents and to furnish any other information relating to such business”. If you want to tax people whose outturn is Rs. 5,000 or more, do so. But what right have you to touch the poor dealer in the street and to ask your officers to pounce upon him, although his outturn is not Rs. 5,000, although his outturn does not approach Rs. 3,000 and does not come anywhere near Rs. 2,000. What business have you to ask your officers to call upon this poor dealer to produce his accounts? Not only that. Clause 18 goes further, and gives powers to the officers of this Government—powers which are simply unheard of. Let this House remember that I am taking the instance of a dealer who sells goods worth Re. 1 or Rs. 2 or Rs. 3 a day. I shall be open, under this clause, to the officers of Government to inspect the goods in the possession of such dealers, “goods in their buildings, in their offices, in their shops, in their godowns, in their tents, in their enclosures, in their booths, in their vehicles, in their vessels, in their boats, in their rafts or in any other place in which business is done.” Hear more. Sub-section (8) says that these officers, wherever they may be, shall have the power compulsorily of entering, for the purpose referred to in subsections (1) and (2), any building, office, shop, godown, tent, enclosure, booth, vehicle, vessel, boat, raft or any other place in which business is done. I put it to the Honourable Minister to at least explain to this House why it is necessary to take these powers. It will not do to say that you have taken

[Malik Barkat Ali.]

this provision from the Madras Act. It is not for you to reproduce blindfold what appears in some other legislation. You should justify on the floor of this House by adducing reasons which will satisfy every reasonable man as to why you are taking these powers with regard to these dealers whom you are not going to tax. I can understand this in regard to dealers whom you want to tax, — dealers whose outturn is Rs. 5,000 or more, but not in regard to dealers whose outturn is less than Rs. 5,000, or even less than Rs. 100 a year. Why are you taking these powers in your hands?

This House will remember that there has been in force in this country the Indian Income Tax Act for the last sixty years or so. The Indian Income Tax Act brings to the coffers of the State something like 13 to 18 crores a year. Your tax will not bring even one-tenth of the amount which the income tax is bringing into the coffers of the State. Has that Act given any such powers to its assessing authority or to any officers under the Income Tax Act that this Bill seeks to give?

Next, Sir, I draw the attention of the House to clause 12 of this Bill. Let me make it clear at the very outset that this clause applies to those dealers whose outturn is Rs. 3,000 a year. Obviously, therefore, this clause is intended to operate upon and to apply to those persons whom you have already exempted by a previous clause.

Clause 12 says—

Every dealer shall keep and maintain a true and correct account of the value of the goods sold and bought by him.

Now I put it to the Honourable Minister. He has said in this clause that this section shall not apply to any dealer whose turnover does not exceed three thousand rupees in any year. Let me take the case of a dealer whose outturn is Rs. 3,000 a year. Rs. 3,000 a year means Rs. 250 a month. Rupees 250 a month means an outturn of Rs. 8 or 9 a day. Do you really expect, or in view of the conditions prevailing in this province, are you in a position to stand up on the floor of this House and say that people who are earning Rs. 8 or 9 a day are in a position to keep an account themselves? Are they all literate? I can understand a Government which has enforced compulsory primary education resorting to a provision of this kind. But so long as you do not provide compulsory primary education, how does it lie in your mouth to say that these poor illiterate people must maintain accounts? If they are themselves illiterate, then does it not follow that they must keep some accountant, some paid clerk, who is to write out these accounts for them? And if they are to engage that clerk, what do you expect the dealer to pay him? A person who is selling goods worth Rs. 8 or 9 a day, what do you expect him to pay to a clerk? And mind you, these are dealers who, on your own showing, according to your own scheme of things, are outside the purview of this tax. They are exempt from this tax. Therefore if it is your intention to levy this tax, such provisions may fit in the case of those persons who are subject to the tax. But in the case of these persons who do not come under this impost, how can you justify them? I was already drawing the attention of the House to the Income Tax Act. Can you point out to any section of the Income Tax Act which imposes this statutory obligation on

every assessee or on any person who earns anything, to keep true and regular accounts? The Income Tax Act does nothing of the kind. All that it says is that it shall be open to the assessing authority to ask the man to make a return of his income and after he has made a return of his income, if the assessing authority is satisfied that the return is true, he will proceed to tax the man accordingly. If the assessing authority comes to the conclusion that the return is not satisfactory or is not accurate, the assessing authority shall call upon the assessee to produce such accounts and documents as he has in his possession. If the man does not produce them, then it is open to the assessing authority to assess him to any limit that he considers proper and in the case of these persons who do not produce accounts before the assessing authority, the penalty is that they cannot go up on appeal. I can understand such a provision. But I fail to understand why the Government, for the sake of this tax which hardly will fetch 50 lakhs or 60 lakhs or even a crore, should impose this statutory obligation of keeping accounts, firstly on those persons who, according to you, will be exempt from the tax, and secondly, why are you taking all these powers in regard to persons who will not in any manner be subject to this impost, namely, that it shall be open to your officers at any time to force entry into their places of business to see every little thing that they have? Can business be properly done under such circumstances?

Then there is another very extraordinary provision. As I submitted to the House, I am not going to repeat any arguments already advanced. I am only trying to place before the House the points which have not been touched. I draw the attention of the House to clause 10. Clause 10 deals with appeals from the assessing authority. That clause lays down that before an appeal can be entertained the poor dealer who has been subjected to this impost must produce satisfactory proof that he has paid the tax. Even if he files the appeal it will not be entertained unless he has paid the tax. I have not heard of such a procedure. It will be no answer to me to say that this topsy-turvy, most extraordinary procedure occurs in the Madras Act. The honourable member is a lawyer and he knows that even in the case of execution of decrees the poor judgment debtor has a right to run up to the appellate court with the request that until his liability has been conclusively determined by the judgment of that court, the execution taken may be suspended and the courts do often suspend the execution automatically. Sometimes the courts say, "very well, produce security that you will satisfy the decree." But I have never come across, unless it be in the Madras Act, a provision like this, that before the appeal can be entertained the tax must be paid. Is there any such provision in the Income Tax Act? And has the absence of this provision in that Act ever stood in the way of or hampered the work of the officials under that Act? Therefore, I request the Honourable Minister to kindly open his eyes to the condition of things in this province and not be led away by any obsession or prejudice against the poor urban people that he may have gathered during the course of his career, and thus not allow himself to be influenced by those obsessions and brush aside all recognised principles simply because the Madras legislators took it into their heads to introduce a provision of that character. I, therefore, feel that the provisions of this Bill to which I have drawn attention are most novel, most extraordinary and most oppressive. You will be

[Malik Barkat Ali.]

pleased to see in connection with this question of appeal that I was placing before the House that the Act itself contains a provision that any sum lawfully due on account of the tax shall be recoverable by the Collector from the person liable for the same as if it were an arrear of land revenue. This provision gives you all the powers to realise the tax. In the presence of these provisions, why do you introduce this most novel and most extraordinary provision that before an appeal can be entertained, the tax must be paid? And if later on the taxing authority finds that this poor man was not liable to this impost, have you any idea of the trouble you have caused to him by compelling him to collect this money? You will further be pleased to remember that in regard to that statutory obligation which this Bill seeks to place on all dealers whose turnover starts with 3,000, this statutory obligation is accompanied with a penalty that if they did not "keep and maintain a true and correct account if the value of goods sold or bought by him or to maintain such accounts in the prescribed manner" they shall on conviction by a magistrate of the first class, "be liable to a fine which may extend to five hundred rupees"—we are thankful for this small mercy which the select committee has shown—originally it was Rs. 1,000—"or double the amount of the tax recoverable, whichever is greater."

I submit that this is very vindictive. The normal rule of legislation is that if there are two penalties to which a man is liable, it is generally the lesser one which is inflicted, but the legislature never lays down in so many words that in such cases it is the greater penalty which shall be imposed upon the poor man, irrespective of the facts of the case and irrespective of the circumstances of the case. Normally speaking magistrates are left a wide discretion in order that they may assess punishment suitable to the circumstances of each particular case. Here you are taking away that discretion of the magistrate and compelling him to impose the greater penalty in a case of this kind. I, therefore, feel that this Bill as it has come to us from the select committee is still susceptible to improvements in any directions and in view of some of the extraordinary provisions which have been made, it is in the fitness of things that this Bill should be circulated for eliciting public opinion (*hear, hear*).

Sir William Roberts (European): I beg to support this amendment. In the select committee the Honourable Minister told us that we had only to make certain verbal alterations which do not deal with the principle of the Bill, as it has already been accepted by the House. Now every body knows that in this House at present most of the Opposition is away. For these two reasons alone it is very necessary that we should get a very broad and levelled criticism which we can get outside the House and, therefore, I think that this Bill should be sent up again to get public opinion and to get the best opinion from the province on its merits and defects. In my opinion the Bill has among other defects the following. It will tend in its incidence to retard and check industrial development of the province. This is an aim which, I think, is close to the heart of the Government. This Bill in its effect will definitely retard the industrial development of this province. It is like introducing sand into the bearings of an engine or a machine. We are instead of introducing it at one point like the Government of Bengal

or Bombay, putting a bit of sand in every bearing and in every part of the machine and into every machine which deals with any produce from the time of its appearance as raw material to its manufacture.

Dr. Sir Gokul Chand Narang : You are abetting it by supporting such a Government.

Sir William Roberts : Again in the Madras Bill raw material has been excluded. The reason is that material like wheat and cotton has to be sold at world prices. Punjab has no control over the prices of wheat and cotton and therefore if you are going to make an impost of local tax it has to be paid by the producer. The exclusion of cotton in Madras is very significant, because Madras takes a very much higher proportion of the cotton growing there for its manufactures than the Punjab does. I calculated that in this province only three or four per cent of the cotton grown in the province is manufactured in the Punjab. Again, I think that the incidence of the tax is discriminatory. For example a local firm selling cotton in the Punjab or selling wheat or selling any other raw material as compared to some firm which has a Karachi office will be loser. If the Punjab firm sells wheat it has to pay the tax, but if the Karachi office or an agent of the Karachi office sells the same wheat and to the same customer, then it escapes the tax and therefore, this Bill is discriminatory. In the end it will tend to make all of us employees or slaves of agents in Bombay or Karachi or anywhere else outside the province, because that is the only way in which we can avoid paying this tax if we want to avoid it and keep our place in competition. Then again, if we could be sure that the right man, i.e., the middleman pays this tax it would be a good thing for the Government perhaps. But the margin on which large scale business is done is so small in the case of wheat and cotton ; I know myself it is from half to one per cent, that the incidence of this tax of a quarter per cent comes to 50 per cent of the gross profit and 25 per cent even if the margin is one per cent. Out of the one per cent or half a per cent that you get for your profit you have to pay your tax plus stuff and you have to take the market risks. It follows that no body dealing with large scale business would always make a profit. Very very often he does not. At any rate if he is certain of one per cent, the incidence of tax comes to 25 per cent of his total profit and in the case of only half per cent it comes to 50 per cent. Crops of representations have reached me from practically all over the province and from every body dealing in commerce. The Northern India Chamber of Commerce, The Punjab Chamber of Commerce, The Indian Chamber of Commerce, the Punjab Trades Association and the Flour Mills Association and a large number of others concerned. All of them are very perturbed over this Bill which has been brought up in a hurried manner and without giving sufficient time for discussion. The Bill again is harsh in its penalties, as double tax may in some cases be levied on account what may perhaps be merely a mistake. And there is no appeal. According to my reading there is no appeal and therefore, a firm like a cotton mill or a woollen mill say Dhariwal Mill for example may have to pay under this Bill anything from 10 to 20 thousand rupees and this by a mistake may be doubled which is too much of a penalty for what after all should not be regarded as a criminal offence. Again as an industrial province, I think, the position of the Punjab should be studied.

[Sir William Roberts.]

We are a land locked province. Geographically we are in a very bad position to develop industries. Our chief handicap is railway freight and anything which taxes the export from the Punjab is simply suicidal. This is the worst province in which you can take a tax on export. Therefore, even the proposal to levy half the tax on any export of the province is in my opinion suicidal. (*Hear, hear*).

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (*Urdu*): Sir, I rise to support the circulation motion moved by my honourable friend Sardar Sahib Sardar Santokh Singh. Before I proceed with my speech I would like to refer to the lines given in the first part of the Statement of Objects and Reasons of this Bill. The lines run as follows:—

The object of this Bill is to enable Government to levy a tax on the sale of goods in general. A similar tax on the general sale of goods is already in enforce in Madras and is working smoothly.

Enquiry was made by commercial bodies and the information received is that the bill is not working smoothly in the Madras Province as mentioned in the Statement of Objects and Reasons and good many difficulties have arisen in its working and this fact has been brought by six most important Chambers of Commerces, namely the Punjab Chamber of Commerce, New Delhi, Northern India Chamber of Commerce, The European Trades Association, The Punjab Federation of Industries. The Indian Chamber of Commerce and the Punjab Merchants Association to the notice of the Honourable the Premier and a copy of this representation has also been sent to the Honourable Minister for Development, Chaudhri Sir Chhotu Ram.

Then it has been said in the Statement of Objects and Reasons that—

Sales taxes have come to play an increasing part in the fiscal systems of modern states, and a sales tax of one kind or another exists in at least twenty-five foreign countries.

The proposal that such a tax should be introduced in the Punjab was one of the recommendations of the Resources and Retrenchment Committee.

Now it has been clear to you that the Resources and Retrenchment Committee which has suggested the measure, has proposed Rs. 200 as the limit of the tax. But I am sorry to say that the recommendations of this committee have been overlooked as the measure go much beyond that. Thirdly it has been given in the Bill—

Government are in need of fresh sources of revenue to meet the increasing demands for widening the scope of its services and a general sales tax is considered to provide a suitable means of adding to the provincial resources.

It has been repeatedly asked by the honourable members as to where the money realised from this tax will be spent. But the Government have been silent on this question and they have not explained the reasons which prompted them to levy a new tax. If our Government have followed Madras in putting forward this measure, they should have at least clarified the reasons for doing so because the Madras legislature has told us in the Statement of Objects and Reasons of their Bill that the tax has been imposed there for financing prohibition.

Then the speed with which our Government is passing taxation measures is most objectionable. I would caution the Government against rushing through one taxation measure after another. Before rushing through these measures like this the best thing for the Government was to test one taxation measure first and if they found it useful and running smoothly then they could have passed another. But the Government have adopted very unreasonable method of taxing the public. They have not yet finished with this measure and I have been given to understand that they propose to bring forward more taxation measures in the very near future. It is not gainsaying the fact that the price of articles will rise because the tax will be charged on more than on point and the burden will fall equally on consumers and manufacturers. Next point to which I want to draw your attention is that the Punjab industry will be hard hit by this Bill, as my learned friend Sir William Roberts has stated in his speech. May I submit that already there are only a few industries in the province and the Government instead of helping them will cripple them. Let me point out what happened in Madras as the result of taxation measure. Two big companies like Lipton Tea Company and the Imperial Tobacco Company, Limited, Madras, which were well known industrial companies and whose existence would be an assets to any province shifted to neighbouring states. Similarly our industry and business houses will be driven out of the province. As a result of the operation of this Bill prices of articles made in this province will go up and people would prefer to purchase those foreign goods which would be cheaper as we know that in spite of Mahatma Gandhi's repeated requests to wear swedashi cloth most of the people stick to the Japan made on such other goods because they are being sold at a cheaper prices. In this way our private industry will die.

The next objectionable point is that under the present measure, tax will be charged on one article at several points which cannot be defended in any case and actually it will be several times more than the rate prescribed. I am surprised to see that in certain cases the tax will be charged on not less than six points. It may cause much inconvenience to public who being unaware of the exemptions and the percentage of tax on a certain article will be deceived by shopkeeper who may say that so much tax they have paid on that article. In this way they will sell articles at a very high price: I, therefore, submit that the Government should levy tax on an article at one point as it has been proposed by my honourable friend Mr. P. H. Guest who has sent an amendment to this effect. In this connection I would like to tell my honourable friends as to what the Honourable Mr. Suhrawardy said with regard to a similar measure at the time of its introduction in the Bengal Legislative Assembly. Now let me read out a few lines in which he assured the House that tax will be charged at one source only—

Broadly speaking this Bill proposes to impose a small tax on retail sales. We aim at levying this tax once only in the chain of transactions that takes any particular article from the importer or the manufacturer to the consumer. It is not our intention to levy a tax on the sale of goods every time they change ownership; our intention is to take only one of these changes and for this reason we speak of the proposed tax as a one-point or single-point tax. The essence of a sales tax is that it falls on the consumer and so on....

[R. B. Sohan Lal.]

Then continuing his speech he said—

Some of you may wonder why we have chosen to tax only retail sales instead of putting the tax at a lower rate upon all sales, as in Madras. There are many good reasons; in the first place, a retail sales tax will be simpler and cheaper to administer; secondly, generally speaking, retail dealers cater for the local market and they cannot move their business outside the area in which the tax will apply. It would not be so difficult for businesses other than retail dealers to arrange to conduct their business beyond the borders of the Province, and as I said before in explaining the reasons for the exemption of goods consigned to addresses outside Bengal it is essential to see that the tax is of such a kind that it will not tend to drive business out of Bengal.

I think it would have been made clear to you that the first thing which the Government of Bengal did was to see that the business should not be adversely affected within the province. They taxed only retail sales for the reason that they could not move their business outside the area. (*Interruptions*). But in the Punjab if industry tries to compete with the other provinces, I am sure the cost price of articles will rise to a great extent and the Punjab Industry will stand to lose.

He further stated—

In legislating for the levy of any kind of sales tax two points are of cardinal concern to keep the cost of collection low, and to interfere with the flow of commerce or with ordinary trade practice as little as possible and so on.

I am sure, it is crystal clear from these extracts that the Bengal Ministry is scrupulously careful in levying sales tax at one point only. But here in the Punjab Bill the case is quite the reverse. The tax is to be imposed at several stages. I, therefore, strongly object to its imposition in this irresponsible manner.

Then I would like to draw the attention of the House to the exemptions provided in the Bill. In this connection I have to make a suggestion to the Government and that is this. The Government would be well advised to appoint a committee to make a thorough enquiry about those commodities which will be affected by the levy of this tax and will also have to compete in the market with other provinces. If the appointment of a committee of non-official members is not acceptable to the Government, they might hold a departmental enquiry regarding this matter. I have no objection to that. But my object is that Government should be in a position to know that those commodities which are consumed by key industries should not be adversely affected as there is a serious danger of industry of the province being dislocated. The exemption list as given in this Bill does not indicate that raw materials or commodities as mentioned above would not be subject to a sales tax. I have in my possession an exemption list of the Bengal Bill. I have no mind to waste the time of the House by recapitulating its contents, as it is a lengthy one. But for the information of the honourable members I would read out two or three items with a view to enable them to form some idea about it. They are as follows :—

Firstly—Raw materials sold to manufacturers: to impose a tax on the sale of raw materials would be to put the Bengal manufacturers at a disadvantage *vis-a-vis* his competitor in other provinces. It would also be tantamount to taxing the sale of the same thing.

twice, once in its raw state (a piece of leather) and again as a finished article (a shoe) ;

Secondly—the foodstuffs that form the staple diet of the poorer classes such as rice, dals, salt, gur, molasses, sugar bread, and milk. This class of exemption calls for no comment ;

Thirdly—the sale of goods consigned to an address outside Bengal. Ordinarily retail dealers have only local market but Calcutta is the shopping centre for many persons in Assam, Bihar, the United Provinces and Orissa. We have no wish to handicap this trade or to discourage persons in other provinces from patronising Calcutta shops and firms.

Again, it is proposed in our Bill to allow a rebate of one-half of tax levied on sales of such articles as are intended for delivery outside the province. But in the Bengal such articles are totally exempted from the imposition of the sales tax. It is a thousand pities that the Punjab Government have not cared to take a comprehensive view of things. Let me hope that saner counsels would prevail with them and they would be disposed to realise the situation in its true perspective. With these words I strongly support the circulation motion moved by my honourable friend Sardar Sahib Sardar Santokh Singh.

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

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I have no mind to take much time of the House as some of the most important points which I wanted to place before the honourable members have already been discussed by my honourable friends on these benches. But I must pay a tribute to my honourable friend Sir William Roberts for having so ably put his case before the Government. His objections to the Bill were really based on solid facts and his line of argument was also very cogent and convincing. Besides, I would like to register my emphatic protest at Government's callousness in paying no heed to the fact, which has time and again been brought to their notice, that they should refrain from bringing forward taxation measures unless there was pressing need for money to be utilised for some legitimate specific purpose. Here they have neither any data about the amount of tax to be realised, nor any set scheme for which the required money is to be expended. It is a thousand pities that they are indiscriminately putting forward plethora of Bills calculated to squeeze out money from the pockets of the urban people. I think the days of grace of my honourable friend's regime are numbered as only 14 months are left when this Assembly would be dissolved. So they can make hay while the Sun shines. Now there is no opposition in the House and therefore taking advantage of this god-send opportunity they may bring in as many measures for looting the public as they please, for the same will have an easy passage. (*Ironic laughter*). Sir, on this occasion I am reminded of a well-known Punjabi saying *پنہا تیرے کڑے کڑے کن کاڑن* (*Laughter*). But the story which I am going to relate to the House is still more interesting. It aptly applies to my honourable friends opposite. A man had reared a bull. He fed him and would not mind if he damaged the

[Mian Abdul Aziz.]

crops of other zamindars or would eat away grams, etc. from the bags of a shopkeeper. But there was one characteristic of this bull and that is this. Whenever the bull was yoked to a plough or placed before a cart, he would refuse to budge an inch and begin to stand on or kick. In other words the pampered bull would not do any useful work except putting on layers of fat on his body. (*Laughter*). This story aptly applies to the Unionist Government. (*Interruptions*.) I fail to understand why my honourable friend Pir Akbar Ali is getting so restive. Evidently the cap fits him. The inference of the story pinches him.

Mr. Deputy Speaker : No interruptions please. I would request the honourable member to proceed with his speech.

Mian Abdul Aziz : Well, sir, I was submitting that the story of that bull was applicable to the Unionist Ministry. My honourable friends on the treasury benches are very careful about their fat salaries and travelling allowances and are liberal enough to squander money on top heavy administration. They are also very particular about heaping on taxes after taxes on the people, but do no useful work for the uplift of the Province. My honourable friend Rai Bahadur Sohan Lal rightly remarked that there was no knowing as to how many taxation measures were yet in store for us. But if we enquire as to what they have achieved in the direction of industrialisation and general advancement of the province during a span of four years of their regime, they keep mum because their achievements are nil. As a matter of fact they care more for their own ends than for the good of the country. They want money, not for affording relief to the poor or unemployed, but for grinding their own axe. I would appeal to them to refrain from pauperizing the people by bringing in crops of taxation measures. They are already groaning under the crushing weight of taxes and this tax might prove the proverbial another load on the camel's back, already heavily loaded.

My honourable friend Malik Barkat Ali during the course of his masterly speech made it clear that the Bill exempted only very petty vendors from the imposition of sales tax and none else. But I am afraid that during the consideration stage of the Bill some Parliamentary or Private Parliamentary Secretary would come forward with an amendment for including these petty vendors as well. (*Laughter*). I would advise the Government to reduce their unduly high expenditure instead of levying more taxes on the people. That is the proper method of meeting increased expenditure. Then on perusing the Bill I find that the tax is not to be imposed at once stage only, but it is to be levied on several occasions during the process of sale and purchase of commodities. There is another serious objection and that is this. The tax imposed on sale would not be paid only once, but several times for the same commodity. For instance, when an owner of a factory will send his products for sale through an agent, a tax will be charged by the Government for this sale. But when the same product will be sold by the big wholesale dealers to petty shopkeepers a tax will again be charged for the second time on that very commodity. Then again, when the same thing is sold to petty shopkeeper the tax will be levied and fourthly when petty shop keeper sells to individual customers, a tax will again be charged. Thus

this tax will be charged four times for the sale of one and the same thing. That is not fair, that is not just, that is not equitable. It will be manifest hardship on the shopkeepers. The so-called tax of Re. 1-4-0 will rise to Re. 1-8-0 and even Rs. 2 in some cases. I wonder if the shopkeepers or customers will be able to bear this burden and survive the crushing blow. I would like to strike a note of warning to the Government. They should not ride roughshod over the public opinion. No Government can ever gain anything by ignoring and trampling upon the opinion of the masses. The teeming millions outside this House are watching each and every activity of the Unionist Government. Let our Ministry consult them by circulating this Bill for eliciting public opinion thereon.

It is no use turning a deaf ear to the voice of the public. Our ministry is answerable to God and man. If it has no fear of man let it at least fear God. Death is awaiting mortal men and even the Ministers are mortal. They should be aware of this. What answer will they be able to give before God for their high-handedness? An additional reason why they should be careful is that most of the honourable members of the Opposition are absent. The Ministerial party should not exploit this situation by taking an undue advantage of the absence of the accredited representatives of the public and pass this measure in haste. This wise advice has also been given to you by no less a person than Sir. William Roberts. Our hasty Ministry should heed this advice, and agree to the circulation motion moved by my honourable friend Sardar Santokh Singh. It will not be a matter of shame for the Ministry to accept the motion of an independent member. Their prestige will not be lowered by this. On the other hand, it will be enhanced. The Bill in its present form will constitute a great hardship to the shopkeepers. Let us take an example. Supposing a man purchases a commodity for one thousand rupees, but the price of this commodity falls after this purchase and only Rs. 500 are now offered for it. Would you even then impose a tax on this sale? On the one hand, the poor man is already faced with a loss of five hundred rupees and, on the other hand, the Government will be demanding its pound of flesh under the Punjab General Sales Tax Act. The net result will be the killing of trade and commerce in the Punjab. You will be adding loss into the already losing concerns. How can this be called fair or equitable? Will it not be a matter of shame? (*An honourable member*: No).

It is really painful to find that our Government cares more for its own vested interests than for the welfare of the masses. Its chief concern is the high salary and travelling allowances. So long as these are secure, our Ministry cares for nothing else. It has been in office for the last four years. But what are its achievements? The only achievement of which this Ministry is proud, is the agrarian legislation. Some people call it golden legislation and some call it black legislation. As my honourable friend Rai Bahadur Mukand Lal Puri has pointed out, this legislation has done no good to the agriculturists. On the other hand, it is resulting in riots among the zamindars. Disputes are multiplying every day.

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

Mian Abdul Aziz : Very well, Sir. I will obey your orders. But I hope you will give me credit for this much sense at least that I can distinguish between what is relevant and what is not. I know what relevancy is. Even the Honourable Deputy Speaker is in the habit of indulging in arguments before the courts which are not directly relevant, but by way of instance are relevant. But I would not labour this point. My remarks are relevant to the Bill under discussion. I am aware of its far reaching effects. The Government is adding to the burden of taxation. The people are groaning under the heavy load of taxes that are already imposed. Now the imposition of another tax is being considered through this Bill. We want that the public opinion should be elicited about this. My honourable friends occupying the Treasury benches may not admit in so many words that the public is feeling greatly distressed under the heavy load of taxation, but they know it in their heart of hearts that it is really so. It will retard the progress of industries and commerce in the Punjab. Ultimately trade will be ruined altogether. After all what is the object of the Government in demanding more money from the public? All that we see is that public money is spent on nepotism and in providing heavy travelling allowances and high salaries to their own kith and kin or their friends and followers. They are following the example of that proverbial blind man who according to a Punjabi saying distributes charities to his kith and kin only and if he is asked to distribute to others he again distributes it among his own people. That is exactly the policy of the present Government. The previous revenues have not proved enough for them. Now they are proposing to impose fresh taxation. The money thus raised will again be utilised by them in providing big salaries and travelling allowances to their favourites.

Well, I do not wish to take any more time of the House. All I want to say is that the General Sales Bill should be circulated for eliciting public opinion thereon according to the motion moved by my honourable friend Sardar Santokh Singh. Pray do not follow the examples of Nizam Saqqa or Bacha Saqqa, which remained and ruled only for a few days.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban), (*Urdu*): Sir, I have risen to support the motion moved by Sardar Sahib Sardar Santokh Singh to the effect that the Punjab General Sales Tax Bill be circulated for eliciting public opinion thereon.

The present Ministry has been in office for the last four years and yet it has no outstanding achievement to its credit. All that we see is that taxation after taxation is being imposed, and the pity is that public opinion is not elicited on any such taxation measure. A circulation motion has now been moved with respect to the Punjab General Sales Tax Bill. May I ask if there will be harm in postponing the consideration of this Bill by circulating it for eliciting public opinion thereon? This measure is highly improper and most of the representatives of the public condemn it. This is an undisputable fact that our country mostly relies on the import of foreign products. Particularly the Punjab is not dependent on foreign countries alone, but is also in need of importing products from the other provinces of India itself. That is why most of the articles are purchased from these provinces. But our Honourable Minister of Development has proceeded to tax the traders instead of developing industries in the Punjab. This is

tantamount to obstructing the path of industrial development of our own province. A large amount of our capital already flows out into other provinces because we import several articles of daily use from those provinces.

At present our province is very much in need of industrialisation. For cloth we depend upon other provinces and countries. We import cloth from such provinces as Madras and Bengal. Trimmings and other ornamental appendages also are imported from other provinces. A few days back Captain Sodhi Harnam Singh said that Government should have brought this Bill earlier and that by bringing it the Government had done a great deal for the poor people. He further stated that the Government has shown a good deal of consideration for the poor by exempting turnover up to the value of Rs. 5,000 from the levy of this tax. If Sodhi Harnam Singh had given a little more thought to this question and tried to find out the amount of daily turnover of a shopkeeper selling goods of Rs. 5,000 annually by dividing Rs. 5,000 over 365, the number of days in a year, and then had further tried to find out the amount of net profit earned by him daily then it would have been clear to him that the daily turnover of any such shopkeeper amounts to about 13 or 14 rupees and that the amount of his net profits from this daily turnover does not exceed 13 or 14 annas at the rate of one anna profit per rupee of turnover. At the most you can say that any such shopkeeper daily earns Re. 1 or Rs. 2. Now think. In order to purchase commodities he has to invest some money. He has also to pay the rent of his shop. Further, he has to give charity to beggars and we all know that these beggars so long as you do not pay them anything do not leave you. You must also take into consideration his losses. He has to make up his losses out of his earnings. For example, take the case of a milk-vendor. He has to keep a buffalo and buy fodder. He has also to pay rent for the place where he keeps it and also something to the man who looks after it. He has to bear all these expenses. He has to pay rent for the place where it is kept and also for the fodder for without fodder the buffalo would die. The poor man has to meet other expenses in connection with his trade also. Now consider, how much can he earn after incurring all these expenses and then what can he pay to the Government out of his small earnings? It is very deplorable that the Government have not exempted dealers in food-stuffs from the payment of this tax. Vegetable dealers, fruit sellers, sweetmeat makers, butchers, *nanbais* and *pakora* makers all have been included among those who will have to pay tax under this Bill when passed into an Act. I have often heard honourable members discussing the riches of the residents of Lahore. I belong to Lahore. In the whole of my life I have never seen any vegetable dealer or a *halwai* who has built a palace for himself out of his earnings. Moreover, extensive powers have been conferred upon officers who will be entrusted with the work of assessment. It is possible that on any particular day a *halwai* may receive an order to prepare a large quantity of sweets for a marriage party and on that very day, unfortunately for him, an assessing officer may pay a visit to his shop and base the estimates of his annual turnover on the quantity of sweetmeats present in the shop on that particular day and then assesses tax according to those wrong estimates of the annual turnover. This would be a great injustice to the poor sweetmeat maker. No arrangements have been made in the Bill to provide against any such hardship.

[Begum Rashida Latif Baji.]

Moreover, Sir, every shopkeeper shall have to employ a clerk to keep and maintain accounts. These are the days of trade depression. Even the big merchants do not earn much. How can poor shopkeepers afford to keep a clerk? These small shopkeepers will have to close down their shops while the bigger traders and merchants will have to migrate to other provinces, for example, to Delhi. This will kill the trade of this province and ultimately it will also adversely affect the Government.

As most of the honourable members of the House belong to rural areas they think that Rs. 5,000 is a large amount. But they should take into consideration the fact that the urban people have to pay for everything of daily use. They have to pay even for drinking water. They have to pay to the *mehhtar* for removing night-soil and debris. They have to pay rent for their houses. They have also to maintain a particular standard of living for which they require at least clean clothes, etc. Then they have to pay the doctor's bill for themselves and their families. I fail to understand why the Honourable Ministers knowing all these things insist on troubling the urban people by the levy of the tax which will be imposed on them under this Act when passed. I request them to admit their mistake and withdraw this Bill. It would be generous on their part to admit their mistake.

Sir William Roberts, who is a Private Parliamentary Secretary of the Government, has also opposed this Bill. He has stated in his note of dissent that this Bill will kill trade and industry in this province and that most of the traders and industrialists of this province will shift their business concerns and factories to other provinces. I have always opposed all Bills which were likely to subject the poor people to any hardship. A few days ago the Honourable Premier stated in this House that as I was also going to be affected by the present Bill, therefore, I am protesting against it. Now, Sir William has also opposed this Bill. Does he also oppose it because it is going to affect him adversely or is he opposing it because it is just to oppose it? You cannot doubt his *bona fides*. He does not consider this Bill a just one and useful for the people.

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

Begum Rashida Latif Baji : He is a representative of the European community and knows trade principles well. He realises how harmful this Bill is for trade. By a study of his note of dissent one can easily understand how this Bill is harmful for the trade of this province. His note of dissent also shows that this Bill has been brought in without considering all its pros and cons, and without eliciting public opinion thereon.

Sir, in the first instance, the Government ought not to have brought forward this Bill because it is so harmful for the trade and industry of the province, and if they had brought it, they ought to have withdrawn it in view of the fact that one of their own Parliamentary Secretaries had opposed it in the Select Committee. And even if they thought that this Bill was so necessary, they ought to have at least circulated it for eliciting public opinion thereon. But they did not even circulate it for knowing public opinion about it. We cannot even expect from them that they can agree

to any such proposal as circulation of a Bill for eliciting public opinion on it. It is a habit with our Honourable Ministers to do things without consulting anybody. They never agree to any opinion howsoever honestly advanced.

Sir, even exemption has not been given in the case of food-stuffs. Even cotton has not been exempted. Moreover, nowhere in the Bill has it been made clear how many times the same thing will be taxed. For example, if this tax has been paid on a particular quantity of cotton, will it be retaxed at a later stage when that cotton has been turned into cloth? Nowhere has it been said that if cloth when once taxed at the factory stage will be exempted from taxation when sold in the bazaar. You claim to be the friends of the poor. But you do not realise that the burden of this taxation will ultimately fall on the poor consumers. You will tax cotton, you will tax cloth made from it, you will tax cloth when sold out from a factory, and then you will tax it when sold out in the bazaar. Now after paying four times this tax, at what price would it be sold to a poor customer? Ultimately the burden of all this taxation will fall on the poor consumers. Would it be helping the poor? In such circumstances, how will it be possible for the poor people to purchase cloth? Will they go about naked?

At present all food-stuffs sell at high prices. The price of grain is too high. The price of ghee is nine chhatack a rupee. Flour sells eight seers a rupee. The people are very hard pressed. After the imposition of this tax their condition will become still worse. Do you call it helping the poor? The shopkeepers are just human beings like ourselves. If they can afford any facility they offer it to others also. By keeping the trade and industry of this province within this province you keep your money within the province. It circulates within the province. If you will harm the shopkeepers you will thereby also harm the whole province. With these few words I support the amendment moved by Sardar Sahib Sardar Santokh Singh and request the Honourable Minister to accept this amendment for members from both the sides have supported it.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan,

5 p. m.

Rural): I am afraid that much of the debate has drifted into wrong channels. Some of my honourable friends have made this motion an occasion to criticise the Government of the day. Some others have treated the motion as if it was a no-confidence motion against the Government while still others have gone further and considered this an occasion for a free debate. Some of my friends have picked various clauses of this Bill and made them the target of their criticism. I take the strongest exception to that. The question whether the fine under this law should be paid before filing the appeal, the question whether an assessee should keep his house open for inspection by the assessing authority to be appointed under the measure, the question whether the assessing authority has *bona fide* right to enter the premises to satisfy himself whether the accounts are being preserved in the manner prescribed by the law, the question whether a particular commodity is being taxed twice or thrice or at one stage or at various stages, all these questions, I would submit, are beyond the point so far as the consideration of the motion before the House is concerned. The House, as has been said by one of my honourable friends has already committed itself to the principles underlying the Bill and we should not,

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therefore, at this stage refer to particular clauses of the Bill. We should proceed with the Bill like practical men and we should table amendments which should be debated and voted upon on the floor of the House. Some of my honourable friends have advanced criticism against the Bill more than it actually deserves. This Bill, in its character I should say is more satisfactory than the measure which has just become an Act, I mean the Urban Immovable Property Tax Act. My friends forget that taxation is a very complex subject and one on which there is no perfect consensus of opinion. Though this subject compels the attention of everybody in some degree, there are very few of us including myself who understand its various implications. Without going into the history of the birth of political organisations I would submit that the more advanced a political organisation, the more numerous are the duties of its Government. The more costly, and complicated is its machinery, the more common fund is required to meet expenditure for the common good. Therefore, it is essential that for an advanced organisation more money should be supplied for the necessity of the State. Another thing which my friends forget is that the budgetary conditions of nations and States are quite the reverse of that which relate to the purse of an individual. In the case of an individual it is his foremost duty to cut his coat according to the length of the cloth, but in matters relating to nations and States, means have to be found out to provide funds in order to meet necessary expenditure. Again, expenditure in State affairs is of two kinds, one productive and the other non-productive. Ordinarily we should see that the State does not spend much on those items which are non-productive or non-remunerative. But taking into consideration the importance of those items, it is essential that the State should spend adequate amount on them in order to save the country from the aggression of other neighbouring countries or nations and in order to check the criminal propensities of people who rob and loot other people who are honestly pursuing their avocations. It is essential that the Police and the Army Departments should be adequately provided for. Instances of productive expenditure are the construction of roads and canals so far as our province is concerned and the construction of docks and harbours in others. It is also the duty of the State to make provision for the welfare of the poor and the needy; it is also the duty of the State to provide funds for the education of its people. Thus instances of productive expenditure can be multiplied, *ad infinitum*. For all these purposes money had to be found out requisite for the common good of the people living in a State. (*An honourable member*: What is "common good"?) I shall come to that presently.

Now, this is essentially a fiscal measure according to my humble lights. This is a measure to make an appropriate or equitable distribution of the burden of the State. My friends forget what Burke once said: "It is no more easy to tax and please than to love and be happy." Every taxation measure is always taken exception to by the majority of the people. Now, if a certain measure of taxation satisfied the elementary principles of taxation and does not confront any accepted principle, there is no reason why it should be opposed at all. The first thing to be seen is that the taxation measure is a simple one, that the tax is simple and easy of collection,

that the incidence is equitable and that it is equally intelligible to the assessee as well as the collector.

Judged by the three tests known to the world of taxation, I would submit that each one of those factors is more than perfectly satisfied so far as the consideration of this measure is concerned. It is fairly simple and easy of collection, because under clause 3 of the Bill all those grades are laid down, viz., Rs. 5,000 to Rs. 10,000, Rs. 10,000 to Rs. 20,000 and so on. It is quite intelligible, so far its collection is concerned. Then, as I have already submitted, this Bill distributes equitably the burden which is to be borne by various persons.

There are too other principles by which a fiscal measure should be judged. Number one is, is there any necessity for providing extra revenue for the State? Number two is, is there any possibility of providing that revenue otherwise than by a certain measure of taxation? I am not speaking as a member of Government, because I am not a member of Government. Whatever I am submitting in this connection would be according to my own humble experience. If the Madras Government wants money to meet a deficit which has resulted on account of its introducing prohibition and foregoing certain amount of revenue in excise, my friend says it is justified. I will try to show how there is necessity for our providing extra revenue for the State. As I have said before, whatever I will say will be based on my own experience.

First of all, there is the expenditure of more than 3 crores of rupees on Hissar famine, during the course of one year, and left to myself I would think that it is more than a necessity for a Government to provide for further funds. Then the Unemployment Committee's report is hanging fire and in order to give it a practical shape, in order to put into actual practice the recommendations of that Committee, it will certainly need a huge amount of money. The report of the Land Revenue Committee is, again, awaiting our consideration and decision. My friends are clamouring in season and out of season for the relief of the poor zamindar. Some go so far as to suggest a relief to the extent of 33 per cent and others a remission of as much as 50 per cent. How on earth is it possible for this Government or for the matter of that any government to give any relief in the shape of *abiana* or land revenue unless and until it has got funds to meet the deficit? The third report is the Abiana Committee's report. There are various recommendations of that sub-committee, and if they are accepted by Government and the new rules are adopted then Government will be robbed of more than 33 per cent of its revenue. How is that deficit to be made up? Then, we have recently passed the Primary Education Bill. Under that Bill it is the duty of the local bodies to provide revenues for the extension of a scheme of giving free primary education. You know the poor financial condition of the local bodies, the municipal committees and the district boards in our province. They are crying for financial help and for an increase and augmentation of their grants-in-aid. Will it be possible for them, left to their own finances alone, to carry out the scheme, unless the Government comes forward to make a further grant and to provide revenue for that scheme of extending free primary education in the province? Is it impossible for any local body to take any action in the matter? So money will be required for the working of that Act also. Again, money will be required for

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the sake of extensive relief and for the sake of welfare activities which have characterised the regime of this Unionist Ministry. The very first day they took a vow that they will extend relief to the poor and that they will do whatever is humanly possible for them to relieve the poor of their distress, and in order to honour that pledge it is essential that they should be provided with funds. Unless there are funds, it is impossible for them to redeem those pledges which were made. My honourable friends asked on the floor of this House, what is the necessity for such a measure? I hope I have said enough to show the necessity for it. This is first principle by which a fiscal measure should be judged.

I now come to the second principle. Could the revenue which is wanted to meet the necessity be provided otherwise than by taxation? I shall discuss this point under three sub-heads:—

- (1) Sources of revenue,
- (2) Raising of debt, and
- (3) Retrenchment.

I am not aware of any fourth source of raising revenue worth the name. Take the first one. Our present sources of revenue have dried up, and I again repeat on the floor of this House that they have become totally inelastic. As you know the major portion comes from land revenue and *abiana*, and the rest from sources like Stamps, Excise, court fees, etc. Is there any further possibility for us to tackle any of the existing sources of revenue to provide additional funds? No. What is the next thing? The next thing would be to raise a debt, and here again I would quote one of the well-known principles of taxation. What is debt? 'Debt implies deferred taxation with interest.' It is nothing else. It is not only a taxation, it is a taxation with interest. So, I would not advise Government to raise any loan.

Rai Bahadur Mukand Lal Puri: Why are you against raising loans?

Khan Bahadur Chaudhri Riasat Ali: For the simple reason that debt implies nothing else, but taxation with interest. Again you will have to be taxed in order to pay off the debt.

The third means of providing revenues is retrenchment. The report of the Retrenchment Committee has already been completed. It is awaiting the decision of the Government, and I have no reason to doubt that whatever retrenchment is humanly possible will be affected, but I must say on the floor of the House that retrenchment without impairing efficiency alone is not sufficient to provide any revenue.

Therefore, I have proved again that there is a necessity for the fund and that necessity cannot be met without having resort to a measure of taxation. Therefore I would submit that there is every reason and every justification for us to proceed with this Bill.

Now another important thing which I would like to submit is that taxation on sales has its origin in antiquity. Its present vogue in other countries is due to the impulse of war and the general economic depression of 1929. This tax is in vogue in various forms in all the countries of Europe.

including Germany, France, Belgium, Holland, Czechoslovakia, etc. and also in the United States. Take our own country. As a general sales tax it is only in vogue in Madras. But its history dates back to the date when the Government of the Central Provinces enacted the Motor Spirit and Lubrication Tax Act whose validity was questioned in the Federal Court and you know the decision of that court. Even in other provinces it is existing, though in some provinces it is a tax on all the commodities and in others on particular commodities. All the same the principle of levying a tax on the general sales of goods is known almost in every province in this country. So far as the Motor Spirit and Lubrication Taxation is concerned it was followed in the Punjab, Bombay, United Provinces, Sind, North-West Frontier Province and other provinces. The only question therefore, is whether the tax should be imposed on all the commodities or only on particular commodities. It has been contended that it will stifle industries and will check the advance of industrialisation of the province and so on and so forth. But we must give the Government its due. There is a provision, clause 5 of this Bill, which provides various exemptions. At present they are the agricultural produce, bullion and hand-woven cloth and some other articles. It is open to the Government under this clause to extend that provision to any class of goods and they may be exempted from taxation in the interest of industry. I have no doubt in my mind that the Government will make the best use of this provision and they will wash all the fears which are now lurking in the minds of my honourable friends opposite. Therefore, I do not think it lies in our mouth to anticipate that this Bill is only aimed at the people who are doing business either in urban areas or in rural areas. The limit is put at Rs. 5,000. It is only a matter of detail. So far as the Resources and Retrenchment Committee is concerned, it recommended that over one lakh the tax should not be more than Rs. 200 and in this Bill it is stated that over Rs. 20,000 a certain percentage should be levied. It is only a matter of detail and not a matter of principle. I, therefore submit that no case has been made out for the circulation of this Bill. After all, what difference will it make whether we proceed with the Bill after the 31st of March or now? The principles have already been discussed in the press. Representations have been received by the Honourable Minister in charge and by the Honourable Premier. There is daily some representation or other from the Indian Chamber of Commerce or the Punjab Merchants Association and so on and so forth. It cannot, therefore, be said that it will serve any useful purpose to have recourse to dilatory measures so far as this Bill is concerned. After all what is this Bill? First there are some definitions and then there is the operative clause, then provision for the appointment of an assessing authority, then another provision for keeping of correct accounts, then power to the assessing authority to enforce his order requiring people to produce their accounts, then provision for appeal and revision and then provision closing the door for certain litigation and saying that the officers acting in good faith and under colour of this office should be protected. After that there is the ordinary rule-making power. These are all the usual things in a Bill and taking into consideration the very brief nature of this Bill and granted that we support the principles underlying this Bill and granted that in our heart of hearts we feel that there is dire need for providing funds, I do not think that any case has been made out for circulating this Bill.

Mr. P. H. Guest (Punjab Commerce and Industry): Sir, we have had before us the motion that this Bill under consideration should be circulated. We have just now heard a very interesting lecture in economics and I might also mention from my own stand point it is a very novel principle of economics which has been put forward. I would very much like to pass it on to our Finance Minister. I now propose to endeavour to give some constructive criticism. I am often told privately that we must give constructive criticism. Now in this Bill we have a statement of objects and reasons and it is mentioned there that there is such a tax in operation in Madras and it is working smoothly. The evidence I have is that that is not a fact, that the Act in Madras is not working smoothly and there are, in spite of more than 12 months of endeavour, still many objections and peculiarities and anomalies which have not yet been resolved.

I do not think it can be assumed that the Madras Act is working smoothly. We must also remember, as it has already been pointed out, that the Madras Act was put forward for a specific purpose and if a person has a specific object and desires to achieve that object that person is prepared to make certain sacrifices to obtain that end. There a specific object was defined and very clearly. Here we have not got anything as to what that money is to be used for. We have had certain comments that might indicate what is to be the ulterior motive for the collection being done, but that is by a member of this group but who is not a member of the ministry. He has hinted that the object is to reduce land revenue. That has been suggested but we have not had anything definite whatever from the cabinet. As regards the Bengal Bill, they have taken things in a much more reasonable manner and they have, anyhow, made it a one point act and have also protected the primary products. These are the two very important points which this Bill does not contain and if we do not get views of industrialists concerned as to how this Act is to react on that particular industry, how are we to know what will be its effect? What is going to be the ultimate end of industrial development. You say that it shall be four annas in a hundred rupees but that is not so. I feel that if you take the Bill as it is at present, one of two things will happen. Either there will be a strangling hold on trade, commerce and industry or trade will be clever enough to pass on the burden and if that happens then the result will be a definite increase in the cost of living. Now we have no desire to hold up any object which is for obtaining money for some good purpose, but we have got to make sure that endeavours to obtain that money are not going to be a case of killing the goose that laid the golden egg. We must try to make sure of that. My honourable friend the last speaker taking his cue from a letter which has been issued to the Honourable Premier, and I think to the Honourable Minister for Development, has given us what might be termed as the golden rules of taxation. Giving of these three golden rules of taxation is about the only straightforward result that we have had from the criticism that he has made. One is that the tax should be simple and easy to collect, the second is that it should be fair and equal in distribution and the third is that it should be intelligible to both the man who has to pay and to the tax collector. Now let us look at this Bill. I can not say that it will be easy to collect. You are going to have this collection at many many points. But I would not talk of that. That has been spoken of by several people and I will leave

it there. You cannot assume that it is a simple tax. You are going to get it very, very complex before you are going to collect it. I mentioned that the Bengal Act has managed to solve that problem by making it a one point tax and I believe that if this Bill were allowed to go for circulation there will be many members of the commercial and industrial constituency and traders in general who would not object to a reasonable taxation for a reasonable purpose and the simplest way, and I put this forward as one suggestion, would be that the tax should be a one point tax. Then you will have a certain amount of simplicity in collection. The Bill, as it is, is a simple turnover tax and not a sales tax. Now is it equal and fair? One could talk for a long time on this one topic, but I would merely enunciate one fact. This Bill does not recognize a simple fact that the gross sales do not bear any relation to net profits. For example we will take a highly qualified chemist running a chemist's shop. He desires to recoup for his experience and special knowledge and naturally I think the chemist will get 6 or 7 or 8 per cent profit on his sale, but what happens to the person who distributes the chemical products to this shop? He works at anything from five to one per cent. That is his gross revenue. Now the chemist retailer might find it not too inconvenient to pay his four annas per cent on his turnover, but the man who has only perhaps got his one per cent or even less will be severely taxed. We need not mention the famous case of cotton, but you have got many firms acting through agents or distributors who only get one per cent or perhaps even less as their return; they have to provide their own establishment, their clerks and so on out of the gross revenue of one per cent. Perhaps twenty-five per cent is taken away out of the net revenue. I cannot say how it can be considered that the incidence of this taxation is equal and fair. In some cases it is reasonable and in other cases it is grossly unfair. I would stress particularly the cases of those people who are distributors for large firms. The third rule which was put down was that it should be intelligible. All I can say is that this Bill seeks to legislate in a very few words for the very complex commercial machine, I mean the agency business. And for us to legislate in a very few words for that complex machinery is bound to result in the act being unintelligible.

One other point why I press this Bill for circulation is the effect of the proposed taxation on manufactured products which will leave the province We should be allowed to point out to the Government, how that will affect the various industrial activities in the province. I find myself in a peculiar position. As a member of the Punjab Board of Industries, I have the honour of being associated with that Board of which the Honourable Minister of Development is the Chairman; and I must say, I think he will bear me out, that I have always found that in the Board of Industries I am completely in line with our chairman and I know how he has at heart the development of the Punjab industries. (*Hear, hear*). I cannot reconcile that position of his with this Bill. I believe that the Honourable Development Minister has in his own mind the clear idea that this Bill will not affect the provincial development of industries, otherwise I am confident, he would not have brought this Bill before the House. But on my part, I am speaking on behalf of all the members of the Chamber of Commerce in the Punjab, we cannot see how this is not going to be a real hindrance to the industrial development of this province. I think we should send this Bill for circulation and in the light of the criticisms which we might receive, we may im-

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prove the Bill and achieve what we both aim at. We do not want to retard the industrial development of the province by this class of taxation.

Now, finally, I feel that the only objections to circulation, which can be raised, can be two. First of all the great urgency for the requirement of the money. If the Government have not been able to find out yet, what they want the money for, I cannot see that there can be any real urgency for demanding that this Bill be brought into force. And the second point perhaps is that this is a waste of time. I am not accustomed to any wasting of time. If there is any waste of time, I feel that it is due to the lack of response on the part of those concerned in producing this Bill. For these reasons, I support the motion for circulation.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*): Sir, it is regrettable that this measure has been made the target of adverse criticism by my honourable friends opposite. They have unnecessarily raised a hue and cry against it. A general complaint that has been made by almost all the honourable members on the other side is to the effect that the burden of tax would be transferred to the consumer and the grower by the astute dealer and that this taxation measure would result in driving industry out of the province. Strictly speaking they have spared no pains to move heaven and earth against this Bill. But I am sure if they think over this measure dispassionately, they would realise that the measure is not so inequitable as is being depicted by them. I would rather say that arguments advanced by them carry no weight with those who have been accustomed to paying fifty per cent tax since times immemorial. (*Hear, hear*).

Now I would like to refute their main argument by analysing it. It has been stated that the dealer would pass this tax on to the consumer and the grower. Now it has been provided in the Bill that if the turnover exceeds Rs. 5,000 and does not exceed Rs. 10,000, a tax to the tune of Rs. 10 would be levied. In other words the tax in the first case works out to be annas 4 per cent or $\frac{1}{2}$ pie per rupee and in the second case annas 2 per cent or $\frac{1}{4}$ pie per rupee. It is crystal clear that if a dealer sells an article worth 12 rupees, the amount of tax, he would be required to pay, comes out to be 3 pies only. But let us take the case of a consumer as emphasis has been laid on the fact that this poor class would be hard hit. Suppose the above-mentioned tax is passed on to the consumer. Now if he purchases wheat flour worth one rupee, the burden of tax that would fall upon him, would be $\frac{1}{2}$ pie or $\frac{1}{4}$ pie, as the case may be, or in other words he would get wheat flour less by a tola or two. What difference will this loss make to the consumer? Again supposing he consumes wheat flour worth rupees hundred during a span of one year. What will be the amount of extra money that he would be required to pay? A petty, almost negligible sum of annas two or four, as the case may be, during the whole year and that too not at one stretch. Then we come to the grower. He would not be any the poorer if he has to give more cotton or wheat worth half a pie or one fourth of a pie per rupee. My honourable friends opposite are very loud to save these pennys of the grower, but when a measure was brought forward by the Government to save the pounds of this poor man, my honourable friends opposed it tooth and nail. What a penny wise and pound foolish policy advocated by

them! Honourable members know it full well that the dealer or the bania manipulates his dealings so adroitly that ordinarily he pays $9\frac{1}{2}$ annas in a rupee by the grower for his produce. When Government wanted to check this loot by statute, my honourable friends' sympathy for the grower vanished like the mist before the sun. Now they are shedding crocodile tears over the lot of these poor people. Again my honourable friends opposite care more for $\frac{1}{4}$ a tola of wheat flour which would be lost to the consumer, but are quite unmindful of the dishonest dealings of the dealer, by which the latter robs the former of quarter or half a seer of flour for every rupee by using false weights or defective balance. This fact speaks volumes for the lip sympathy of my honourable friends opposite. I am of the opinion that if the consumer has to sustain a loss of $\frac{1}{4}$ a tola of wheat flour 8 times even then the loss would not be so great as to break his back. In other words even if the tax is imposed at more than one point, the consumer would not be hard hit. But I am convinced that even if a part of the tax is shifted on to the consumer and the grower, the dealer would not go scot free. He will have to pay his due share.

Well, sir, the hollowness of my honourable friends' arguments is quite apparent. The very word "tax" is an anathema to them. They are pampered people because they have been accustomed to feed upon taxes realised from others. It has been asked time and again as to why this tax is being levied. I fail to understand why the purpose for which this tax is designed to be imposed has not been clear to them.

My honourable friend Mian Nurullah knows it in his heart of hearts that the Ministry will not squander away the provincial revenues. They will not be wasted. On the other hand, they will be spent for promoting the welfare of the Punjabia. One half of these funds will be spent in providing amenities for the backward rural areas and the other half will be utilised for affording relief to the poverty-stricken agricultural masses of the province. Need I point out that every agriculturist pays land revenue to the Government whether he owns one acre or even less and whether he earns one rupee or less than that? He must pay something into the provincial exchequer. Over against this the rich citizens contribute almost nothing to it. The Unionist Ministry has made up its mind to afford the greatest possible relief to the down-trodden zamindars who have hitherto been ignored by the previous regimes. For this laudable object funds are needed and in order to raise necessary funds, our Ministry has proposed this measure. It was not fair on the part of my honourable friend Mian Nurullah to say that the Government will rob Peter to pay Paul. That is not going to be the case. In fact our Government is and has been anxious to increase the produce of the agriculturists. But there was one great impediment in the way. If the Government had straightaway proceeded to increase the produce of the farmers, the money-lenders would have been the gainers through that step. The additional income which the zamindars would have got, must have passed into the hands of the money-lenders in the shape of payments of debts. But the Unionist Government proceeded wisely and passed debt legislation first so that the additional income should not pass into the hands of the sahlukars. The debt of 2 billions of rupees that the zamindars had to pay was to be scaled down before increasing

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their income. That is what our far seeing Government did. It has sealed down the debts of the agriculturists to a very large extent. Now every penny that is added to their income, will be utilised by them for their own welfare. It will not pass into the hands of the sahukars who have been sucking their blood up to this time. This was a great obstacle and thanks to the Herculean efforts of the Unionist Government, this obstacle no longer exists. The zamindars have been delivered from the clutches of the money-lenders and shylocks. The second stage has now been reached, that is, the produce of agriculturists has got to be increased. Our Government is making every effort to afford relief to the poverty-stricken agriculturists. Special Development Fund has already been established. Markets are going to be reorganised and controlled. Weights and measures will be standardised and supervised. All this will result in a great advantage to the zamindars.

Furthermore, the Government is going to raise funds by taxing the rich citizens of towns so that greater relief may be afforded to the destitute masses living in the villages. In reality the rate of tax proposed is so little that it is a misnomer to call it a tax. Two annas or four annas on one hundred rupees is not a heavy tax. It is no tax at all as compared with the one-half share which the Government has been demanding from the income of the zamindars. Even at present one-fourth is demanded from them by the Government. Against that heavy demand made from the zamindars, the present sales tax is insignificant. It will be only 2 or 4 annas on one hundred rupees. Even if it were twice or 4 times as much it would not be called heavy or harsh. The capitalists of urban classes can readily procure the services of economists for advocating their weak case with great ability and talent. But the poor zamindars can ill-afford to engage skilled pleaders for their case which is intrinsically strong but poorly advocated or not represented at all. Their case goes by default. But my honourable friend Sardar Santokh Singh who is a great champion of the cause of the poor capitalists, has now got up and proposed that sales exceeding one lakh of rupees should not be taxed beyond a maximum limit. It means that if a business man sells commodities which bring him an income of 2 lakhs of three lakhs or more, he should not be taxed beyond a certain amount which would have been imposed on a sale of one lakh only. That is a novel method. Hitherto the principle has been to increase the rate of taxation according as the income goes on increasing. But the new method suggested is to decrease the rate of tax as the income goes on increasing. (*An honourable member*: It was suggested by your Minister, Sir Manohar Lal). I for one cannot subscribe to such a view. The intention of the honourable member seems to protect the big dealers against the small dealers. That is hardly fair.

Another objection raised against this Bill is that shopkeepers will be required to keep accounts. This objection was put forward by no less a person than my honourable friend Malik Barkat Ali. He argued that it will cause great inconvenience to the shopkeepers. But accounts are also kept for the Income Tax Department. The difference between the method followed by the Income Tax Department and the one proposed here

is that notice will be issued to the shopkeepers to present their accounts. If accounts are not presented, the Government will take the necessary action. But if accounts will be duly presented, nothing untoward will be done and the shopkeeper will not suffer at all. The penalty proposed by the Income Tax Department is heavier than the one proposed under the present Bill.

Coming to the allegation that the Government officials will harass the shopkeepers, I may only point out that these are unfounded fears. There is no justification for them. Such flimsy and vague arguments may be advanced outside Mochi Gate in order to rouse the feelings and sentiments of ignorant people. But in this august House we expect reasonable arguments only. No useful purpose can be served by such baseless charges and I would request my honourable friends opposite not to side-track the real issue by indulging in these flimsy arguments.

Thirdly, it has been said that the people who are going to be subjected to this new tax sent deputations to the Government to place their views regarding this matter before them, but they were not given time to do so, and that the Government are absolutely in the dark about the other side of the question. The opposition on the strength of this stresses the need for circulation of this Bill. I may in reply to this state that it would serve no useful purpose to circulate this Bill for eliciting public opinion thereon because the opposition will not say anything more regarding it than what they have already said in this House. We cannot expect any constructive criticism of this Bill from the opposition. Nothing new will be added to the criticism that they have already advanced against it. I am sure after the Bill has been circulated, those people who are opposed to it will not come forward with suggestions that this clause or that clause of the Bill may be amended in this or that respect, but will only say as usual that this Bill is a burden beyond the capacity of the urban people to bear and that it is discriminative and unjust. You cannot gain anything by circulating it for eliciting public opinion thereon. The justification for the levy of this new tax is quite clear and unquestionable. The Government must not hesitate to pass this Bill into an Act, and after its passage must enforce it as early as practicable. Four years have elapsed since the formation of the present Ministry and during this period our Ministers have been extensively touring the whole province, and wherever they went the people of the locality stressed upon their attention the necessity of affording them some relief in the matter of taxation. The rural masses have presented numerous addresses to the Honourable Ministers suggesting therein the need of equitable distribution of taxation over all the people of the province. They have requested times out of number that some of their burden of taxation may be shifted from them and put on people who so far have remained immune from the payment of any tax. I may assure the honourable members of the Opposition that this measure cannot be further delayed by any such dilatory tactics of theirs as they have been employing during the course of the last few years to escape from taxation which the Government wanted to lay for discharging their obligations towards the masses and for affording some measure of relief to those who have so far been shouldering almost their whole burden of the State.

[Rao Pohop Singh.]

Then Sir, it has been said that ultimately the burden of this new taxation will fall on the consumers. If this tax had been levied at the stage when commodities were sold in retail, then of course there would have been some fear of its burden being ultimately shifted on to the consumer. But I would say even if the consumer has to bear a little more burden on account of this tax, it does not matter. If the consumer will get a few chhataks less per maund of flour or any other commodity he will not feel it. On the other hand, Government collections will amount to lakhs by which they can do a lot to ameliorate the condition of the poor people.

Again it was urged that the passage of this Bill into an Act will prove detrimental to the trade and industry of the province. The industrialists will shift their factories to other provinces and states. Similarly business men will migrate to other provinces. The business men and industrialists often earn huge profits which go up to 70 per cent of the capital invested. Now, Sir, if these people were to pay half a pie or one pie in a rupee, it will not break their back. It will not kill industry or trade. Even if they are charged double the amount of what has been provided for in the Bill it will not adversely affect the progress of the industry in any way. These capitalists have earned lakhs and hence the condition of the labouring classes is most unfortunate. They import foreign cotton and yarn to the detriment of indigenous cotton and yarn. What harm if these people are made to pay a small amount into the State exchequer. It is wrong to say that home industry will not be able to stand foreign competition. If the honourable members of the Opposition are able to take a detached point of view of things that are today happening around, I think they should thank the Honourable Minister who is responsible for bringing forward this measure as well as other fiscal and agrarian measures. He has done it to avoid the situation which is bound to arise in the near future on account of the clash which is going on between capital and labour. This and also other Bills which have been passed into law to help the poor are in reality a premium to insure the rich against the dangers of a revolution. This Bill has been brought forward to help those who have been paying 15 annas a rupee of the State income as tax during the last 100 years. Their patience has been over-taxed, it is already exhausted and has reached the breaking point. Something has to be done for them and if we fail to do anything to afford them relief, their condition would become hopeless and we all know that despair often drives masses into acts which are for a long time remembered and feared afterwards. The masses have to be appeased before the convulsions of a revolution overtake the country. Only measures like the one now under consideration can prevent a revolution. I strongly urge upon the Punjab Government that they should try to pass this Bill into law as soon as possible. My honourable friends of the opposition refer to Bills passed by Madras Government and other provincial Governments and say that circumstances in other provinces differ from those prevailing in this province, and that, therefore, this province cannot afford to walk in the footsteps of other provinces who have enacted similar laws. I request the Government not to listen to what they say. They are the interested party and their views cannot be impartial. So far as these measures are concerned, let them give lead to all the other provinces of India.

The poor masses must be helped. They must be given some relief. If the present Government fail in doing their duty towards them in the matter of affording them relief, they will not remain in office for long.

I may tell the Government that if this Bill is not placed on the statute book, the poor people who are sorely in need of assistance will be disappointed. Besides, the prestige of the Government will also suffer a good deal and they will not be able to maintain the standard of their dignity in the eyes of the poor people. These pitfalls can be avoided only if this Bill, the object of which is to help the poor, is speedily enacted. I would also request my honourable friends opposite that they should try to place true facts before the people rather than indulge in party propaganda. Let them not deceive the people by saying that Government are unnecessarily burdening the people. It is their duty to explain the position fully to the public and urge them to come forward and shoulder this burden, the object of which is to help the poor and needy, willingly. With these words I oppose the circulation motion.

Shaikh Karamat Ali (Nankana Sahib, Muhammadan, Rural) (*Urdu*): Sir, it ill becomes an honourable member of this House to cast aspersions on any other honourable member, but I cannot help remarking that a particular part of the speech of my honourable friend Mian Abdul Aziz was devoid of all reason and good sense so far as it related to the work done by the Unionist Ministry in the past. He was pleased to remark that during the past four years the present Ministry had not done anything for the good of the province. To my mind nothing can be more absurd and far from truth than this statement of his. I would like to point out with all the emphasis at my command that not a single provincial Government has been able to do as much constructive work for ameliorating the condition of the poor people as has been done by this Government. (*Hear, hear*). I shall not be exaggerating or lavishing undue praises on Government when I say that the agrarian Acts which are commonly known as the golden acts have saved the zamindars from the clutches of the blood-sucking *sabukdars*.

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

Shaikh Karamat Ali: I am speaking strictly to the motion. I am dealing with the arguments which were advanced by an honourable member over there. Now I am going to speak on the motion. But before I do so I would like to make it clear that if during the course of my speech I say anything which is against the Bill, let not any honourable member on this side of the House or on that side jump to the conclusion that after all 'blood is thicker than water'. Although I do fear that some such remarks would be made, I cannot help urging my points on the floor of the House. The reason which has compelled me to do so is that we should not do anything for which we should have to feel sorry afterwards. My submission is that I agree with the proposal that the Bill as reported by the select committee should be recommitted to that select committee for further consideration. In support of this I want to point out that there are three fundamental points on which so far no light has been thrown by either the Honourable Minister or by the select committee. If the Honourable Minister during the course of his speech can satisfy us with regard to them I shall be only too glad to withdraw all that I am going to say.

[Sh. Karamat Ali.]

The first point which I want to submit is that after going through the aims and objects of this Bill it is not clear as to why this tax is being levied. The only reason stated in the Bill as it stands is that such taxes are generally levied by Governments. Surely many weighty arguments could have been advanced by Government which would have at least satisfied us that the purpose for which the tax was being levied was a laudable one. I do not care for what my honourable friends opposite say and generally they have to say something against every measure however good and salutary it may be. But so far as the Bill now before the House is concerned, nowhere has it been pointed out in its aims and objects as to why this tax is being levied. This is a question of principle in view of which I think the Punjab General Sales Tax Bill as reported by the select committee be recommitted to that committee for further consideration.

The second point is that whenever any Bill is introduced in any legislature, a statement is also made as to what revenues it will bring. But so far as this Bill is concerned, no such statement has been laid before the House. If the object of this measure is not to raise revenue but only to cause heart burning to some minority however important or tax those who have so far escaped taxation, then I am constrained to remark that it is not a very lofty aim for which this Bill is being enacted. The matter which requires serious consideration on our part is that as compared to the hardships and heart burnings the proposed measure should be such which should confer more benefits on people. But so far as this Bill is concerned it lacks all these things.

Then there is a third point on which no light has been thrown and I want the Honourable Minister to let the House know as to how he proposes to spend the revenues that would be realized by virtue of this measure. The honourable member who has preceded me should not take it ill if I say that the old adage *— — — — —* aptly applies to him when he told that the proceeds realized through this measure shall be applied towards the relief of the backward classes of the province. It has nowhere been stated in the Bill at least, as has been alleged by him. If this thing alone had been laid down in the aims and objects of this Bill, it would have been much better. For, then, we would not have to justify the taxation policy of Government by advancing arguments from ourselves. The object of imposing this taxation would then have been self-apparent.

There is yet another very important point which Government should take into consideration while imposing this tax. That is that when they propose to levy new taxes they should see that the rights of different sections of the public are well protected. (*Hear, hear.*) If they keep this principle in view and try to bring the agriculturists and the non-agriculturists who are mainly traders and promoters of industry in the province closer together there would be nothing wrong with that policy. On the other hand, if we force the traders and industrialists to entrench themselves against the agriculturists that would in my opinion be not a sound policy. My honourable friend Rao Pohop Singh during the course of his speech was pleased to remark that there was no harm if even the consumers had to pay, say four annas or even ten annas, more than before, due to the imposition of

this tax and that they did not stand in need of any sympathy being extended to them by members of the commercial classes, especially when they cleverly try to show that even this would add to the burden of consumers. It appears that my honourable friend has taken it for granted that the profits of traders would increase in the same proportion in which the taxes will be imposed on them. This is incorrect. If my friend had known the working principles of trades people I think he knows them but he does not want to admit, that where one pice tax is levied on a *bania* he would try to make five pice out of the customers under the guise of this taxation. I say more; the *bania* is clever enough to get ten or even twenty rupees, for every single rupee that he pays by way of tax, out of the simple villager who comes from the *mufassil* and does not know the conditions prevailing in the market, or for the matter of that does not have any knowledge of the nature of taxation measures then in force. If my honourable friend had taken the cunning of the *bania* into account he would never have said what he has.

Sir, my submission is that if this Bill were based on those creditable principles and with the same objects in view which have been just now mentioned by me there could have been no need to circulate the Bill for eliciting public opinion. But I must submit to the Government that the Bill lacks them. As my reading of the Bill leads me to think it does, certainly for these fundamental things, the Government will be well advised to accept the motion for recommittal of the Bill to the select committee.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I had no intention of intervening in this debate more particularly at this stage, but my honourable friend Sir William Roberts brought one or two points to my notice and I think that it would be advisable before the Minister concerned winds up the debate to clarify those issues which were raised by him and by Mr. Guest, because I believe that there is a great deal of confusion with regard to the matter which he mentioned to me. Before I actually come to those points, I might make a passing reference, if I may say so, to my friends opposite that if they confined their speeches to well reasoned objections it would be beneficial both from their point of view and from our point of view, because that would give us an opportunity to study their points in their true perspective without that personal bias which often more or less stampedes my friend opposite into saying things which are rabid and untenable. For instance, the other day I was listening to the speech of my friend, Sardar Santokh Singh and I hope he will pardon me if I refer to the opening remarks of his speech. He said, 'This measure is absurd'. Now, nobody can stop him from passing that remark in respect to this particular measure. This is not the first time that I have heard this particular remark from him and from my other friend opposite. Every measure which is brought before this House is either absurd or unjust or unfair or bigotted or partisan or actuated by motives which are not *bona fide*. I have now got accustomed to that kind of objection from the other side, but I appeal to my honourable friend opposite to consider whether since we all have the interests of the province at heart whether it would not be better if we more or less confine our criticism to cogent and relevant matter and not allow personal feelings to bias our judgment or our speeches, particularly in the present state of our Assembly when several of my

[Premier.]

friends opposite are not in this House. That would, I am sure be more beneficial from their point of view and as I said from our point of view, because it would give us an opportunity to look at those issues more in a detached view. I also hope that where personal interests are concerned they should not be allowed to prejudice or in anyway fog our duty towards our constituents. I know that this Bill will affect several of my friends opposite as it affects me also to some extent; every other Bill unfortunately affects me, but that did not deter me or my friends on this side of the House from taking an impartial view of the questions in the interests of the province as a whole.

Now, with regard to the points raised by Sir William Roberts, if I understood him correctly, his first point was that so far as cotton crops were concerned, we should be very careful to see that the producer is not affected and that the consumer is not affected and in respect of these two commodities, cotton and wheat of which we have an exportable surplus, the trade of the province should not be affected. I believe that is his point. I am sorry that Sir William was not present at the party meeting where we discussed these issues and points. We were fully cognizant of all the pitfalls in this measure where the interests of the agriculturist producer or those of the consumer are concerned. Therefore we decided that so far as cotton is concerned it should be taxed at the stage where it will not affect the producer, secondly where it will not affect our export trade in raw material as such and thirdly it will not prejudice the interests of our own people, the manufacturers as compared with the manufacturers in other provinces. For instance, in the case of cloth manufacture, if it is taxed in this province and if the cloth which comes from another province is not taxed, certainly the prices of cloth manufactured in this province will be higher than that of cloth coming from other provinces. It is, therefore, essential to see that we do not penalise our own province. All these points were considered by the Minister in charge and he gave an undertaking in the party meeting that he would look into those matters and see that cotton is taxed at such stages that all these pitfalls are avoided. I am sure that that assurance will be enough for my honourable friend. Where he is interested in cotton I am not only interested as producer and as consumer but also as one representing the people who grow cotton. He and I are at one in this respect and therefore he may rest assured that Government is not going to do anything which will have an adverse effect on the interests of those very people whom we represent here in this House and whose interests we want to safeguard.

The second point he raised was with regard to foodstuffs. There again the matter was fully considered by us and I can again assure my honourable friend that the Minister concerned will look into this matter and so far as wheat is concerned which is our staple food we do not intend to enhance the price unnecessarily and thus prejudice the rights and interests of the consumer as also of the producer. With regard to other foodstuffs also, the matter will be carefully considered and if my honourable friend reads the Bill he will find that there is ample provision there for exception and exemption. Government will take the fullest possible

care to see that that provision is put into effect in order to safeguard the interests of the producer and the consumer with regard to foodstuffs, other key products and money crops.

The other matter that the honourable member mentioned was the question of penalty. I am not sure whether he had carefully read the penalty clause. I hope he will bear with me if I read out clause 15. After enumerating the various offences, the clause reads—

Any person shall, on conviction by a magistrate of the first class, be liable to a fine which may extend to five hundred rupees, or double the amount of the tax recoverable, whichever is greater.

My honourable friend is perhaps under the impression that whoever commits the offence enumerated in the clause will be imposed a penalty up to that limit. That is not so. This is only the maximum limit, that is, the penalty shall not exceed this limit. For instance, if somebody makes a mistake in the first instance, naturally the court will say, 'Evidently you have committed this mistake due to ignorance or inadvertence. So I will let you off'. If the same person commits the same mistake a second time, he must expect some penalty to be imposed on him. If he commits it a third time, surely the penalty will be greater and if he repeats it again it is only just that the extreme penalty should be imposed on him. Further the honourable member will observe that some of the matters for which a person can be penalized are given in the various items in clause 15. One of them relates to fraudulent evasion of payment of any tax due under this Act. (*Interruption.*) The honourable member must know that if he fails to pay the income-tax he has to pay whatever amount is assessed by the income-tax officer and there is no appeal. If the person can satisfy the magistrate that there was no fraudulent or wilful evasion of payment, naturally he will get a light punishment. Now, coming to the point, what I was saying was that this penalty of Rs. 500 or double the amount due is only the maximum limit and not a rigid fixed penalty.

Similarly in clause 16 the same words are used. Therefore I hope my honourable friend will understand that we could not possibly make it rigid, harsh and unjust. For a very minor offence it would not mean that we would have to impose that penalty. Therefore as in other laws you fix here a maximum penalty and it is at the discretion of the trying magistrate to impose whatever penalty he considers suitable. So I hope that there also my honourable friend has been satisfied. There is a similar provision in the Madras Act also.

There is one point, I understand, which has been raised by Mr. Guest. I was not here at the time, but I am told that the point raised by him was—I speak subject to correction—that it would be unfair to tax the same commodity at several stages. (*Mr. Guest: Yes.*) I am glad my information was correct. I should like to draw his attention to one fact that if you tax a particular commodity or article at one stage, many difficulties would arise and the wholesale dealer or the retail dealer might be able to escape altogether. In the case of Bombay and Madras the tax is very high, as high as 6½ per cent. In our case it is just two annas per hundred rupees.

[Premier.]

Another thing which I should like to bring to his notice is that if you put the tax at the initial stage you would be penalizing the wholesale dealer and not the retail dealer. On the other hand, if you put it at the retail stage, it would mean that you would not be penalizing the wholesale dealer but penalizing the retailer. The advantage of taxing sale of commodities at several stages is that it cannot easily be shifted to producers or consumers. This is a tax which will be borne by all parties concerned. It is my contention and I am certain that the incidence of this tax which would be equitable will be passed on, a portion of it to the producer, a portion to the consumer and a portion to the retailer and some of it may stick to the wholesaler. I hope it will. But if you put it only at one stage, it is not distributed among all parties concerned. I hope my friend will agree with me that this burden which will be in the form of indirect taxation, is more equitable when it is charged at several points than when it is charged only at one stage.

My honourable friend Sardar Santokh Singh also stated that this Bill was unjust, inequitable and absurd. I think he has not studied similar measures in other countries. My information is that there are at least fifty other countries where similar legislation is now working satisfactorily and smoothly, and if it is not absurd there, in countries which are far advanced so far as this science of taxation is concerned, I am sure he will agree with me that we are in good company of those fifty civilized countries where this measure is working successfully.

As I pleaded in the beginning, I should like to end my speech by again appealing to the honourable members that if they have any legitimate and cogent arguments to bring to Government's notice, we will be only too glad to consider them. We do not want to be unjust to anybody, but at the same time my honourable friends will agree that the progress of this province must be a more or less balanced progress. We do not want lopsided progress. Hitherto the accusation against Government has been that we are pampering agriculture and are crippling, even killing industry. That is not the case. We do not want to do it. My friends and I are at one that the economy of this province should be well balanced, so that agriculture and industry and commerce go hand in hand together, so that we might be able to bring it to the status of other civilized countries and higher than any other province which I hope is the ideal on this side of 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): This is a measure of taxation which affects not exclusively the consumer or the grower but also the dealer, the middle-man, and because it affects also a section of the population which is educated, highly organized and extremely vocal, I fully expected a good deal of opposition. But I was not prepared for the description which has been applied to this tax. Some people have suggested that this tax is something unheard of. Other people have asserted that in enacting this legislation we are doing

something very heterodox. If I am permitted, I may draw the attention of the members of the Opposition to the effect that this tax has been known not only during the last two decades or last two centuries, but it has been known actually for ages. This tax was known to ancient Romans, this tax was known to ancient Greeks, this tax was known to ancient Indians, and if my friends will only permit me, I will draw their attention to Kautilya's Arth Shastra. He was a Hindu Rishi, a great Hindu writer of ancient times. He has definitely and precisely laid down the proportions in which dealers had to pay this tax to the State. I will just mention those proportions. When commodities were sold by the measure, the proportion which a dealer had to pay to the State was fixed at one-tenth. When commodities were sold by the weighing balance, a dealer had to pay to the State one-twentieth of the commodities, and when commodities were sold by the number, then a dealer had to pay one-eleventh of those commodities to the State. (*Rai Bahadur Lala Sohan Lal*: Was there any income-tax at that time?) This is with regard to what happened in ancient times. Let us look at the modern times. Between 1918 and 1937 this tax was imposed in no less than 50 countries. This tax has been imposed in 29 states of the United States of America, three dominions of the British Commonwealth and in 12 other countries of Europe and six republics of South America, I am also given to understand that within the last two or three weeks this tax has been imposed in Great Britain. If we come to our own country this tax has been enforced for the last 18 months in Madras. A similar Bill is now under discussion in the Bengal Legislative Assembly. Therefore, if this tax has been held to be good enough for no less than 51 civilized countries and no less than two of our own Indian provinces, there is no reason why we in the Punjab should not regard this tax as a good enough tax for our own province.

Now let us turn to the rate at which this tax is imposed in various countries. In Germany the present rate is .5 per cent. In ^{France} ~~Finland~~ it is 1.1 per cent. In Belgium, 1 per cent, Czechoslovakia, 1 per cent, Austria 1 per cent, Hungary, 1.5 per cent; Canada 1 per cent. (*An honourable member*: England?) I do not know yet. But it will not be very light. If the tax on excess profits is as high as 18s. in the pound, the sales tax is also likely to be fairly heavy.

Now the House will also be interested to know how this pitch of taxation has varied. I will quote only the case of Germany. In 1918 it commenced with .5 per cent. In 1919 it was raised to 1.5 per cent; in 1922 it was further raised to 2 per cent; in 1924 it was still further raised to 2.5 per cent; in 1925 it was brought down to 1.5 per cent and in 1926 it was further brought down to .75 per cent. Now the highest rate which we seek to impose is annas 4 per cent, that is, one-fourth of one per cent.

Mian Muhammad Nurullah: May I inquire if the rate is going to be increased here also?

Minister for Development: Yes, if circumstances warrant it, that is, if the working of the tax is found to be smooth, not to the detriment of traders and merchants and our requirements also justify an increase, we will certainly make an increase in the tax.

[Development Minister.]

Another point of complaint was that no inquiry had been made from the various sections of the population who are affected by this measure. I have not been able to follow what exactly is meant. An inquiry into what? Into the number of those who will pay the tax or into the pitch of the taxation or what else?

Sardar Sahib Sardar Santokh Singh : Into the capacity of the people who are to pay the tax.

Minister for Development : That we know already. If, however, it is intended to ascertain the views of those who will be affected, they have been given expression to here, they have been expressed in the press and they have been expressed on the platform.

Sardar Sahib Sardar Santokh Singh : And your position is that Sir Manohar Lal when he made those recommendations did not know this?

Minister : I will come to that report also. My friend may wait in patience. I hope when I come to that point I shall be able to make a fairly reasonable reply to the criticism which has been offered on the basis of that report. Now, if any inquiry was to be made with regard to the views of the people, that inquiry would have been absolutely a waste of time. Every aspect of the question has been discussed in the press. Besides we have very powerful members in this House who are in a position to give expression to the views of commercial interests. In our own party we have a fairly large number, Sir William Roberts, Mr. Guest, Sardar Bahadur Sardar Ujjal Singh, Rai Bahadur Lala Sohan Lal, Sayed Amjad Ali Shah and Shaikh Sadiq Hassan. Leaving aside the ministerial party, on the Opposition benches we have Dr. Sir Gokul Chand Narang, Sardar Sahib Sardar Santokh Singh, Rai Bahadur Mukand Lal Puri and Rai Bahadur Lala Gopal Das, and, unfortunately, also Mian Muhammad Nurullah, who has lately joined the ranks of the Opposition and added to their strength. So the views of the Opposition are very well represented in this House. If any elaborate data were to be collected, that would have taken much longer than we can afford to wait. After all it is a taxation measure and we want to collect as much money as possible during the next financial year. If we had appointed a committee or an officer on special duty it and he would have been expected to go round the province, sometimes to Lyallpur, sometimes to Amritsar, sometimes to Rawalpindi, Sialkot, Rohtak and so on, that might have meant a whole year. (*Interruption.*) And then, as the Honourable Premier pointed out, no data of the kind suggested could possibly have been collected as nobody would have disclosed how much he was selling, nobody would have cared to indicate the extent of his business and therefore the only result would have been disappointment. The committee or officer would have put in a report, of some kind, but the report would not have thrown much light on the subject in hand. After the report had been made, the House would probably have insisted on a day being set apart for its discussion and only after the views of the House had been expressed on the floor of the House, the Government would have been expected to formulate its proposals. This would have meant serious delay. That was the reason why no inquiry was undertaken.

Another point of complaint has been that certain associations or commercial interests asked for an interview for a personal discussion, that I received letters to that effect and the honourable Premier also received letters to that effect, but that we failed to give them an interview. Unfortunately all the written reports which had been sent either to the Honourable Premier or to myself attacked the very principle of this Bill which had already been agreed to by the House when a reference had been made to the select committee. That was the reason why personally I thought it would be a waste of time to ask these gentlemen to come and have a discussion. If they had accepted the principle of the Bill and were prepared to make proposals of a constructive character in other directions, I think the Honourable Premier would have agreed to some time being given to these gentlemen, and I myself would have been only too glad to hear their views and discuss matters with them. But as all those representations were directed against the very principle of the Bill, I think the House will agree that it would have served no useful purpose to invite those gentlemen to a discussion.

Another point is that this tax is going to be imposed not only at one point, not even perhaps at two or three points, but in some cases it may be imposed on as many as six or seven or eight points and the suggestion was that it should be a one point tax only. I do not think I need reply to that part of the criticism, because the honourable the Premier in making his speech, has replied to it effectively. Then another suggestion was that instead of making a general sales tax Bill we ought to have selected only a certain number of commodities on which to impose this tax. That would have been quite feasible. Something like it has been accepted as the basis of their own Bill by the Bengal Legislative Assembly. But let us not forget that the fewer the number of commodities selected, the higher would have been the pitch of the tax, and it was with a desire to make the pitch as low as possible that we decided upon having a general sales tax instead of a Bill relating to the taxation of only a selected number of articles. This complaint has been repeated by almost everybody who spoke on the subject. Bengal and even more so Bombay having selected very few articles why, it has been argued, could we also not have done the same. As I have already submitted, it would not have been impracticable, but curiously enough, nobody has drawn the attention of the House to the fact that the pitch of the tax proposed in Bombay is 6½ per cent and the pitch proposed in Bengal is 2 per cent.

Rai Bahadur Lala Gopal Das : Bombay taxes only one article.

Minister for Development : If I may be permitted to draw the attention of the House to the relative pitch of taxation payable under our own Bill and that payable in Bombay and Bengal, it is as follows. Our lowest rate is 2 annas per hundred, while the rate of Bombay is fifty times of this, and that of Bengal is sixteen times as high as ours.

Sardar Sahib Sardar Santokh Singh : Not at all. No higher than yours.

Minister : I have already given you the figures. 6½ per cent in one case and 2 per cent in the other as against two annas here.

Sardar Sahib Sardar Santokh Singh : We do not know how much your tax will come up to.

Minister for Development : Let us remember our highest rate is four annas that is one quarter per cent as against 6½ per cent of Bombay.

Sardar Sahib Sardar Santokh Singh : How many times four annas will be imposed in your case we do not know.

Minister : How many times do you think I should multiply it?

Rai Bahadur Mukand Lal Puri : Fifty times.

Minister : How can it be fifty times? With the most diligent search that Sir William Roberts made, he was not able to find more than 8 stages at which it was possible to tax cotton during the course of all the processes to which it can be subjected.

Sardar Sahib Sardar Santokh Singh : He has omitted some stages and I will point them out at the amendment stage.

Minister : Even then, how many times will you put it, ten, twelve, fifteen. Even then the Bombay tax will be several times as high. Bengal is as high as 8 times. But nobody made any reference to that feature of the taxation in Bengal and Bombay. In Bengal they have exempted more than a dozen articles, in Bombay only three have been selected for taxation. But nobody had the fairness to admit that in Bombay the rate of taxation was 6½ per cent and in Bengal two per cent.

Now another objection was that if this Bill is passed, business and trade will be driven out of the Punjab and traders and merchants and industrialists will set up business in Indian states and neighbouring provinces. Madras has a certain number of Indian states adjoining it and these Indian states are much bigger than the Indian states which surround the British territory in the Punjab. At the same time, it will, I believe, be conceded by everybody that the administrations of Travancore and Mysore and Hyderabad are comparatively more advanced than those of the Indian States in the Punjab. These Indian States have a much better and more efficient administration (*Laughter by Sardar Sahib Sardar Santokh Singh*) What does this titter mean? Does my honourable friend deny that Travancore is more advanced than either Patiala or Bahawalpur?

Mr. Deputy Speaker : I would request the Honourable Minister to ignore him.

Minister : It is very difficult to ignore such oddities.

Sardar Sahib Sardar Santokh Singh : Is the Honourable Minister in order in discussing the administration of the Indian States?

Mr. Deputy Speaker : The Honourable Minister is not discussing the administration of the Indian States from that point of view.

Minister : Truth may be bitter, but it is the barest truth. I was suggesting that Madras has Indian States in its neighbourhood just as the Punjab has, but business has not been driven out of Madras. If so, there is no reason to suppose that business will be driven out of the Punjab.

Rai Bahadur Mukand Lal Puri : Wait and see.

Minister for Development: Let us not forget that if this tax is imposed in the Punjab there is a fair likelihood of the tax being imposed in the United Provinces also. You may rest assured that if this tax is once imposed in the Punjab, the United Provinces Government will, in due course, find its hands forced to impose a tax of a similar nature in order to widen the scope of beneficent services and undertake measures which will tend to give relief to the peasantry. Our neighbours will have to find fresh sources of revenue for their province. Then again if a man leaves his own province and sets up business in a different province, or in an Indian State, the cost of his business is bound to increase. Suppose a man belonging to Amritsar or Lahore migrates to Delhi and sets up his business there, is it difficult to conceive that his cost of business at Delhi will be greater than his cost of business at Amritsar. Therefore these fears are imaginary and are being conjured just to frighten the House—business will flee from the province and, therefore, it will be detrimental to the interests of our province as a whole to have a measure of this kind passed.

Now another argument on which a great deal of emphasis was laid was that this tax will be passed on to the consumer or to the grower. Well, this is a tax which it is not impossible to pass partly on to the consumer. It is also possible that a dealer may make a corresponding deduction from the price which he should otherwise pay to the grower. It is not impossible, but I deny that the whole of the burden can be passed either to the consumer or to the grower. The utmost that can happen is that a part may be transferred to the grower and a part to the consumer, but a certain proportion varying with circumstances will have to be borne by the dealer and by the middle-man.

Now, Sir, I feel that if the number of points at which this tax should be imposed is just one, it will be very easy indeed for a dealer to pass on the burden of this tax to the consumer, or to deprive the grower of a portion of the price due. But if this tax is spread over a number of points, then the State can choose a point or points farthest from the consumer and the grower. That can be done. It is possible that a Government may not like to do it or may not find it profitable to do so. But it is possible all the same. This tax may be imposed as remote as two degrees from the consumer, and the grower. How, then can the whole burden of this tax be shifted to the consumer or the grower? I claim that on the whole it must be regarded a very good scheme to have a large number of points at which this tax can be imposed. Of course at what particular point or points this tax will be imposed will depend upon circumstances, which we are not in a position at present to anticipate.

Now, there is yet one more point to which I might make a passing reference. It is being urged in one and the same breath that trade is going to be ruined, the dealer is going to be destroyed and that the grower and the consumer are also faced with ruin. Now, if the whole burden is going to be transferred, according to my friends on the other side, to the consumer, and the grower, why should the middle-man, and the dealer, set up a howl? I fail to understand this. If the whole of this burden is going to be transferred to the consumer, and is capable of being transferred to the consumer, why this howl and wail from Sardar Santokh Singh, Lala Gopal Das and others?

[Development Minister.]

There is another complaint which has been repeated by several honourable members, namely, that the Government has failed to accept the recommendations made by the Resources and Retrenchment Committee. It is true that we have not been able to follow exactly the lines laid down in the Resources and Retrenchment Committee. But we should not forget that the report was signed as early as October, 1939 and the conclusion must have been arrived at much earlier, and a good deal of water must have flowed down the Ravi between October, 1939 and the date when this Bill was introduced. We fully realize that if we were to accept literally the recommendations of the Resources and Retrenchment Committee, we should not have been in a position to raise anything like the amount which we require, not even one quarter of the amount which we require. Therefore, the Government was compelled to adopt different lines in this Bill.

Another point which has been made a matter of complaint is that our Budget being already balanced what do we require this money for? There is no deficit in the Budget and, therefore, it is urged, we should not introduce any legislation for fresh taxation in the province. In this connection, may I state to the House that we have come here after giving certain definite assurances to the electorate. We received a definite mandate from the electorate which we must respect and honour. The pamphlet issued on the creed and objects of the Unionist Party has these four items:—

- (1) The provision of equal facilities and opportunities for all, with special solicitude for the backward classes and areas whether rural or urban.
- (2) To promote industries with special emphasis upon cottage industries in rural areas so as to provide supplementary means of income to rural population.
- (3) To improve methods of marketing, including the reforms of objectionable market usages and practices.
- (4) To distribute fairly and equitably the burden of taxation.

This is a definite mandate from the electorate which we must honour. It is not sufficient if we are merely able to balance our Budget, if we are able with our current revenues to discharge already existing obligations. What is needed is the distribution of taxation more fairly and equitably than it has been during the whole of the past century. Practically 90 per cent of the burden of taxation, if not more, has fallen upon the land-owning classes, upon the agricultural classes. Therefore, it is necessary to request other classes also to make contributions to the common fund out of which beneficial and essential services have to be financed. That is one reason. Then another reason is that we must provide equal facilities for all. We must give the same or similar facilities and amenities in rural areas as have been given in urban areas. Those who live in Lahore think that everybody is living in a paradise similar to their own paradise. They have got good roads here, they have got electric lights, they have got electric fans, they have got hospitals at their door, they have got first rate colleges and schools and many other amenities. Has this Government been able so far to provide anything even remotely resembling this anywhere in rural areas?

Is not money needed for starting similar services in those hitherto neglected areas? It is these objects for which money is badly needed, and I should say tons of additional money are needed. It is not a question of one lakh, two lakhs or even ten or twenty lakhs. My own estimate is that until we are able to raise six crores of fresh money, we shall not be able to give all that is essential to those people who have been neglected in the past and for whom there is nothing but a ripple of laughter or light hearted titter on those benches.

Begum Rashida Latif Baji said, "Why are you taxing poor shopkeepers who sell no more than fifteen or twenty rupees worth of commodities a day." To her the sale of fifteen to twenty rupees worth of commodities a day is a very very negligible thing. She does not realize that a zamindar who owns even half an acre of land has to pay something to Government every six months whether he is able to produce a crop of five maunds or even a crop of one maund. In fact he has to pay Government dues even if he is unable to get a return of the seed which he sowed. She has failed to realize that. Similarly other honourable members occupying those benches representing rich commercial interests have failed to realize that every single land-owner in this blessed land of the five rivers has to make a regular payment to the Government every six months. Whether he earns two annas a day or two pice a day and even when he fails to earn anything a day, even when he fails to get back from the soil the seed which he sowed.

Dr. Sir Gokul Chand Narang : If you agree to what the Honourable Premier said, you part with the land and these people will pay land revenue.

Minister for Development : If Dr. Sir Gokul Chand Narang is able to persuade his *biradri* to transfer to us their riches and property, I think it will not be difficult for us to consider his proposal. Let us have your riches first.

Dr. Sir Gokul Chand Narang : What is the use of making these sentimental speeches?

Minister : The light view which has been taken of these very serious things by the members of the Opposition has driven us to our present attitude. We have to proceed, perhaps in a hurried manner, to levy these taxes because we cannot expect any fair response or reasonable co-operation from the Opposition whatever the manner or procedure adopted by the party in power.

Rai Bahadur Mukand Lal Puri : There is no Opposition here. They are in jails.

Minister : With these words I Oppose the motion for circulation.

Mr. Deputy Speaker : The question is—

That the Punjab General Sales Tax Bill as reported by the select committee be circulated for eliciting opinion thereon by the 31st March, 1941.

The Assembly divided : Ayes : 9. Noes : 22.

AYES.

Girdhari Das, Mahant.
Gopal Das, Rai Bahadur Lala.
Guest, Mr. P. H.
Jalal-ud-Din Amber, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur
Roberts, Sir William.
Santokh Singh, Sardar Sahib Sar-
dar.

NOES.

Abdul Haye, The Honourable Mian.
Akbar Ali, Pir.
Amjad Ali Shah, Sayed.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable Chau-
dhri Sir.
Faiz Muhammad, Shaikh.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Ghazanfar Ali Khan, Raja.
Jogindar Singh Man, Sardar.
Khizar Hayat Tiwana, The
Honourable Malik.
Maqbool Mahmood, Mir.

Muhammad Akram, Khan, Khan
Bahadur Raja.
Muhammad Faiyaz Ali Khan, Na-
wabzada.
Mushtaq Ahmad Garmani, Khan
Bahadur Mian.
Pohop Singh, Rao.
Ram Sarup, Chaudhri.
Rampat Singh, Chaudhri.
Ripudaman Singh, Rai Sahib Tha-
kur.
Shah Nawaz, Mrs, J. A.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur Sar-
dar.

Mr. Deputy Speaker : The question is—

That the Punjab General Sales Tax Bill, as reported by the select committee, be taken into consideration.

The motion was carried.

The Assembly then adjourned till 12 noon on Monday, 27th January 1941.

PUNJAB LEGISLATIVE ASSEMBLY

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 27th January, 1941.

The Assembly met in the Assembly Chamber at 12-15 p. m. of the clock there being no quorum till then. Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

AIR RAID PRECAUTIONS.

***7131. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state whether any Air Raid Precautions schemes have so far been prepared by the Punjab Government for the important towns in the province ; if so, will the Government be pleased to lay on the table of this House a brief summary of the schemes and the towns included in the list as also the number of volunteers under training ?

Parliamentary Secretary (Mir Maqbool Mahmood) : 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.

Mian Muhammad Nurullah : May I know whether the Government are content only with engines or whether they also intend to have anti-aircraft guns ?

Parliamentary Secretary : When it is found necessary and the requisite number of anti-aircraft guns are available, the Government would certainly have them.

Rai Bahadur Lala Gopal Das : Is the Government also thinking of providing shelters ?

Parliamentary Secretary : I want notice for that question.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG
OFFICERS OF THE FOREST DEPARTMENT.

***7453. Chaudhri Sumer Singh :** With reference to the answer to unstarred question No. 1186,¹ asked by Captain Sodhi Harnam Singh in this session of the Assembly, will the Honourable Minister of Development be pleased to state the number of posts held by the Hindu statutory agriculturists ?

Parliamentary Secretary (Chaudhri Tikka Ram) : In accordance with the well-understood convention on the subject I regret I must decline to answer this question as one savouring of communalism.

Chaudhri Sumer Singh : This question does not savour of communalism. I simply want the number of posts held by the aforesaid officers.

Parliamentary Secretary : The honourable member should put it as an unstarred question.

Rai Bahadur Lala Gopal Das : Would it not be desirable in such cases to change a starred question into an unstarred one ?

Minister for Public Works : That is always done.

Rai Bahadur Lala Gopal Das : It has not been done in this case.

Minister : The honourable member is being advised to put an unstarred question.

SUPPLY OF WATER FROM KHEWRA RAJBAH OF THE JHANG
BRANCH.

***7479. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether Government is aware that a Conference of the *Kisans* of the *Ilaga Khewra* was held in Chak No. 888-J. B. early in October, 1940, to ventilate their grievances against the Irrigation Department specially regarding the shortage of water supply in the outlets of Khewra Rajbah ;
- (b) whether the Government received a copy of the resolutions passed at the Conference ;
- (c) what action, if any, has been taken by Government on those resolutions ;
- (d) what action, if any, has been taken by the department to redress their grievances ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) Yes.

(b) Yes.

(c) and (d) The department concerned are examining some of these resolutions and appropriate action will be taken in due course. In other cases it is not considered that the resolutions can be put into effect.

TIRNI GUZARS OF PIR MAHAL COLONY.

***7485. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

(a) the action so far taken by the Government on the application of the Tirni-guzars of the Pir Mahal Colony which they submitted on 21st September, 1980 ;

(b) whether Sardar Sayed Zaman Khan, the former Colonization Officer, Lyallpur, or Mr. Martin, the present Colonization Officer, Multan, has sent any report to the Government in this connection ; if so, whether he would be pleased to lay a copy of that report on the table of the House ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) No application, dated the 21st September, 1980, appears to have been received from the Tirni-guzars of the Pir Mahal Colony.

(b) *First part.* Yes.

Second part.—It is not in the public interest to lay a copy of the report on the table of the House.

TIRNI GUZARS OF PIR MAHAL COLONY.

***7486. Mian Muhammad Nurullah :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government has ever promised to hold a thorough inquiry into the grievances of the Tirni-guzars of the Pir Mahal Colony ; if so, when such a promise was made, and why the inquiry has not been instituted so far and when it is proposed to hold such an enquiry ;

(b) whether he would be pleased to lay all the correspondence on the table of the House, that has passed between the Government and the Tirni-guzars' League, Pir Mahal, from March, 1989, to the present day on the question of giving relief to these Tirni-guzars or removing their grievances ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) *First part.*—No.

Second part.—Does not arise.

(b) The correspondence¹ that has passed between the Government and Tirni-guzar League, Pir Mahal, from March, 1989, to the present day is laid on the table.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG
OFFICERS AND CLERKS EMPLOYED IN GOVERNMENT
PRINTING, PUNJAB.

***7456. Chaudhri Sumer Singh :** With reference to answer to unstarred question No. 1189,² asked by Captain Sodhi Harnam Singh during the

¹Kept in the Assembly Library.

²Volume XIV, page 77.

[Ch. Sumer Singh.]

current session of the Assembly, will the Honourable Minister of Development be pleased to state the number of posts held by the Hindu statutory agriculturists ?

Parliamentary Secretary (Chaudhri Tikka Ram): I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which honourable member may bring to my notice in a more informal way.

Rai Bahadur Lala Gopal Das: What exactly the honourable member is asking is the number of posts held by Hindu statutory agriculturists. He is not asking the number of posts held communitywise by Sikhs, Hindus or Muslims.

Mian Muhammad Nurullah: Government have been replying to questions about statutory agriculturists and non-agriculturists on the floor of the House.

**LALA RAGHUBIR SINGH AND COMPLAINT AGAINST PRESIDENT,
MUNICIPAL COMMITTEE, REWARI.**

*6855. **Pandit Shri Ram Sharma**: Will the Honourable Minister of Public Works be pleased to state whether it is a fact that a complaint was made to the Deputy Commissioner, Gurgaon, by some of the Municipal Commissioners of Rewari to the effect that when, on 5th July, 1940, Lala Raghbir Singh was presiding over a meeting of the Committee in the absence of the President and the Vice-President, he was insulted and pushed aside by the President and the minute book was snatched from him by the President when he arrived later; if so, the action taken or proposed to be taken in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): Yes. An officer appointed by the Deputy Commissioner is enquiring into the allegations.

REMOVAL OF MEMBERS OF LOCAL BODIES FROM OFFICE.

*6874. **Pandit Shri Ram Sharma**: Will the Honourable Minister of Public Works be pleased to state—

- (a) the names of the members of local bodies who have been expelled from the membership by the Government since 1st April, 1937, with the following particulars;
- (b) names of the committees and district boards, the date of removal of the members and the offence in brief for which action was taken against them;
- (c) the number of cases in which the Government took action on their own initiative, as also the number of cases in which action was taken on the recommendation of the Commissioners and the Deputy Commissioners concerned;

(d) the offence for which the four Ludhiana Municipal Commissioners were recently expelled ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) and (b). The time and trouble involved in collecting the information will not be commensurate with any possible benefit to be obtained.

(c) It is not in the public interest to supply this information.

(d) Their continuance in office was considered dangerous to the public peace or order.

REMOVAL OF MEMBERS OF LOCAL BODIES FROM OFFICE.

*6875. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that some municipal commissioners in the province who were convicted under the Defence of India Act were served with notice to show cause why they should not be removed from membership ;

(b) the names of members of the local bodies who were served with such notices and were actually removed ;

(c) whether all members of local bodies convicted under the Defence of India Act are being treated alike ?

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

(b) A statement is placed on the table.

(c) The initiative for the removal of a member is taken by the local officers. Each case, as it reaches Government, is considered on its merits. Government have not issued any instructions on the subject.

Statement.

Serial No.	Name of the member removed.	Name of the local body.	REMARKS.
1	Sheikh Hissam-ud-Din ..	Municipal Committee, Amritsar.	
2	Pandit Baldev Mitter Bijli ..	Municipal Committee, Umar Tanda.	
3	Sardar Kulbir Singh ..	District Board, Lyallpur.	

MURDERS, DACCITIES AND ROBBERIES IN THE PROVINCE.

*7129. **Mr. Dev Raj Sethi** : Will the Honourable the Premier be pleased to state—

(a) the number of murders, dacoities, robberies and burglaries committed in 1936, 1937, 1938 and 1939 in the Punjab and the number of those convicted for murders during this period ;

[Mr. Dev Raj Sethi.]

(b) whether it is a fact that according to these figures the record of the above-mentioned crimes during the regime of the present Government is on the increase; if so, the reasons for the same;

(c) any special measures adopted or intended to be adopted by the Government to eradicate crime in the province?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) The number of cases are given below :—

Year.	Murder.	Dacoity.	Robbery.	Burglary.
1936	898	84	452	13,426
1937	933	97	481	14,044
1938	1,041	92	567	15,621
1939	1,133	149	674	16,727

The number of persons convicted for murders are :—

1936	766
1937	809
1938	764
1939	896

(b) 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 and robbery have increased in the Eastern Punjab due partly to a number of escaped convicts and army deserters.

Burglaries were also high in 1939 due to some extent to the famine conditions prevailing in the Eastern districts, but there is a substantial decrease in 1940.

The increase in burglaries, dacoities and murders does not appear to be confined to the Punjab, as in the United Provinces burglaries have increased from 31,488 in 1936 to 40,948 in 1939, an increase of 9,460; dacoities have risen from 431 to 1,165 and murders from 793 to 1,347. Similarly there is an increase in the Central Provinces, Bombay and Madras.

(c) Government are considering an increase in the police force to provide special investigating staffs to deal with burglaries, murders and dacoities.

PROSECUTING SUB-INSPECTORS.

*7211. **Chaudhri Muhammad Hasan** : Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that several vacancies in the posts of Prosecuting Sub-Inspectors have occurred since 1939 in various districts of the Eastern Range, and that they have not been filled so far; if so, the reasons therefor;

(b) whether Prosecuting Sub-Inspector candidates will be interviewed and accepted this time both at Ambala and Jullundur, in view of the creation of the Jullundur Range ;

(c) whether any of the candidates have been recommended to the Deputy Inspector-General of Jullundur Range, besides the usual recommendation of the Superintendents of police of the districts concerned ; if so, by whom ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) No. No permanent vacancy in the rank of Prosecuting Sub-Inspector of Police has occurred since 1939. There were, however, 4 temporary vacancies which were duly filled.

(b) No. Only a joint selection board for both the Ranges will be held at Ambala.

(c) It is not in the public interest to give this information.

FAILURE OF POLICE TO ARREST DACOITS IN VILLAGE DAD IN LUDHIANA DISTRICT.

***7259. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that some dacoits visited village Dad, district Ludhiana, situated only 5 miles from the headquarters, again at 8 p.m. on 1st November, 1940 ;

(b) whether it is a fact that the dacoits had posted themselves towards the east of the village while the police party with four lorries full of ammunitions and police men lay in ambush to the west of the village ;

(c) whether it is a fact that the dacoits moved about in the village *abadi* in broad daylight and fired four shots and the police party with four lorries full of ammunition and lying in ambush kept quiet during the time the shots were being fired ;

(d) whether it is a fact that great terror prevails in the district on account of the failure of the police to arrest the dacoits in spite of their visit to village Dad in broad daylight ;

(e) whether representations have lately been submitted by the people of the Ludhiana district to the Deputy Inspector-General and the District Magistrate against the working of the Ludhiana police ; if so, the action taken thereon ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) No.

(b) No.

(c) No.

(d) The honourable member's attention is drawn in this connection to answer to paragraph (a) of Assembly Question No. *7157¹.

(e) No.

**PERMANENT AND ADDITIONAL POLICE IN THE LUDHIANA AND
FEROZEPORE DISTRICTS.**

***7262. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number at present of police stations in the Ferozepore and Ludhiana districts respectively ;
- (b) the number of dacoits, outlaws and absconders arrested or killed in Ferozepore as well as in the Ludhiana district from 1st April, 1940, to 31st October, 1940 ;
- (c) whether it is a fact that the special strength of the police staff posted in the Ferozepore district is more than that of the special police staff posted in the Ludhiana district ; if so, whether he will be pleased to lay on the table of the House a statement showing the strength of the special staff in each district ;
- (d) the number of visits paid by the Superintendent in charge of the special staff to the Ludhiana and Ferozepore districts since his posting till 31st October, 1940 ?

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

Ferozepore district	23
Ludhiana district	12

(b) (i) Number of dacoits, outlaws and absconders arrested or killed in Ferozepore district from 1st April, 1940, to 31st October, 1940 168

(ii) Number of dacoits, outlaws and absconders arrested or killed in Ludhiana district from 1st April, 1940, to 31st October, 1940 109

(c) The strength of Special Staff Officers posted in the Ferozepore and Ludhiana districts is as follows :—

District.	Inspectors.	Sub-Inspectors.	Assistant Sub-Inspectors.	Head Constables.
Ferozepore	1	1	4	2
Ludhiana .. .. .	..	1	1	2

(d) Ferozepore district 12
Ludhiana district 21

**FREE CONCESSIONS TO THE SCHEDULED CASTES IN HIGH AND
MIDDLE CLASSES OF GOVERNMENT SCHOOLS.**

***6986. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to state the number of scheduled castes scholars in High and Middle classes of Government Schools of the Punjab as on 1st April, 1937, and 1st April, 1940, and fee and other concessions given to these students ?

The Honourable Mian Abdul Haye : On 1st April, 1937, there were 327 students belonging to the scheduled castes on rolls in the high and middle classes of Government schools in the province. Of these 310 were enjoying fee concessions either full or half-rate. 50 students were getting special concessions, such as (i) free supply of books, clothes, etc., (ii) financial help from the Red Cross Society and (iii) special scholarships or stipends. The corresponding figures for April, 1940, were 570 students on rolls, 535 enjoying fee concessions, and 96 holders of special concessions.

SEDUCTION OF BOYS BY TEACHERS.

***7063. Sardar Sampuran Singh :** Reference answer to part (a) to unstarred Assembly question No. 730¹ will the Honourable Minister of Education be pleased to state—

- (a) the results of the cases in which inquiries were being held ;
 (b) whether any other similar cases have since been reported to the Government and, if so, the action taken by the Government on such complaints ?

The Honourable Mian Abdul Haye : (a) The departmental certificates of M. Shah Mohammad, late Oriental teacher, Islamia High School, Bhati Gate, Lahore and M. Muhammad Husain, teacher, Municipal Board Primary School, Mianmir (Lahore) have been cancelled. The case against Munshi Hari Singh, teacher, Municipal Board Primary School, Lahore, was not proved. The complaint against Lala Behari Lal, B.A., S.A.-V., teacher, D. A.-V. Branch School, Dharmapura (Lahore) is still under investigation. The delay in disposing of this case is due to the fact that certain information is awaited from the Management of the Sanatan Dharm Branch School, Ram Gali (Lahore), in which the teacher also served.

(b) A statement giving the required information is laid on the table.

List showing the number of cases of seduction of boys by teachers brought to the notice of the Department since March, 1939.

Serial No.	Name and designation.	Action taken.
1	M. Fazal Din, Teacher, District Board Middle School, Alrike, District Lahore.	Not proved guilty but transferred from the school.
2	M. Muhammad Hafiz, Junior English Master, Government High School, Khanewal.	The allegations were false and baseless hence no action was taken against him.
3	M. Inayat Ullah, Senior English Master, Government High School, Khanewal.	Ditto ditto.
4	L. Narindar Sain Jain, B.A., Head Master, District Board Middle School, Sorangian, District Sialkot.	The complaint proved to be a pseudonymous one.

List showing the number of cases of reduction of boys by teachers brought to the notice of the department since March 1939—conold.

Serial No.	Name of designment.	Action taken.
5	M. Feroz Hassan Butt, M.A., M.O.L., Second Master, District Board Middle School, Dina Nagar (Gurdaspur).	Not proved guilty but the teacher was transferred from the school.
6	Pt. Lal Chand, Head Master, District Board Middle School, Sursingh, District Lahore.	Removed from service and departmental certificate cancelled.
7	L. Milkhi Ram, Assistant Head Master, B. D. High School, Ambala Canton- ment.	Charge of immorality brought against him could not be proved. The Inspector was however asked not to put him in an independent charge and that the management of the school should watch his conduct and report if any further com- plaint is received against him.
8	M. Muhammad Ramzan, Assistant Teacher, District Board Primary School, Jamalpur Sheikhan, District Hissar.	Dismissed from the District Board service. The teacher has also been asked to show cause why his departmental certificate should not be cancelled under Article 180 of the Punjab Education Code.

RESOLUTIONS BY INDIAN MEDICAL ASSOCIATION.

***7068. Sardar Sampuran Singh :** Reference reply to starred Assembly question No. 4367,¹ asked by Dr. Gopi Chand Bhargava on 3rd April, 1939, will the Honourable Minister of Education be pleased to state the action taken on the resolutions said to be under examination?

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

Statement showing action taken by Government on certain resolutions passed at the 8th Provincial Medical Conference of the Indian Medical Association held on the 11th December, 1938, at Jullundur.

Resolution No. 6.—The question is still under consideration. Fees charged for bacteriological and pathological work done in Government laboratories and for X-ray and electric treatment are already divisible between Government and the officers concerned in the ratio of 40 : 60.

Resolution No. 9.—It is laid down in paragraph 419 of the Punjab Medical Manual, that while medical aid must not be refused to any person requiring it at any hospital or dispensary only entitled persons and the destitute will be treated free.

Resolution No. 10.—In the absence of specific information, no action was possible. Besides, district boards are fully competent to fix the emoluments of their employees.

Resolution No. 11.—Under Subsidiary Rule 15-16, no countersignature is required but the authority competent to sanction leave may secure a second medical opinion by the Civil Surgeon, should it decide to do so.

Resolution No. 12. The question is under the consideration of the Punjab Medical Council. Government will await the Council's recommendations before taking any action.

Resolution No. 13.—Subject to funds being available, it is proposed to appoint two part-time honorary medical officers in each of the five out-patients departments of the Mayo Hospital, Lahore, next year.

Resolution No. 14.—The Association was asked in March, 1939, for the details of the cases in which unregistered medical practitioners were appointed in contravention of section 4 of the Punjab Medical Registration Act. A reply is still awaited.

Resolution No. 15.—Government see no reason to withdraw this privilege.

Resolution No. 17.—The Registrar is appointed by the Council and not by Government. A copy was forwarded to the President of the Council.

Resolution No. 18.—The question is closely connected with the practice of non-western systems of medicine. Its consideration has been postponed as Government have appointed committees to inquire into certain questions relating to the indigenous and homœopathic systems.

SELECTION OF TEXT-BOOKS IN EDUCATIONAL INSTITUTIONS.

***7069. Sardar Sumpuran Singh :** Will the Honourable Minister of Education be pleased to state whether Government has ever examined the question of writing, selecting, publishing and prescribing text-books in educational institutions in the Punjab ; if so, what steps has the Government taken or proposes to take to see that no objectionable, obscene or undesirable passages or references to last or present events are included in these text-books ?

The Honourable Mian Abdul Haye : The whole question of the writing, selection, publication and prescription of text-books is under the consideration of Government and care will be taken that no objectionable, obscene or undesirable passages are included in text-books.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG EXAMINERS OF THE PUNJAB UNIVERSITY.

***7451. Chaudhri Sumer Singh :** With reference to the answer to part (a) of the unstarred question No. 1183,¹ asked by Captain Sodhi Harnam Singh, M.L.A., will the Honourable Minister of Education be pleased to state the number of Hindu statutory agriculturists among them ?

The Honourable Mian Abdul Haye : I regret I am unable to answer this question as the time and labour involved in preparing the answer will be entirely incommensurate with any benefit which can accrue therefrom.

APPLICATIONS FOR LEAVE OF ABSENCE OF CERTAIN

M.L.As.

Mr. Speaker : I have to read out to the Assembly the following applications received from five members of the Assembly, for permission to be absent from the Assembly. The applications read as follows :—

Sardar Kapoor Singh writes : Being in jail on account of my political views I am unable to attend the sittings of the Assembly. I beg to apply for the permission of the Assembly for my absence being excused.

Munshi Hari Lal writes : I am in jail on account of my political views. I am unable to attend the Assembly. Under Rule 33, I beg to apply for permission of the Assembly for my absence being excused.

Pandit Shri Ram Sharma writes : As I am in jail on account of my political views therefore it is not possible for me to attend the Assembly session. I beg to seek the permission of the Assembly for the forced absence, and grant me necessary leave.

[Mr. Speaker,]

Chaudhri Sahib Ram writes: I am unable to attend the sittings of the Assembly on account of my political views; I, therefore, apply for permission of the Assembly for my absence being excused.

Mrs. Duni Chand writes: As for certain reasons, known to you and the House, I have to be absent from meetings of the House, I shall be obliged to you, if you will kindly put this petition before the House and get its order condoning my absence.

The question—

That the permission asked for by the honourable members be granted.

The motion was carried.

GENERAL SALES TAX BILL.

Clause 1.

Mr. Speaker: The House will now proceed to discuss the Punjab General Sales Tax Bill clause by clause.

The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muslim Urban) (*Urdu*): Sir, I beg to move:—

That in part (a), line 2, for the word "person" the words "Tahsildar or any Revenue Officer not below the rank of Tahsildar" be substituted.

Part (a) says that:

"assessing authority" means any person authorised by the Provincial Government to make any assessment under this Act.

Now the word "person" in this definition leads us to think that probably the Government will appoint some special officers for making assessments of and collecting this tax. If that is done the very object of the Bill that is, augmenting the income of the Government will be defeated. It is stated in the statement of objects and reasons attached to the Bill that "the proposal that such a tax should be introduced in the Punjab was one of the recommendations of the Resources and Retrenchment Committee". It is really very strange that the Government while so readily accepting this recommendation of the Committee has very conveniently overlooked another very important recommendation with regard to this very question. The same Committee says:—

The appropriate machinery for the collection of this tax would ordinarily be the tahsil agency. The tax may be assessed, levied and collected by the Tahsildar in all cases where the business is confined to a tahsil; where the business extends to more than one tahsil but is confined to a single district, the collector may assess and impose the tax, and if the business extends to more than one district, such one of the collectors as the Financial Commissioner may authorise, may be made responsible for collection.

When the Committee is of the opinion and recommends that assessment, collection, etc., should be carried on through the tahsil agency, I fail to understand why the Government should insist on placing an extra burden

on the provincial revenues. With these remarks I move my amendment and hope that in view of the extra expenditure which it seeks to avoid the Government will accept it.

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

That in part (a), line 2, for the word "person" the words "Tahsildar or any Revenue Officer not below the rank of Tahsildar" be substituted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I am sorry I cannot accept this amendment. It will certainly add to the prestige of tahsildars who once used to have the power of assessing income-tax. They will welcome it very much. Tahsildars form a class of officers for whom I have the highest respect, but they are already, generally speaking, very much overworked and it will not be desirable to throw this additional work also on them.

Mr. Speaker : The question is—

That in part (a), line 2, for the word "person" the words "Tahsildar or any Revenue Officer not below the rank of Tahsildar" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That part (a) stand part of the clause.

The motion was carried.

Mian Muhammad Nurullah (Lyallpur, Muslim, Rural) (Urdu): Sir, I beg to move—

That in part (b), lines 3—5, for the words "and includes any members" the words "but excludes any firm or association which does not sell goods for profit" be substituted.

Sir, this amendment is self-explanatory and means that so far as those associations are concerned who sell goods to their members, not for the sake of any profits but in view of their convenience, should be exempted from the payment of this tax. Similarly if a co-operative society is formed by, say, 100 members for mutual benefit it should also be likewise exempted. The amendment being a very innocent one, I am confident that the Honourable Minister will not care to oppose it.

Mr. Speaker : Clause under consideration, amendment moved—

That in part (b), lines 3—5, for the words "and includes any members" the words "but excludes any firm or association which does not sell goods for profit" be substituted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): I think it will be unfair to ordinary dealers to exclude any society from the payment of this tax. It will have the effect of diverting business from ordinary dealers to clubs, associations and societies which claim not to charge any profit. Further, it should not be at all difficult for any society which repudiates any desire to engage in business for the purpose of profit to pay a little additional amount.

Rai Bahadur Lala Gopal Das : But shops in such places do not sell to the ordinary public. They only sell to the members.

Mian Muhammad Nurullah : It appears to me that the Honourable Minister for Development has never been a member of any club.

Mr. Speaker : The question is—

That in part (b), lines 3—5, for the words “and includes any . . . members”, the words “but excludes any firm or association which does not sell goods for profit” be substituted.

The motion was lost.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) :
I beg to move—

That in part (b), line 5, after the word “members” the words “but not the clubs where members gather for recreation and where refreshments are sold to them” be added.

I think the amendment in the way I have put it takes away all the objections put forward by the Minister for Development, with reference to the previous amendments moved by my friend Mian Nurullah. My amendment excludes only the clubs where members gather for recreation. If this amendment is rejected, it will mean that even free breathing is being taxed. Coming to other provinces, we find that the clubs are nowhere taxed, either in Bombay or in the Central Provinces. Bengal Bill excludes even the hotels, where food is sold for consumption on the premises. Government revenue will not very much be affected by the exclusion of these clubs.

The Bengal Bill specially lays it down that foods and beverages of all description when sold for consumption on the dealer's premises are exempt from any tax whatsoever. So no province has imposed this tax and I am only asking for a limited exemption, exemption in the case of clubs where people gather together for recreation. In the matter of clubs, as the Honourable Minister of Development knows, certain privileges have already been given to them in the matter of excise licences and so on. Considering the fact that business in this case will nowhere be diverted because they can only sell to the members, just a plate of fish and so on, the Honourable Minister need not think that this tax will be evaded if this amendment were accepted and that the business will be diverted to another quarter. This is only in the case of people who meet together in a social circle. Considering the justifiability of this amendment, I hope the Honourable Minister will see his way to accept it.

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

That in part (b), line 5, after the word “members” the words “but not the clubs where members gather for recreation and where refreshments are sold to them” be added.

Sayed Anjad Ali Shah (Ferozepore East, Muhammadan, Rural) :
Sir, I congratulate my honourable friend for bringing this amendment. The object is laudable. But if he would only look into the effect of his amendment he would see that what he is trying to do is already provided for by Government. If he would look at the rate of taxation he would find that exemption has already been granted to those business firms who do business of less than Rs. 5,000. If my honourable friend thinks that his fish and chip would be sold for more than Rs. 5,000 in a club, I disagree with him. It can only be clubs selling liquors to people who can afford to pay Re. 1-2-0 or Re. 1-4-0 for a glass of whisky that can pay a little addition to that amount and there will be no hardship to them. It will be no hardship either to the consumer or to the club. Supposing a club is having a turnover of between Rs. 5,000 and Rs. 10,000, what will it have to pay? It will be only

Rs. 10 per annum. Does my honourable friend seriously consider that to be a very heavy tax to any club or an institution which has a sale of that amount? Surely not. My friend should also consider that after all a Bill of this kind which is a taxation measure with so many exemptions provided for, would have many loopholes and will be difficult to administer. Bearing in mind all these considerations, I hope my honourable friend will not press his amendment.

Mr. Speaker : Question is—

That in part (b), line 5, after the word "members" the words "but not the clubs where members gather for recreation and where refreshments are sold to them" be added.

The motion was lost.

Mr. Speaker : Question is—

That part (b) stand part of the clause.

The motion was carried.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I move—

That at the end of part (c), the words "except wheat, wheat flour, toria, kapas, gur and their manufactured products" be added.

(Urdu) : Sir, it has been said that the proceeds of this tax will probably be utilized towards benefiting the poor zamindars. But I am very doubtful if this probability will ever be translated into action. That time is still far off when there will be a reduction in our land revenue. So far we only know that when it is not possible for the Government to impose a direct tax upon the zamindars they make us pay indirectly as is the case now. It is not the dealers alone who will have to bear the burden of this tax, but even the zamindars will have to pay their share. The other day the Honourable Premier himself admitted that besides the wholesaler and the retailer the consumer will also have to pay. In view of the fact that the population of this province is composed of 87 per cent zamindars I do not see how they can escape this tax. However indirect the tax might be it cannot be denied that the zamindars will be affected by this measure.

Sayed Amjad Ali Shah : Sir, may I ask a question? Does the honourable member include the biscuits of Huntley and Palmer as one of those products which should be exempted? His amendment says "and their manufactured products".

Mian Muhammad Nurullah : You can leave it out. So far as kapas is concerned my honourable friend, Sir William Roberts, has already said that it is the biggest cash crop for the zamindars in this province and when the time of land revenue comes it is only through the sale of kapas that we pay cash to the exchequer by which the whole Government is run. We will not mind if only an indirect tax is charged. The condition in regard to kapas is so different from that of other commodities that we will be directly hit by the fall in prices. Sir William Roberts has explained this in his note of dissent and says that kapas is likely to be charged eight times. It may be even more. Why I am keen about kapas is this. We in the Punjab are selling kapas in competition with other provinces like Bengal, Central Provinces, United Provinces and last but not the least Sind. Sind is a province which is in direct and immediate competition with us. The price paid to

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Sind producers and Punjab producers at Bombay is almost the same. Bombay people will prefer the better quality of kapas and Sind is much better as regards long staple and it certainly has already preference in Bombay.

This tax is bound to hit us hard. Apart from the preference of quality additional tax is going to tell heavily upon us, because the manufacturers at Bombay would not like to pay even a penny more and they will buy Sind kapas and not Punjab kapas. What will be the result? The result will be disastrous. Japan is not buying kapas. The prices have already gone down. There is no demand from outside. Bombay will satisfy its demand from Sind on account of the cheap price. So, this additional penny on kapas would result in a deadlock for us. The Sind kapas will be taken first and then the demand would not be left for Punjab kapas. The result will be very serious. We will be faced with the same result as in 1928, when there was no demand for Punjab wheat. I can quote many instances. I remember that in Toba Tek Singh, the wheat was left in fields, and was not removed from the fields. The same thing will happen now. When the demand is finished and the Sind cotton is purchased, we would not be able to sell our cotton, because of the additional burden of a penny, or whatever it may be. I hope the Honourable Minister will explain this. It is due to this danger that I am keen that cotton at least should be exempted from this tax. The other articles too mentioned in my amendment are also very important. It is just possible that the Honourable Minister will try to convince us that they should not be exempted. But the kapas is a very important article and it should not come under this tax. It is most dangerous to tax kapas. So we must oppose the clause as it stands.

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

That at the end of part (c), the words "except wheat, wheat flour, toria, kapas, gur and their manufactured products," be added.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I must oppose this amendment. One of the reasons for opposition is that if the amendment is accepted in the form in which it has been proposed, the result would be not only the exemption of cotton or wheat, but also the exemption of *puris*, *kachoris* and *samosas* on the one hand and all kinds of cotton cloth on the other. The amendment proposed by the honourable member is that at the end of part (c), the words "except wheat, wheat flour, toria, kapas, gur and their manufactured products" be added. If we add these words, the result will be that innumerable articles of all descriptions will be exempted from the tax.

Another point to which attention may be drawn is that we are providing exemptions in a very comprehensive manner under clause 5 of this Bill. It is as follows:—

The Provincial Government may, subject to such restrictions and conditions as may be prescribed, including conditions as to license and licence fees, by order exempt in whole or in part from the payment of the tax any class of dealers or any goods or class or description of goods and may prescribe the points in the series of sales by successive dealers at which any goods or class or description of goods may be so exempted.

This exemption has been deliberately drafted in very general terms and will cover all reasonable cases where exemption should be granted. Under clause 6, I have given notice of amendments which will make the power of exemption still more comprehensive. In the original clause 6, the wording is—

In respect of such finished articles manufactured in the Punjab as may be notified by the Provincial Government and subject to such restrictions and conditions as may be prescribed, a rebate may be allowed of one-half of the tax....

By the amendments which will be proposed on behalf of Government, it will be seen that for "finished articles" we are substituting all "goods produced" in the Punjab, and instead of only half the tax, the whole tax will be liable to be remitted. Therefore, in view of the amendments, which we propose to make to clause 6, and exemptions which already exist in part (2) of clause 5, the amendment of Mian Nurullah is not at all called for.

Now, I must also give a reply to one sweeping statement made by various honourable members opposite. Even Mian Nurullah has thought fit to make that assertion. He said that at least a part of this tax was going to be transferred to the consumer or to the producer, and so we are sure that the zamindar, as both producer and consumer is going to be penalized. He further said that while the loss was sure, nobody knew whether the zamindar would get any benefit out of the proceeds realized from the imposition of this tax. The Honourable Premier has made it clear more than once and I have also made it clear both in this House and outside that the proceeds of this tax will be used for the good of the poor people, a portion being set apart for affording relief to zamindars, particularly the humblest section of them, in some form. The exact shape or form which this relief is to take, will be left to the party as a whole. The Honourable Premier will take the Ministerial Party into his confidence in order to decide upon the exact form which the relief should take. This assurance has been given by the Honourable Premier more than once. It has been repeated by me in this House more than once, and, perhaps, more than half a dozen times outside in the public. Does the House believe that the Government will go back upon the assurances which have been given repeatedly by the Honourable Premier?

Again, the balance will be spent in expanding the scope of ordinary amenities of life, that is, more roads will be constructed, more hospitals will be opened and better arrangements for the supply of water will be made in areas which have been neglected so far. After these assurances have been given by the Honourable Premier and by his colleagues both in the public and on the floor of the House, does it lie in the mouth of anybody to question the *bona fides* of these assurances? We say that we are determined to use practically the whole of the proceeds of these taxes for the benefit of the agricultural classes in particular. After such a clear assurance, honourable members should hesitate to suggest that the zamindars are not going to gain by the proceeds of this tax.

Sardar Sahib Sardar Santokh Singh: Before I speak, may I, with your permission, ask a question of the Honourable Minister of Development? The other day the Honourable Premier made an open appeal, so to say, to the Opposition that we could have mutual discussions, gain

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our points, and come to some reasonable conclusion in the matter of this legislation. May I, keeping that spirit in view, request the Honourable Minister of Development whether he will make known to the House the intentions of the Government with regard to the exemption from this tax of raw materials? Is he going to take the whole House into confidence or is it, as he has said, that he is going to make this question one for his party alone to decide? If the question is to be decided by his party, then I am sorry to say that there is no alternative but to fight this legislation, in all its stages.

Mr. Speaker : Is it a question or a speech?

Sardar Sahib Sardar Santokh Singh : I must explain myself.

Sardar Bahadur Sardar Ujjal Singh : We have not come to the clause relating to exemptions.

Sardar Sahib Sardar Santokh Singh : I also requested my friend Mian Nurullah not to take this up at this stage, but once the amendment is moved, without a full discussion being raised, you might rule out the discussion at a later stage altogether. We have to be very careful about the Chair. He can say, "We did not raise the discussion in time and thereby lost our right". So I ask a question of the Honourable Minister of Development as to whether he is prepared to reveal—

Sardar Bahadur Sardar Ujjal Singh : On a point of order. The exemptions are definitely dealt with under clause 5 and I think it is out of order to consider exemptions under clause 2 which is a clause of definitions. This particular amendment of Mian Muhammad Nurullah is out of order. When we come to clause 5 then it will be appropriate for him to move any exemptions.

Mr. Speaker : Had this objection been raised when the amendment was moved, I would have certainly allowed it.

Sardar Bahadur Sardar Ujjal Singh : I was not then present.

Mian Muhammad Nurullah : Let it be discussed under clause 5. The amendment may be allowed to be withdrawn. I beg leave to withdraw it.

The amendment was by leave withdrawn.

Mr. Speaker : The question is—

That part (c) stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That parts (d) and (e) stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That parts (f), (g), (h) and (i) stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Rai Bahadur Lala Gopal Das : I beg to move—

That in sub-clause (1), line 3, between the words "pay" and "in", the words "by two six-monthly instalments" be inserted.

Sir, if you were to refer to the old draft of this Bill, you will find that clause 19 (2) (c) was as follows:—

(c) the instalments in which the tax shall be paid;

It was the intention of the Government to collect taxes in instalments, but what has happened here? I find that in the select committee the Government has changed the idea and has said, "(c) the instalments," if any, "in which the tax shall be paid;" So, these words have been incorporated. I feel that it would be very hard on the tax-payer to pay the money all at once and it would be very desirable if the Government were to accept my plea and agree to recover these taxes in instalments as was their intention in the original draft. I would, therefore, request the Honourable Minister for Development to pay proper consideration to my amendment and I am sure he will think of accepting it.

Mr. Speaker In the amendment "sub-clause (1)" is mentioned; but there is no sub-clause (2). Therefore, I ignore it. Motion moved—

That in clause 3, line 3, between the words "pay" and "in", the words "by two six-monthly instalments" be inserted.

Minister for Development : I am prepared to accept it.

Mr. Speaker : The question is—

That in clause 3, line 3, between the words "pay" and "in", the words "by two six-monthly instalments" be inserted.

The motion was carried.

Khan Sahib Khawaja Ghulam Samad : Sir, I beg to move—

That in sub-clause (1), part (a), first column, line 2, for the word "five", the word "ten" be substituted.

(Urdu) : Sir, I crave your indulgence for repeating my complaint with regard to the Resources and Retrenchment Committee's Report. Every time a fresh taxation measure is introduced in this House, the Government takes its stand on that report. But it is a thousand pities that the report in question has not been put before the House for discussion and consideration in spite of the repeated requests of the honourable members of this House to the Government that the report of the Resources and Retrenchment Committee should be brought under discussion. I wonder why the Government has refrained from allotting a day for the discussion of that report. After keeping the House in the dark about this report, the Government continues bringing one taxation measure after another in rapid succession on the single plea that such a Bill was recommended by the Resources and Retrenchment Committee. I could not find in that report the recommendations of that committee proposing such a drastic measure. Every new taxation is being brought forward after giving a reference to that report but no retrenchment is being effected according to that. Did it suggest no retrenchment? It has also been stated in the statement of objects and reasons of this Bill that measures like the Punjab General Sales

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Tax Bill are already in force in several other provinces of India. But when we say that the Government should compare the financial position of the Punjab with that of other provinces—

Mr. Speaker : Please speak to the motion. The whole Bill is not under discussion on this amendment.

Khan Sahib Khawaja Ghulam Samad : I am speaking in support of that amendment.

Mr. Speaker : Please confine your discussion to the motion.

Khan Sahib Khawaja Ghulam Samad : Sir, the inhabitants of foreign countries where commerce and industries are flourishing, are prosperous as compared with the population of the Punjab. The inhabitants of the Punjab are poverty-stricken and their poverty is admitted by all well-informed persons. For example, let us compare the *per capita* income of other provinces and countries with the *per capita* income of the inhabitants of the Punjab. The annual *per capita* income in the Punjab is only 2½ rupees while it is Rs. 750 in foreign countries. How then can we compare and contrast the conditions of other countries with those of the Punjab and place them on an equal footing for the sake of taxation? The rich and poor provinces cannot be taxed at the same rate. The Government has cited, in this connexion the examples of Bombay, Madras, Assam and Bengal which do not correctly apply to the Punjab. Our province is a land-locked province without any sea port or harbour of its own, while the above-mentioned provinces have their own seaports. But in Madras a sale amounting to Rs. 10,000 rising to Rs. 20,000 is taxed at the rate of Rs. 5 per annum while in the Punjab a turnover of Rs. 5,000 is proposed to be taxed at the rate of Rs. 10 per annum. This is doubly pinching. One defect is that the minimum limit of a dealer's turnover which would be taxed in the Punjab is Rs. 5,000 while this sum is not taxed in Madras. Even a turnover of Rs. 9,000 is exempt there. But in the Punjab tax is proposed to be imposed on a turnover of Rs. 5,000 also. The second injustice is that in Madras the minimum rate of tax is Rs. 5 only while it is Rs. 10 in the Punjab. As I pointed out at the time of discussing the circulation motion, the people of that province are richer than those of the Punjab. This is apparent from the income-tax figures of both the provinces. The amount of income-tax in 1936-37 collected there is Rs. 1,00,00,000, nay it is Rs. 1,50,00,000. But in the Punjab the amount of income-tax collected in that year was Rs. 71 lakhs. That clearly indicates the comparative prosperity of the two provinces. It is, therefore, not fair and just to tax the inhabitants of the two provinces at the same rate. But we are sorry to find that the rate proposed in the Punjab is far in excess of that which is imposed in Madras. In Madras the minimum limit of taxable turnover of a salesman is ten thousand, while it is five thousand rupees in the Punjab. It means that whereas an amount of less than ten thousand rupees will be exempt from any tax in Madras, the Punjab Government will tax it. Nay, it will tax even a much lower income. It will tax even an income of five thousand rupees. That is very unfair and unjust. The pity is that our Government cites the example of other provinces but does not follow them correctly. If this Bill had been drafted on those lines, we would have swallowed the

bitter pill. Let the Punjab Government tax a minimum amount of ten thousand rupees under this Bill as the Madras Government is doing. Even that rate would be excessive for this poorer province. But we might have acted on the principle of the following Persian saying :—

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and agreed to the payment of this tax. But our Government has fixed the minimum taxable amount at Rs. 5,000. Again, in Assam the tax is levied on the sale of certain limited number of articles. Those are only the articles of luxury. If the Punjab Government had modelled their Bill on the Madras pattern, they too would have restricted this tax to the sale of articles of luxury. In that case the people of the Punjab might have obeyed the Government according to the Persian adage :—

قهر د ویش بر جان درویش

But it is very sad indeed that our Government has not spared any article of sale. Our Bill is called the Punjab General Sales Tax Bill. So, almost all articles are included under it for taxation. Now let us consider what is the daily sale of a dealer whose annual turnover would be Rs. 5,000 per annum. It will be Rs. 25 per mensem only. This is obviously a meagre income for taxation. A person of this small income will have to incur various expenses. He has to feed and clothe his family.

Out of a monthly income of Rs. 25 he will have to pay the rent of his shop, the salary of the clerk whom he will employ to keep the accounts of the returns as required under the provisions of this Bill, and also interest in case the capital invested in the shop happens to be borrowed. Sir, in addition to all these expenses, to pay Rs. 10 out of such a small income as Rs. 25 a month would be a great hardship on the poor man. And it is also possible that for some mistake he may become liable to pay fine under the penalty clauses. If this happened it would break the poor man's back and the result would be that he will be forced to close down his shop and thus starve. To save such small shopkeepers from the rigours of the provisions of the present Bill, I have proposed the amendment now under the consideration of the House. It is a very proper amendment. I hope the Honourable Minister for Development will very kindly see his way to accept it.

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

That in part (a), first column, line 2, for the word "five", the word "ten" be substituted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I rise in support of the amendment moved by my honourable friend Khan Sahib Khawaja Ghulam Samad. A similar amendment stood in my name, and also in the name of Rai Bahadur Lala Gopal Das. It is a matter of regret that where in other matters our Government have bodily copied the Madras Act, I fail to see why in this particular case for the exemption limit they should not follow also Madras. Madras has exempted from payment of tax sales of Rs. 10,000 or below and I see no reason why the Punjab should stand on a different footing. Our petty dealers, whose sales come up to between five and ten thousand cannot by any stretch of imagination be considered to be making more profit than what people in Madras do. It is also undeniable that our

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province is, if anything, poorer than Madras: I, therefore, see no reason why we should not follow Madras in the matter of exemption. Coming to similar Acts in other provinces of India, I may say that in Bengal they have exempted almost all the raw products, and the minimum taxable quantum is fixed at Rs. 20,000. If the Honourable Minister for Development has not got with him a copy of the Bengal Bill I offer to give it to him: I have got it with me. There it is Rs. 20,000, the minimum taxable quantum.

Mir Maqbool Mahmood: Rs. 20,000 or as may be prescribed.

Sardar Sahib Sardar Santokh Singh: They will not go below what is expressly stated in the Bill. It is a far-fetched idea to think otherwise. They have put it definitely at Rs. 20,000 or as may be prescribed, and do you think they will go below this? I believe they will not. By raising also this minimum taxable amount most of the objections that had been raised, and very rightly raised by my honourable friend Malik Barkat Ali, against the imposition of this tax on the poor people, will also be removed. He very rightly pointed out that a man whose total sale is from Rs. 10 to Rs. 13 per day cannot be expected to keep his accounts. We know the percentage of literacy which we have in this province. Surely the Honourable Minister for Development cannot expect these poor hawkers and other petty traders to employ a munshi or a clerk to keep accounts for them, not only those whose sale will come up to Rs. 5,000 but also those with lesser amount than that, because the Government has taken the power to call for returns even from those whose sales may be suspected of being Rs. 3,000 or near about. Then it comes to this that every petty shopkeeper and every man who sells fruit, vegetables, or anything of the kind, even a hawker, will be compelled to keep accounts,—a proposition which will not be subscribed to, I believe, by any impartial person. To remove all these objections, and in order that the poor people may not feel the pinch so much as it will be done under the present Bill as it stands, I appeal in all seriousness and in all earnestness to the Honourable Minister for Development to have some pity on the poor hawkers and others. If he cannot spare big traders let him please himself, but at any rate let him have the good sense not to cause vexation and trouble to those poor people who cannot be expected to keep their accounts in the circumstances that they are placed in. With these words, I strongly support the amendment moved by my honourable friend.

Chaudhri Ram Sarup (Rohtak, Central General, Rural) (*Urdu*): Sir, I rise to oppose the amendment now before the House. I was surprised when I found that Khan Sahib Khawaja Ghulam Samad had given notice of such an amendment. Some times Khawaja Sahib stresses the need of such equality as is preached by Islam by bringing in Bills like the one he moved in this House the other day. But at others he advocates discrimination in the matter of taxation by motions like the one he has now moved in the House. We all know that all zamindars irrespective of the fact whether they happen to be big landlords or small holders pay land revenue. Not even a single acre of land is exempted from the payment of land revenue. Compared to it the urban people, most of them, do not pay any tax. It is unjust to subject one class of people to taxation and to exempt another.

This is not the *Masawat* of which Khawaja Sahib is such a zealous supporter. Ordinarily an agriculturist has to pay Rs. 4 per acre of his cultivated land as land revenue. His income from land in no case can exceed Rs. 100 per acre, which also include expenses incurred in connexion with cultivation, price of the seed sown and the charges of labour. But according to the provisions of the present Bill a man whose income would be Rs. 100 will have to pay only two annas as tax. This is not much compared to what the agriculturists have to pay. (*Interruptions*). If you work out the figures of net profits of an agriculturist from an acre of land, you will find that compared to the profits of a shop-keeper, they are negligible. My submission is that I am not in favour of taxing the people but if at all you cannot help taxing them, then it should be uniformly spread over them all. There should be no discrimination in the matter of taxation. Government have repeatedly said that the agriculturists are heavily burdened with taxation and urgently require some relief, and that by the income derived under the new enactments they would adopt measures to give relief to the agriculturists. I congratulate the Government on what they have so far done and are doing to help the poor agriculturist masses. I request them to exempt certain small holdings from the payment of land revenue in the same way as incomes below Rs. 2,000 a year are exempted from the payment of income-tax. This will greatly help the poor zamindars.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (*Urdu*): I do not want to go into the merits of this amendment because my honourable friend Sardar Sahib Santokh Singh has dealt with all the relevant points pertaining thereto. I think our demand is quite a legitimate one. My honourable friend Chaudhri Ram Sarup has observed that the zamindars are making no saving in their calling and are hard up. They are over-burdened. My reply to his argument will be just the same which an honourable member over there gave to us: "if the zamindars cannot manage their lands themselves, let them hand over to us, and we will do the needful ourselves."

Shaikh Sadiq Hassan (Amritsar City, Muhammadan, Urban) (*Urdu*): Sir, you will agree with me when I say that I have always been supporting the Government in imposing taxes on the rich people. But so far as this tax is concerned, it is going to be levied not on the rich but on the poor for whom the Honourable Minister is accustomed to profess so much sympathy. It may be that in Hansi and Hissar districts traders whose turnover exceeds Rs. 5,000 are considered to be rich. But judged by the standard of living prevailing in the big cities like Lahore and Amritsar a trader whose turnover exceeds Rs. 5,000 a year, is considered to be a poor man. (*An honourable member*: Let them also lower their standard of living.) My honourable friend says "let them also lower their standard of living." I may remind him that in all the civilized countries efforts are being made to raise the standard of living rather than to lower it, as has been suggested by him. I ask, does he, like that famous hunchback woman, want to see urbanites being burdened with taxes like the zamindars? However, I would appeal to the Honourable Minister to exempt such traders from the operation of this measure. The reason for this is that generally the proportion of their incomes and expenses does not warrant the levying of such a tax on them. In the case of big businessmen the proportion of their

[Shaikh Sadiq Hassan]

overhead expenses as compared to their incomes is very small. But that is not the case with small businessmen. For instance, a small trader has to pay shop rent and salaries of his servants and in fact he does not earn more than 10 or 12 annas a day. It cannot be said in their case that they earn from Rs. 25 to 50 per cent as profits. It appears that some of my honourable friends do not understand the difference between gross and net profits. They are under the impression that if a shop-keeper makes a profit of four annas in a rupee that would be his net profit. As a matter of fact that is not the case. The gross profits are profits on the whole capital invested, while against this net profits are those which a shop-keeper gets after defraying all the expenses of his business. It is possible that the big shop-keepers may be earning big percentage of profits, but this is not correct in the case of small businessmen. Their turnover is generally very small and so is their margin of profits. After all, Rs. 5,000 is not a very big sum. A person selling *latha* of key trademark will earn a very small margin of profit even though his turnover exceeds Rs. 5,000 a year. Similar is the case with all the shopkeepers who sell wares of the standard quality. In fact there are only a few things where the margin of gross profits amounts to 25 per cent or more, otherwise shopkeepers are generally content with getting one anna or at the most two annas profit in a rupee which is not even sufficient to give them a bare living.

There is another very important matter which I want to bring to the notice of the Honourable Minister, that is, that we have always been blaming the British Government for not showing any sympathy for the poor people. But while imposing income-tax even they have given due consideration to conditions of the poor people. For instance, income-tax is not levied on those persons whose incomes do not exceed Rs. 2,000 a year. Previously this limit was Rs. 1,000 only. Anyway this limit fluctuates from Rs. 1,000 to Rs. 2,000. It means, if we assume 5 per cent as nett profits, that they levy income-tax on persons who have invested Rs. 40,000 or more in business. In view of this I hope the Punjab Government, which is a popular Government and which has done many good things in the past and which would try to maintain its standard in future as well, would not do what the Government of India have not done.

Now, sir, my submission is that it is the duty of the Government to see that the standard of morality of the people is not lowered. I think if this Bill is passed into a law and this initial taxation limit is not increased from Rs. 5,000 to Rs. 10,000, many shopkeepers will try somehow or other to escape from being taxed. It is possible that the Honourable Minister may get up and say that his Government would see that no trader escapes. Granted that he would try to levy this tax on all the shopkeepers, but my point is that they will try to tamper with their accounts and would in a way lower their standard of morality. I think the standard of business and general morality of the Punjabis is as compared with the morality of other provinces very high. In view of this, it is all the more incumbent on Government to see that the standard of morality of the people of the Punjab is kept at a high level.

Then there will be the question of realizing this tax. Not to speak of other towns, even in the city of Amritsar wholesale traders do business amounting to Rs. 10 or Rs. 12 crores a year. Besides them there are countless number of small traders who carry on business in that city. Now for realizing this tax Government will have to employ an army of tax collectors who will cause a good deal of vexation to the trading classes. I personally think that the proceeds of this measure will be very small as compared to the spirit of resentment which it will give rise to. This is a thing which the Honourable Minister should especially bear in mind. Sir, whenever I find that Government are doing anything which will adversely affect their prestige it is my duty as a member of the Unionist party to warn the Government of that. I must make it clear that I do not say that taxes should not be imposed on the rich people. But what I want is that fresh taxes should not be imposed on the poor people whether they be residing in the rural or urban areas. I would suggest that a considerable sum should be earmarked for providing relief to the poor and needy zamindars. But that does not mean that the poor people in the urban areas should be taxed. It would only mean that we would be shifting our burden from one shoulder to the other. Under the circumstances I would request the Honourable Minister to give his very careful consideration to this matter and accept this amendment the object of which is to raise the initial taxation limit from Rs. 5,000 to Rs. 10,000.

Sir William Roberts (European): I wish to appeal to the Honourable Minister to accept this amendment. Even a petty shopkeeper in a village who deals in wheat or cotton and sells the produce of 70 acres only can be expected to have transaction amounting to Rs. 5,000 a year. Surely the shopkeeper will pass this tax on to the grower. For this reason alone I would appeal to the Honourable Minister to accept this amendment.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*): Sir, the other day during the course of my speech I made it abundantly clear that it was incorrect to say that this tax would cause great hardship to the trading classes. After all, what is the rate of this tax? This tax would be levied at the rate of two annas per hundred rupees in case of those shopkeepers whose turnover exceeds Rs. 5,000 but is less than Rs. 10,000. It would mean that one-fourth of a pie in a rupee will be levied by way of this tax. A trader will be required to pay a tax of one pice if his net profit amounts to 12 pice. I ask, is this such a heavy tax that the trading classes will be ground down under it? It does not become my honourable friends over there to advance such frivolous arguments when on the other side we see that a zamindar who possesses even a marla of land has to pay land revenue to Government and a zamindar whose net assets are annas 12 has to pay annas five by way of revenue to Government. Now against this only that trader will be required to pay this tax whose turnover exceeds Rs. 5,000. To say that this is a great hardship is not at all correct. When the zamindars have to pay five annas out of every 12 annas, and when a zamindar who owns even a *biswa* of land is not exempt from the payment of land revenue, it does not lie in the mouth of my honourable friends opposite to say that the imposition of a tax on turnovers of over Rs. 5,000.

[Rao Pohop Singh.]

or Rs. 10,000 will cause a great hardship to such businessmen. Here in their case the Government have erred on the side of leniency by exempting turnovers up to Rs. 5,000 from the payment of this tax and those above this figure have been asked to pay only a very nominal percentage which is well within their capacity. In the present circumstances this demand by the Opposition for the exemption of persons having a turnover of Rs. 5,000 is in no way justified. Of course when the zamindars are granted a reduction in their land revenue and when their burden is lightened to some extent the Government will be willing to consider the question of exempting such turnovers even up to Rs. 10,000. At present a nominal tax of one-fourth of a pie in a rupee is not so harsh that this hue and cry should be raised over it. On the one hand my honourable friends themselves say that the tax is going to affect the producers and the consumers as well and on the other hand they are making so much of the little that a dealer will also have to pay. Instead of kicking up a row over a tax of one-fourth of a pie per rupee they should have advocated the imposition of this tax even on those who have so far escaped such impost.

Again it has been stated by my honourable friends opposite that the British did not tax incomes up to Rs. 2,000, whereas our Government is fixing a rate even for those who earn much less. Let me tell them that that is just the reason why this taxation has become necessary. The English exempted those people who had an approach to them in spite of the fact that they had the capacity to pay and instead imposed a very harsh tax on poor zamindars. If our Government too were to succumb to the guiles of the capitalists and did not tax them, they will forfeit their right to the name of a national Government. It is their duty to levy such taxes for providing relief to the poor zamindars, especially when the amount of tax to be imposed, that is, one-fourth of a pie can by no stretch of imagination be called a harsh tax. With these words, I oppose the amendment now under discussion.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban), (*Urdu*): Sir, I rise to support the amendment moved by Khawaja Ghulam Samad Sahib, which seeks to get turnovers up to Rs. 10,000 instead of those up to Rs. 5,000 exempted from the payment of this tax. My submission is that if turnovers of Rs. 5,000 are taxed the trade carried on by small businessmen is sure to be ruined. My honourable brother, Rao Pohop Singh, has stated that the tax imposed on such turnovers is a nominal one. Let me inform him that it is not a question of the tax being exorbitant or nominal. Our real objection is to the provision which requires these petty traders to keep an account of their dealings. Now this is something which besides being an item of unnecessary expenditure is also very difficult owing to the nature of the trade. How are these people to register every sale worth an anna or a pice of sweets, fruits, vegetables, meat, etc.? Should they start giving receipts to all who buy a pice worth of vegetables or sweets from them and ask other customers to wait till they have given a due receipt for the sale already transacted? Do the Government seriously believe that these people earn enough out of their daily turnover of Rs. 13 or Rs. 14 to bear the extra burden of the salary of a clerk and stationery charges? The Honourable Ministers who make Rs. 5,000 per mensem including the

allowance and house-rent cannot imagine what a turnover of Rs. 5,000 per annum amounts to. If it is spread over 365 days of a year it comes to Rs. 13 and some annas per day. If the turnover is Rs. 10,000, the daily sale does not exceed Rs. 27 and some odd annas. You can very well imagine how much net profit there can be in such sales. A cloth merchant by selling two rolls of cloth worth about Rs. 30 hardly makes a profit of a few annas. A butcher does not make more than one rupee out of his whole day's labour. Similar is the case with sweet-sellers, fruit merchants and vegetable sellers. Again the fruit and vegetable dealers are faced with another difficulty. In summer if they are unable to dispose of their stock every day their vegetables and fruits get stale and do not fetch the same price on the next day. Besides, the House will probably be aware of the fact that owing to acute unemployment most of the people have started small trades by mortgaging or selling the ornaments of their wives or sisters. If the Government tax these people who can barely manage to make both ends meet they will most certainly be ruined. It is not big businessmen but small shopkeepers who have turnovers of five or ten thousand rupees. In bigger towns even persons whose daily sales amount to Rs. 40 are not very well-off on account of small profits and higher rents of their shops. I would request the Honourable Minister not to disregard this amendment as one coming from the Opposition, because it has been moved by a member of his own party and has been supported by Sir William Roberts who is a Parliamentary Secretary. This is a very important amendment in so far as it concerns the smaller fry. Now is a chance for the Ministry to prove their claims of sympathy with the poor by acceding to our demand. Being a resident of a big city, I am in a better position to know the real condition of the people and cannot be misled by the electric lights and huge buildings like my honourable brothers from the mofussil into believing that all who live here must be wealthy. In actual fact the reverse is the case, which is aptly described in the old adage :

با و میان هفت هزاری ادر بی بی کومان می ماری

(laughter).

Unlike my brethren in rural areas people here can hardly make a living in spite of the labours they put in. It is no doubt true that those in rural areas are no better off, but still they find time to stretch their limbs or to recreate which is denied to the poor shopkeepers here. They cannot even take a day off on Sundays. (*Interruption*). The Honourable Nawab Sahib says that their bellies bulge out. Yes, it is because they have no time for exercise or recreation as they have to sit late in the night in their shops. Again when such harsh measures as the Property Tax and Sales Tax are brought forward they have to make sacrifices by closing down their shops as a protest against them. I wish their protest had moved the Honourable Minister into withdrawing this Bill.

The tax should have been imposed on rich businessmen and not on those poor shopkeepers who do not make enough to give even necessaries of life to their families or to give proper education to their children. They cannot save anything to keep as a nest egg for any dire necessity that may suddenly arise. The Honourable Minister should not take notes for making a reply but should do better by accepting this amendment.

[**Begum Rashida Latif Baji.**]

I would like to draw your attention to the fact that if a tax is imposed on these people they will have to resort to dishonesty, and unless they do so they cannot bear the extra expenditure of clerks for keeping their accounts which you are forcing upon them. My submission is that the Honourable Minister will be well advised if he exempts turnovers up to Rs. 10,000 from the payment of this tax, as these turnovers are confined to those who deal in daily necessities of life.

In the end I again request the Government to accept this amendment.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*): Sir, all the speakers on the other side have tried to advance various arguments in support of the proposition that the minimum of Rs. 5,000 should be raised to Rs. 10,000 for the purpose of exemption. In fact some of them have gone so far as to suggest that the tax should begin at a turnover of Rs. 20,000. Their main contention is that the tax should be imposed on rich people and the poorer section of the population should not be touched. So far as the principle is concerned I am at one with them. I agree that the rich people should be made to contribute more towards the state revenues and the poor should either be taxed lightly or left untouched. But my submission is that "rich" and "poor" are only relative terms. A person with a certain income may be considered rich in one place and poor in another. For instance, a man who is considered to be rich in India is not at all likely to be considered so in England and America with the same income. The honourable lady member, Begum Rashida Latif Baji, and Sardar Sahib Santokh Singh, do not know what poverty is. Their idea of poverty is quite different from ours, because they judge it by the standard of living in the cities while we base our judgment on our experience in the villages where people do not get even the barest necessities of life.

Begum Rashida Latif Baji: We judge it by your fat salaries.

Minister: I have no objection to that. I am prepared to share the burden with my friends Sardar Santokh Singh and Dr. Narang. More than that. For every pice that they pay I am prepared to pay one and a quarter. I do not ask you to spare me or the Honourable the Premier. But this constant harping on salaries and allowances is in no way relevant. As I was saying, your idea of richness and poverty is very different from ours, because we represent the poor section of the population while you speak on behalf of big merchants, capitalists and money-lenders. Thus we cannot concede that those dealers whose turnover amounts to Rs. 5,000 or more a year are poor people.

With regard to the profit earned by dealers my honourable friend Khawaja Ghulam Samad said that it was no more than one anna in the rupee. That means Rs. 6-4-0 per hundred. And what do we want them to pay out of it? No more than two annas. Is that really too much? While considering this question you should not forget what zamindars have to pay. There is no question of turnover or profit in their case. Out of whatever they produce only a small deduction is made for seed, manure, etc. and the remainder is considered to be their net profit for the purpose of assessing land revenue. No allowance whatever is made for their labour. The rate at which land revenue is assessed is no less than 25 per cent of this

so-called net income. Even this rate of 25 per cent was sanctioned only recently. Previously, as much as 35 or 40 per cent used to be charged in actual practice as against a theoretical maximum of 50 per cent. Moreover, there is no exemption in their case. We cannot forget that even the poorest of zamindars with negligible income has to contribute twice a year something to the state exchequer, no matter what sort of crop he gets. Those who object to a tax of only two annas out of a profit of Rs. 6-4-0 should remember the plight of those whose money makes the mare of administration go.

Khan Sahib Khawaja Ghulam Samad : Is the Honourable Minister speaking to the motion ?

Minister for Development : I am speaking absolutely to the motion. I am replying to the arguments which have been put forward by the various speakers on the other side. You say you have every sympathy with the zamindars and you want us to help them. But how are we to help them ? We cannot make money rain from the skies to help the zamindars. To relieve their burden we must tax some other section of the population and that section is the class of merchants and traders. But when we try to impose even a nominal tax on them you raise a hue and cry. Let me make it clear that we do not consider as poor a dealer who has an annual turnover of Rs. 5,000. To provide for the zamindars the same amenities of life as are enjoyed by others the latter have to be taxed and if you object to that all your professions of sympathy with the zamindars and the poorer section of the population become hollow and meaningless. You say the burden of taxation should fall on the rich people. But at the same time you move amendments like the one moved by Sardar Santokh Singh asking the Government to exempt those who go to clubs to have drinks of whisky and enjoy other such luxuries. Your plea is that people go to clubs simply for recreation. But may I ask whether the people who can afford such recreations have a right to be considered poor ? Instead of trying to save them you ought to have asked the Government to tax such people more heavily. I would say that it is quite clear from the demand made by my honour-

2 p. m.

able friend, Sardar Santokh Singh, with regard to the exemption of recreation clubs that my honourable friends opposite are always on the look out for excuses. They want to secure exemption under some pretext or other. Let me tell them that only well-to-do people can become members of such clubs. In fact I fear that as they come in contact with high officials, from the Governor down-wards, they may, at a latter stage, try to secure exemption of clubs from the tax, and may succeed in their attempt because everywhere there is a tendency to be deferential to the rich. I submit, Sir, that the Opposition has missed no opportunity and overlooked no excuse to oppose this measure. Sometimes they take cover under an old practice, sometimes under modern usages and so on.

Then, Sir, my honourable friend Shaikh Sadiq Hassan has described the present tax as unjustified and has complained that even the British Government did not levy such taxes and exempted at least an income of Rs. 2,000. May I point out to him that the British Government was not fully aware of the conditions prevailing in this country and being themselves a Government of capitalists naturally gave concessions to capitalists and

[Minister for Development.]
 exempted from income-tax all incomes below Rs. 2,000 ? But my friend should bear in mind that so far as land revenue was concerned they did not spare anybody. They provided that land revenue should be collected from everybody whether he be my friend Mian Muhammad Nurullah or anybody else, even if he owned only two marlas of land. Why do my honourable friends opposite lose sight of the fact that this was also done by that very British Government which exempted an income of Rs. 2,000 ? Is such an invidious distinction fair and equitable ?

Shaikh Sadiq Hassan : They did not exempt big persons, They exempted small persons only.

Minister for Development : Now I will tell you as to why that Government made that exemption. They made that exemption on account of the influence of capitalists and club-goers who are always able to maintain a close and profitable contact with the higher officers of Government. Take it for granted that if it had been my Government or the Government of the poor, this exemption would not have been made.

Some honourable members have made references to the Bombay and the Bengal taxation measures on the subject and instituted comparisons to the disadvantage of our own Bill. Let me tell them once for all that our Bill is far better than the one passed by the Bombay legislature. Bombay pitched its tax at the rate of Rs. 6½ per cent while our rate of taxation would be from two annas to four annas per cent. Similarly the Bengal Government propose to tax at the rate of Rs. 2 per cent which is from eight to sixteen times higher than our rate.

Sir, I have already replied to most of these questions many a time before on the floor of this House. Even to-day my honourable friend, Rao Pohop Singh, has competently met the objections raised by the honourable members over there. I would, therefore, cut short my speech and say that as all the amendments to this clause are identical in their substance and object, namely, a lowering of the scale of the tax and raising the level of the various stages of the tax these amendments are unacceptable. I feel that by sending in such amendments my friends opposite want to make this Bill practically infructuous. Need I point out to them that their tactics will fail ?

In reply to the question repeatedly put by my honourable friend Mian Muhammad Nurullah with regard to the disposal of the proceeds of this tax, I have not much to say on this point. Both the Premier and I have made the position quite clear. Roughly one-half of the proceeds of this and other similar taxes would be entirely spent on affording relief to the zamindars, especially the humbler section of them. In which form this money will go to the zamindars has not been decided as yet. In this connexion, I may submit that when, the time comes the ministerial party will be consulted, the advice of well-informed people outside this House will be obtained and steps will be taken in this matter according to the mandate of the ministerial party. Therefore my honourable friends over there should not exercise their minds upon this point. I may tell them that if I live for another ten years, and I feel that there is no apprehension of my dying earlier, I will see that all reasonable amenities are provided for the

zamindars. My friends opposite should rest assured that I shall never deviate from what I say now on the floor of this House. May I once again point out for the satisfaction of the House that a sufficient amount of money realized from this and other similar taxes will be spent for the encouragement of cottage industries in villages so that artisans like weavers and others may be greatly helped? Over and above this, a large amount of money would be directly spent on zamindars. The balance will be disposed of for affording amenities like better roads, hospitals, schools and water facilities for the country-side.

Begum Rashida Latif Baji : Do not open schools. Otherwise rural members will get educated and then will not follow you blindfolded.

Minister for Development : All right, if the party takes that view we shall obey. Every step is being taken with the consent of the party. Supposing the party comes to a decision that the Government College should be closed it will be done.

With these few remarks, Sir, I strongly oppose the amendment under discussion. As regards the rest of them, they are substantially the same. I need not, therefore, oppose all of them separately as they are taken up.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I have been provoked to make a speech by the last speaker. I had no intention to take part in this debate, at any rate at this stage, because I thought it was almost utterly useless. I was only amused when some of my friends were making appeals to the Minister or to the Government and all that. I think past experience has shown that all such appeals are utterly useless. I am only going to expose this new fallacy which is involved in the speech which has just now been made by Sir Chhotu Ram and also in the speech made by one of his followers a short while ago. That fallacy has been repeated from time to time in this House. I now consider it necessary to try to expose that fallacy. It has been said and said with great show of tenderness, that even the poorest landholder pays twice a year something into Government treasury. It is quite true. No one can deny that. But the question arises, whether he is paying something into the Government treasury twice a year in the form of a tax or in some other form. It will depend upon the views which economists or the Government itself may take of the land revenue which every landholder has to pay in this province. If it is a tax then there is some force in the speeches which have been made and to which I have referred. If it is rent the question assumes an entirely different aspect. (*Interruption.*) Yes, it is a payment and payments are of various kinds. I am glad that my lawyer zamindar friend has used this expression and I shall make use of it if the payment made by zamindars or landholders is to be taken as rent. Then, as I have said, the question assumes an entirely different aspect. Can it be said with certainty that it is not rent and that it is a tax? (*An honourable member :* It is a tax.) Well, there can be two opinions about it. I think it has been said that it is not in the nature of a tax or of an ordinary tax. To settle this question one has to go far back into history. To whom did the land belong when God created it and created man? Did God divide his creation into two sections into which the Unionist Government has divided the people of the Punjab, namely, statutory agriculturists and non-agriculturists? Did God divide his creation—mankind, whom he created—

[Dr., Sir Gokul Chand Narang.]
 into landholders and non-landholders? It is certain that at the time of creation—Heaven knows when it was brought into existence and how it was brought—(interruption) there was no such division either between landholders and traders and all humanity was practically one and as dear or undear to God as any particular individual might have been. God did not make any distinction. Then, after man had learnt to cultivate and had given up depending entirely upon hunting for his food or upon feeding himself on fruits, which God created perhaps for his original food, some people who were not fit for anything else, took to agriculture (laughter) and some people who were not fit for agriculture took to other professions. In that way everybody—I do not mean any reflection—adopted the profession for which he considered himself fit and naturally a certain section of humanity took to agriculture and cultivation of land as the means of their livelihood. To whom did the land belong at the time? The land either belonged to God or to the whole of the human race. Did those people, who took to agriculture, pay anything to the rest of mankind for the land which they had appropriated for their cultivation? Certainly not.

Captain Sodhi Harnam Singh : They paid the prices.

Dr. Sir Gokul Chand Narang : There was no question of prices at that time. They took to cultivation and if we are to assume that for hundreds and thousands of years certain classes have been cultivating the land and have been living upon the fruits of cultivation, it means that they, through their ancestors, have held this land without any particular payment to the nation or human race as such, and when the Government conquers a country or takes possession of a country otherwise, it should be taken, or, it takes for granted that the whole country, bag and baggage, land, mountains, rivers and trees belong to the Government. (Interruption.) That is quite true. Then the Government affords protection, Government affords means of cultivation and the Government makes all the provisions for the benefit of the human race or for its own subjects. That is what happens. I would, therefore, submit that this argument that the poorest zamindar has to pay something while traders, before this Government took it into its head to tax them, were not paying anything is really a fallacious argument. If we look upon the land revenue as rent for the land, then my submission is that every trader is also making some payment though he may not be making payment direct to the Government. We are now taking the case of traders and banias. The trader has to pay rent in the city for his shop and his house. Take the case of a cultivator, the poorest cultivator or middle class cultivator. He lives in a village, he tills his own land, he does not pay any rent for his house while in towns most people live in rented houses and shopkeepers pay double rent for their shops and for their houses. Why should this payment be ignored when comparison is made between the cultivator of land and trader in the cities? That should not be ignored. The question is not whether they pay to X or Y, and whether they pay to the Government or not. That is not the question. When we have to determine their means and their capacity to pay, then we have to consider whether any payment is made or not, whether it is made to the Government or to the landlord. The shopkeeper has to bear that burden and when we are taxing him, we have to consider this item as one of the

items which would enable us to determine his capacity. This has been entirely ignored both by my honourable friend sitting over there and the Honourable Minister. They think that these traders live in the cities and all that they have to do is to sell and make profit. They do not know that they have to incur a number of expenses before they can sell goods worth ten, twelve or fifteen rupees a day. They cannot sit in the streets. The municipal jamadar would not allow them to sit in the streets. They would be challaned for making encroachments. They have either to get moving with the small wares on their heads or they have to hire a shop and their wives and children have to be accommodated somewhere and they have to pay rent for the house. Therefore, that item should always be taken into consideration. This is so far as the comparison between the two is concerned.

Then, Sir, I come to the latter part of my honourable friend's speech wherein he says that if concession has to be made to the poor zamindars, then somebody has to be taxed and that somebody is a trader, a merchant and so on and so forth. He did not mention any other class. My submission is that several points arise in this connexion. Have the Government made up their mind up to what extent the land revenue-payer is to be exempted from the payment of land revenue? Have they made up their mind? They have not come to any decision up to this time. If they have decided that persons who are not paying more than five rupees per annum as land revenue would be exempted from the payment of land revenue, it would have been something definite, something concrete which might have been a relevant factor in this discussion. The second question would have been, all right, if we are going to exempt payers of land revenue up to five rupees per annum, how much would be the loss to the Government, will it be ten lakhs, will it be fifty lakhs, will it be a crore or two crores of rupees? This would have been the second question. Then the question would have arisen whether there are any other means by which this loss could be made up. I remember my honourable friend, when he was not a Minister, was in the habit of saying—I have a fair recollection on this point—that the system of land revenue should be based on the income-tax system. I do not know if he still holds that view but I hope he does. If he still holds that view, then I would submit that during these four years he should have taken that matter in hand. What prevented him from carrying that view of his into practice? That would have opened the way for a considerable amount of income for the Punjab Government. Let us assume that people paying revenue up to five rupees are to be exempted and those possessing so much land should not be made to pay more than a certain figure and persons whose land exceeds certain amount of area will have to pay land revenue at a little higher scale and persons who possess more land will pay land revenue at a still higher scale. In income-tax, as you know, there are scales and people with higher income have to pay sometimes more than half or more than one-third of their income; 25 per cent is the usual scale with well-to-do people. I am not taking excess profit into consideration. In income-tax, in super tax and in excess profit tax, the rich people, who are contractors or merchants or factory owners, are liable to pay nearly 75 per cent of their income to the Government. People whose income did not exceed two thousand rupees were exempted. I shall come to that point a little later.

[Dr. Sir Gokul Chand Narang.]

Those whose income is five thousand rupees have to pay a little more and whose income is ten thousand rupees have to pay still more and so on. Now under the present system everybody whose income is not more than Rs. 1,500 is exempted since the new scale system of assessing income-tax was introduced. What is there to prevent the Honourable Minister from adopting this system? He was just now saying with great gusto that he believes in the principle that big men should be taxed and rich people should be taxed and poor people should not be taxed or should be lightly taxed. May I ask him who is the poorest zamindar here? To me everybody appears to be a rich zamindar. But let us take my honourable friend over there as one of the poorest zamindars. Now, he has to pay land revenue at the same rate as Nawab of Mamdot has to pay or as Major Khizar Hayat Khan Tiwana has to pay or as Sir Sikander has to pay. It may be different on different lands according to the quality of the land. That is a different matter. But lands of the same quality, so far as I am aware, are taxed at an even figure, irrespective of the fact whether the revenue payer is a man who possesses two acres or possesses 2,000 acres. There are people in this province—though not many I am quite prepared to concede—whose incomes from their lands are lakhs and yet they pay land revenue on the same scale as their poorest brother. Is there any reason for it? Where does the Honourable Minister's principle go when the question of taxing or charging land revenue from those big landlords is concerned? I know there is a favourite answer which is often given by him and also by the Honourable Premier, "Oh, the number of big zamindars is very small and it is only 13." Thirteen may be the number of those who pay land revenue over ten thousand rupees a year. But are those who pay somewhat less than ten thousand as land revenue to be classed among the poor villagers or are they to be treated as aristocrats living in the countryside or ruling the countryside, to use a more appropriate expression? There is certainly a great deal of difference between the people who pay Rs. 2 or Rs. 5 a year and the people who pay Rs. 9,000 a year or even those who pay Rs. 500 a year. The number of those who pay Rs. 500 a year is very large. There is not the slightest doubt. I was told the other day that the number of those who pay land revenue between Rs. 75 and Rs. 100 is 98,000. I do not think that there are 98,000 sahkars or merchants or contractors or millowners in this province who can be said to rank equally, so far as assets and income are concerned, with these big landlords. Why should those people be exempted? Is not the principle of taxing rich people and exempting poor people applicable to these gentlemen? This is the third question which the Government ought to have considered.

Then, Sir, after considering these three points, that is, in the first instance, where to give exemption, secondly, how much loss will that exemption cause to the Government and thirdly, how much of this loss would be made up by the adoption of the income-tax scales of land revenue after ascertaining these three facts, the Government should have thought, if any deficit was left, of other means of adding to the revenue and then they would have been faced with a fourth consideration and that fourth consideration would have been the principle of more equitable distribution of taxation or of payment of revenue and to find out whether these urban people and these merchants

are more lightly taxed than the payers of land revenue. If the Government were convinced that those people were escaping taxation or that they were being more lightly taxed and unjustifiably lightly taxed, then that would have been the stage of bringing forward such measures. What have the Government done? The Government are absolutely in the dark up to this time as to which class of revenue payers is to be exempted. There might be some sort of nebulous idea in the mind of the Honourable Minister of Development because he keeps always thinking of these things. There might be some nebulous idea present in the mind of the whole Ministry. That idea has not assumed a concrete form. So far as we the outsiders are aware, it has not yet been announced by the Government either officially or unofficially anywhere what class of revenue payers are going to be exempted nor have the Government come to any conclusion as to what the loss to the Government would be. They are entirely in the dark. They have put the cart before the horse. They have proceeded to tax the people without knowing the programme and without knowing what their means are and without knowing whether this taxation would not exceed the bounds of equitable distribution of taxation. They have absolutely no idea. Their idea is, "All right, let us rob those people first and then we shall sit down and divide the booty in whatever way our party decides." That is the utmost that we have heard, that is, "let us first make a loot by collecting an indefinite amount of money"—it may be more than they require or it may be just what they require—"let us first empty the pockets of these people and then we shall call a party and decide how to divide it and how to distribute it." The Honourable Minister has made a reference to the reduction in the land revenue. He might succeed in getting the land revenue reduced in certain cases. He has also said that he would help the zamindars in adopting some subsidiary occupation to add to their income, but all that is still in the air. Nobody has any definite idea. And yet not one Bill, not two Bills but a crop of Bills has been brought forward before this House. Every Bill that has been passed has its fiscal aspect also, as the Honourable Minister would admit, in the form of licences and fines and this thing and that thing. Then there has come the house-tax of 15 per cent. The Honourable Premier said that in the first instance he would charge 10 per cent.

Mr. Speaker : The honourable member's learned discourse has been rather wide and far beyond the scope of the clause under discussion. I would request him not to go into the question of house-tax or other taxes.

Dr. Sir Gokul Chand Narang : What I said was most relevant. I am not discussing these Bills. That was an argument to show how this Government have started taxation. I am only trying to point out how precipitately they have proceeded in this respect, and how unmethodically they have proceeded in this matter of taxation, without knowing what it is going to bring, without knowing for what it is needed. Without having framed any programme, any estimate and any budget with respect to the amount which they expect to get out of this tax, they have proceeded to tax the people. They have brought one Bill after another. Heaven knows how many more are to come! My honourable friend wants 6 crores out of us. Well, he is welcome. We cannot help. If a person armed with a revolver enters your bedroom and you have not got even a stick in your

[Dr. Sir Gokul Chand Narang.]

room, what can you do? You must part even with your bed clothes (*laughter*). There is no remedy. This is the position. They are proceeding in this way. People describe them as a band of gangsters armed with pistols which they have pointed at the heads of the poor urban people and the traders and they want as much money out of them as possible and they do not know what use they will make of it. This is the position. That is why I referred to this matter. The Honourable Minister was pleased to refer to Bombay and said that there they charge Rs. 6-4-0 per cent on the turnover. Here he is charging only two annas per cent. As was pointed out they charge $\frac{6}{4}$ per cent on the turnover of one article. Here he is going to charge on a hundred articles or more than a hundred articles. Let us say they would be hundred. If a hundred is multiplied by 2 it will be 200 annas: it will not be less than $\frac{12}{8}$ per cent. So that that would be more than what the Bombay Government is charging; and then at what point is he going to charge? He is not following the Bombay Bill in that respect. He has kept the whole power in his hands. Heaven knows how that power will be used. That is the position. He cannot therefore derive strength from the analogy of the Bombay Act. Then it was pointed out by him and by his redoubtable supporter from Gurgaon that one anna in the rupee is the profit and we want only one pice. (*An honourable member: He is your disciple.*) I wish he were. I do not know how my friend Khawaja Ghulam Samad could say that the average profit is $6\frac{1}{4}$ per cent in all articles.

Khan Sahib Khawaja Ghulam Samad (*Urdu*): I said that in certain cases it is so.

Dr. Sir Gokul Chand Narang: He took it as a formula. Both of them have based their arguments on a qualified statement that in certain transactions the profit might be one anna. Here is my friend. He was telling me that sometimes in the Amritsar market people would enter into a transaction worth thousands if they can save the "bardana" which means bags, and sometimes even ropes. They think, what does it matter if they sell 500 bags and save even 500 empty bags? That is a very good thing. If there are bundles of piece goods and they can save even ropes with which these bundles are tied, well that would be something. It may be 5 annas or 10 annas. This is the margin of profit sometimes. If my honourable friend overlooked that fact he ought to know it as Minister in charge of Industries. There may be big concerns who have spent lakhs and their outturn may be lakhs and yet for years they do not make any profit at all. I could quote instances, and he cannot be unaware of such instances, where people have spent lakhs and made not a pie of profit. They are looking to better times when they may make profit; or somehow they have got in and can neither leave it because the loss would be still greater, nor make any profit for years. They are not going to be taxed on profit. If they were to be taxed on profit they would not probably grumble. Some of my friends can hardly make a distinction between turnover and profit. They think 5,000 will be the profit. This is the position. Then they have been comparing the zamindar with the so-called rich people in the towns. Now if a zamindar's crop fails, in the first place if *jama* is not "mustaqil" he does not pay. If it is a fixed revenue he pays, and if his crop fails then there is a "*hullagulla*" in the Assembly and they want all

sorts of remissions, and remissions are given. Taccavi is given, land revenue is remitted and something in addition is given. Have this Government ever given 10 annas to a merchant when he has suffered a loss to meet his loss or when he has had to mortgage his house to pay to the sahukar from whom he borrowed to keep his shop going? Have they come forward with ten annas? So that, you should not go on appearances in the towns. There are people who are finding it very difficult to make both ends meet. My learned friend says "what does Sardar Santokh Singh know of poverty." His eyes are not shut. He may be a rich man but it does not mean that he does not know how his poor brethren in Amritsar and other towns are managing to carry on. I referred to this matter on a previous occasion and pointed out that there is abject poverty in the towns. I do not mean that there is no poverty in the villages. Unfortunately there is a good deal of poverty all over the country, not only in the Punjab, but it does not mean that there is no abject poverty in the towns. You will find people there who cannot make both ends meet: their children have to beg. If the Honourable Minister for Development had been living somewhere near Lahore and had a different kind of reputation people would come to him for assistance (*laughter*). Shopkeepers would come to him and beggars from the town would come to him. The fact is that he is living at a distance and people know that he has a soft corner only for a particular class of people. Therefore they do not bother him; otherwise he would have some idea of the poverty in towns. He said Sardar Santokh Singh had no idea of what poverty was. I say being a trader he knows what the poverty of the people in towns is. There is no use ignoring patent facts and being swayed by bias either for one class or another. One should look facts in the face and then come to a conclusion supported by facts and by reason. With these remarks I support the amendment which has been moved.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural), (*Punjabi*): Sir, I do not see eye to eye with my honourable friend, Dr. Sir Gokul Chand Narang, that taxes should not be levied on the urbanites because they have to pay rents of shops and houses. The question is not whether they make any payments or not but the matter which requires our serious consideration is, what do they contribute to the provincial exchequer as their share? (*Hear, hear from the Treasury benches.*) The argument that they have to pay rents is not at all relevant to the discussion. Besides he was pleased to remark that if the zamindars paid any revenues to the Government that mattered little because the lands belonged to the King and it was but reasonable for the zamindars to pay taxes to him. I ask whether the lands in the cities do not belong to the King? (*Dr. Sir Gokul Chand Narang*: We pay taxes to the Government and pay at a much higher rate as compared to the zamindars.) He also remarked that as compared to the Bombay Sales Tax Act the rate of taxation proposed in this measure was much too high. It appears that he has not studied that Act carefully. In the Bombay Act even the money which a shopkeeper spends for buying goods is included in his annual turnover. For instance, if a shopkeeper buys goods, worth say Rs. 5,000 and sells the same, his turnover according to that Act would be considered to be Rs. 10,000. But here in the Punjab turnover means the aggregate amount for which goods or any specified class of goods:

[S. Lal Singh.]

are sold by a dealer. The money which he invests in buying goods is not included in his turnover.

Now, Sir, the Honourable Minister in the course of his speech assured the House in view of the undertaking given by the Honourable Premier, for that was what he said, that at least half the proceeds of this Act would be earmarked for bettering the condition of the poor zamindars. If this thing had been submitted in the shape of a resolution I would have been only too glad to lend my whole-hearted support to this measure. But I am constrained to remark that I cannot place any reliance on the verbal promises of Government much less on those of the Honourable Premier.

Mr. Speaker : Please do not be personal.

Sardar Lal Singh : My contention is that his promises are a bit difficult to understand. Anyway I am prepared to lend my whole-hearted support to this measure provided this promise is submitted to the House in the form of a resolution.

The second point which has been urged in support of this measure is that when the zamindars were paying taxes to Government what was the reason why the urbanites should not contribute anything by way of their share. I do not concur with the Honourable Minister on this point. If the zamindars have been burdened to the point of breaking their back by a foreign Government, does it mean that he would go on supporting that rotten system of taxation? Does he mean that if the zamindars are burdened with taxes so should the urbanites be ground down as well? I would rather ask him to undo that system of taxation. After he had done so it is then and then alone that he would be entitled to distribute the burden of taxation on all sections of the public as is alleged to be the object of the Bill now before the House. But now as has been pointed out by the Honourable Minister only half the proceeds of this measure will be spent for ameliorating the condition of the poor zamindars. I would suggest that the amendment which proposes to raise the initial taxation limit from Rs. 5,000 to Rs. 10,000 should be accepted.

Khan Sahib Khawaja Ghulam Samad (Urdu) : Sir, although my honourable friend Dr. Sir Gokul Chand Narang has refuted most of the arguments advanced by the Honourable Minister still I would like to make a few observations by way of reply. The Honourable Minister while comparing the conditions of the rural and the urban people remarked that the ruralites paid taxes on every *marla* of land while the urbanites contributed nothing to the provincial exchequer. Without repeating what my honourable friend, Dr. Sir Gokul Chand Narang, has urged in this behalf, I may point out that the rural people pay land revenue to Government not by way of favour but because lands in India belong to the state and therefore they have to pay taxes on it. This is not a new principle which has been propounded by us. In fact the rulers of this country, whoever they were, have been levying taxes on land because strictly speaking it belonged to them and not to the people. The British Government have only followed in their footsteps. That is the reason why they realize land revenue from land holders living in rural as well as urban areas. But this sales tax which is proposed to be levied on the trading

classes will be levied on capital not given by Government but which will be invested by individuals from their own pockets. (*An honourable member: Under state protection.*) My honourable friend says that they carry on business under state protection. He has conveniently forgotten that the same protection is enjoyed by zamindars as well. It has been urged on the floor of the House that generally the traders do not get $6\frac{1}{2}$ or even 4 per cent profits on their capital value. All the same the Government is determined to levy this tax on those traders whose earnings do not exceed Rs. 25 per month or in some cases even less than that. My honourable friends are under the impression that the shopkeepers are earning a lot. That is not the case. In fact they have to defray many charges such as the rents of their shops and the salaries of their servants from the profits which they make. After deducting such expenses their net income is not even sufficient to give their families a bare living. The Government has taken it for granted that the shopkeepers whose turnover exceeds Rs. 5,000 a year would be able to bear this burden of taxation very easily. The Honourable Minister has cited the example of Bombay in support of his argument. He said that in Bombay $6\frac{1}{2}$ per cent tax has been levied on sales. It may be so as he says. But it is mentioned in the Report of the Resources and Retrenchment Committee that the Sales Tax in Bombay is levied on manufactured cloth only once and that at the retail stage. If $6\frac{1}{2}$ per cent tax has been levied in that province that has been done only on manufactured cloth and not on those traders whose turnover exceeds Rs. 5,000 as is proposed to be done here in the Punjab. I think such traders will find it very hard to meet this extra burden of taxation from their already meagre profits. It is in the fitness of things that the initial taxation limit should be increased from Rs. 5,000 to Rs. 10,000.

The Honourable Minister was also pleased to remark that he was prepared to pay any amount of tax that he might be called upon to pay. If he can go to that length why does he not give up Rs. 8,000 out of the Rs. 5,000 that he gets by way of pay and other allowances?

Mr. Speaker : Please do not be personal.

Khan Sahib Khawaja Ghulam Samad : I am not personal, Sir. I am only replying to the remarks made by the Honourable Minister. This would be a more eloquent expression of the sympathy and love which he claims for the poor zamindars of the province. I request the Honourable Minister of Development to accept the amendment moved by me so that the agitation and fears that have been created in the minds of the public on account of this Bill may be allayed. I again repeat that request. I would like to assure the Government that the adoption of this amendment will in no way affect the income of the State to a very appreciable extent. On the other hand it would be instrumental in satisfying the public which is rather more important to a Government than losing an odd sum of money. With these words I commend my amendment to the acceptance of the House.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I want to make a few observations in reply to the arguments advanced by Dr. Sir Gokul Chand Narang. He says that whenever zamindar members of the House make references to the burden which is being

[Minister for Development.]

borne by the agricultural classes, they forget that they are not paying a tax, they are paying only a rent. He proceeds on the assumption that land belongs to the State. I do not know what justification there is for this statement. Does it mean that the people came into existence after the State came into existence? My contention is that Government as an institution came into being centuries after the people had come into being. Land was there and the people were there to till and cultivate that land ages before the institution of government was conceived. Therefore the stupid theory that land belongs to the State ought to have been regarded by all people as an exploded theory. I remember having borrowed a book from a great friend of mine fifteen years ago. In that book a great deal of surprise was expressed by the author that this theory had been traced to the times of ancient Hinduism, in spite of the fact that the very text of the verse of a particular book on which this theory was based says in clear terms that "the deer belongs to the man to whose arrow it falls and the land belongs to the man who tills it."

How tenaciously do these non-agriculturist capitalists, rich merchants, rich factory owners cling to this exploded theory that land belongs to the State! The Taxation Enquiry Committee virtually found that the theory was hardly tenable; yet Dr. Sir Gokul Chand Narang, in his anxiety to injure the agricultural classes and to support the cause of the rich capitalist classes, decides to cling to that theory and waxes eloquent when he refers to this proposition that land belongs to the State. I deny that land belongs to the State. I claim that land belongs to the people who till it, who are in possession of it who acquired it even though they may not have purchased it for cash.

Dr. Narang came forward with a very weak argument: a shopkeeper pays rent for his shop; why should a zamindar grudge rent for his land? To that argument a very effective reply has, I am very glad to say, already been made by Sardar Lal Singh. Dr. Narang has tried to pillory the Government on the fact that it does not come out with any concrete and precise proposals for the remission of land revenue. That is perfectly true. I do not deny it. But is it necessary to place those proposals in a concrete and precise form before the House before we proceed to levy any taxation? What is the use of drawing up any proposals of a concrete, precise and detailed type, when you have no money to spend on those proposals? The first thing is to get together money and then to draw up the concrete proposals on which to spend it. I have already made it clear—clear beyond doubt—that a very substantial portion—I did not say at least half—a very substantial portion, approximately half, of the proceeds of this tax will be spent upon affording relief to the agricultural classes, particularly the humbler section of the agricultural classes. Whether that relief will take the form of remission of land revenue or any other form, I am not in a position to say yet. The whole question will be placed before the Ministerial Party. Advice will be taken from those who are in a position to give intelligent advice and after the Ministerial Party has been consulted and after we have received advice from other well-informed quarters, we will come to a decision as to the exact form which this relief should take. Again, a very substantial portion of the proceeds of this tax will be spent upon

widening the scope of beneficent activities in the areas which have been neglected in the past. Although I have not been able to indicate precise and concrete proposals, the terms in which I have described the intentions of Government are clear enough to be accepted as an assurance that a very substantial proportion of the proceeds of this tax will go to afford relief, in one form or another, chiefly to agricultural classes, but, at least incidentally, to other backward and poorer classes of the population also.

I may also draw the attention of the House to one more point which so frequently escapes notice. No remission has been announced, either remission in land revenue or remission in water-rates. That is true enough. But Dr. Narang forgot that as long ago as 1928 or 1929 as a result of the efforts of the Unionist Party, a law was passed which made a 50 per cent. reduction in the share which the State could claim in the net assets of the zamindar, nearly twelve years ago when we passed an amending Bill by which the State was made to forego half of its claim in the net assets. Previously Government was legally entitled to claim as much as 50 per cent of the net assets. Now the Government has been restricted to 25 per cent of the net assets.

Therefore, we can claim that the Unionist party has already made a very substantial reduction in land revenue. There are quite a number of districts where land revenue was settled 20 years ago, or 25 or 30 years ago, where the pitch of land revenue stands considerably higher than 25 per cent. In two districts, Kangra and Gurgaon, it is reported to be above 40 per cent. When the next settlement comes round as a result of the legislation which was passed, thanks to the efforts of the Unionist party, a very substantial amount in land revenue will have to be foregone by the Government. When we speak of remissions of land revenue we should not forget that solid fact.

Again, Dr. Sir Gokul Chand Narang asked me whether I had changed my views to which I was in the habit of giving expression 10 or 12 years ago that land revenue should be assessed on the same principles as income tax is assessed. It is perfectly true that there was a time when I used to give expression to views, more or less of the type to which my opponents refer. But I am making a confession before the House—as a matter of fact I made that confession some time ago—that when I used to press those views I felt that it would be impracticable to levy land revenue exactly on the same principles as income tax. But those views were expressed at a time when an irresponsible form of Government existed in the province, and I proceeded on that well known principle—

پہر گئی کیر تاہ تپ و اضی غود

I thought that unless I put forward a very radical proposition there was no hope of wresting any concession out of an irresponsible Government. But now, by God's grace,

زما نہ دگر کو نہ آہن نہاد

There is a change in the order of things. A responsible Government is now in power and will proceed according to the dictates of the electorate. If the electorate comes to the conclusion that it is to the best advantage of the agricultural classes that land revenue should be assessed on the principle

[Minister for Development.]

of income tax assessment, the Government of the day will have to bow to it. But personally I make a confession that I do not believe and I did not even believe ten years ago that land revenue could be assessed strictly or exactly on income tax basis.

There is just one more argument advanced by Dr. Sir Gokul Chand Narang to which I must make a reply. He says, that in Bombay they have pitched this tax at 6½ per cent, but people are going to be taxed there only in respect of one commodity, namely, manufactured cloth, whereas here who knows how many commodities are going to be taxed? He says in effect—"true you charge only 4 annas per cent, but you will be charging in respect of 100 articles or even more." This is a most preposterous argument. Can Dr. Sir Gokul Chand Narang claim that every single shopkeeper is dealing in as many as 100 articles? Is Sardar Sahib Sardar Santokh Singh dealing in 100 articles? He is a millionaire, probably a multi-millionaire. But I am sure he himself is not dealing in as many as 100 articles. True, this tax is a general sales tax on turnover. But can anybody seriously suggest that these petty shopkeepers are dealing in as many as 100 articles or even 50 articles or even in 10 articles? No. Therefore, when Dr. Sir Gokul Chand Narang puts forward an argument that the Punjab Government will be levying this tax in respect of 100 articles or more than 100 articles and that the rate here will become more than double of what it is in Bombay, it is a most inaccurate and incorrect statement.

Then there is another argument put forward by Khawaja Ghulam Samad. He said, "you are paying land revenue, perfectly true; but you are paying land revenue in respect of land which belongs to the Government. It is all *Dastur-i-Saliq*. All previous Governments have been treating the zamindar's land as Government's land why do you grumble now?" I deny the validity of that claim. But are our opponents prepared to follow old customs in all cases? I cited the authority of an old custom four days ago. May I cite it again? Do my friends on the Opposition benches accept the principle of Damdupat? They will not accept it certainly not willingly. Then again I quoted that famous economic treatise by a Hindu Rishi. (*An honourable member*: He was not a Rishi.) He was undoubtedly a very learned man. Kautilya's Arthashastra. What does it say? If you sell your commodities by the measure then you will have to pay to the State one-twelfth of what you sell. If you sell commodities by the scale then you will have to pay one-sixteenth of what you sell. If you sell things by the number then you will have to pay one-eleventh of the articles you sell. Are my friends now satisfied? We have not claimed anything more than the rates I have quoted, rates which have the blessings of a very learned author of ancient Hindu times. *Dastur-i-Saliq* is in my favour.

Mr. Speaker : Question is—

That in part (a), first column, line 2, for the word "five", the word "ten" be substituted.

The Assembly divided: Ayes 20, Noes 59.

AYES.

Faqir Chand, Chaudhri.	Muhammad Abdul Rahmaan Khan, Chaudhri.
Gauba, Mr. K. L.	Muhammad Nurullah, Mian.
Ghulam Samad, Khan Sahib Kha- waja.	Mula Singh, Sardar.
Girdhari Das, Mahant.	Rashida Latif Baji, Begum.
Gokul Chand Narang, Dr. Sir.	Roberts, Sir William.
Gopal Das, Rai Bahadur Lala.	Sadiq Hassan, Shaikh.
Guest, Mr. P. H.	Santokh Singh, Sardar Sahib Sardar.
Harnam Das, Lala.	Sita Ram, Lala.
Jugal Kishore, Chaudhri.	Sohan Lal, Rai Bahadur Lala.
Lal Singh, Sardar.	Uttam Singh Dugal, Sardar.

NOES.

Abdul Haye, The Honourable Mian.	Het Ram, Rai Bahadur Chaudhri.
Abdul Rab, Mian.	Indar Singh, Sardar.
Abdul Rahim, Chaudhri (Gurdas- pur.	Jagjit Singh Man, Sardar.
Abdul Rahim, Chaudhri (Gurgaon).	Khizar Hayat Tiwana, The Honour- able Malik.
Ali Akbar, Chaudhri.	Maqbool Mahmood, Mir.
Allah Yar Khan Daultana, Mian.	Muhammad Akram Khan, Khan Bahadur Raja.
Amjad Ali Shah, Sayed.	Muhammad Azam Khan, Sardar.
Anant Ram, Chaudhri.	Muhammad Faiyaz Ali Khan, Nawabzada.
Ashiq Hussain, Major.	Muhammad Jamal Khan Leghari, Nawab Sir.
Badr Mohy-ud-Din Qaderi, Khan Sahib Sayed.	Muhammad Nawaz Khan, Major Sardar Sir.
Chhotu Ram, The Honourable Chaudhri Sir.	Muhammad Sarfraz Khan, Chau- dhri.
Dasaundha Singh, Sardar.	Muhammad Sarfraz Khan, Raja.
Faiz Muhammad, Shaikh.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Farman Ali Khan, Subedar-Major Raja.	Muhammad Yasin Khan, Chaudhri.
Fateh Khan, Khan Sahib Raja.	Muhammad Yusuf Khan, Khan.
Fateh Muhammad, Mian.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muzaffar Ali Khan Qizilbash, Sardar.
Fazal Din, Khan Sahib Chaudhri.	Nawazish Ali Shah, Sayed.
Fazal Karim Bakhsh, Mian.	Nur Ahmad Khan, Khan Bahadur Mian.
Ghulam Mohy-ud-Din, Khan Baha- dur Maulvi.	Pohop Singh, Rao.
Gurbachan Singh, Sardar Bahadur Sardar.	Ram Sarup, Chaudhri.
Habib Ullah Khan, Malik.	Ranpat Singh, Chaudhri.
Haibat Khan Daha, Khan.	Ripudaman Singh, Rai Sahib Thakur.
Hans Raj, Bhagat.	
Hari Chand, Rai Sahib Rai.	
Harnam Singh, Captain Sodhi.	

Roshan Din, Chaudhri.	Sultan Mahmood Hotiana, Mian.
Sahib Dad Khan, Khan Sahib Chaudhri.	Sumer Singh, Chaudhri.
Shahadat Khan, Khan Sahib Rai.	Suraj Mal, Rai Sahib Chaudhri.
Shah Nawaz, Mrs. J. A.	Talib Hussain Khan, Khan.
Shah Nawaz Khan, Nawab Sir.	Tikka Ram, Chaudhri.

Khan Sahib Khawaja Ghulam Samad : I move—

That in part (a), first column, line 5, for the word "ten", the word "twenty" be substituted.

The motion was lost.

Chaudhri Tikka Ram (Parliamentary Secretary) (Urdu) : I move—

That for part (a), the following be substituted:—

“(a) If the turnover exceeds five thousand rupees but does not exceed ten thousand rupees per annum.”	Two annas for every one hundred rupees or fraction thereof;”
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This amendment has been moved in order to meet the serious objection raised by my honourable friends opposite with regard to the rate of tax. It has been stated that the rate of tax as provided in the Bill is extremely high and hence the small dealers would be hard hit. Now with a view to give relief to the small dealers Government have proposed through this amendment that instead of levying a flat rate of Rs. 10 for turnovers ranging from five to ten thousand rupees, a tax at the rate of two annas for a turnover of every one hundred rupees be imposed. This would result in making the tax more equitable than before. Besides, the tax would be imposed in a sort of graduated scale. For instance, dealers having turnovers of five, six and seven thousand rupees, would be required to pay a tax of Rs. 6-4-0, Rs. 7-8-0 and Rs. 8-12-0 respectively, while on the other hand dealers with turnovers of eight, nine and ten thousand rupees will have to pay Rs. 10, Rs. 11-4-0 and Rs. 12-8-0 respectively as sales tax. Thus it would be crystal clear that the small dealers receive much relief as they would be required to pay smaller amounts of tax. In fact the tax would increase with the increase in turnovers and hence the small dealers would not be put to any great hardship as was considered before. I am sure this amendment would go a long way to satisfy the honourable members opposite and they would be disposed to accord their support to it. With these words I move this amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That for part (a), the following be substituted:—

“(a) If the turnover exceeds five thousand rupees but does not exceed ten thousand rupees per annum.”	Two annas for every one hundred rupees or fraction thereof.”
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Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary) : I give my whole-hearted support to the amendment moved by my honourable friend on this side. The object has been made clear by the mover of the amendment. It gives some relief to the small dealer. The clause, as it stands, does not give relief to the small dealer which it is desirable he should get. It places the same burden on a dealer of five thousand and one hundred rupees as on a dealer of ten thousand rupees. By this amendment a dealer who has a turnover of Rs. 5,100 will have to pay only Rs. 6-6-0 instead of ten rupees and that is thirty-five per cent less than what he would have to pay under the original clause.

Mr. Speaker : The question is—

That for part (a), the following be substituted :—

“(a) If the turnover exceeds five thousand rupees but does not exceed ten thousand rupees per annum. Two annas for every one hundred rupees or fraction thereof.”

The motion was carried.

Mr. Speaker : The question is—

That part (a) stand part of the clause.

The motion was carried.

Khan Sahib Khawaja Ghulam Samad : I move—

That in part (b), first column, line 2, for the word “ten”, the word “twenty” be substituted.

Sir, in this connection I would like to submit—

Mr. Speaker : I cannot allow a speech.

Khan Sahib Khawaja Ghulam Samad : I do not want to make a speech. I want to elucidate certain points.

Mr. Speaker : Either the honourable member should have full time or he should not speak. The question is—

That in part (b), first column, line 2, for the word “ten” the word “twenty” be substituted.

The motion was lost.

Rai Bahadur Lala Gopal Das : I move—

That in part (b), second column, line 1, for the word “Forty”, the word “Twenty” be substituted.

The motion was lost.

Chaudhri Tikka Ram : I move—

That for part (b), the following be substituted :—

“(b) If the turnover exceeds ten thousand rupees but does not exceed twenty thousand rupees per annum. Three annas for every one hundred rupees or fraction thereof.”

The motion was carried.

Mr. Speaker : The question is—

That part (b) as amended stand part of the clause.

The motion was carried.

Khan Sahib Khawaja Ghulam Samad : Sir, I beg to move—

That in part (c), first column, line 2, for the word “twenty”, the word “thirty” be substituted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural Urdu) : Sir, I beg to move—

That in part (c), second column, for the words “one-fourth” the words “one-sixteenth” be substituted.

[Mian Muhammad Nurullah.]

Sir, the object of this amendment is quite simple. The Government have proposed in the Bill that a turnover exceeding Rs. 20,000 per annum will be taxed at the rate of $\frac{1}{4}$ of one per centum. I seek to reduce this rate to one-sixteenth of one per centum. My reason for suggesting this reduction is that several transactions are made above Rs. 20,000 with only a very small margin of profit. But the amount of these transactions certainly runs into several thousands and even into several lakhs of rupees. It will constitute a great hardship to big dealers to be subjected to never ending taxation. The ultimate result of this continual taxation to an indefinite limit will be horrible indeed. I am afraid the whole trade and commerce of the Punjab will come to a stand-still. It is, therefore, that I have proposed a reduced rate of taxation for those dealers whose annual turnover exceeds Rs. 20,000.

With these few words, Sir, I commend my amendment for the acceptance of the House.

Mr. Speaker : Clause under consideration, amendment moved—

That in part (c), second column, for the words "one-fourth" the words "one-sixteenth" be substituted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*): Sir, only a short while ago an honourable member from those benches had observed that he and his party would not mind if the richer persons were taxed a little heavily. Two other honourable members from the same side supported him and the three of them tried to assure us that no reasonable person would object if a heavier rate of tax were to be imposed on big capitalists. But here comes my honourable friend, Mian Muhammad Nurullah, from those very benches with an amendment which seeks that an annual turnover exceeding twenty thousand rupees should be taxed at the rate of one-sixteenth of one per centum. This means one-fourth of the proposed rate of $\frac{1}{4}$ of one per centum, that is one anna per hundred rupees. The House is well aware that smaller dealers have to pay more than this because a turnover of five to ten thousand is to be taxed at two annas per hundred rupees and a turnover of ten to twenty thousand rupees has to be taxed at the rate of 3 annas per hundred rupees. But the mover of the present amendment suggests that much richer and much bigger dealers should be taxed at a lower rate. His proposal is that a turnover which exceeds twenty thousand rupees and which may even run into several lakhs should be taxed at the rate of one anna per hundred rupees. His principle seems to be that richer persons should pay less than the comparatively poorer persons. He desires to impose a higher rate on the poor and a lower rate on the richer people. Will my honourable sister Begum Rashida Latif Baji make a speech after this?

Begum Rashida Latif Baji : I will certainly speak.

Minister for Development : Then I would ask my honourable sister to speak in a manner which would silence Mian Nurullah effectively.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I rise to support the amendment moved by my honourable friend, Mian Muhammad Nurullah. The Honourable Minister for Development does not seem to have understood the situation at all. For him sales and

profits are synonymous terms, whilst they are not. If he was the Minister for Development, in the real sense of the term, he ought to have realised that by imposing a higher tax on wholesale sales he was not improving the industry and trade of the province but retarding it. As a matter of fact, by imposing a higher rate of tax on all wholesale dealers and on people who make sales in very large quantities, he is not only taxing the intelligentsia of the province, but standing in the way of their supplying the needs of the province at cheap competitive prices. He is taxing the people who have staked their all in industries, and without whom the province would not be what it is. People who make more sales do not necessarily make more profits. That is the one thing that he ought to have realised for himself if he was in the least in touch with the trade and industry of the province. As a matter of fact, only those people can make more sales who make less or no profits. This is the essence of the whole matter. There is the greatest possible competition in this province and my honourable friend, Sir William Roberts, will bear me out that the larger the amount of sales the less the profit that a man makes. If he was taxing only the profit, it would have been quite all right to say that there must be a progressive rate of taxation and that if anybody makes more profits he must be taxed more heavily and at a progressive rate and I would have been at one with him in that matter. Let him realise for once at least that he is not taxing the profits and that he is taxing the amount of sales. Does he think that if he keeps on taxing people at such a high rate at every stage he will allow the trade and industry of the province to live? I make bold to say that people—wholesale dealers, traders and manufacturers will not be able to carry on their business with this heavy taxation if it is eventually imposed. My honourable friend, Rai Bahadur Mukand Lal Puri, the other day gave the names of the companies in Madras who actually had to shift their business to the neighbouring Indian States because of this incidence of taxation. I feel quite sure that history will repeat itself in this province too, if this mischievous taxation measure is proceeded with in the form in which it is being done. My honourable friend the Development Minister at one time says one thing and at another time says quite another thing. To-day he is talking of taxing the sales only at two annas and three annas per hundred rupees. He seems to have forgotten what he himself said the other day at the time of the discussion of the motion for circulation, that this cumulative total tax may come up to as much as Rs. 4 per hundred. Did he say so or not? If he does not recollect that, let me refer him to the report of his own speech. He said that it would not matter if the amount of tax came to 4 per cent and added, was not Bombay charging $6\frac{1}{2}$ per cent and Calcutta 2 per cent? I perfectly remember that this was what the Honourable Minister said the other day, that even if the tax came to 4 per cent, it did not matter at all. Let him not forget that in Calcutta they are taxing only very few articles. They are not taxing the necessities of life. They have excluded as many as 14 articles from this taxation altogether. In Calcutta they have excluded almost all raw materials which the province produces. In Calcutta they have excluded all the necessities of life from the operation of their law. The Honourable Minister may know that in Calcutta they have excluded rice, the principle food of the people. Has he excluded wheat from the taxation of this measure? When we ask him to let the House know what the decision of the Ministerial Party in this matter is, he keeps mum. He does not.

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tell us anything at all. He ought to have realised that if he takes the House into confidence and tells us what mind the Government has in the matter of exemptions of these necessities of life, the discussion in the House would be very much shortened and most of the time of the House would be saved. But, no, he would not say anything. Now, what are the other articles that were exempted in Calcutta? Salt has been exempted. Why are you taxing salt in this province, the poor men's food, the poor men's vital necessity, and still you say that you have very great regard for poor men, living both in cities and in rural areas.

Mustard oil is exempted in Calcutta, dhal is exempted, sugar is exempted plain wheat and flour are exempted, plain white or brown bread is exempted, milk is exempted, foods and beverages of all descriptions are exempted: electrical energy is exempted: water is exempted. But you will be taxing even water here. Again, motor spirit is exempted: raw jute is exempted (the principle raw product of the province) and coal and fuels are exempted when sold to the owner of a factory registered in Bengal under the Factories Act, 1934, to be used for industrial purposes. Lubricating oils are also exempted and for the rest, the tax is imposed only at one point and that at the retail stage. I ask again, whether or not this Government has made up its mind so far as the operation of the Bill is concerned, to exempt or not to exempt any particular commodities. If the Government tells us even at this stage what their definite mind is in the matter I think a lot of time of the House would be saved. It is no use making appeals not to carry the discussion too far. They should take the House into their confidence and tell us what their intentions are. We cannot guess accurately what surprise they may have got in store for the house. As a matter of fact to hear from the Minister for Development that the sales and profits are synonymous terms was the greatest of my surprise. The Development Minister should have been the last man to have said such a thing. It is only through these wholesale dealers, people who make cheap large sales, that the province is what it is to-day. Without them the position would have been very different indeed. Our Ministry take a wrong pride that they are imposing taxation, at a low rate, whilst its cumulative effect will be much worse than that of the taxation in other provinces. In reply to Dr. Sir Gokul Chand the Honourable Minister raised the fallacious argument that it did not matter if in this province they were taxing hundred articles whilst in other provinces only a few articles were taxed as everybody does not sell all the hundred articles. Now test this argument in the light of facts. Can it stand a moment's test? In Bombay they are taxing a few articles—

Mr. Speaker: Please speak to the motion. You are going beyond the scope of the motion.

Sardar Sahib Sardar Santokh Singh: Not at all. I am saying that this tax of four annas per cent on all articles is a much more serious thing than a higher rate of tax only on a few articles, and if this argument is not valid I do not know what else could be valid. It has been said that our Government are taxing less than what other provinces have done. I want to point out that that is a farce. I cannot but quote what other provinces have done in order to carry my point. I was saying that the

Honourable Minister for Development had the audacity to say that it makes no difference and that it is one and the same thing if one article is taxed or hundred articles are taxed because one man does not deal in all the hundred articles. He should not have forgotten that the revenue in his case will come out of the hundred articles, and that revenue, whether it comes from Santokh Singh or Sir Gokul Chand or for the matter of that from the pocket of my honourable friend the Deputy Speaker, it has all to go to swell the coffers of the Government which would not have been the case if only a few articles were taxed, though at a higher rate. That is exactly the position. In Bombay only a small number of people suffer, though they pay more. In this province everybody will suffer because of the general incidence of taxation and they will be required to pay on the whole at successive stages, much more than what they are paying in Bombay. This has been the entire trouble with regard to this legislation in this province. My honourable friend the Minister for Development said the other day that in framing his rules he will keep in mind that this taxation is kept two degrees away from the consumer and two degrees away from the grower. I wish he could do that, but will it be at all possible? No man's ingenuity can work such a miracle, not even our resourceful Development Minister's. (*An honourable member*: Resourceless) I will not say resourceless. I cannot think of any such mathematical calculation whereby the Development Minister could fix "thus far and no further". Can you fix a point where the taxation will not touch the grower and the consumer and may fall entirely on the middleman? Has such a thing occurred to the Minister so far and if it has not occurred to him up till now, I wonder what possible information, what possible experience and what possible reasons will enable him to find a solution of this hereafter and he will so formulate his rules that he will keep the taxation two degrees away from the consumer and two degrees away from the grower. I for one feel that it will be absolutely impossible for him to do so. He cannot change the basic principles of business. The Minister might say if the incidence of this taxation is to fall on the grower and the consumer, why we traders bother about it. We bother about it because we find that there will be no stability by having to pay tax at successive stages. Nobody will be able to make up his mind to do a large turnover, when heavy amounts have got to be paid at successive stages by way of this tax. I therefore want to tell the Government that this taxation will surely bring about an entire fall in the business of the province, and if not an entire fall, it will surely materially reduce it. I feel sure, speaking as a result of experience of the business for over three decades that the business of the province would be materially reduced. There are some very important businessmen on the ministerial benches: all honour to them, that they have expressed themselves so boldly. Have they been consulted? They are at one with us in looking ahead to the deplorable effects of this legislation. Have the Government not seen at today's division that all the business members on their side except the Parliamentary Secretary have voted with us? (*An honourable member*: Who is that Parliamentary Secretary?) He is my honourable friend Sardar Ujjal Singh. Excepting him all other businessmen belonging to the ministerial benches have voted with us in the division. If the Government have no regard for the opinions expressed by the Opposition they should have at least some regard for the opinions expressed by their own members. After all they do not do these things to embarrass

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the Government, although they are honest enough not to hide their feelings and they do want to give expression to them. They have been returned by the urban citizens and by the business community and they cannot betray them in this hour of their trial. The honourable Minister for Development if he cares in the least about the welfare of the province should have at least consulted these gentlemen. He may ignore and may not pay any regard to the opinions and grievances that we give expression to on this side of the House, but in the interest of the welfare of the province he should have some regard for the opinions of his own men and he should have consulted them. Let him consult them privately if he has not already done so, find out what they have got to say; and then let him have the honesty to come forward and act according to their wishes and in the manner they advise him to act. They are not against Government raising money nor are we. My honourable friend, Dr. Sir Gokul Chand Narang, has very clearly and explicitly explained the situation. He has told you in so many words that you must have some programme and I tell you, that you should not simply cut your nose to spite your face. You must know that the province can thrive on healthy lines only if the zamindars and non-zamindars act together and co-operate. If interested persons do not work in the desired direction but go on creating and emphasizing imaginary differences between the different sections of the people inhabiting the province, the day is not far off when you will be plunging the province into a gloom from which it will not be possible to retrieve. Please do understand the situation once for all. You are out to tax people, but in doing so you ought to be impartial. Why do you desire that you should bring your taxation two degrees away from that side in order to tax a particular class, although you possibly cannot do that? Whatever your resources, whatever your strength, you cannot tax this class only for the simple reason that the middleman has not in him that margin of profit which you think he is making. We believe our friends on that side know pretty well what low margin of profits the wholesaler or the manufacturer makes when making these large sales. I need not take the time of the House by repeating the arguments which I have already advanced before. I tell you, if these taxation proposals are carried out in the manner in which they are being done, take it from me that the trade and industry of the province will be driven out to the neighbouring Indian States and to the neighbouring province, the United Provinces. I am absolutely certain that this will be the result. You are out to raise money. Do raise it but be impartial and do not make the successful working of the industries of the province absolutely impossible. With these remarks I support the amendment of my honourable friend.

Rai Bahadur Lala Sohan Lal (North Punjab Non-Union Labour), (*Urdu*): Sir, while discussing the amendment before the House, I would like to speak on my amendment also. The reason for this is that because the Honourable Minister in charge has just said that Mian Muhammad Nurullah wants to safeguard the interests of big traders instead of those of the poor class people, I think my honourable friend Mian Muhammad Nurullah will not insist on his amendment if mine is accepted. I therefore want to urge this point that it would be well for Government to fix some sort of limit

beyond which this tax should not be levied. I have proposed that all those traders whose turnover exceeds Rs. 20,000 should be required to pay one-fourth of one per centum of such turnover per annum subject to a maximum of Rs. 1,000. Let the Honourable Minister consider this point carefully and fix a limit so that the businessmen may be in a position to know as to what amount of tax they would be required to pay. I may also point out that the margin of profit in every business is not the same. In some businesses the margin of profit is more and in some it is very insignificant. As has been pointed out by my honourable friend Sardar Santokh Singh where sale is large the margin of profit generally is very small. It is in view of that that I have suggested that the maximum limit of this tax should be fixed at Rs. 1,000 only. If the Honourable Minister accepts my amendment then the wholesale dealers will know where they stand.

Besides, the Resources and Retrenchment Committee which was presided over by no less a person than the Honourable Minister for Finance and whose members did not include any member from the Opposition has unanimously expressed its opinion with regard to this matter and has suggested that the maximum limit of this tax should not go beyond Rs. 200.

Minister for Development : That was the opinion of the Committee before the war broke out.

Rai Bahadur Lala Sohan Lal : Then am I to understand that this measure will not be enforced after the termination of this war? Well Sir, the said Committee has expressed its opinion in the following words:—

We do not think, however, that it would be desirable to introduce the full system at once. We suggest for intermediate adoption an alternative form of sales taxation which we consider will be administratively simpler, more convenient and less harassing to the tax-payer, easier of collection and fairly productive and the operation of which will at the same time provide the necessary experience and familiarity with the organisation of trade to facilitate an advance to the full system of *ad valorem* taxation recommended above a general sales license tax. The tax should be leviable on the sale of all commodities and not any particular specified commodities and on all dealers whether wholesale dealers or retail dealers. Every shopkeeper, trader, merchant or dealer, indeed every seller of commodities, whose gross yearly proceeds of sales are Rs. 5,000 or more would be required to take out an annual license on payment of a fee. This license fee should be graded broadly in proportion to the volume of sales or the aggregate annual receipts from sales.

Then the said Committee has fixed the different grades of this tax. The maximum amount which they have fixed is Rs. 200 only. I have suggested this maximum limit at Rs. 1,000 which is five times more than what the Resources and Retrenchment Committee has suggested. I would request the Honourable Minister to accept my amendment.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural), (Urdū): Sir, I rise to support the amendment moved by my honourable friend Mian Muhammad Nurullah. Although many arguments have been advanced in support of it still there is one very important point which I would like to urge in this behalf. The Bill as it stands provides no definite limit of sales tax on trades whose turnover exceeds Rs. 20,000 or more. The result will be that the evil of fragmentation will set in the business field as well. On the one hand Government are trying to consolidate holdings but on the other they themselves are encouraging fragmentation

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 in business. This I think is a highly unsound policy. In the circumstances, I would request the Honourable Minister to accept the amendment of Mian Muhammad Nurullah.

Lala Sita Ram (Trade Union Labour) (*Urdu*): Sir, I rise to support the amendment that has been moved by my honourable friend, Mian Muhammad Nurullah. There are some fundamental economic principles which require us to give our serious consideration to this amendment. The first and foremost principle to be borne in mind while imposing taxation is that taxes should be imposed on profits alone. The greater the profit the greater should be the tax. I admit that Governments in the past have borne this principle in mind while imposing income-tax and other taxes. But so far as this tax is concerned, this principle has been thrown overboard. If the rate of the General Sales Tax had been determined according to the principle of profits I would have certainly supported the Government. But here the matter is quite the reverse. In this case, the proposed tax would be levied on the annual turnover and not on profits which in other words means sale of goods alone. I have urged this point more than once on the floor of the House that many a time in business traders have to suffer losses as well. Now if we agree with the principle adumbrated by Government in the Bill now before the House, it will mean that a trader would have to pay this tax whether he sells his goods at profit or loss. Once the sale has taken place the Government must have their pound of flesh. This principle is entirely incorrect. What exactly should have been done is that the tax should be imposed on the net profits which a trader would make from his sales. If he does not make any profits he should not be required to pay any tax. If on the other hand his profits are considerable, he should pay in proportion to what he earns. But to compel a person to pay this tax, because so much sale has taken place, is highly unsound policy, and based upon unjust principle.

The second point which I would like to urge in this connection is that the very notion of my honourable friends that they now possess the power of taxing certain urban classes with vengeance is not a praiseworthy notion. And even if it is, it is entirely a wrong notion. They shall have their difficulties, if they give this matter a deep thought. It is a matter of common knowledge that when a tax is levied on traders it is either the consumer or the grower who has ultimately to pay it. Prices depend upon several circumstances besides competition. If the competitive price of a certain product is higher, the producer who was selling at cheaper rates before would naturally enhance his price in view of this tax and will shift the burden on to the consumer. So the consumer suffers. If, on the other hand, he cannot compete with the market price of an imported product, his profits would dwindle considerably, as he has now to pay the sales-tax in addition. So the grower suffers. The traders are simply middlemen and they escape unhurt. But the whole brunt is to be borne by the growers or the consumers or both. So the Government are really taxing the growers or the consumers which is unjust, as they have already been taxed by the several cruel legislative measures of the present Government.

And even if you are taxing the traders as a class with all vengeance, it clearly shows that the motive is bad. You are not taxing their profits, but you are compelling them to close down their business.

The Government are forcing the traders to remove their business out of this province. All the trades and industries that have been or are being developed in this province will be ruined and you are ruthlessly strangling trade and commercial enterprises to death. It was gratifying to hear the Honourable Sir Chhotu Ram sometime back, when several Muslim members of this House showed their favourable inclination to "Pakistan" announcing that he was the worst enemy of Pakistan and would fight tooth and nail against it, even if he were to oppose the Honourable Premier. But, in practice, he is now the real supporter of Pakistan. By passing the Agrarian Bills, he has got rid of the Hindus and Sikhs from the villages and now by taxing the traders unreasonably he is compelling them to migrate to states or other provinces and shift their business premises there, leaving the Punjab a cut and dried part of Pakistan.

Mr. Speaker : That is not under discussion. The honourable member is irrelevant.

Lala Sita Ram : Is it really irrelevant? I say that the result of this tax will be that those who cannot afford to pay it shall have to move to other provinces.

Mr. Speaker : The question is whether for the words "one-fourth" the words "one-sixteenth" should be substituted.

Lala Sita Ram : Exactly. And I am submitting that if trade and industry are allowed to prosper and people find business in this province lucrative, they will carry on here, otherwise they cannot be expected to stick to this province and ultimately they shall have to move elsewhere.

Again, sir, much stress has been laid on the point that this tax will touch only the rich people. That is not correct, as I have already explained that taxes on trade are many-edged swords. They may injure one and all. And even if it is admitted for argument's sake that it is a tax on the wealthier section of the population, the Government should not lose sight of the fact that by ruining one section of people they will be doing a great harm to the whole social structure. Those who attack the traders and rich people are just repeating the folly of the various parts of the body non-cooperating with and attacking the stomach for doing nothing but consuming everything that came its way, not knowing that by depriving the stomach of the necessary food they were indirectly harming themselves. Let me once more make it clear that such taxes will affect every one whether he is rich or poor, zamindar or non-zamindar, producer or consumer, belonging to rural or urban classes. The Government should keep this fact in view while framing its taxation measures. With these remarks I strongly support the amendment.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muslim Urban) (Urdu) : Sir, quite a lot has been said in regard to this amendment, but I would like to say a few words by way of reply to the remarks made by the Honourable Minister of Development in the course of his speech. My honourable friend, Rai Bahadur Lala Sohan Lal has by quoting from the

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report of the Resources and Retrenchment Committee shown that a tax of more than Rs. 200 was not recommended by them. In reply to that the Honourable Minister remarked that the recommendations were made at a time when there was no war, but now the exigencies of war demand that such a flat rate should be done away with.

Mr. Speaker : The matter under discussion is that for the words "one-fourth" the words "one-sixteenth" be substituted.

Khan Sahib Khawaja Ghulam Samad: I am coming to that, sir. These are merely the grounds on which I am going to base my speech. It is no doubt true that during the last war the business men had made a lot of money, but the Honourable Minister has probably overlooked the fact that during the present war the business people are suffering a great loss. Take the case of dyes, for instance. In the early days of the war, the prices of dyes went up and tradespeople bought stocks worth thousands of rupees, but now the prices have fallen to such an extent that a stock worth, say, Rs. 10 lakhs in the beginning of the war is not worth more than 2 lakhs at present. Instead of the war proving a source of profit to businessmen they are losing heavily.

Again it is said that the rich should be made to pay these taxes. That is what we say. Do by all means tax those rich people who have the capacity to pay these taxes and utilize the proceeds thereof for providing relief to the poor. We have never said that the businessmen who can really be considered well off should not be taxed. But the rate of such taxes should be reasonable. My submission is that there can be no better proposal than that contained in the amendment moved by my honourable friend Mian Muhammad Nurullah. It is to the effect that in sub-clause I (c), for the words "one-fourth" the words "one-sixteenth" be substituted. Now the Honourable Minister says, when the House has agreed to a tax of 2 annas per cent on a turnover of Rs. 5,000 to Rs. 10,000, why are we seeking to reduce it to one anna in the case of turnovers above Rs. 10,000? Let me tell him that on turnovers up to Rs. 20,000 of retail sellers higher profits can be made whereas on turnovers of Rs. 20,000 or more the rate of profit decreases, because those who have such turnovers are invariably wholesale dealers and they hardly make a profit of an anna in the rupee. If they find that in respect of a certain commodity further speculation is undesirable they are glad to make a profit of one or even half a pie in the rupee and in certain cases they get rid of their goods even without any profit. Now the Government will levy and collect the tax on turnovers and not on profits. Thus even if there is not a profit of $\frac{1}{2}$ pie in the rupee the tax will be levied all the same. If the tax were to be levied on income or profits the people would have accepted it in order to please the Honourable Minister. But I submit that the levy of tax on turnovers in such cases as I have just now related is wholly unjustifiable and will affect the trade adversely. With these words I support the amendment moved by my honourable friend Mian Muhammad Nurullah.

Sir William Roberts (European): Sir, the Government itself appointed a committee to investigate various sources of taxation and it had one of its own Ministers, the Honourable Minister of Finance, as its chairman. One would have expected that the report of such a committee would

have received more attention than it has received from the Government. The committee recommended that not only should this tax be at one point but that the maximum should be Rs. 200. In the amendment which stands in my name which I hope I can discuss now under Mian Nurullah's amendment, I have suggested a simplification of the measure by using a decimal percentage of one-tenth of one per centum as a general rate with a maximum of Rs. 1,000, which will be five times what the Government committee recommended. Now the impression I get on hearing the speeches in favour of this measure is that Government members are under the impression that this tax will facilitate business transactions. It is a kind of oil or lubricant which will help the industry and help the development of the province, whereas it is my firm conviction that it will do more harm than any measure so far introduced, because it will interfere with business at all points. There will be an excessive amount of interference from petty officials and generally speaking, the effect on the development of business in the province will be felt for many years to come. Not only that, but as I have pointed out earlier in the debate, it is possible for registered firms to evade the tax by having their offices outside the province and I consider that this measure has not received sufficient consideration. It will be something at any rate if the Government will accept some of these amendments put forward, which are designed to make the Bill work smoothly and to work cautiously till experience is gained in the administration of it. I therefore wish to support this amendment. (*Cheers.*)

Mr. P. H. Guest (Punjab Commerce and Industry) : I wish to support this amendment, sir. There has been quite a long discussion and a good deal has hinged on this question of percentage of profits and turnover. There is not the slightest doubt that the bigger the turnover, the smaller the percentage of profits. This applies in all cases except perhaps where people are lucky enough to have monopolies. On that basis of working you do find healthy competition which cuts down profit both of the manufacturer and of the distributor and when the profits become reasonably small, as they are in a majority of industries, this imposition is very excessive. I think there should be some limit set. I can give you a few examples. I think it is just as well that we have a few facts before us. I will give you one dealing with distribution of a certain firm in Lahore having a turnover of Rs. 20,000 a month. It used to purchase soap from me as distributors and assuming my price was Rs. 30 per case of soap, I was surprised to find that they were also selling to their clients at Rs. 30 per case. I was astonished and enquired how on earth did they manage to sell at Rs. 30 per case and the reply was, as Dr. Sir Gokul Chand Narang has mentioned, they were quite satisfied with the return they got in the shape of the empty packages. That is a fact. It is not imagination. When we come to manufacture, I am regretfully associated with a business that has never made any profit yet and we have had a considerable turnover. What is going to happen? Are we going to have this tax imposed? There is another question. Certain commodities have to be sent by rail, freight paid. That simply means that you have to quote your price f. o. r. destination. Suppose it is Rawalpindi. Because one is paying the freight before it is despatched, one has to put that freight in the invoice and therefore the quotation is f. o. r., we will say, Rawalpindi. I hope that point is clear. Now that

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freight is a very considerable item, but as far as I can see under this Bill, that constitutes a part of the turnover. We have got no evidence to the contrary and we are not only going to pay something on profits, but we are going to pay something on our manufacturing costs, something on the little you pay to the man who takes it to the station and something for the privilege of paying for the freight before you send it.

Now, sir, I feel that sufficient cases have been put forward. It is obviously very objectionable. I can give you more cases where the profit is usually very low. If it is even 2 or 3 per cent, they will be happy. But even on that profit they have to pay for rent, wages, strings, papers, packing cloth and for various other things, which probably take half of the gross profit. And they have to pay this $\frac{1}{4}$ per cent. It is because of these known cases that I feel that there should be some hesitation on the part of the Ministry in dealing with this problem. When we come to the question of manufacture, it is obvious that this Bill is going to be no help in the extension of industrial development, and it is because of these facts that I support the proposal.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, as soon as this amendment was moved, the Honourable Minister got up, and in his own opinion he made a very, very strong point against the mover of the amendment; he almost brought him into ridicule and appealed to his sister, Baji Rashida Latif, to make such a speech as to close the mouth of my honourable friend, Mian Nurullah, so that in future he may not open his lips again in this House. And what was his argument, sir? The argument was that on one side you say that the rich should be taxed and the poor should not be taxed and on the other side you wish that the rich people, whose turnover exceeds one lakh should be taxed one anna per cent. That was the sum and substance of his speech. In making that speech he thought that he had made a great point, and influenced, for the time being, the minds of rural members. He must have, however, felt that he was contradicting a body of experts and able men, who were appointed to write this big report. Rai Bahadur Lala Sohan Lal read out a portion of it, but he left out something which was even of greater importance. Now I would draw the attention of the House to this. I need not mention the names of all the members of this Resources and Retrenchment Committee. Originally there were 11 members on this Committee and 2 more were added afterwards. The Chairman of this Committee was the Finance Minister of this Government. There were such men in it as Khan Bahadur Nawab Muzaffar Khan, Khan Bahadur Mian Mushtaq Ahmad Gurmani, Sardar Bahadur Sardar Ujjal Singh, the late Rai Bahadur Lala Binda Saran, Khan Bahadur Chaudhri Riasat Ali, Professor Dr. Sardar Mohammad Akhtar, M.A., Ph.D., of the Islamia College, Lahore, and so on and so forth; there also were Chaudhri Suraj Mal and Pir Akbar Ali on this Committee. Now, you will find that according to the Honourable Minister of Development all of them made fools of themselves in the recommendation which they have made at page 231 of this Report. In my opinion their recommendation, if it was to be made at all, was a far more reasonable one than the proposal made in the Bill. A glance at the table which they have given at page 231 would show that for a turnover of Rs. 5,000

or more but less than Rs. 10,000, they recommended Rs. 10 as annual tax and the percentage comes to 0·133. The Honourable Minister may note this figure, if he has not got a copy of the Report before him. For a turnover of Rs. 10,000 or more but less than Rs. 20,000, the percentage comes to 0·166. Now the Honourable Minister should mark that when the turnover increases, the percentage decreases. For Rs. 20,000 or more but less than Rs. 35,000, the percentage comes to 0·145, as compared with 0·166 above. And then for a turnover of Rs. 35,000 or more, but less than Rs. 50,000, the percentage comes to 0·141; while for a turnover of Rs. 50,000 or more but less than Rs. 1,00,000, the percentage comes to 0·133, the same as for Rs. 5,000 or more, but less than Rs. 10,000.

Now, sir, the Honourable Minister says that we on this side have forgotten the principle, which we promulgated, that richer people should be taxed more and the poor people should be taxed less, and still the Committee consisting of these 11 members or more recommended that on a lower scale of turnover, the higher should be the percentage. There is a reason for this and the reason is this (I hope the Honourable Minister knows some Persian) that merchants believe in this Persian maxim :

ارزان لي فروش بسيار ني فروش

Sell more and sell at less profit. Higher the turnover, less the margin of profit. The Honourable Minister entirely ignored this. I do not blame him for this. These things are not taught and learnt in the mofusil. In small villages one could not be in touch with business. I am not blaming him at all for this. There is at the back of his mind that the turnover always means profit and it has some relation with the profit in the sense that higher the turnover the higher the profit. This is the hallucination or delusion from which the the Honourable Minister seems to suffer. Another wrong notion from which the Honourable Minister seems to suffer is this. He thinks that all these sales would be effected by individuals. There are very few individuals in this province, whose turnover exceeds one lakh. These individuals probably would be counted on the fingers of one hand or two hands. He forgets that a higher turnover would occur only in the case of joint stock companies; as a rule at least the turnover is more in the case of joint stock companies. Can he honestly say that joint stock companies are synonymous with capitalists?

At this stage the Assembly adjourned till 12 noon, on Tuesday, 28th January, 1941.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and financial management. The text notes that without reliable records, it is difficult to track the flow of funds and ensure that resources are being used as intended.

2. The second part of the document addresses the challenges associated with data collection and analysis. It highlights that gathering accurate and timely data can be a complex task, especially when dealing with large-scale operations or multiple stakeholders. The text suggests that investing in robust data management systems and training personnel in data analysis techniques can significantly improve the quality and reliability of the information used for decision-making.

3. The third part of the document focuses on the role of technology in modernizing administrative processes. It argues that leveraging digital tools and platforms can streamline workflows, reduce manual errors, and enhance the overall efficiency of operations. The text mentions that cloud-based solutions and automation can help organizations manage their data more effectively and provide better service to their constituents.

4. The fourth part of the document discusses the importance of regular communication and reporting. It states that keeping stakeholders informed about progress and challenges is crucial for building trust and ensuring that everyone is aligned with the organization's goals. The text suggests that regular reports and updates can help identify potential issues early on and allow for timely adjustments to the strategy.

5. The fifth part of the document concludes by emphasizing the need for a strong leadership team and a clear vision. It notes that successful organizations are those that have a clear direction and a team of dedicated individuals who are committed to achieving the organization's mission. The text encourages leaders to foster a culture of innovation and continuous improvement, and to regularly evaluate the organization's performance against its stated objectives.

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 28th January, 1941.

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

STARRED QUESTIONS AND ANSWERS.

PLANTATION OF OLIVE TREES IN *Bet Ilaga* OF LUDHIANA DISTRICT.

*7267. **Chaudhri Muhammad Hasan** : Will the Honourable Minister of Development be pleased to state whether the Agricultural Assistants or their officers of the Agricultural Department in the Ludhiana district particularly, and in Jullundur division generally, have ever made research in the matter of plantation of olive trees in the *Bet Ilaga* of the Ludhiana district as persistently demanded by the zamindars and particularly by the Australia-returned *Panjabis* in that district ; if so, the result at which they have arrived ?

Parliamentary Secretary (Chaudhri Tikka Ram) : The Punjab Agricultural Department has not made any experiments on planting olive trees in the *Bet Ilaga* of Ludhiana district or in Jullundur division nor have the department's officers reported that any zamindars or Australia-returned *Panjabis* in Ludhiana district have ever expressed a desire that such experiments should be conducted by this department.

CULTIVATION OF MOONGPHALIS IN LUDHIANA DISTRICT.

*7268. **Chaudhri Muhammad Hasan** : Will the Honourable Minister of Development be pleased to state—

- (a) the area, giving separately the area in sandy tracts, in each tahsil of the Ludhiana district that was under cultivation of the *moongphali* crop in the year 1939-40 with the average yield per *bigha kham* ;
- (b) the average rate per maund at which *moongphali* was sold by the zamindars during this period ;
- (c) the rate of land revenue per *bigha* for the *moongphali* crop ;
- (d) the year since when the sowing of the *moongphali* crop was started in the Ludhiana district ?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) The acreage under *moongphali* (groundnuts) in each tahsil of Ludhiana district during 1939-40 was as below :—

Tahsil.	Irrigated acres.	Unirrigated acres.
Ludhiana	18	8,488
Samrala	14	14,692
Jagraon	5	93
	37	23,273
Total	23,310 acres.	

No separate information is available dealing with sandy tracts as opposed to any other kinds of soil, but as soils other than sandy soils are unsuitable for the cultivation of this crop, it may be assumed that the figures given relate to sandy areas.

The average yield per *bigha kham* is reported to be from 2½ to 3 maunds.

(b) The average rate per maund at which *moongphali* was sold during the year in question varied from Rs. 2-8-0 to Rs. 3-8-0.

(c) The land revenue in this district is fixed and the assessment is not by crops. It is not possible to give the rate of land revenue per *bigha* for the *moongphali* crop, but the following information may be of use. The incidence of revenue per cultivated acre at the last settlement of the Ludhiana district in 1911 was Rs. 2-7-9 in Samrala tahsil, Rs. 1-15-6 in Jagraon tahsil and Rs. 1-14-1 in Ludhiana tahsil. The *pakka bigha* which is used in the revenue records of the Ludhiana district is 5/8th of an acre and the *bigha kham* is 5/24ths of an acre.

(d) *Moongphali* was not grown to any appreciable extent in Ludhiana district prior to 1930 when the Agricultural Department took up special work on this crop. Only 231 acres of land were sown under this crop in 1931. Private zamindars made some attempts to grow it earlier, but it was only after the Agricultural Department took up research on the crop and thereafter introduced a number of suitable varieties, as well as instructed cultivators in the correct method of cultivation, that the area under groundnut became anything appreciable.

TRAINING IN TANNING FACTORIES AT SHAHDARA AND JULLUNDUR.

*7353. **Chaudhri Muhammad Hasan** : Will the Honourable Minister of Development be pleased to lay on the table a statement showing the names, home addresses, castes and educational qualifications of boys belonging to the notified agriculturist tribes who received education or training in the tanning factories at Shahdara and Jullundur during the last three years ?

Parliamentary Secretary (Chaudhri Tikka Ram): Government has no tanning factory either at Shahdara or Jullundur. There is a tanning institute at Jullundur only. The time and labour involved in compiling a statement regarding training in this institute will not be commensurate with the result obtained.

SHORTHAND REPORTS.

*6876. **Pandit Shri Ram Sharma**: Will the Honourable Premier be pleased to state—

- (a) the districts out of Rohtak, Gurgaon, Hissar and Karnal where arrangements have been made to get speeches of a political nature reported by shorthand reporters and the reasons for not making such arrangements in some of the districts;
- (b) the number of cases out of the total number which have been started on the basis of the shorthand notes of the speeches?

Parliamentary Secretary (Sayed Amjad Ali Shah): (a) *First part.*—Qualified shorthand reporters are employed in all the four districts.

Second part.—Does not arise.

- (b) One.

EXECUTIVE OFFICER, BHIWANI.

*6877. **Pandit Shri Ram Sharma**: Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Bhiwani Municipal Committee recently passed a resolution by 5/8th majority requesting the Government to remove the Executive Officer of the Committee;
- (b) whether it is also a fact that not a single member of the committee including the nominated members expressed his opinion in favour of retaining the said Executive Officer;
- (c) the action which the Government propose to take on the resolution?

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

Yes.

- (c) The Executive Officer has already been removed by Government.

MUNICIPAL COMMITTEE, ROHTAK.

*6878. **Pandit Shri Ram Sharma**: Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that when it was about to go out of office the old municipal committee, Rohtak, made drastic dismissals, appointments, promotions, etc., which were suspended by the Deputy Commissioner and sent back for reconsideration;
- (b) whether the newly constituted committee has recently again upheld the original and suspended proposals; if so, the action Government propose to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) and (b) The old committee decided to retire and remove some of its employees and made appointments to the resulting vacancies. The execution of the resolutions was not suspended by the Deputy Commissioner; but he asked the committee to reconsider the matter, as in some cases seniority and efficiency had been ignored in preference to other considerations. The new committee agreed with most of the decisions of its predecessor and altered a few arrangements. Some appeals preferred by the employees concerned were also accepted by the Deputy Commissioner. Government do not consider that any interference on their part is called for.

ENCOURAGING EDUCATION AMONG SCHEDULED CASTES.

*6987. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Education be pleased to state whether any special measures have been adopted by the present Government to encourage education amongst depressed classes; if so, what?

The Honourable Mian Abdul Haye : The following educational facilities have been extended by the present Government to the students of the weaver and "Special classes" named in Article 121 of the Punjab Education Code, XI edition reprints (1932, 1934 and 1939) :—

- (1) The half fee concessions for the children of these classes which previously were limited to the middle stage have been extended to the high stage.
- (2) (a) Twenty-nine middle school scholarships for boys of the value of Rs. 4 per mensem each will be awarded annually by the Divisional Inspectors of Schools on the results of the Middle School Scholarship Examination. The scholarships shall be tenable for four years in the middle department of a recognized secondary school.
- (b) Twenty-nine high school scholarships for boys of the value of Rs. 6 per mensem each will be awarded annually by the Divisional Inspectors of Schools on the results of the Vernacular Final and Middle School Examinations. Out of these fifteen scholarships shall be reserved for vernacular candidates and fourteen for anglo-vernacular candidates. The scholarships for vernacular candidates shall be tenable for four years, two years in the special classes of a recognized school where arrangements have been made to the satisfaction of the Department for teaching English up to an approved standard within that period, and for a further period of two years in the high department of a recognized high school or intermediate college provided that a scholar, who fails to reach an approved standard of English in the first two years shall forfeit his scholarship.

The scholarships awarded to anglo-vernacular candidates shall be tenable for two years in the high department of a recognised high school or intermediate college.

The distribution of these scholarships among different districts will be made by the Director of Public Instruction.

(c) Eighteen middle school scholarships for girls of the value of Rs. 4 per mensem each will be awarded annually by the Circle Inspectresses on the results of the Middle School Scholarship Examination for girls. The scholarships shall be tenable for three years. The distribution thereof among the different circles will be made by the Director of Public Instruction.

(d) Three high school scholarships for girls of the value of Rs. 8 per mensem each will be awarded annually on the result of the Middle Standard Examination for Indian Girls by the Director of Public Instruction on the recommendations of the Circle Inspectresses of Schools. These scholarships shall be tenable for four years and shall be drawn in the same way as the corresponding scholarships for boys.

(e) Seven scholarships of the value of Rs. 20 per mensem each will be awarded annually on the results of the Matriculation and School Leaving Certificate Examination, and two scholarships of the value of Rs. 20 per mensem each to be awarded annually on the results of the Intermediate Examination. These scholarships shall be awarded by the Director of Public Instruction and shall be tenable for two years in any institution which is affiliated to the Punjab University up to the standard of the examination next higher than that on the results of which the scholarship is awarded or with the sanction of the Director in the corresponding class of a college approved by the Department.

The scholarships detailed in the sub-paragraph 2 above shall be subject to the rules of the Punjab Education Code excepting the rules regarding production of a certificate prescribed in appendix XIV-A regarding age limit (Articles 142 and 147, Punjab Education Code) and shall be reserved for the weavers and special classes, who profess the Hindu religion.

(3) Six college scholarships of Rs. 10 per mensem each plus tuition fee tenable in Arts Colleges. (Three in F. A. and three in B.A. classes).

(4) Two stipends of Rs. 20 per mensem each tenable in the Central Training College, Lahore.

HINDI AS MEDIUM OF INSTRUCTION IN GOVERNMENT MIDDLE AND HIGH SCHOOLS.

***6992. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to state the names of the Girls' Middle and High Schools in the Punjab where the medium of instruction is Hindi ?

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.

EXPUNCTION OF OBJECTIONABLE PASSAGES FROM TEXT-BOOKS.

***7070. Sardar Sampuran Singh :** Will the Honourable Minister of Education be pleased to state whether the Government has ever considered the question of expunging such passages or portions that cause communal hatred among various communities of India from the text-books on Indian histories prescribed as text-books in the schools and colleges in the Punjab ; if so, with what result ?

The Honourable Mian Abdul Haye : (1) Yes ; the question in so far as it relates to history text-books for the primary and middle classes has been engaging the attention of Government for some time. The detailed syllabi under the new scheme are now being printed, and I can assure the honourable member that when new text-books are being prepared and prescribed very great care will be taken that they contain no objectionable matter of the type referred to by him.

(2) The text-books used in high classes and in colleges are prescribed by the Punjab University which has considered the question of expunging from the various text-books, prescribed by it, such passages or portions as are likely to cause communal hatred among various communities. The Boards of Studies and the School Board which recommend the prescription of text-books do not recommend any book which contains either obscene passages or matter likely to create communal hatred.

DEGREE COLLEGE AT ROHTAK.

***7075. Sardar Sampuran Singh :** Will the Honourable Minister of Education be pleased to state if the Government has considered the possibility of having a degree college at Rohtak ; if so, with what result ?

The Honourable Mian Abdul Haye : Yes. Subject to affiliation being granted by the University, it is proposed to raise the existing Government Intermediate College at Rohtak to the degree standard with effect from the academic year 1941.

HOSPITAL VISITORS COMMITTEES.

***7077. Sardar Sampuran Singh :** Will the Honourable Minister of Education be pleased to state the number and names of such districts in the province in which the civil hospital visitors committees have so far been constituted and also of the districts in which it has not been done with the reasons for not doing so in each such case ?

The Honourable Mian Abdul Haye : In accordance with the instructions published in Notification No. 20522, dated the 5th June, 1931, visiting committees for provincialized civil hospitals have been constituted in 26 districts, namely, Gurgaon, Rohtak, Hissar, Karnal, Ambala, Ludhiana, Jullundur, Hoshiapur, Kangra, Gurdaspur, Amritsar, Ferozepore, Sheikhpura, Gujranwala, Sialkot, Gujrat, Jhelum, Rawalpindi, Attock, Mianwali, Shahpur, Jhang, Multan, Montgomery, Muzaffargarh and Dera Ghazi Khan. There is no provincialized hospital in the Lyallpur district; while in the district of Simla there is only one provincialized tahsil headquarters hospital which has been excluded from the scheme owing to its peculiar situation. At Lahore there is a non-official visiting committee for the hospitals maintained by Government.

**MONEY SPENT BY PUNJAB ADVISORY BOARD FOR TEXT-BOOKS
AND MAGAZINES.**

***7132. Mr. Dev Raj Sethi :** Will the Honourable Minister of Education be pleased to state—

- (a) how much money was spent by the Punjab Advisory Board for text-books on (i) Urdu books, (ii) Hindi books, (iii) Gurmukhi books, for adult education during the years 1938-39 and 1939-40;
- (b) how much money was spent for books in Urdu, Hindi and Gurmukhi respectively during that period for the library of the said Board;
- (c) how many magazines and newspapers in Urdu, Hindi and Gurmukhi respectively, are subscribed to by the Board at present?

The Honourable Mian Abdul Haye :

	Rs. A. P.
(a) 1938-39.— <i>Nil.</i>	
1939-40.— (i) Urdu books	<i>Nil.</i>
(ii) Hindi books	45 11 0
(iii) Gurmukhi books	<i>Nil.</i>
(b) 1938-39.— (i) Urdu books	53 14 0
(ii) Hindi books	<i>Nil.</i>
(iii) Gurmukhi books.. ..	<i>Nil.</i>
1939-40.— (i) Urdu books	304 14 9
(ii) Hindi books	6 0 0
(iii) Gurmukhi books	1 6 0
(c) (i) Urdu magazines .. 4	
(ii) Hindi magazines .. 1	
(iii) Gurmukhi magazines .. <i>Nil.</i>	

No newspapers are being subscribed to by the Board at present.

REPRESENTATION OF STATUTORY HINDU AGRICULTURISTS AMONG
CIVIL SURGEONS AND OTHER OFFICERS OF THE MEDICAL DEPARTMENT.

***7457. Chaudhri Sumer Singh :** With reference to the answer to unstarred question No. 1190¹ asked by Captain Sodhi Harnam Singh during the current session of the Assembly, will the Honourable Minister of Education be pleased to state the number of posts held by Hindu Statutory Agriculturists ?

The Honourable Mian Abdul Haye : I must decline with regret to answer questions which savour of communalism on the floor of the House. I shall, however, be glad to give the honourable member the information he asks for if he will be good enough to put down an unstarred question.

MODEL SCHOOLS IN AMBALA DIVISION.

***7459. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state the amount allotted yearly to each of the model schools in the Ambala division since the commencement of this scheme, the reasons for the variation from the allotment, district-wise, to the allotment school-wise, and also the principles which are followed in the distribution of such allotment ?

The Honourable Mian Abdul Haye : A statement showing the amounts allotted to each model school in the Ambala division since the commencement of the special development programme is laid on the table. No school-wise allotment for the purpose is fixed by Government but funds are allotted to each school with a view to making it a first rat. school in every respect and keeping in view the local conditions.

Statement showing the amount allotted to each Model School in the Ambala Division since the commencement of the scheme.

District.	Name of school.	AMOUNT ALLOTTED FOR			REMARKS.
		1938-39.	1939-40.	1940-41.	
HISSAR.	Mirchpur ..	Rs. A. P. 1,758 9 9	Rs. A. P. 885 0 0	Rs. A. P. 1,060 0 0	Rs. 36 more have been recommended under the head "medical inspection."
	Bamla ..	..	1,985 0 0	1,360 0 0
	Dabwali Mandi ..	..	..	2,252 0 0
ROHTAK.	Kharkhanda ..	2,400 0 0	1,460 0 0	1,790 0 0	
	Dighal ..	..	2,528 0 0	1,560 0 0
	Murthal ..	..	..	2,531 8 0

District.	Name of school.	AMOUNT ALLOTTED FOR			REMARKS.
		1938-39.	1939-40.	1940-41.	
GURGAON.	Bhondsi ..	Rs. A. P. 2,073 9 9	Rs. A. P. 1,020 0 0	Bs. A. P. 1,750 0 0	Rs. 350 more have been recommended for "Radio Set."
	Aurangabad ..	..	2,428 0 0	1,938 0 0	
	Taoru ..	..	..	2,981 8 0	
KARNAL.	Jundla ..	2,024 2 9	985 0 0	1,049 0 0	
	Habri ..	..	3,038 0 0	1,065 0 0	
	Radaur ..	..	..	2,511 8 0	
AMBALA.	Manimazra ..	1,743 9 9	985 0 0	1,130 0 0	
	Singh Bhagwantpur.	..	2,188 0 0	1,250 0 0	
	Bilaspur ..	..	..	2,252 0 0	
	Total ..	16,000 0 0	17,500 0 0	26,480 0 0	

PAUCITY OF HINDU AGRICULTURISTS IN THE HEADMASTERS OF GOVERNMENT SCHOOLS IN AMBALA DIVISION.

*7463. **Chaudhri Sumer Singh** : Will the Honourable Minister of Education be pleased to state the number, community-wise, of the headmasters of the Government Schools in the Ambala Division with the pay, scale of pay, the qualifications and length of service of each of them and further whether it is a fact that none of these headmasters is a Hindu agriculturist, and if so, the action he has taken so far or intends taking to remove this long standing grievance of the Hindu agriculturists ?

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.

UNSTARRED QUESTIONS AND ANSWERS.

DAMAGE TO COTTON CROPS IN OKARA TAHSIL BY TIRRAK.

1330. **M. Jafar Ali Khan** : Will the Honourable Minister for Revenue be pleased to state whether he is aware of the fact that the cotton crop this year in tahsil Okara, district Montgomery, has been seriously damaged by *tirrak* ; if so, the action Government intend to take to give relief to the zamindars who have suffered thereby ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): *First part.*—It is a fact that *tirrak* has done some damage to American cotton in tahsil Okara but it is not as serious as stated by the honourable member.

Second part.—Field to field inspection of crops has been done by the officers of the irrigation and revenue departments. Remissions of land revenue and *abiana*, will be granted in due course if the rules permit.

GRANT OF REMISSIONS ON ACCOUNT OF *KHARABA* IN TAHSIL OKARA.

1331. M. Jafar Ali Khan: Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of persons in tahsil Okara, district Montgomery, who have been allowed *Kharaba* in respect of *Kharif* crops this year;
- (b) the names of persons in the same tahsil whose *Kharif* crops have been damaged for one reason or another and who have got remission in land revenue, whether there are any zamindars in that tahsil whose *Kharif* crops have been damaged and who have been granted no remission; if so, the reasons for not granting remission to such persons?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The time and trouble involved in collecting this information will not be commensurate with any possible benefit to be obtained.

REPRESENTATION OF SIKHS AMONG PUBLIC PROSECUTORS.

1332. Sardar Sahib Sardar Santokh Singh: Will the Honourable Finance Minister be pleased to state—

- (a) the number at present of Sikh Public Prosecutors in the Punjab and how many of them are agriculturists;
- (b) the percentage of agriculturists and non-agriculturists fixed for Government services;
- (c) whether any vacancies in the Public Prosecutors' cadre have now arisen; and if so, the manner in which these vacancies are intended to be filled up?

The Honourable Sir Manohar Lal: (a) Five. Four agriculturists.

(b) No fixed general percentage. Public Prosecutors in any case do not constitute a service.

(c) The vacancies have all been filled by the selection of suitable legal practitioners.

REPRESENTATION OF SIKHS AMONG ASSISTANT RESEARCH OFFICERS IN THE IRRIGATION DEPARTMENT.

1333. Sardar Sahib Sardar Santokh Singh: Will the Honourable Minister for Development be pleased to state—

- (a) the number of Assistant Research Officers appointed in the Irrigation Research Department after the 1st of April, 1937, and the number of Sikhs among them;

- (b) the qualifications and length of previous permanent service, if any, in the Department of each of the persons so appointed;
- (c) whether these appointments were made direct on communal basis or by promotion on considerations of seniority and experience;
- (d) whether more Assistant Research Officers are to be appointed by the Government in the Irrigation Research; if so, whether these posts are intended to be filled up by appointment of persons direct on communal basis or by promotion on the score of experience and seniority;
- (e) the share that is likely to go to the Sikhs in these appointments;
- (f) whether in view of the promises already made on the floor of the House any special steps have been taken to secure adequate representation of Sikhs in these appointments?

The Honourable Chaudhri Sir Chhotu Ram :

(a)		
Number	.. .. .	3
Number of Sikhs among them	.. .. .	1

(b)	Qualifications.	Length of previous permanent service.
		Yrs. M. D.
1. Muslim	1. B. Sc. with Honours in the Honours School of Chemistry. 2. M.Sc. in the Honours School of Chemistry. 3. Doctor of Philosophy	Nil.
2. Sikh	1. First Examination in Agriculture of the Punjab University. 2. B.Sc. in Agriculture	13 2 0
3. Second Muslim	1. B.Sc. in Agriculture.	2 8 13

(c) Direct in the case of (1) and by promotion in the case of (2) and (3).

(d) Yes. Four more Assistant Research Officers are to be appointed. It is intended to make these appointments by making 4 temporary officers permanent who have already been working for some years in these posts.

(e) Out of these 4 posts one will be filled by a Sikh.

[Minister for Development.]

(f) All fresh appointments are being made in accordance with the proportions laid down by Government in this behalf provided suitably qualified candidates are available from various communities.

SUSPENSION OF RULE 13.

Minister of Development : I beg to move—

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 30th January, Thursday, the 13th February and Thursday, the 20th February, 1941.

Mr. Speaker : Motion moved—

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 30th January, Thursday, the 13th February and Thursday, the 20th February, 1941.

Mian Muhammad Nurullah : May I inquire if the Government would give us Thursdays later on at the end of this session ?

Minister of Development : If the state of business permits, certainly we will try to accommodate the Opposition.

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 30th January, Thursday, the 13th February and Thursday, the 20th February, 1941.

The motion was carried.

GENERAL SALES TAX BILL.

Clause 3.

Mr. Speaker : The Assembly will now resume discussion on the amendment—

That in part (c), second column, for the words "one-fourth" the words "one-sixteenth" be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, when the House rose yesterday for the day, I was going to draw the attention of the Honourable Minister to the fact that large turnovers in business fall only to the lot of joint stock companies and not as a result to the lot of private individuals and if his objection was that people, whose turnover is very large or who are supposed to be rich and therefore they must pay taxes at a higher rate, then my submission is that that objection had no force whatsoever so far as companies are concerned and this for two reasons. One reason is that those companies are not proprietary companies as a rule, that is, they are not companies which are owned by single individuals, but they very often, and as a rule, I must say, consist of a fairly large number of shareholders. Out of those shareholders it is only a few who may be described as well-to-do. The rest are very ordinary people and some of them — and the Honourable Minister must believe me when I say that — are widows and orphans, who invest their little savings or their fathers' or husbands' savings in order to get a fixed income if they are so lucky as to get their dividends regularly. They can, by no means, be described as capitalists or as rich people and even he cannot be ignorant of this state of affairs. The second reason is that there are companies, and their number is not negligible, which invest large sums of money

as capital and their turnover is fairly large, sometimes amounting to lakhs a year and yet for years they make no profits whatsoever. I do not know if the cases of such companies have come to his notice, but he can take it from me that this is the case, and a similar statement made by an honourable member on the floor of the House yesterday, either by my honourable friend, Sardar Santokh Singh or by Mr. Guest, was perfectly correct. I also told him that sometimes these so-called big people, whose turnover is very large, enter into transactions on the smallest possible margin of profit, sometimes consisting only of receptacles of their goods. I was supported in this view by no less a business man than Mr. Guest himself. Sometimes they enter into transactions even if they can save the ropes with which the bundles are tied or bags or boxes in which the goods are contained. So, this is a very wrong impression that people, whose turnover is very large, are necessarily very rich or that they necessarily make large profits. The case may be, in many cases, just the reverse and therefore, their case deserves special consideration. I think it was on this ground that the Resources and Retrenchment Committee made a recommendation that for a turnover exceeding one lakh of rupees there should be a consolidated sum to be charged as tax and that sum was fixed as low as Rs. 200. It means that even if the turnover is to the extent of 20 lakhs a year, the tax considered reasonable and appropriate by that committee was only Rs. 200, and if the Honourable Minister would use his pencil and paper for a second, he will come to the conclusion that this would work out to less than 2 pies per cent. This was what was definitely and deliberately recommended by a committee appointed by his own Government and presided over by no less a person than one of his own colleagues, the Honourable Minister for Finance. I do not think that the value of this report should be discounted because it was presided over by a non-zamindar. I do not think that that idea would enter into the head even of the Honourable Minister of Development. If it is not so, then this House or at least this side of the House has every right to know why this recommendation of a very important character should be thrown overboard and in the case where the turnover may be very large, say 20 lakhs or so, the rate of tax instead of being less than 2 pies per cent should be 48 pies per cent, as proposed by the Honourable Minister. Is there any reason why that recommendation should be multiplied by 24? An amendment has also been tabled by Rai Bahadur Lala Sohan Lal in which he has suggested that if the Honourable Minister is not prepared to change the rate per centum of the tax proposed by him, there should be a maximum limit, that is, it may be 4 annas per cent provided that the maximum amount of tax payable by any particular assessee should not exceed one thousand rupees. This is as liberal as liberal can be, more than 5 times the amount recommended by the Government's own committee. Even if this does not satisfy the Honourable Minister, certainly we have a right to ask him the reasons for it, particularly when we know that they have no estimates before them. If they had some estimates before them, then we would have been in a position to know that this maximum limit of one thousand rupees would not suit their case. All that the Minister has said in connexion with the making of these estimates is that he could not make any such estimates and programme unless there was money. I am really surprised at this. Governments first look to their wants and then to the ways and means. They

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do not arbitrarily and wantonly increase or lower their wants by what they would get by taxation. If it was an individual income it would be a different thing. A person who gets higher pay, must live better and a person who gets smaller pay might live very economically. But when a fiscal measure is proposed in a legislative House, the country has a right to know why you want this money. Why cannot you do with less? What is your programme, what is your estimate of the expenditure for any particular item of the programme and why do you come to us? Have you convinced us, have you convinced the world or have you convinced yourself that we are already not paying more than our share? As I have already discussed this subject in connexion with another matter, I would not repeat that argument.

Sir, I still maintain, and just draw the attention of the House to the fact that I stated before this House on that occasion that we urban people are already paying more than we are liable to pay, and unless the Government is clear on this point it has no right to demand even a penny more from us.

Mr. Speaker : The honourable member is not quite relevant. He should discuss the amendment and not the whole Bill.

Dr. Sir Gokul Chand Narang : What I was saying was quite relevant. I said I see no reason why it should not be reduced to 1/16 and why it should be four annas per cent. What I am pointing out with all respect is absolutely relevant because we have the right to demand an explanation from them as to why not one anna and why four annas should be the rate. They have not shown us their programme as to what they want it for. There is nothing to tell us why this money is wanted. They will not let us go without extorting as much money—

Mr. Speaker : The question under discussion is not why money is wanted, but why so much money is wanted.

Dr. Sir Gokul Chand Narang : That is exactly what I am saying as to why so much money is wanted. They do not know and they are not in a position to say why so much money is wanted. He says in a sort of indefinite way that after collecting the money he will call a meeting of the party and then he would say "Here is the bag of money we have collected from the *barnas*, let us divide it." It is then that he would decide how to divide it and who should take the lion's share and so on. This is exactly the position of the Government. Those people who are going to be taxed have the right to ask: "Why do you want so much money, where is your programme? You have not satisfied us. We have already paid more than our share. If more money is wanted, is there any reason why you should not demand from your right hand neighbour? Why not approach the big zamindars who are living like princes? Why ask the poor tenants to pay something more into the Government treasury? What right have they got to rob them and take half the produce from the tenants and not pay proportionate share of the land revenue? Why should they pay only as much as the poorest zamindar pays?" These are the considerations which are most relevant to this amendment. We find no explanation whatever. I made an alternative suggestion for raising money which

would have made it possible for the Minister to reduce the rate of taxation and which might have made him content with one anna per cent as proposed in the amendment and would not have put him to the necessity of demanding four annas per cent. The suggestion was that land revenue should be assessed on the income-tax system. I was not present here when he replied: unfortunately some visitor called me, but I am told that the Honourable Minister for Development—and I admire the Honourable Minister's boldness—was pleased to say that when he used to advocate this income-tax system of land revenue he did not believe in it, in its practicality, or as some of my friends told me they did not believe in it, and that they were only using it as an argument for something else. I hope I am not doing him injustice and that I am reproducing exactly what he said. How does it become a Minister to get up and say that he was advocating the introduction of a system in which he did not believe? How can he expect us to believe him now? What is there to convince us that he is now sincere when he was not sincere at that time? If he did not mean what he was saying at that time, is there any reason why we should take it that he means what he is saying now? He is now a Minister and he may feel that he is under a greater necessity now to resort to this kind of advocacy than when he was an ordinary member of the House. How are you to believe him that he requires in the first place so much money to be spent for the purposes he has adumbrated? Can we trust the word of a man who is self-confessed—what shall I say—and who himself says that when he was advocating that system he did not mean it and that he was only trying to throw dust in the eyes of the people? Does his word deserve respect? It would have been a different thing if he had brought forward a Bill, that if funds are available land revenue of such and such classes of land revenue payers would be reduced by so much. That Bill would have been easily passed by this House and then he could have come to us and said the House has passed the Bill and it has become the duty of the Government to remit land revenue in the case of certain classes of land revenue payers and for that purpose we require 50 lakhs or one crore of rupees: we cannot raise it by any other means and we must therefore tax the urban people, the merchants and the traders of the province. That would have been something. At least we would have had the satisfaction of knowing that we are going to pay taxes to relieve the misery of the poor agriculturists. In the face of a statement like the one made by the Minister yesterday, how can we be sure that proper use would be made of the money of which we are being robbed by means of this Bill? This is one of the strongest indictments against the present Government. They do not know their own mind. They say one thing and when they are confronted with what they said, they say we never meant it, we were only saying it as an argument for some ulterior purpose. I appreciate that it was a very frank statement but the Minister should have realized what the effect of that statement made on the floor of the House would be. One word more and I have finished: it is about something said by him regarding land. The Honourable Minister in my absence devoted a part of his argument to the question of land. He said that land does not belong to the Government and so on. When I was making the speech some gentleman from the other side shouted: "Well, the House also belongs to the Government." They forget that there is one great difference between the site of a house

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and land under cultivation. It may be conceded by every member of the nation, by every member of the human race that every member of the human race has the right to hide his head and not always live in a cave or under the shade of the trees ; but if you have 500 acres of land or 5,000 acres of land you are using that land as capital with which you make money or earn a living just as a shopkeeper has his shop to make a living. It is not a question of hiding the head : it is a question of making an income, whether it is big or small. Can those people, who have got 500 acres of land come and say : oh, we have got land just to hide our head ? The truth is that from a certain point of view it is an encroachment on the rights of the nation as such that only a certain class of people should appropriate almost the whole land and should kick out others. The House should appreciate the great distinction that there is between the human necessity of a house to hide one's head and land being used as capital, as a source of making an income. From that point of view I was perfectly right in saying that if a zamindar has his land out of which he makes his living, he must pay rent or *lagan* to the Government just as a poor shopkeeper has to pay rent to his landlord for his shop and also for his house.

A friend here pointed out that I was not right when I said this ; we must put something in the *sanjha khata*, or the joint fund. I entirely agree with him. But unfortunately in this country there are two *sanjha khatas*, the central *sanjha khata* and the provincial *sanjha khata*. People who are already contributing to one *sanjha khata* cannot be forced by the neck to contribute to another. If they are contributing to the central common fund more than they ought to pay, then you cannot turn round and say ; you are not paying anything to the provincial *sanjha khata* ; you must pay there also. This is my explanation and I pointed out that we are paying more than our share to the central common fund and therefore we are not called upon to pay a penny more than we are paying. All these taxes are nothing but acts of tyranny and oppression over these people and this money is being extorted from them at the point of the bayonet or at the point of the pistol as I said yesterday. Then in connexion with this amendment I would say that when you are taking by force— force which cannot be resisted by people from whom you are taking as they have no means to resist you, then take as little as possible, not a penny more than what is your actual necessity. In the absence of any record, any material, any data to go upon, I would say that even this one anna per cent is more than what you require, because you require nothing at the present moment. With these words I strongly support the amendment moved.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*) : Sir, the amendment now before the House is that in the case of dealers whose turnover exceeds Rs. 20,000, the rate of this tax should be one anna instead of four annas in a turnover of Rs. 100. The honourable members are aware of the fact that it has been agreed to by the House that dealers with a turnover of Rs. 5,000 to Rs. 10,000 and Rs. 10,000 to Rs. 20,000 will be taxed at the rate of two and three annas in a turnover of Rs. 100 respectively. Now we have to see as to what is the paying capacity of those dealers who will be required to pay sales tax at the rate of two annas and three annas for every hundred rupees. If we assume that these dealers who are generally

retail dealers and earn one anna or even two annas profit in a rupee, their income would not come to much. Therefore it is our duty to see that they should be taxed only so much which they should be able to pay conveniently. Besides there is another reason why they have been taxed at a lower rate. That is, when the goods reach them for retail selling, by that time, they would have been taxed at two or three points and it would be very difficult for them to increase the price of articles any further and thus pass the burden on to the consumers. Naturally they would have to content themselves with a profit of one anna or at the most two annas in a rupee. It is in view of these reasons that we have decided to tax retail dealers with a turnover of Rs. 5,000 to Rs. 10,000 and Rs. 10,000 to Rs. 20,000 at the rate of two annas and three annas per hundred respectively. Then come those dealers whose turnover exceeds Rs. 20,000. It is proposed to tax them at the rate of four annas in a turnover of a hundred rupees. I admit that a wholesale dealer does not make as much profit as a retail dealer does. But all the same his aggregate income amounts to so much that if he is taxed at the rate of four annas per hundred rupees, it would not entail any hardship on him.

Now, sir, during the course of debate on the amendment now before the House my honourable friends have advanced very queer arguments. One of my honourable friends was pleased to remark that although the wholesale dealers sold goods worth lakhs of rupees, still the margin of their profits was very small. Another honourable member observed that although articles worth lakhs of rupees produced by newly started industries in the province were sold, still dealers did not make any profits. My submission is that such arguments do not hold water. After all who can believe that a dealer who sells goods worth lakhs of rupees, yet does not make any profits as has been pointed out by my honourable friend Sardar Santokh Singh? The arguments of my honourable friends have reminded me of a verse by the late Dr. Sir Muhammad Iqbal who depicted the minds of my friends long ago. He says :

ظاہر میں تہارت ہے حقیقت میں جوا
 دن ایک کا لاکھوں لپکتے رنگ معاجات

Now they want to throw dust in our eyes by advancing such flimsy arguments. If we look at some of the industries that have been started in the Punjab we would find that their owners are making lakhs of rupees. There are some business concerns which are actually distributing dividends to the tune of 72 per cent. Still my honourable friends say that the industrialists are not making any profits. Just go through the Anarkali Bazaar and see what is going on there. There are countless big general merchants like Raja Brothers, Amjad Brothers, Lairo Brothers, and so on. If we advert our attention to the Mall Road we will find the same thing there too. Sir, there was a time when nobody dared to go beyond the Circular Road even in the broad daylight. But now new *abadis* like Sant Nagar, Ram Nagar, Krishan Nagar and Mozang have sprung up. If my honourable friends pay a visit to these new *abadis*, they will find palatial buildings here and there in those *abadis* which have been built by members of the trading class who according to my honourable friends over there are earning nothing from their business. Anyway my submission is that it is no use putting forward

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these arguments. Nobody will be convinced that if the dealers with a turnover of Rs. 20,000 or more are required to pay four annas tax in a turnover of a hundred rupees they will be ground down under its heavy weight.

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

Trade is an avocation which yields profits of lakhs and crores. There may be certain commodities which do not yield a profit commensurate with the turnover, but they are very few and, therefore, cannot be taken as a basis for judging the income of dealers in general. Moreover, there is clause 5 which provides for their exemption from the tax.

Now, my honourable friend Rai Bahadur Lala Sohan Lal has quoted from the report of the Resources and Retrenchment Committee and complained that while the tax is to be levied both at the wholesale and retail stages and all commodities have been taxed, a very important recommendation of the Committee, i.e., a flat rate of Rs. 200 on turnovers of Rs. 1,00,000 and above has been thrown to the winds. My submission is that too much stress should not be laid on such points. These reports are usually written by the Secretaries and sent to the members for their signatures. Now there are so many points discussed in these reports that every member cannot be expected to go through and give proper consideration to all of them while signing the report.

Rai Bahadur Lala Gopal Das : On a point of order. The honourable member has just said that the report of the Retrenchment Committee was written by the Secretary. Does he mean to cast a reflection on the members including the Chairman?

Rao Pohop Singh : I have cast no reflection on anybody. All that I have done is to explain the procedure. But, if there be even the least objection to those remarks I withdraw them unconditionally. Now to revert to the point I was discussing, my submission is that when a man with a turnover of one lakh is to pay Rs. 250 by way of tax, how can anybody demand with justification that another man whose turnover is ten or fifty lakhs should not be asked to pay a single pie in addition to this flat rate? Is it suggested that the margin of profit in the case of a turnover of 50 lakhs or a crore is so small that it is not possible to pay even a pie out of it? Let me make it clear that such a preferential treatment to big capitalists is not possible in the Punjab. It is only in the lands of Rahimbhoyt Karimbhoys, of Birlas, of Gatodias and of Chettiars that the Government can be so influenced by capitalists. The Punjab Government cannot be expected to succumb to such whims and demands of big people. They will do justice to every section of the population.

Another submission which I want to make with your permission is with regard to the remarks of Dr. Sir Gokul Chand Narang. He said that Chaudhri Sir Chhotu Ram has all along been making a demand to assess land revenue on the income-tax basis. Now that point has been made absolutely clear by the Honourable Minister. He has explained that even when he was making this demand he did not consider the proposition quite practicable.

and that he used to make this extreme demand so that the then irresponsible Government might be disposed to remove at least some of the complaints of the zamindars. The Honourable Sir Sikander Hyat-Khan while speaking on the matter said that an attempt would be made to bring land revenue assessment on the income-tax basis gradually within a period of forty years. Let me tell the House that although the proposition is not easy to put to practice yet that is still our object. Anyway, Sir Gokul Chand Narang should rest assured that if he thinks that the assessment of land revenue on the income-tax basis will fetch any substantial amount from the big landlords he is awfully mistaken. All the zamindars whether big or small, are already taxed at such a high pitch that there is no scope for any increase even in the case of big landlords. They have been paying upto 35 and 40 per cent of their nett assets. Now it has been reduced to 25 per cent but so far only 3 or 4 districts have benefited from that reduction. The Honourable Minister of Development has told you as to what is taken as nett assets of a zamindar. I maintain that actually the zamindars have to part with 70 or 80 per cent of their nett assets. Who can deny that in the Upper Chenab colony people have to pay 40 per cent, even though the Government have more than made up the expenditure on the colonisation of that area and the rate of interest on any loans that the Government raised in this connection, which may not have been repaid as yet, has gone down ?

The comparison between the urban capitalists and poor zamindars of the countryside reminds me of an example. Suppose a man has a cow and a buffalo. He leaves the cow to graze in the jungle and does not take any particular care in respect of its health and food. Now the off spring of the cow are so helpful to the man in the cultivation of his land and for various other purposes, but she cannot yield, say, more than 4 seers of milk a day. On the other hand, that man bestows special care on the buffalo. He gives her good fodder and does everything to save her from heat and cold. But when she is going to be milked she demands that the man should expect no more than 4 seers of milk from her because he got only that much from the cow. May I ask whether any reasonable man can consider such a demand as just and reasonable? The Government have been providing all the facilities and amenities to the urban capitalists at the expense of the ruralites and has thus increased their earning capacity. Therefore, they have no justification for raising a hue and cry over this small tax. In fact, the proposed pitch of taxation is too low and I think it has been kept so, because it is intended to impose some further professional taxes. Anyway it would be the height of injustice to levy only one anna per cent in the case of big dealers while the smaller fry are asked to pay 2 annas on a turnover of one hundred rupees. And such a proposal coming from Mian Muhammad Nurullah, who was the Secretary of the Zamindar Conference held at Lyallpur, reminds me of the famous saying—

ہو چہ درکان نمک نمک رہے نمک شد

While his poor brethren are paying to the tune of 70 or 80 per cent of their nett assets, he should not have come forward with a proposal to levy only one anna per hundred rupees in the case of big capitalists. The Unionist party wants to do justice to the poor down-trodden people. They have a

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their objective to bring land revenue on the income-tax basis and unless some people desert and weaken the party to serve their personal ends we will certainly attain that goal.

My honourable friend Mr. Guest said that certain dealers who purchased from his company a box of a certain commodity for Rs. 13 sold it at the cost price. The reason he gave for that was that these dealers had to be content with the price of the empty box which they returned to the Company after retailing its contents. But, sir, the real reason for such dealings is that the manufacturing company pitches its profits so high that no margin is left for the retail seller and he has to be content with what he gets for the empty box. My submission is that instead of reducing the rate of tax in the case of such companies to one anna it should be pitched at 8 annas. That will not ruin their trade because they can very well afford to pay that much out of their profit which is as high as 70 or 80 per cent.

Again, my honourable friends Sardar Santokh Singh and Dr. Narang have said so many times that the urban business-men pay as much as 62 per cent of their incomes by way of taxes. I do not know what the number of such people is, but I would like to ask that if these taxes of 62 per cent have not ruined their business or driven it out of the province, how can this small tax of two annas in an hundred rupees do so? It has also been contended that the tax will affect the consumers and producers very badly. But the fact is that the burden will chiefly fall on the wholesale dealers and retailers. It is not the poor consumers or producers that are going to shoulder this burden. Had that been the case these honourable members would not have raised their little finger. All this hue and cry is due to the fact that it is going to touch those who live comfortably in palatial bungalows like my honourable friends Sardar Santokh Singh and Sir Gokul Chand Narang. (*A voice*: And Sir Chhotu Ram). Well, you may include the bungalow of Sir Chhotu Ram also, if you so desire. Now I would like to draw the attention of my friend Mian Nurullah to the fact that even if his argument, that the 87 per cent rural population will be hard hit as consumers, be accepted as correct, the amount which these people will have to pay as consumers will be nothing as compared with the relief that they will get as zamindars. As I have already said the greater part of the tax will come from the dealers, i.e., the remaining 13 per cent of the population and it will be utilized to give relief to the ruralites. Thus in view of the greater benefit that will accrue to them, they should not mind even if they have to shoulder a little burden as consumers.

Secondly, it has been remarked by my honourable friends Sardar Santokh Singh and Mr. Guest that petty officials will trouble them. Sir, I doubt it very much. Petty officials might tease a hawker but how can they tease my honourable friends like Sardar Santokh Singh and Mr. Guest? My submission is that now-a-days in cities public opinion is strong and therefore no petty official can dare to annoy and embarrass anybody. As a matter of fact they are public servants. Before making these passing remarks, sir, I was submitting that the proposed tax is very meagre and the class of persons which is to be taxed can certainly bear the burden, if it is at all a burden. My honourable friend Sardar Santokh Singh has remarked

that Government will gain much by this tax. May I ask him whether he and many others like him who are jacks of all trades, do not gain much by their flourishing trades, huge business and profitable transactions? They make hundreds, thousands and lakhs out of them. But when we tax them, they cry. When we say, all right, be satisfied we will only charge Rs. 500 for a sale of one lakh of rupees, they tell us about their business. They shrink their shoulders and say that they do not make much profit by sales as the margin of profit these days is very little. And then they say that they make only five or six rupees per hundred. They may take it from me that we are not prepared in any case to believe them. Sir, I fail to understand how those carrying huge business and making transactions of lakhs of rupees cannot be in a position to pay a meagre sum of four annas per hundred rupees for the sake of poor peasantry. I may also submit that the pitch of the tax is not very high, but if my honourable friends over there impress upon the Government and convince them that it is high, the Government may lower it, as our Honourable Premier has done with regard to the Urban Immovable Property Tax. My honourable friends opposite might remember that the Honourable Premier lowered the percentage from 20 to 10 on account of the public opinion expressed through meetings held outside the Mochi and Delhi Gates. I admit that these public meetings are effective enough and they have power to mould the Government's view. (*An honourable member*: What do you mean?) I mean to say that the Honourable Premier has much regard for public opinion and that is why the pitch provided in the proposed Bill is high so that it may be lowered at the sweet will of the public outside the House, as it has already been done in the case of Immovable Property Tax, as I have just now submitted on the floor of the House.

With these few remarks, sir, I strongly oppose the amendment under discussion.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*):

1 p. m. Sir, I rise to support the amendment. Before I proceed with my speech I regret to say that I could not hear the speeches previously made by the honourable members of this House. Now after having heard my honourable friend Rao Pohop Singh, I have concluded that the Government is under the impression that the zamindars will be greatly helped by this tax and they will not be affected by this measure. I am extremely glad that this measure will help the poor peasantry. But as a matter of fact, I do not think that zamindars will stand to gain much by this tax. And, sir, if the Government really hold this view I must submit they are labouring under a serious misapprehension. Broadly speaking, when the Government will act upon the working of the Bill they will find that there are many defects in the Bill. In fact the producer and the consumer will stand to lose and I do not think that the persons coming between the two will be affected. For instance, if the Honourable Minister for Development is pleased to observe the facts carefully and minutely, he will find that if an ordinary *bania* of a village buys a commodity, he will have to pay as tax as much as two to three annas per cent when he sells it. Then he takes the commodity to market and from the market the commodity goes to a factory-owner and so on and so forth. In this way the same commodity passes through many sales in

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a short time. Now it has been clear to you that tax will be charged on every point when the commodity changes ownership. In this way the rate of tax will become about 12 annas per cent which comes to about $3\frac{1}{4}$ annas a maund. It has been said that the producer will not be affected and therefore zamindars are quite safe from paying tax to the Government. That is absolutely wrong, as you would have understood from the instance just given by me that tax amounting to ten or twelve annas per cent will be charged on different points within a day or so. Ultimately the purchaser would buy commodity from zamindars at a lesser price because the former has to pay the tax for that commodity. Consequently the brunt will fall on the producers. I, therefore, feel certain that the poor producer will be thus affected by the provisions of the proposed measure. I do not know how my honourable friends opposite can have the cheek to deny these facts which I have just submitted on the floor of the House.

Secondly, the Honourable Minister in charge of the proposed measure has not told us definitely as to how much money will be realised by this tax. However, it is being remarked from the Government side that approximately one or two lakhs of rupees will come to the treasury on account of this tax. I doubt it very much. Sir, only those people who are well aware of market sales, can rightly understand as to how much money the proposed measure will bring to the treasury. I feel confident that the proposed measure, if enforced, is likely to fetch four or five crores of rupees to the Government. What they will do with this money, we do not know. Anyhow, it will be a matter of gratification if the Government remit land revenue amounting to five or six crores of rupees in compensation for the money realised by this and similar other taxes. We shall really feel highly grateful to the Government for this obligation. And if they do not do this, I do not think they will be able to digest the whole amount of money thus realised by the tax. But I am afraid they would suffer from indigestion. Now, sir, let me tell the House how the tax will fetch money in heaps to the Government. Take Mandi Burewala, for instance. I am well aware of the facts as I belong to that mandi, that 50 thousand *gaths* are purchased by 3 factories from that mandi and as it is provided in section 3 clause (c) that tax would be levied on turnover at the rate of $\frac{1}{4}$ per cent. Now my honourable friends opposite can make out the amount which the Government will receive from Mandi Burewala only. Apart from cotton bales, the wheat, gram, toria and cotton seeds will fetch much for sales taxes. It means that from this Mandi only the Government will have about Rs. 50,000 in the form of tax which is really very harsh, especially when it is known that the margin of profit these days is very little, almost negligible.

Thus Government would realise 18 to 20 thousand rupees from these *karkhanawalas* as sales tax. Then if we take into consideration those dealers who do business in wheat, *gur*, *toria*, etc., we find that they too make a turnover exceeding 20 thousand rupees or collectively over 40 to 45 lakhs of rupees. They will also be paying sales tax to the tune of 12 to 16 thousand rupees. Then there are other petty dealers in that mandi, each of whom sells commodities worth 20 to 25 thousand rupees a year. They

would be required to contribute to the Government coffers as much as 10 to 12 thousand rupees in lieu of this tax. It will be clear that Government would be getting at least 40 to 50 thousand rupees by way of sales tax from a small mandi like Burewala. Again, we should not lose sight of the transactions of the cotton mills which make turnovers of lakhs of rupees in cotton yarn and manufactured cloth. They, too, are expected to yield a large amount of tax. Apart from this the honourable members can very well imagine the huge amount of tax realisable from big trade centres like Lyallpur and Okara. In other words the receipts from the levy of this tax would bring crores of money to the Exchequer. But it is a thousand pities that we have been kept absolutely in the dark as to how and for what specific purpose this money would be utilised.

Then my honourable friend Rao Pohop Singh was pleased to remark that the retail dealers made a good deal of profit from their sales and therefore they should not be exempt from the imposition of this tax. I categorically refute this statement. My honourable friend should bear this fact in mind that there is an acute struggle for existence going on in the business world of India or of the Punjab. The small dealers are doing business at an extremely low rate of profit. It might be possible for the retailers of England to reap high profits but in India that possibility is very remote. Take, for instance, the case of Scotch Whisky. A bottle of the brand sells for 9 rupees in India and it is sold in England also exactly at the same price by the retail sellers of that country. Whereas in India or in our province you might come across many retail shopkeepers who are well known as "dhai anna" cloth shops. It is obvious that the retail-sellers in India earn very little profits as compared with foreign countries. They barely eke out their living. This is the condition of retailers doing business in towns. Now let us see how the village retailers fare. Strictly speaking they are still worse off. They consider it their good fortune if they can make a profit of one pie per rupee. I think it would be a grave injustice if the small dealers are subjected to the imposition of this tax, specially when we know that the margin of their profits is extremely small. We would be breaking their back by levying this harsh tax.

It is regrettable that the Honourable Minister for Development never cares to come into contact with the business community. If he had done so he would have seen things in their true perspective. I would draw his attention to the wheat trade carried on in Amritsar. There the dealers carry on business at the smallest possible margin of profit, say a *damri* per rupee. Every business-man connected with the trade is required to deal in forward transactions of wheat. In purchasing one *satta* of wheat, he is thereby expected to earn a profit of Rs. 2 only on this transaction. But under the provisions of this Bill the amount of money he would be required to pay as sales tax, would be Rs. 5. That is instead of earning anything he would be a loser by Rs. 3 for every transaction. Evidently no person would like to do a losing business and hence this trade would receive a serious set back. If by the levy of this unjustifiably heavy tax industry and commerce are driven out of the province, how would the Honourable Minister realise this tax? Again what would be the result of this levy? He would be, on the one hand, pauperizing the merchants or trading community as trade would be shifted to places where this tax

[S. Ajit Singh.]

does not exist and on the other he would fail to provide any relief worth the name to the zamindars. I would therefore request that the provisions made in the Bill deserve serious consideration at the hands of the Government. Besides, we would welcome the tax if it is imposed on the basis of income-tax, as has been done by the Government of India. The tax as provided in the Bill is most unjustified and uncalled for. It is certainly going to adversely affect the producers. If the Government hold out an assurance that they would utilise the whole amount thus realised, in affording corresponding relief to the zamindars, then I might be disposed to offer my whole-hearted support to this tax.

Now I would like to apprise the House of the immediate effect of the provisions of this Bill when it is passed into law. Take for instance the case of cotton. The big dealers who purchase cotton, say at the rate of 6 rupees per maund of kappas, would naturally try to add 2 or 4 annas per maund in order to meet expenses connected with the trade. But as the margin of profit is very small and the turnover is bound to exceed twenty thousand rupees, they must somehow or other get that additional money required to pay the sales tax. Naturally they would try to depress the purchase price of the commodity or in other words pay the zamindar less by that amount required to pay the tax. It is apparent that the burden of this tax would mainly fall on the zamindars. Then may I know how the imposition of this tax on the dealers is going to help the zamindars? I hope the Honourable Minister would take all the pros and cons of the matter into consideration before enacting this measure. With these words I support the motion now before the House.

Mr. Deputy Speaker : The question is—

That in part (c), second column, for the words "one-fourth" the words "one-sixteenth" be substituted.

The motion was lost.

Mr. Deputy Speaker : The substance of amendments Nos. 37, 38 and 39 has already been discussed. If any honourable member wants to have his motion put to the vote of the House, then he should move it.

Rai Bahadur Lala Sohan Lal : I beg to move—

That in the second column of sub-clause (1), part (c), after the word "annum," the words "subject to a maximum of one thousand rupees" be added.

The motion was lost.

Sir William Roberts : Sir, I beg to move—

That for part (c), the following be substituted:—

If the turnover exceeds twenty thousand rupees. One-tenth of one per centum or one thousand rupees, whichever is less.

The Assembly divided : Ayes 18, Noes 49.

AYES.

Ajit Singh, Sardar.

Faqir Chand, Chaudhri.

Ghulam Samad, Khan Sahib Khawaja.

Girdhari Das, Mahant.

Gokul Chand Narang, Dr. Sir.

Gopal Das, Rai Bahadur Lala.

Guest, Mr. P. H.

Harnam Das, Lala.	Rashida Latif Baji, Begum.
Jugal Kishore, Chaudhri.	Roberts, Sir William.
Lal Singh, Sardar.	Santokh Singh, Sardar Sahib Sar-
Muhammad Abdul Rahman Khan	dar.
Chaudhri.	Sohan Lal, Rai Bahadur Lala.
Muhammad Nurullah, Mian.	Uttam Singh Dugal, Sardar.
Mula Singh, Sardar.	

NOES.

Abdul Hamid Khan, Sufi.	Muhammad Ashraf, Chaudhri.
Abdul Haye, The Honourable	Muhammad Azam Khan, Sardar.
Mian.	Muhammad Faiyaz Ali Khan,
Abdul Rab, Mian.	Nawabzada.
Abdul Rahim, Chaudhri (Gurdas-	Muhammad Qasim Chaudhri.
pur).	Muhammad Sarfraz Khan, Chau-
Abdul Rahim, Chaudhri (Gur-	dhri.
gaon).	Muhammad Yasin Khan, Chaudhri.
Ahmad Yar Khan, Chaudhri.	Muzaffar Khan, Khan Bahadur
Allah Yar Khan Daulatana, Mian.	Captain Malik.
Amjad Ali Shah, Sayed.	Nawazish Ali Shah, Sayed.
Anant Ram, Chaudhri.	Nur Ahmad Khan, Khan Bahadur
Chhotu Ram, The Honourable	Mian.
Chaudhri Sir.	Pir Muhammad, Khan Sahib Chau-
Faiz Muhammad, Shaikh.	dhri.
Faqir Hussain Khan, Chaudhri.	Pohop Singh, Rao.
Farman Ali Khan, Subedar-Major	Prem Singh, Mahant.
Raja.	Pritam Singh Siddhu, Sardar.
Fateh Sher Khan, Malik.	Ram Sarup, Chaudhri.
Fazal Din, Khan Sahib Chaudhri.	Ranpat Singh, Chaudhri.
Few, Mr. E.	Ripudaman Singh, Rai Sahib
Ghazanfar Ali Khan, Raja.	Thakur.
Ghulam Rasul, Chaudhri.	Roshan Din, Chaudhri.
Gurbachan Singh, Sardar Bahadur	Sadiq Hassan, Shaikh.
Sardar.	Sahib Dad Khan, Khan Sahib
Haibat Khan Daha, Khan.	Chaudhri.
Hans Raj, Bhagat.	Shahadat Khan, Khan Sahib
Het Ram, Rai Bahadur Chaudhri.	Rai.
Jagjit Singh Man, Sardar.	Shah Nawaz, Mrs. J. A.
Khizar Hayat Tiwana, The Honour-	Sultan Mahmood Hotiana, Mian.
able Malik.	Sumer Singh, Chaudhri.
Muhammad Akram Khan, Khan	Tikka Ram, Chaudhri.
Bahadur Raja.	

Chaudhri Tikka Ram (Parliamentary Secretary) : Sir, I beg to move—

That for part (c) the following be substituted :—

(c) If the turnover exceeds twenty thousand rupees per annum.

Four annas for every one hundred rupees or fraction thereof.

The motion was carried.

Mr. Deputy Speaker : The question is—

That Clause 3 as amended stand part of the Bill.

The motion was carried.

Clause 4.

Chaudhri Tikka Ram (Parliamentary Secretary): May I suggest that the amendments of Sir William Roberts be taken up when we take into consideration clause 5, because that clause deals with exemptions to be given for various commodities.

Sir William Roberts : I will move my amendments when clause 5 is taken up.

Khan Sahib Khawaja Ghulam Samad : I will also move my amendments when exemptions are discussed.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I move—

That in lines 9-10, for the words "the Punjab Excise Act, 1914" the words "any Excise Act or law" be substituted.

My impression is that perhaps the framers of the Bill did not know that there were certain articles which were governed by some Excise Acts or laws of the Central Government or that the Punjab Excise Act was only an Act which gave exemptions to some things to which exemption should not have been given. This is what the clause says :—

The provisions of section 3 of this Act shall not apply to the sale of electric energy, motor spirit as defined in the Punjab Motor Spirit (Taxation of Sales) Act, 1939, manufactured tobacco as defined in the Punjab Tobacco Vend Fees Act, 1934, and any goods on which duty is or may be levied under the Punjab Excise Act, 1914, or the Opium Act, 1878.

This means that articles on which excise duty is paid shall be exempted from the operation of this law. My submission is that there are certain articles on which heavy excise duty is already being paid and there is no reason why further taxation should be imposed upon them. Take the case of sugar, for instance. Rupees 2-4-0 per maund is being paid by the manufacturers on sugar. You know the price of sugar in these days is less than Rs. 10 per maund. In the United Provinces it is, of course, less than Rs. 9. In the Punjab it is less than Rs. 10. It means that nearly 25 per cent of the total value of sugar is being paid on excise duty. Some people probably are not aware but this is a fact that the Government of India is charging Rs. 3 per cwt. of sugar and the price of a cwt is not more than Rs. 12 or Rs. 13. A cwt. is equal to about 54 seers. In other words, Rs. 2-4-0 is being charged on sugar, and it would be really unfair that this commodity should be further taxed when it is already paying Rs. 2-4-0 per maund which, as I have already said, comes to 25 per cent of the total price of sugar. Then again, take the case of steel billets which are being charged at Rs. 4 per ton, which means about 2½ annas per maund. The price of billets is not very high so that if already this tax is being paid upon them it is only proper that they should not be made to pay another tax. I do not want to make any lengthy speech. The propriety and fairness of the amendment are obvious and I leave it to the Minister to decide what he is going to do ; but I must say that if these articles which are already paying excise duty or not exempted it will be a great hardship.

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

That in lines 9-10, for the words "the Punjab Excise Act, 1914," the words "any Excise Act or law" be substituted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I rise to support the amendment that has been so ably moved by Dr. Sir Gokul Chand Narang. A similar amendment also stands in my name. The principle underlying the amendment has been thoroughly explained by the honourable mover. I will simply point out that there are certain articles on which a duty in the form of excise to the extent of 100 per cent is already levied. If this amendment is not accepted those articles also which pay an excise duty of 100 per cent though not to the provincial exchequer, will come under the operation of this Bill. I have just got a letter from one of the match manufacturers. He says that matches are already taxed to the extent of 100 per cent by the central Government in the form of excise duty. He quotes different rates for different kinds of matches and points out that these match boxes are further subject to octroi and terminal taxes in the Punjab. He also points out that matches are exempt from the levy of octroi and terminal taxes in the United Provinces. In those circumstances, it is very necessary that articles which have already to pay duty in one form or another under an Excise Act must be exempted from the operations of this clause. It is not sufficient to say that those articles on which a duty is levied under the Excise Act of 1914 shall be exempted. Others also should be similarly exempted. I have only given the instance of matches, but there may be many other articles which pay an excise duty and of which we may not be aware at the present moment and it would be in the fitness of things that the Honourable Minister of Development accepts this reasonable amendment and exempts all articles which pay an excise duty levied either by the local Government or by the central Government from the operation of this clause, and not only those articles which pay excise duty, under a particular Excise Act of 1914.

Sardar Lal Singh (Ludhiana, Central, Sikh, Rural) : I may also add one word in support of this amendment. I wonder whether the Honourable Minister for Development has taken into consideration the case of chemicals, tincture, for instance, for the manufacture of which rectified spirit on which an excise duty is levied is used. Just at present when the chemical industry is coming into existence, it would be unfair to impose this tax on chemicals, for the manufacture of which materials are used on which excise duty is already levied. These chemicals change hands two or three times before they reach the consumer and I fear it will be a great handicap to the chemical trade if this tax is imposed on the chemicals. I therefore support the amendment.

Minister for Development : I am sorry I am unable to accept the amendment. So far as the scope of this particular clause is concerned, I am not agreeable to extend it. But if any case of hardship is brought to the notice of Government in the course of time, exemption can be granted under section 6. That section is a very comprehensive one and action can easily be taken under it.

Dr. Sir Gokul Chand Narang : May I say just one word? The Honourable Minister says that if any cases of hardship are brought to his

[Dr. Sir Gokal Chand Narang.]

notice he, will exercise his powers under section 6. Is he not convinced that the cases cited are cases of hardship? Will it not be a matter of consolation to those people who are likely to be affected by this measure if this amendment is incorporated in the Bill itself, so that they may know that they will not have to dance attendance on the officers for recommendation and that they need not depend upon the mercy and whims of the Minister for the time being, whoever he may be? The present Minister may think himself of liberal views towards a certain class of manufacturers, merchants and industrialists and may grant them all concessions. But who knows who will be in charge of this department later on? He may not be as considerate as the present Minister may think himself to be. Why not then embody this amendment in the Bill itself? The Honourable Minister cannot deny that the cases cited are cases of hardship. Twenty-five per cent of the total produce is taken away by the Government. The Honourable Minister should either say that what I am saying is incorrect or he must concede my point. There are companies which have suffered a loss and yet have had to pay two or three lakhs to the Government, particularly this season, as some of you may be aware. Even when they make some profit, it is not as high as the excise duty that they have got to pay. This can be found out from a cursory glance at their balance sheets. It will be found that one-fourth of the total produce is taken away by the Government in excise duty, irrespective of whether there is profit or loss. When the hardship is so obvious, what is the objection to the acceptance of the amendment? Why not include the exemption in the Bill itself instead of leaving it to the tender mercies of the Minister and his subordinates? It would be a different thing if the Honourable Minister were to say that there is no hardship and that the trade can pay 25 per cent of the produce and yet pay this tax also. But my point is that when the hardship is so patent and obvious, why not accept this amendment?

Minister for Development : Dr. Sir Gokal Chand Narang is naturally anxious that exemptions should not be left to the whims and caprices of individual ministers. From his own point of view he is perfectly correct. But if he will try to read carefully the wording of this clause he will find that practically all the exemptions that have been made under this clause relate to articles the excise duty on which goes to the coffers of the provincial Government. So far as sugar is concerned the excise proceeds do not come into the coffers of the provincial Government. They go to the central Government. Therefore, there is a definite distinction between the contents of this section and what he now proposes. But, if as a result of experience we find that sugar industry is becoming of importance in this province and stands in need of exemption, action can be taken under section 6.

Mr. Deputy Speaker : The question is—

That in lines 9-10, for the words "the Punjab Excise Act, 1914" the words "any Excise Act or law" be inserted.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 4 stand part of the Bill.

The motion was carried.

Clause 5.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban)
I beg to move—

That in sub-clause (1) (a), lines 1—4, the words "or by Act, 1912" be omitted.

By this clause the amendment of which I seek exemption has been granted to a co-operative society, registered under the Co-operative Societies Act, 1912, from the operation of this Bill.

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

I have not been able to understand or realise the justifiability of this. These co-operative societies are as much profit-sharing concerns as any other company registered or unregistered. Most of these societies were set up in competition with the *arhtis* who carry on their business in the *mandis*. The working of these societies has been far from satisfactory. It has been both inefficient and corrupt. Cases of corruption are not unknown. They are quite frequent and to extend a privileged treatment to such societies which are neither efficient nor above corruption is far from justifiable. Already these co-operative societies are given a privileged position over others who have got to carry on business under exactly similar conditions, and in competition with these societies. It is not the question of a poor zamindar whose name may be exploited in this case as well. The question is purely of business, and business to be carried on in competition with individuals who have been doing it throughout their life. Already these co-operative societies are placed in a position of privilege by the Government inasmuch as they are allowed to charge any amount of interest, whereas others doing the same business, doing the same work cannot charge against secured loans a rate of interest more than $7\frac{1}{2}$ per cent. Similarly in the matter of execution of decrees these co-operative societies have already been placed in a position of privilege. They have the right to have the houses of the poor judgment-debtors attached. They have the right to have the sheep, the cow, the ox and the buffalo of a poor judgment-debtor attached. They have the right of sending the poor judgment-debtors to jail which right has been denied to the other ordinary creditor. I ask why a further privileged position should be granted to these societies in the matter of exemption from duty on these sales. It is not their own produce that they will be selling. The produce will be coming from A, B and C as it does come to the other, *arhtis* in the *mandis*. They carry on business just on the same lines as others do for making profits. It comes then to this that these co-operative societies when they buy one hundred or two hundred bales of cotton, or when they buy two or three thousand bags of wheat for making profits in the same way as the ordinary merchant or the ordinary *arhti* does, these societies will not have to pay the tax whilst other persons doing business identical and under exactly the same circumstances will have to pay the duty over and again. I ask in all seriousness, where is the justice, where is the justifiability and reasonableness in this? Will it not be discriminatory? A man, say, A doing the same business on exactly the same lines is required to pay the tax, not once, not twice, not thrice but perhaps ten times, but B doing the same business under similar conditions is exempted from the payment of duty not once, not twice, not three times, but all those ten times.

(S. S. Santokh Singh.)

I would like to ask whether this is not partiality and injustice, and whether you are not seeking to benefit one class of people by means of this discriminatory legislation at the expense of others. Will this not be a source of real grievance to the people who have been carrying on this business throughout their lives? My fears are that if legislation of such a discriminatory kind keeps on finding a place in this Assembly, the time might arrive when Government might say that certain sections of the Penal Code do not apply in the case of zamindars, and that they only apply to non-zamindars. This is where the situation is drifting to, otherwise I do not really see why you want to exempt societies which are as much profit-sharing concerns as any other firms or individuals, who are doing the same business as these societies and which share profits in the same way as others. Why should they be placed in a position of one privilege after the other? I think that if Government has any sense of justice, it will not persist in this absurd clause—I deliberately use the word “absurd”—and will see its way to accept the amendment that I have moved.

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

That in sub-clause (1) (c), lines 1—4, the words “or by Act, 1912” be omitted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General,

2 p. m.

Rural): Sir, I want to support the amendment moved by Sardar Sahib Sardar Santokh Singh. I do not want to make any lengthy speech. The arguments put forward by my honourable friend are perfectly sound. I do not know with what face they can say that they are not making any discrimination between one class and another or between one group of people and another. The idea seems to be that these co-operative societies are mostly composed of zamindars. (*Interruption.*) I say mostly, I do not say entirely. They are mostly composed of zamindars and probably there are none or if there are any, there are very few, which consist of traders. I do not know for what reason traders have not taken so very kindly to co-operation, and I can say without any fear of contradiction that these co-operative societies are mostly composed of zamindars and there cannot be any other explanation for their exemption from the operation of this measure except this, that it is a zamindar Government and therefore the zamindars must be given preference over non-zamindars and must be placed in a position of advantage over the non-zamindars. There does not seem to be any other explanation whatsoever. Possibly the Honourable Minister may say that the members of these co-operative societies are poor people. But I do not think that that argument will hold good because some members of these co-operative societies are very big people, very big zamindars and instead of forming joint stock companies which probably they do not understand as they present many difficulties, they form these co-operative societies. If they are only for mutual help, for lending between one another, that was probably the original idea—to save them from running into debt—it might have been less open to objection. But as Sardar Santokh Singh has pointed out, there are some co-operative societies which have got shops in *mandis* and they carry on business in competition with professional traders and merchants and I really do not see any reason why one class of merchants should be

placed in a position of advantage over the others. There is great competition in business and sometimes even annas 4 per cent would take the business out of the ordinary professional traders because the next door neighbour, the keeper of a co-operative shop, will be exempt from the payment of annas 4 per cent and will not have to pay it. At least those who have anything to do with business ought to understand that very often business in big *mandia* is done at a profit of annas 4 per cent or even annas 2 per cent and if this margin is wiped out by this invidious taxation, then it is nothing but sheer injustice to those on whom this tax is imposed and an absolutely undue favour to those who are sought to be exempted from the operation of this measure.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): I may say just a few words by way of explanation. Sardar Sahib Sardar Santokh Singh has suggested that co-operative societies are in a position to have the debtors arrested and to have their houses sold. I must correct him. He is wrong. So far as debtors are concerned, they will escape arrest if they fall under the definition of 'debtors' and the new amendment certainly gives a place of privilege to co-operative societies in that respect. Barring that one respect, in all other respects debtors of co-operative societies are exactly in the same position as other debtors. (Dr. Sir Gokul Chand, Narang: Are the co-operative societies in the same position as other creditors?) If my honourable friend had waited for half a minute I would have come to that. Co-operative societies stand on an entirely different footing from private creditors. In some respects they have been assigned a place of privilege as compared with private creditors. The difference lies in this, that in the case of a private creditor, all repayment goes to the pocket of a private individual. So far as co-operative societies are concerned, any realisations made by them or on their behalf do not go to the pockets of private individuals. They belong to the society as a whole and all the members of that society, including the debtors, are entitled to the common funds which are built up. That is the primary reason which has induced the Government to place co-operative societies on a different basis. This will help the building up of funds quickly. Co-operative societies have also been treated differently in respect of rates of interest. The reasons are what I have just stated. But so far as attachment of houses is concerned, co-operative societies are subject exactly to the same disabilities as ordinary private creditors.

Sardar Sahib Sardar Santokh Singh The Honourable Minister of Development admits that these co-operative societies are already in a privileged position and he wants to add more and more to those privileges. Government have a majority and they may do as they please. If my memory fails me not—although I speak subject to correction—in the debt legislation certain privileges were given to the societies in the matter of execution of decrees. I remember, notwithstanding the denial of the Honourable Minister of Development, that these societies can put in petitions for sending judgment-debtors to jail against the decrees they hold. I remember that these societies have the right, which is denied to the other creditors, of having the house of the judgment-debtor attached. I believe they have the right to apply for the attachment of oxen, sheep and other cattle of the judgment-debtor, which right is denied to the

(S. S. Santokh Singh.)

ordinary creditor. Our Government is taking the Madras Act as its model. But the Madras Act expressly includes these societies in so far as payment of this tax is concerned. Clause 9 of Madras Act of 1939 lays down that a co-operative society or any association which sells goods only to its members is even a dealer within the meaning of this clause. I am not very well aware what business these co-operative societies do in Madras and I believe the Honourable Minister of Development is equally unaware of what is going on in that province. But the fact remains that the Act which you take as your model expressly includes the co-operative societies and even those co-operative societies which sell goods only to their members and not for making profit, within the meaning of "dealer".

Here you cannot deny that the co-operative societies in our province are profit-sharing concerns. They are out to make profits in business in the same way as anybody else and to place these societies in an advantageous position in some cases of having not to pay a tax of Re. 1-8-0, Rs. 2 or Rs. 2-8-0 per cent which the others carrying on similar business have got to do, is nothing but sheer injustice.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): I may be allowed to say one word by way of reply. I think Sardar Santokh Singh has been unnecessarily uncharitable to co-operative societies. He thinks that in the Punjab the Government has a specially soft heart for co-operative societies, because these co-operative societies mostly cater for the needs of zamindars. The exemption here is in respect of co-operative societies as such. Non-agriculturist shopkeepers are quite welcome to organize themselves into co-operative societies. There is no obstacle in the way of non-agriculturists.

Sardar Sahib Sardar Santokh Singh: Do not forget that no further co-operative societies can be recognized under your law if registered after a certain date.

Minister: I am not quite sure about the exact number of societies which are purely non-agriculturists, but the number of such societies is not less than 300, it may be 400, or 500, but not less than three hundred. They belong entirely to non-agriculturists. There is nothing in the law to prevent non-agriculturists from forming themselves into co-operative societies. Then there is a further restriction in the clause itself. This exemption is to be granted only subject to certain conditions relating to licensing and license fees. Therefore, if it is found as a result of experience that co-operative societies have been taking unfair advantage of their position, conditions can be easily applied to them.

Mr. Speaker: Question is—

That in sub-clause (1) (a), lines 1—4, the words "or by Act, 1912," be omitted.

The motion was lost.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary):
I move—

That in sub-clause (1) (b), lines 2-3, between the words "jewellery" and "and" the words: "wheat flour, wheat and other food grains, cotton (ginned and unginmed), cotton yarn," be inserted.

Sir, I consider this as the most important amendment of the Bill. Perhaps some of my honourable friends know that cotton and cotton yarn are exempt from the General Sales Tax Act in Madras. With regard to the position of cotton, I may be permitted to quote some figures. In the British Punjab the total cotton crop is 12 lakhs of bales, and in the Punjab States the total cotton crop is 6 lakhs of bales. Out of these 18 lakhs of bales of cotton produced in the Punjab, nearly 13·5 per cent is consumed in the Punjab itself for domestic purposes, 8 per cent is consumed by mills set up in the Punjab and over 23·5 per cent is exported to other provinces in India and the rest that is 60 per cent is exported to foreign countries. That being the position of our cotton crop in the Punjab, there are two factors which ought to be taken into consideration. First, that a very small quantity of cotton is used for the manufacture of cloth in the Punjab. Supposing we were to tax cotton and cotton yarn, what would be the result? The result would be that the mill industry in the Punjab will be at a great disadvantage as compared with the mills outside the Punjab, because cotton will have to be taxed at least at 5 or 6 stages before it reaches the manufacturer. I need not give the number of times that cotton will be taxed, but suffice it to say that a village *bania* and the merchant in the *mandi*, the big buyer of cotton and manufacturer of cotton yarn will have to pay the tax before it reaches the manufacturing stage. The manufacturer in the Punjab will, therefore, have already paid the tax to the extent of nearly Rs. 1-8-0 per cent before he can put forward his goods for sale in the market in competition with foreign cloth. We do not wish that our mill industry should in any way be handicapped. As a matter of fact there is no one in this House or outside it who does not wish that all our cotton which we produce in this province should be consumed by the mills set up in this province. That will be a great advantage to the Punjab as a whole. Now, sir, this being the case, it will be a suicidal policy for us to tax cotton and I think it was for this reason that in Madras they very wisely excluded cotton and cotton yarn from the operation of this tax. With regard to the prices of cotton, I might submit that it sells in competition with cotton all over the world. Its price is governed by world factors. It does not entirely depend upon economic factors in this country. It depends on the price in America or Liverpool. If cotton is taxed, the grower will get less price for his commodity. If we tax cotton, the burden will fall on the grower, as the price of cotton will become lower to the extent of the tax. The price of cotton in this country is much lower than the world prices, for the simple reason that on account of war, shipping facilities are not available and we are not able to export our cotton easily. The result is that in world parity our cotton is selling much cheaper and if we were to tax cotton by the imposition of this sales tax, the price of cotton will drop still further. I need not labour this point any further.

With regard to wheat and flour, I may submit that the total crop in this province is about three million tons.

Now, out of these 3 million tons of wheat, nearly 2½ million tons are consumed in this province. Wheat is the staple food of the people of this province?

Premier : "Eat Punjab wheat" should be our slogan.

Sardar Bahadur Sardar Ujjal Singh : Yes, "Eat Punjab wheat" should be our slogan, and that is why I am urging the Punjab wheat should be exempt from sales tax. Nearly half a million tons of wheat are exported from the Punjab to other provinces of India or sometimes to the neighbouring countries. Now, with regard to this exportable surplus of wheat, we stand at a great disadvantage. The railway freight is a great handicap to our exports. I think the honourable members would be interested to know that it costs only 7 annas per maund to export wheat from an Australian port to Calcutta, while it costs Re. 1-0-4 per maund to export wheat from a Punjab market to Calcutta. The freight from an Australian port to Liverpool is only 12 annas per maund, whereas the railway freight from Punjab markets to Lucknow or Cawnpore is 14 annas per maund. On account of these facts we are at a great disadvantage, and if, after all these disadvantages, the wheat is going to be taxed, our wheat will not be able to find a market elsewhere. Wheat is a commodity which is consumed by the poorer classes more than by the richer classes. The well-to-do classes, generally do not eat wheat to that extent to which the poorer classes eat, because these classes depend for their food supply and nourishment entirely on wheat and on nothing else. If you are going to tax wheat, you will be taxing the poorer classes. With these few remarks I hope that the Honourable Minister in charge of the Bill, will be pleased to accept my amendment.

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

That in sub-clause (1) (b), lines 2-3, between the words "jewellery" and "and", the words "wheat flour, wheat and other food grains, cotton (ginned and unginned), cotton yarn" be inserted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I am glad that my honourable friend has moved this amendment. As I said the other day in this House, the Government has no intention whatsoever from the very beginning, to tax agricultural commodities, which might be an unnecessary burden on the producer and the consumer; and I am glad that my honourable colleague, the Honourable Minister for Development, gave this undertaking on my behalf, when he spoke on this Bill. I do not see eye to eye with my honourable friend's amendment as it is worded. If my honourable friends on this side and on that side accept the amendment which I am going to propose, I think the honourable members of this House would be satisfied. As I said that it is not the intention of Government to tax the food supply because this would hit both the consumer and the producer, the amendment which I propose is that between the words "jewellery" and "and" the words, "wheat, wheat-flour; gram, gram-flour; maize, maize-flour, *bajra*, *bajra*-flour, cotton (ginned and unginned)" be inserted. This would cover all the raw material which we produce in this province. As regards other articles, we have already powers under subsection (2) to exempt any articles, if it is considered necessary to do so.

Sir William Roberts : What about cotton seeds?

Premier : If it is considered necessary, cotton seeds can be exempted under sub-clause (2). We should make a specific provision to exempt these articles, otherwise the mischief-makers would mislead the public outside, as they have been doing with regard to other legislative measures. For instance, I was told the other day that it is said in public that *wajfs* are going

to be taxed. And I was sorry to learn that a poster has been published. Somebody has paid Rs. 100 for the publication of that poster, purporting that *waqfs* were going to be taxed under the Punjab Urban Immovable Property Act. It is mentioned in the Act that religious and educational institutions will be exempted from tax. But the mischief-makers are misrepresenting and saying that *waqfs* are going to be taxed. I understand that Rs. 100 were paid by a particular person to get that poster published. Hence I propose that the exemption of these articles should be specifically mentioned in the body of the Bill, so that nobody may be able to make any mischief again. I hope that after this amendment no doubt will be left in the minds of the honourable members as to the intention of the Government.

Sardar Bahadur Sardar Ujjal Singh : I am grateful to the Honourable Premier and the Honourable Minister for Development for accepting the substance of my amendment. As the wording of the amendment proposed by the Honourable Premier is more appropriate, I beg to withdraw my amendment, so that the amendment proposed by the Honourable Premier may be accepted by the House.

The amendment was by leave withdrawn.

Premier : Sir, I beg to move—

That in sub-clause (1) (b), lines 2-3, between the words "jewellery" and "and" the words, "wheat, wheat-flour; gram, gram-flour; maize, maize-flour; *bajra*, *bajra*-flour, cotton (ginned and unginned)" be inserted.

The motion was carried.

Sardar Sahib Sardar Santokh Singh : I move—

That in sub-clause (1) (c), lines 4-7, the words "or grown.....other-wise" be omitted.

By this sub-clause exemption has been granted not only to persons who grow their own produce but also to others who may have any interest in the land either as owners or as mortgagees or otherwise. So far as the question of growing the produce is concerned, it may be conceded as perhaps reasonable but when it is sought to extend this protection to others who do not till the land, but are only interested as mortgagees or owners in the land, the position that Government has taken, becomes untenable. On the one side you are placing the non-zamindar mortgagees and others at one disadvantage after the other, while, on the other side, in the name of poor zamindar, you are extending all these facilities to the rich zamindars. This is my objection and I believe the Honourable Minister of Development will realize that this exemption of the rich people in the name of the poor should not be made the basis of this legislation. I, therefore, believe that on reconsideration—unless of course the Minister in charge wants to exploit the name of the poor for the benefit of the rich—he will allow this exemption only to people who grow their own produce and not to others who are only interested as owners or mortgagees and make money by way of interest or otherwise on their investments. The amendment that I have moved is very reasonable and must have sympathetic consideration at the hands of the Honourable Minister of Development.

Mr. Speaker : Question is—

That in sub-clause (1) (c), lines 4—7, the words "or grown.... other-wise" be omitted.

The motion was lost.

Sir William Roberts : I beg to move—

That in sub-clause (1) (d), line 1, between the words "of" and "newspapers," the word "books" be inserted.

I do not think it is necessary for me to elaborate this point for the Honourable Minister is always conscious of the backwardness of the progress of education in the Province. I do not want to make comparison with the state of education in other provinces, but I ask what should be the state of development of education in this Province in view of the progress that the world is making these days? Moreover, we should not put obstacles in the way of realisation by the Punjab community of that particular desire for further education and if we put any obstruction on the buying of books, I think we will be hampering the progress of the Province towards literacy. I, therefore, hope that the Honourable Minister would accept this amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1) (d), line 1, between the words "of" and "newspapers," the word "books" be inserted.

Sardar Bahadur Sardar Ujjal Singh : The amendment moved by my honourable friend Sir William Roberts goes a bit too far. If all books cannot be exempted, I would submit that holy scriptures may at least be exempted. It may be rather difficult to state on the floor of the House which holy scriptures should be exempted from this tax. I have, therefore, stated in my amendment "holy scriptures as may be prescribed", so that the Government, under the rules, might give the names of holy scriptures.

Mr. Speaker : Are they not books so far as their physical condition, paper, binding, and printing, etc., are concerned?

Sardar Bahadur Sardar Ujjal Singh : All books are not holy.

Dr. Sir Gokul Chand Narang : Say "religious books." Scripture are all holy.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (Urdu) : Sir, I rise to support the amendment that has been moved by my honourable friend Sir William Roberts. But I do not subscribe to the view expressed by my honourable friend Sardar Bahadur Sardar Ujjal Singh inasmuch as he has sought the exemption of holy scriptures only from the purview of this Bill. I see no reason why all the educational books should not be exempted from the payment of the proposed tax. On the one hand, the Government is professing to be making huge efforts to drive away illiteracy from the Punjab and on the other it is going to tax the sale of educational books. The levy of tax on these books will certainly retard the progress of literacy in the province of the Punjab. I would, therefore, urge upon the Government to exempt the sale of all educational books from the payment of this tax. All alphabetical charts and books whether they are in Urdu, Hindi, Gurkmukhi or English should be excluded from the pale

of taxation. The sale of these educational books should by no means be taxed. It will cause a great set-back in the progress of the movement which the Honourable Minister of Education has already launched with a view to promoting and spreading literacy in the entire length and breadth of the Punjab. I fail to understand why religious books alone should be exempted as has been suggested by my honourable friend Sardar Bahadur Sardar Ujjal Singh. After all who reads these religious books? It is only the Pandits among Hindus, Maulvis among Muslims, and the Granthis among the Sikhs who study the holy scriptures. They are only a microscopic minority in the various religious groups. (*Sardar Bahadur Sardar Ujjal Singh*: No, no. The honourable member is talking of himself alone.) I hope the Honourable Minister in charge of the Bill will very kindly pay attention to this important matter and see his way to accept the amendment of my honourable friend Sir William Roberts.

Mr. P. H. Guest (Punjab Commerce and Industry): I did not want to speak on this amendment but I cannot understand the logic of the proposal put forward by Sardar Bahadur Sardar Ujjal Singh. I am in favour of the proposal put forward by Sir William Roberts. The Government is spending large sums of money on compulsory, or almost compulsory, education, and encouraging adults to learn to read and do all kinds of acts which will encourage people in the villages to become a little less uneducated. Yet they insist on this imposition of a tax on books. I cannot see why in this stage of civilization one should fall short and say that only the books of holy scripture should be exempted. I, therefore, support the amendment of my honourable friend, Sir William Roberts.

Sardar Sahib Sardar Santokh Singh: Sir, I rise to support the amendment of Sir William Roberts. By taxing the books you tax knowledge and thwart the advancement of knowledge. By taxing books in this manner you are raising the price of elementary books which are read by our children at tender ages. Suppose the price of a book is 2 annas, after the imposition of this tax it may be Re. 0-2-8. Three pies per book may not be anything to a big zamindar, but for poor people, who may have many children to educate, it will be rather a very hard tax. Our predecessors in office held that books should be even octroi-free, a very good innovation indeed, in order that the value of books may be kept as low as possible. If my honourable friend, Sardar Ujjal Singh's amendment is accepted, very many difficulties would arise in defining religious books. It will not be an easy affair. Disputes and troubles may arise whether a particular book is a religious book or not. After all the taxation of books will not be so heavy that the Government stands to lose any very great amount. If they were to be generous enough, they should exempt all the books from the payment of this tax. I understand that notwithstanding such a heavy taxation presently prevalent in Great Britain, necessitated by war, the books there are still free of taxation. Surely that stage has not yet arrived in our province and we here don't need money more sorely than what they need in Great Britain now-a-days. If in times of war necessity as this, the British authorities are able to let the books go without tax, I do think that the Government will be doing a very good thing indeed if they were to exempt books from the payment of this tax, especially as the amount is

(S. S. Santokh Singh.)

not going to be very large. After all the Government does not stand to lose much. I believe that the amendment of Sir William Roberts will be accepted.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): Sir, I rise to support the amendment moved by Sir William Roberts, that all books should be exempted from the imposition of this tax. Book is after all a final product of combination of things. Firstly and mainly it is paper and I am sure, before it takes the shape of a book, it must have been taxed at one stage or another and so would other material be taxed. I am sure the authors, professors and all those who compile these books are also taxed. Therefore, it would not make much difference if the Government would rise to the occasion and allow this exemption of books. It will make a world of difference for a poor man, who cannot afford to give education to his children, if at all only up to primary standard. The poor fellow cannot go further than primary education and specially when we are making primary education compulsory, it is one of our duties to make it as cheap as possible. My honourable friend Lala Gopal Das tells me that books are not taxed anywhere even in England. With these words I support the amendment.

Minister for Development: Sir, it is only in the Punjab that an attempt has been made to exempt periodicals, newspapers and certain class of books. They have not been exempted either in Bengal or in Madras. (*An honourable member:* We are leaders). Although Punjab is different in many ways, it need not differ from every other province in every respect. But the exemption intended under the clause is confined only to a certain class of literature. I think the House ought to be content with that. Rai Bahadur Lala Sohan Lal told us at one of the meetings that text-books worth 15 to 16 lacs a year are being sold in this province. There is no reason why we should not raise a little money from the sale of those books. After all that money is to come to the provincial coffers and can be utilized for the purpose of promoting primary education.

Sir William Roberts: Sir, the Honourable Minister has referred to the 15 lakhs sale of text books. If these books are taxed the burden would fall on the consumer who in this case are students and who deserve our fullest consideration and sympathy in the whole province.

Mr. Speaker: The question is—

That in sub-clause (1) (d), line 1, between the words "of" and "newspapers," the word "books" be inserted.

The Assembly divided: Ayes 19, Noes 52.

AYES.

Faqir Chand, Chaudhri.

Ghulam Samad, Khan Sahib Khawaja.

Girdhari Das, Mahant.

Gokul Chand Narang, Dr. Sir.

Gopal Das, Rai Bahadur Lala.

Guest, Mr. P. H.

Harnam Das, Lala.

Jugal Kishore, Chaudhri.

Lal Singh, Sardar.

Mohy-ud-Din Lal Badshah, Sayed.

Muhammad Nurullah, Mian.

Muhammad Raza Shah Jeelani,

Makhdumzada Haji Sayed.

Muhammad Wilayat Hussain Jee- lani, Makhdumzada Haji Sayed.	Santokh Singh, Sardar Sahib Sar- dar.
Mula Singh, Sardar.	Sohan Lal, Rai Bahadur Lala.
Rashida Latif Baji, Begum.	Uttam Singh Dugal, Sardar.
Roberts, Sir William.	

NOES.

Abdul Hamid Khan, Sufi.	Muhammad Faiyaz Ali Khan, Na- wabzada.
Abdul Haye, The Honourable Mian.	Muhammad Nawaz Khan, Major Sardar Sir.
Abdul Rab, Mian.	Muhammad Sarfraz Khan, Chau- dhri.
Abdul Rahim, Chaudhri (Gurdas- pur).	Muhammad Yasin Khan, Chaudhri.
Abdul Rahim, Chaudhri (Gurgaon).	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.	Muzaffar Ali Khan Qizilbash, Sar- dar.
Ali Akbar, Chaudhri.	Muzaffar Khan, Khan Bahadur Cap- tain Malik.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.	Muzaffar Khan, Khan Bahadur Nawab.
Allah Yar Khan Daulatana, Mian.	Nasir-ud-Din Shah, Pir.
Amjad Ali Shah, Sayed.	Nawazish Ali Shah, Sayed.
Anant Ram, Chaudhri.	Nur Ahmad Khan, Khan Bahadur Mian.
Ashiq Hussain, Major.	Pir Muhammad, Khan Sahib Chau- dhri.
Badr Mohy-ud-Din Qaderi, Khan Sahib Sayed.	Pokop Singh, Rao.
Chhotu Ram, The Honourable Chau- dhri Sir.	Prem Singh, Mahant.
Dasaundha Singh, Sardar.	Ram Sarup, Chaudhri.
Faiz Muhammad, Shaikh.	Ranpat Singh, Chaudhri.
Fateh Muhammad, Mian.	Ripudaman Singh, Rai Sahib Tha- kur.
Fateh Sher Khan, Malik.	Sahib Dad Khan, Khan Sahib Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Shah Nawaz, Mrs. J. A.
Fazal Din, Khan Sahib Chaudhri.	Sultan Mahmood Hotiana, Mian.
Gopal Singh (American), Sardar.	Sumer Singh, Chaudhri.
Gurbachan Singh, Sardar Bahadur Sardar.	Suraj Mal, Rai Sahib Chaudhri.
Hans Raj, Bhagat.	Tikka Ram, Chaudhri.
Het Ram, Rai Bahadur Chaudhri.	Ujjal Singh, Sardar Bahadur Sardar
Jagjit Singh Man, Sardar.	
Khizar Hayat Tiwana, The Honour- able Malik.	
Muhammad Ashraf, Chaudhri.	
Muhammad Azam Khan, Sardar.	

Sardar Bahadur Sardar Ujjal Singh : Sir, I beg to move—

That in sub-clause (1) (d), lines 1-2, between the words "periodicals" and "and" the words "holy scriptures as may be prescribed" be inserted.

The motion was carried.

Lala Harnam Das : Sir, I beg to move—

That leave be granted to move—

That in sub-clause (1), after part (d), the following new part be added :—

(e) Sale by members of the scheduled castes.

The Assembly divided : Ayes 15, Noes 52.

AYES.

Faqir Chand, Chaudhri.
Girdhari Das, Mahant.
Gopal Das, Rai Bahadur Lala.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Kishan Das, Seth.
Lal Singh, Sardar.
Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Nurullah, Mian.
Muhammad Raza Shab Jeelani,
Makhdumzada Haji Sayed.
Muhammad Wilayat Hussain Jee-
lani, Makhdumzada Haji Sayed.
Mula Singh, Sardar.
Prem Singh, Chaudhri.
Santokh Singh, Sardar Sahib Sardar.
Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
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 Chau-
dhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Muhammad, Mian.
Fateh Sher Khan, Malik.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Gopal Singh (American) Sardar.
Gurbachan Singh, Sardar Bahadur
Sardar.
Het Ram, Rai Bahadur Chaudhri.
Jagjit Singh, Man, Sardar.
Karamat Ali, Shaikh.
Khizar Hayat Tiwana, The
Honourable Malik.

Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Na-
wabzada.
Muhammad Sarfraz Khan, Chau-
dhri.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sar-
dar.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Muzaffar Khan, Khan Bahadur
Nawab.
Nawazish Ali Shah, Sayed.
Nur Ahmad Khan, Khan Bahadur
Mian.
Pir Muhammad, Khan Sahib Chau-
dhri.
Pohop Singh, Rao.
Ranpat Singh, Chaudhri.
Ripudaman Singh, Rai Sahib Tha-
kur.
Roshan Din, Chaudhri.
Sadiq Hassan, Shaikh.
Sahib Dad Khan, Khan Sahib
Chaudhri.
Shah Nawaz, Mrs. J. A.
Sultan Mahmood Hotiana, Mian.
Sumer Singh, Chaudhri.
Suraj Mal, Rai Sahib Chaudhri.
Tikka Ram, Chaudhri.

Mr. P. H. Guest : I beg to move—

3 p. m.

That leave be granted to add the following new clause:—

(e) milk and other milk products, sugar, fuels and lubricating oils when sold to the owner of a factory registered under the Factories Act, 1934.

I move the amendment in an amended form in view of the fact that the Honourable Premier has already accepted a part of my amendment.

The motion was lost.

Rai Bahadur Lala Gopal Das : I beg to move—

That leave be granted to move the following new clause—

(e) such food articles and other necessities of life as may be prescribed.

May I say a word on this amendment ?

Mr. Speaker : The honourable member has no right of speech at this stage. The question is—

That leave be granted to move the following new clause —

(e) such food articles and other necessities of life as may be prescribed.

The motion was lost.

Begum Rashida Latif Baji : I beg to ask for leave to move—

That after sub-clause (1) (d), the following new part be added:—

(e) Sale of fruits, vegetables, milk, curd, Indian sweetmeats, meat of all kinds, fish, ice, bread and other fresh eatbles.

Leave was refused.

Rai Bahadur Lala Gopal Das : I beg to ask for leave to move—

That at the end of sub-clause (2), the following be added:—

Provided that the tax shall be levied at one stage only, between the production and the retail sale of a commodity or an article.

The Assembly divided : Ayes 19, Noes 58.

AYES.

Abdul Aziz, Mian.
Faqir Chand, Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Guest, Mr. P. H.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Lal Singh, Sardar.

Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Nurullah, Mian.
Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
Mula Singh, Sardar.
Rashida Latif Baji, Begum.
Roberts, Sir William.
Santokh Singh, Sardar Sahib Sardar.
Sita Ram, Lala.
Sohan Lal, Rai Bahadur Lala.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).

Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Allah Yar Khan Daulatana, Mian.
Amjad Ali Shah, Sayed.

Anant Ram, Chaudhri.	Muhammad Jamaat Khan, Leghari, Nawab Sir.
Ashiq Hussain, Major.	Muhammad Sarfraz Khan, Chau- dhri.
Badr Mohy-ud-Din Qaderi, Khan Sahib Sayed.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Chhotu Ram, The Honourable Chau- dhri Sir.	Muhammad Yasin Khan, Chaudhri.
Dasaundha Singh, Sardar.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Faiz Muhammad, Shaikh.	Muzaffar Khan, Khan Bahadur Captain Malik.
Farman Ali Khan, Subedar-Major Raja.	Muzaffar Khan, Khan Bahadur Nawab.
Fateh Muhammad, Mian.	Nawazish Ali Shah, Sayed.
Fateh Sher Khan, Malik.	Nur Ahmad Khan, Khan Bahadur Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Pir Muhammad, Khan Sahib Chau- dhri.
Fazal Din, Khan Sahib Chaudhri.	Pohop Singh, Rao.
Fazal Karim Bakhsh, Mian.	Ripudaman Singh, Rai Sahib Tha- kur.
Ghazanfar Ali Khan, Raja.	Roshan Din, Chaudhri.
Gopal Singh (American), Sardar.	Sahib Dad Khan, Khan Sahib Chaudhri.
Gurbachan Singh, Sardar Bahadur Sardar.	Shah Nawaz, Mrs. J. A.
Hans Raj, Bhagat.	Shah Nawaz Khan, Nawab Sir.
Het Ram, Rai Bahadur Chaudhri.	Sultan Mahmood Hortiana, Mian.
Jagjit Singh Man, Sardar.	Suraj Mal, Rai Sahib Chaudhri.
Karamat Ali, Shaikh.	Tikka Ram, Chaudhri.
Kishan Das, Seth.	Ujjal Singh, Sardar Bahadur Sardar.
Muhammad Akram Khan, Khan Bahadur Raja.	
Muhammad Ashraf, Chaudhri.	
Muhammad Azam Khan, Sardar.	
Muhammad Faiyaz Ali Khan, Na- wabzada.	

Mr. Speaker : The question is—

That clause 5 as amended stand part of the Bill.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (Urdu) : Sir, I rise to oppose the clause as a whole. It has been said from the Government benches and the Honourable Minister for Development has also claimed that the Bill has been drafted as the result of recommendations of the Resources and Retrenchment Committee. I am sorry to remark that the Honourable Minister has not told us the truth of the matter as the incidence of taxation is not identical with the recommendations of the said committee. As a matter of fact, the incidence of taxation is much too severe and is against the recommendations of the committee. In this connexion, I would like to read out a few lines from the Report of the Committee so that it may be clear to the House as to how far the Government has carried out the recommendations of the committee. The lines read as follows :—

In this province a more or less permanent structure of sales taxation which should have the minimum theoretical objects and practical difficulties would be a tax on retail sales of goods (as distinct from a wholesale sales tax or turnover tax) at a flat (not graduated) rate applicable throughout the province (and not only in towns), with a low level of exemption based on the quantity (and not class) of sales.

It would be clear from these lines that the committee under the chairmanship of a person no less than Sir Manohar Lal, particularly held this view that the tax should not be levied on turnover but it should be levied on retail sales and; furthermore, the committee recommended that the tax should be levied on one point only. Now I ask the sponsors of the Bill if those recommendations have been actually carried out. Certainly not. What is being done is this. People are being hoodwinked in and outside the House. False promises are being given to zamindars that they will not be affected by this tax. I am at a loss to understand how it can be presumed that zamindars will not be affected. The Government, as I have submitted, has repeated this fact time and again that this tax will not affect the zamindars. How can it be so? Will a zamindar produce salt within his house? I ask the Government whether zamindars with big families can live entirely on the produce which they grow. Should we take it that they do not need kerosine oil? Do they not need match-boxes? Do they not stand in need of building material? In some places some grow good cotton and in other places good wool is available, but both the commodities are not available everywhere. Hence people of one place have to depend on the produce of another place. So they have to go to the market to buy their necessities of life. The people in the hills buy cotton cloth, while persons living in the plains buy warm cloth. Both the people have to buy. Have my friends sitting over there ever thought as to what will be result? The result will be this. The tax will go on being enhanced at every point and the burden will ultimately fall on consumers, who will curse the present Government for following a wrong policy and enacting this measure blindly. I should, therefore, apprise the honourable members, who are under this impression that less tax will be levied on them, of the danger of placing greater burden on 87 per cent of the population. I appeal to them, in face of what I have said, that they should get rid of this idea for ever that they will not be affected. In these circumstances, I think it is imperative on the Government to levy a one point tax. With these remarks, Sir, I strongly oppose the clause as a whole.

Sayed Anjad Ali Shah (Ferozepore East, Muhammadan, Rural):

Sir, I have risen to make an appeal to my honourable friend, the Minister of Development. In doing so I address him as Minister of Industries and I hope that he will very kindly take into consideration the remarks which I will place before him. In making this appeal I am not making it for myself, and although it may seem that I am speaking for the capitalists, yet actually, my appeal is on behalf of the labourers of this province as I shall prove later on in my speech.

As you are aware, Sir, the industry of this province has had a windfall on account of the war. We would have never dreamt of certain industries which this country of ours has now started and it is simply due to the war that these industries have come into being. The Punjab, although it has not had its full share unlike some other provinces which are more fortunately placed than we are, is still deriving certain amount of advantage out of the industries pertaining to war materials and armaments. Now I

[Sayed Amjed Ali Shah.]

will draw the attention of the Honourable Minister to three or four industries. One is tentage. This industry has developed out of all bounds. The consumption of tentage before the war was insignificant.

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

Now since the war has started something like 15 to 20 crores of tentage has been made in India and the Punjab has not done badly in this particular industry. There is another industry, the metal industry and small iron industry. Here again the small cottage industry owner is deriving benefit. Now what I want to urge on the Honourable Minister is this that when a particular item is wanted by the Supply Department, they advertise for tenders from all parts of India. Now the tenderers who have to pay such a tax are in a worse position as compared with tenderers from other provinces. Our province although it has all the cotton which we want, yet it has not the industry which produces yarn and cloth sufficient for this province. Most of the raw material is obtained from Delhi, Ahmedabad, Gwalior, Bombay and from other outside places. As it is, people manufacturing tents are under a handicap, because they have to pay railway freight on this raw material and then compete with those who are nearer to the source of supply of this material. On the top of that we are going to levy another tax in this province and it will make it still more difficult for these people who want to keep this industry in this province not because they are deriving more benefit, but simply because this is their home. Therefore if we want these people to keep these industries in their own homes and thereby provide for the maintenance of thousands of people, then we should not think of this tax. My honourable friend may think that I am making this speech as one of those who have capital, but I would like it to be clear that it is not so. We are producing tents. We have a large factory at Ferozepore and we are suffering under that handicap of having to pay more for our raw material than those people who are producing tents at Cawnpore. We have a subsidiary factory at Delhi also and there our cost of production is lower than at Ferozepore. But we want to keep our factory in Ferozepore because we employ there no less than two thousand people daily. Now if we were to shift our factory to Delhi, all of these people who are working at Ferozepore in our factory will lose their wages and hundreds of people will go without work. It is in this connexion that I have made an appeal to the Honourable Minister for Development to look into this matter and consider this question when exemptions are given that these industries which are flourishing now in our own homes on account of war are not closed down after the war and not only that they may not close down but also they should flourish and thereby be a benefit to the province as a whole (*hear, hear*).

Lala Harnam Das (Lyallpur and Jhang, General, Reserved Seat, Rural) (*Urdu*): Sir, the manner in which the present Government are heaping taxes upon taxes on the public is really very disappointing and I am sure that it is bound to prove detrimental to the best interests of the province. I would rather say that the Government have, instead of living

up to their much boasted professions that they would remain in office for five thousand years, begun to dig their own grave by bringing in taxation measures of this kind.

Mr. Deputy Speaker : The honourable member is not speaking to the motion. These remarks are not relevant to opposing clause 5.

Lala Harnam Das : I am coming to this clause. Well, Sir, I am glad that the arduous task which we had to do in exposing the Government, is being accomplished by themselves. As a matter of fact they are themselves preparing the trap which we intended for them and the day is not far off when they will be hoist with their own petard.

Mr. Deputy Speaker : The honourable member is again irrelevant.

Lala Harnam Das : You are aware, Sir, that when repression is carried on by a Government too far, the oppressed people turn against their rulers. Similarly in the near future after the passage of this measure, my honourable friends on the ministerial benches would witness horrible things and

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

Lala Harnam Das : Sir, I am alluding to the time which is to come after this Bill is passed into law. I am only anticipating the calamities that would befall my countrymen after the passage of the clause under consideration. I may sound a note of warning to the Government that this stringent measure would recoil on them. It is bound to create discontentment in the people and they would launch a strong agitation against them. It is only then that my honourable friends over there would realize the gravity of the situation, and failure would stare them in the face.

Mr. Deputy Speaker : The honourable member should not persist in irrelevancy.

Lala Harnam Das : Then my honourable friends opposite profess lip sympathy with the depressed classes. Outwardly they say that their hearts bleed for the latter and they are out to do something substantial for the good of this community, but this sympathy is only skin deep. Let us see how the elected representatives of the scheduled castes are treated. An amendment to a certain sub-clause stood in my name. Not to speak of accepting it, my honourable friends over there flatly refused me permission to move it. I am, therefore, convinced that it is useless to expect that this Government would treat the Achhuts sympathetically. Honourable members would remember that an Act was passed by this legislature.—I am, of course, referring to the Panchayat Act.

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

Lala Harnam Das : Sir, I am only developing my point. I was going to submit that certain taxes had been proposed to be imposed on my community even under that Act. I would explain my point. If the Achhuts do not carry out the behests of the panches appointed under that Act or if they do not play second fiddle to the Government, they would be hauled up in courts of law under one pretext or the other and fines would be imposed upon them.

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

Lala Harnam Das : I assure you that I am coming to the real subject. These are only introductory remarks. Well, Sir, under the provisions of that measure the members of my community would be put to great hardships. They would be obliged to do private and household work of the panches without any remuneration and even put in forced labour gratis in connexion with the tours of the Honourable Ministers in the rural areas. My honourable friends can very well realize that forced labour as well as non-payment of wages is another name for imposition of tax.

Mr. Deputy Speaker : I would request the honourable member to be relevant.

Lala Harnam Das : Sir, this Bill proposes to tax the sale of educational books as well. The imposition of tax on the sale of educational books will retard the progress of literacy in the Punjab. The people are already poor and can hardly afford to purchase books, but after this taxation the books will become dearer still and the poor and backward classes will be deprived of education altogether. The poverty-stricken people can ill-afford to buy books and now it will become all the more difficult for them to purchase any book. The result will be that the poor and the Harijans will remain steeped in misery as before. Perhaps the sons of big landlords and wealthy persons will be able to receive education in the future but the poor people will find it rather difficult to educate their children.

I am glad that my Harijan friends sitting on the opposite benches have taken a bold step in raising their voice in favour of our backward community. They have really performed their duty. If they continue to do so, our community will be awakened and its rights will be granted to it. I would appeal to them to continue this co-operation with us and not to feel frightened by the Honourable Ministers who may try to intimidate them by touring in the country-side to influence them. I hope my honourable friends will not desert us.

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

Lala Harnam Das : Sir, I was explaining my point. The Government have imposed a tax on those vegetables on which the poor mainly depend, that is, cabbages, potatoes, carrots, radishes, etc. I do not know what the Honourable Ministers eat, but the poor people live on *gajar and muli*. The imposition of tax on these vegetables will deprive the poor of their common diet. The rich people may look down upon these vegetables with contempt, but the poor regard them as their much cherished food. Our poor brethren mix onion and common salt in *lassi* and eat their *chapatis* with this delicious mixture. They satisfy their hunger in this simple way. Now it will be the height of cruelty to impose tax on the sale of these things. As a result of this taxation we too are going to be reduced to the same plight as is depicted in the famous book, the *Ramayana* of Balmik. Rawan had also imposed similar taxes on the public. But how could the holy persons (*rishis*) who lived on a diet consisting of the leaves of trees pay such taxes? At last the said ruler Rawana insisted on his

pound of flesh and compelled the *rishis* to give their blood by way of taxation. Similarly, our Government is also trying to suck our blood. At last it will meet the same fate that had overtaken the cruel Rawana. The public cannot go on putting up with such atrocities for ever. How long will the people continue tolerating this high-handedness? It behoves the Government to save the public from this taxation.

With these few words, Sir, I oppose this clause.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I oppose this clause because it introduces a most unwholesome element of discrimination. The present legislation while it exempts from the payment of this tax the co-operative societies, does not extend the same protection to other people carrying on similar business under the same conditions. I did say in my opening speech when moving my amendment that some of these co-operative societies are doing in the *mandis*, the same business which the other *arthias* are doing. The Honourable Minister for Development has not refuted this argument. He had not a word to say, whether or not I was correct in asserting, as I do assert, that these co-operative societies are doing in the *mandis* (not all of them, but most of them), the same business as other *arthias* do. There is absolutely no reason to place these societies, which are profit-sharing concerns, in a position of one privilege after the other. I oppose this clause because the protection has not been extended only to agricultural classes who till the land and grow the produce themselves, but has also been extended to all zamindars, whether they happen to be owners or mortgages and let us not forget that a zamindar here is one who is a zamindar by accident of birth. On the one hand, Sir, everything possible is being done by this Government to ruin the mortgagees and mortgaged classes and on the other privilege after privilege is being extended to the other set of people who are as rich as any urban citizen can be. This, Sir, is my second objection to this clause and that is why I oppose it. No case whatever has been made out, except of course the tyranny of the majority, for the protection of the richer zamindars, who are owners of land and are not tilling it. On the one hand, Sir, the sales by members of scheduled castes were not granted exemptions, and there are no poorer people in the province than them. In fact the motion to consider the exemption in their case was refused permission at the introduction stage by the tyranny of the majority. On the other hand, all these privileges have been extended to the rich zamindars, who have done nothing to deserve that. I oppose this clause because in it even the books of knowledge have not been exempted from the payment of this tax although amendments to that effect were moved even by members of the Ministerial party. I oppose this clause, Sir, because notwithstanding the long explanations that were offered in this House during the discussions on this Bill that trade and industry of this province stand to be ruined by taxing them at various successive stages, permission was not granted to move the required amendments in that direction. Even leave was refused to move the very innocent amendments of Rai Bahadur Gopal Das and Mr. Guest, desiring that it should be a one point tax. And if, Sir, this does not mean the tyranny of the majority, what else does it mean? I am opposed to this clause, because, Sir, the very innocent amendment of my sister Rashida Latif Baji that vegetables be exempted from this tax, was not allowed to be introduced and discussed. The same fate was meted

[S. S. Santokh Singh.]

out to most of the other amendments that were attempted to be moved by other members of the House, both on the Ministerial benches and on the benches opposite.

Now, I come, Sir, to the fact that Government takes the powers to prescribe the points in the series of sales by successive dealers at which any goods or class of goods or description of goods may be so exempted. I must say that this is the most crucial point. We have, however, no faith in the rule-making power of the Government. The Honourable Minister of Development has already said the other day in this House that it will make little difference even if the cumulative tax came up to four rupees per hundred. The tax is to be imposed at various stages and at various points. Its cumulative effect will be no other than what I have described it to be. It would be ruinous for the trade and industry of the province, and it was my greatest surprize to see the Development Minister dealing with such a serious matter in this light hearted manner. He further added that Bombay Government charged $6\frac{1}{2}$ per centum and asked whether it was not a fact that Calcutta was charging two rupees per hundred. These are the very words used by the Honourable Minister of Development. To him a tax of four rupees per hundred on the sales—let us remember that it is not on profit but it is four rupees per hundred on the amount of sale—is nothing and the tragedy of the whole affair is that this taxation instead of being sponsored by any other Minister is being imposed by one who is responsible for the development of the industries in this province. I do put it to him whether he thinks that by the imposition of a tax of four rupees on sale of every hundred rupees the trade and industry of this province will prosper. To him it made no difference that Bombay had taxed only three articles. To him it did not matter that Calcutta had in its schedule of exemptions included nearly fifteen or sixteen articles. He insists upon taxing every article, upon taxing the necessities of life, upon taxing salt, upon taxing water and at various stages and the cumulative effect of this taxation in the case of each article, in his own words, may come up to four rupees per hundred. I do ask him whether he considers that any trade, any industry in any province is capable of bearing the burden of this crushing taxation. And when an amendment is sought to be brought in this House praying that the tax be imposed only at one point, the permission for its introduction is not given and it meets its burial in its very initial stage. It has been repeated over and again that in Bombay only three articles are taxed. In the Central Provinces only articles of luxuries are taxed. In Calcutta good many exemptions have been allowed and in all these provinces the tax is being imposed at one stage or, I should say, at one point only. It is true in the case of Bombay, there is heavy taxation of $6\frac{1}{2}$ per cent, but let me repeat that it is confined to only three articles. All concerned know where they stand. Everybody, when making retail sales, knows that a tax of $6\frac{1}{2}$ per cent has got to be paid to the Government and this is added to the cost price without in any way dislocating the trade. The Resources Committee, when giving this matter their consideration and recommending a flat rate of taxation, were careful enough to say that in proposing the taxation which they have done, they have taken into consideration the fact that the fee or the tax which they were introducing will not involve any

undue disturbance of the smooth course of trade or any appreciable burden on the consumer in these days of relatively low prices. As we all know, the Resources Committee had recommended a maximum taxation of two hundred rupees, that is, a flat rate. It is most unfortunate that the very reasonable amendment of my honourable friend Sir William Roberts proposing a tax not only of two hundred but five times over, i.e., a tax of maximum one thousand rupees—instead of Rs. 200—was also rejected and the Government, in its wisdom, did not think it fit to accept even that recommendation of one of their own members who is so well versed in trade and industry of the Province. The Honourable Minister of Development was pleased to say the other day that it would be his best endeavour not to touch the grower or the consumer with this taxation. I told him there and then that it will be impossible even for him to bring about such a miracle. He thought and he still seems to think that this taxation at various stages will at least partly be borne by the middlemen. This is entirely wrong. If, in view of this legislation, the business associations were to properly organize themselves and eliminate the cut-throat competition amongst themselves, where is the guarantee, that instead of adding to their cost four annas per cent at each point, they would not add say five to six annas and make the consumer's burden still heavier? The position then will be that the consumer or the grower, and I do repeat that mostly these two stand to suffer by this taxation, may have to pay not only the rates and taxes that are paid by the merchants to the Government but also something more in addition. Instead of four annas the merchant, trader, or industrialist will be justified in adding a little bit for his ownself bearing in mind the fact that he will have to take a lot of trouble and be put to a lot of botheration in having his accounts examined by those officials here, there and everywhere and in prosecuting the appeals that he may have to prefer against some of those unjust orders. My only regret is that the trade is not so well organized in the province to retaliate against these unbusinesslike legislations that have been one after another brought in this House in such quick succession. If the trade here were organized as it is in foreign countries, the Government would have found it to their cost that it would not and it does not pay to impose these taxes so recklessly and without giving their serious thought and consideration to them. Considering all that, the Government would be well advised to seriously consider the implications of this legislation. There is time yet for the Honourable Minister of Development to think for himself where all this legislation will take the trade and industry of the province to, and devise means, by taking this timely warning, not to carry matters too far, simply on the strength of the majority that Government has at its back, and not plunge the province into industrial gloom. With these remarks I oppose this clause.

Sir William Roberts (European): Sir, in view of the assurance given by the Honourable Premier I cannot oppose this clause,
4 p. m. but I would like to protest against the refusal to allow

Mr. Guest to move his amendment about limiting the tax to one point. I cannot help feeling that the two important provinces, like Bombay and Bengal which are much more industrially advanced than the Punjab, would not have deliberately chosen the one point tax if they had not seriously considered the tremendous advantages of it over the tax as is being proposed

[Sir William Roberts.]

in the Punjab, where the same article is taxed at several different points. These two provinces are after all twenty times more industrially developed than this province. They have chosen not to follow Madras in this respect, as Madras is after all comparatively a backward province. It is surprising to me that Punjab should have chosen to follow this particular province. It would be better in my opinion to raise the tax to 2 per cent or even 3 per cent at one point only. I, therefore, wish merely to protest against the refusal to consider this amendment and its being debated upon in this House.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I was under the impression that as a taxation measure of this kind was being enacted for the first time in the Punjab, Government would see that it should be introduced gradually in the province and in the first instance the proposed tax be applied to some of the articles and later on if it was found desirable it might be extended to other articles as well. But all our hopes have been dashed to the ground. The sales tax would be levied on the sale of almost all the articles in the Punjab. The clause now before the House relates to exemptions. It was expected that in view of the outcry of the public, Government would provide more exemptions in it. But it appears that they do not care for public opinion at all. The number of amendments that have been tabled in respect of this clause according to the revised list comes to 18. Out of them 11 have been tabled by the members of the Unionist party. They are by no means ordinary members. Amongst them are included prominent members and Parliamentary Secretaries such as Chaudhri Tikka Ram, Sardar Bahadur Sardar Ujjal Singh, Sir William Roberts, Mir Maqbool Mahmood and Mr. Guest. But it is a matter of great regret that Government have not accepted so to say even a tenth part of those amendments. My submission is that, on the one hand, Government claim that by passing the Compulsory Primary Education Act, which has now been returned to the Assembly by the Governor for carrying out slight amendments, they are going to spread literacy among the poor people as well, and on the other hand, they do not hesitate to tax even books which tantamounts to the discouraging of education in the province. Amendments to this effect have been moved that the sale of books should be exempted from the operations of this measure but they have all been rejected. I think Government have made it a point to see that such amendments the object of which is to afford relief to the poor should not be accepted. Not to speak of other amendments, even those which sought to exempt the sale of vegetables from the imposition of this tax have not been accepted by Government. (*Khan Bahadur Nawab Muzaffar Khan*: Why is my honourable friend laying so much stress on vegetables alone?) The reason for this is that I am a zamindar and as such it is my duty to do what I can to get facilities for the poor zamindars. How can owners of cement factories at Wah where nothing but valuable stones are to be found, judge the condition of the poor zamindars? However, my submission is that the Government have not thought it fit to exempt the sale of those articles from the imposition of this tax that are generally consumed and produced by the poor people. I think this is sheer *zulm*. The other day the Honourable Minister for Development was please

to remark that the report of the Resources and Retrenchment Committee could not be taken up on account of the breaking out of war, and therefore its recommendations for retrenchment could not be followed word for word. I ask whether that report was actually published before or after the war broke out. Sir, you will see that all the recommendations which the said committee made with regard to the imposition of fresh taxes are being implemented one by one. But other recommendations which related to the effecting of economies in the expenses of administration and for the development of the province have been carefully ignored. I really wonder how far my honourable friends who claim to be well wishers of the poor, especially the zamindars are justified in not exempting the sale of those articles from the operations of this Act which are generally produced by the poor people.

One thing more, and I have done. You know, Sir, that the universe is composed of four elements. Out of these three are already taxed. On the earth you have imposed land revenue. For water we have to pay *abiana* and other taxes. Fire has also been brought under taxation by means of this tax on fuel, wood and coal. Thus air is the only element which now remains to be taxed and I think the time is not far off when we will have to pay a tax for breathing in God's air. Anyway, as this Government is bent upon flaging taxes here, there and everywhere, I would advise them to make hay while the sun shines and complete their taxation programme in their term of office. Sir, my honourable friends from both sides of the House have tried to make the Government see wisdom and remove genuine and legitimate objections to this clause but the Government have refused to budge an inch from the position originally taken up by them. Therefore we cannot but oppose this clause.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu): Sir this is a very important clause and I would request you not to put the closure motion before giving some of us an opportunity of having our say. I too rise to oppose this clause. In the first instance, I would like to bring it to the notice of the House that notwithstanding the fact that certain important amendments were sought to be moved by the members of the Ministerial Party, of whom some are Parliamentary Secretaries, the Government has thought it fit to refuse leave for moving them. Now another Parliamentary Secretary, Sayed Amjad Ali Shah, who had not moved any amendment has addressed an appeal to the Honourable Minister of Development in spite of the fact that he could not take part in the discussion in that manner on account of his being a Parliamentary Secretary.

Nawab Sir Shah Nawaz Khan: Do you not belong to the same party?

Rai Bahadur Lala Sohan Lal: I belong to Government Party, but I do not want to be a party to the measures which are detrimental to the interests of the province.

Mr. Deputy Speaker: Please address the chair.

Rai Bahadur Lala Sohan Lal: Sir, my honourable friend, Rao Pohop Singh has stated that this Bill has been brought forward in order to lighten the burden of the zamindars. This very argument has already been advanced in respect of the Urban Property Tax Bill.

Minister for Development : It will again be repeated when more Bills are introduced.

Rai Bahadur Lala Sohan Lal : The Honourable Minister says that it will again be repeated in connexion with fresh measures that he has up his sleeve. Will the Honourable Minister be pleased to issue a statement showing the amount of money which he wants to collect by this measure? (Voices : Six crores.) Well, during the discussion of the last Bill which has now received the assent of His Excellency the Governor, the same amount was given. I do not know for how long the Government will continue to want this amount of six crores in spite of the taxation measures which have been passed. If the zamindars are over-burdened, it is the foremost duty of the Government to relieve them. But it is also their duty to justify their demands by placing facts and figures before the public and this can be done only by appointing a committee or by instituting a departmental inquiry as to the amount which would be needed for that purpose. Simply stating a round figure of Rs. six crores will not do. My honourable friend Rao Pohop Singh remarked that the burden of the zamindars could safely be assessed at 40 per cent. The question is as to what extent the Government desire to give relief to them. Is that relief to be up to 15 per cent or is it to be up to 25 per cent? This is very necessary because a definite figure would acquaint us with the extent to which we will be taxed. So far we do not know when the point of satiation will be reached. I would request the Government to issue a detailed report in order to let us know the basis on which this tax is going to be realized from us and the item on which this huge sum is going to be spent.

Minister : Do not ask this question from the Government but ask it from Chhotu Ram?

Rai Bahadur Lala Sohan Lal : The Honourable Minister says that I should ask this question from him and not from the Government. May I know how he differs from the Government?

Mr. Deputy Speaker : The Honourable member will please proceed with the speech.

Mian Abdul Aziz : May I know if these Bills owe their existence to the Honourable Chaudhri Sir Chhotu Ram or to the Government?

Minister : To the Government.

Rai Bahadur Lala Sohan Lal : In view of these facts, it is all the more necessary for the public to know the limit of such measures. Only then will we be in a position to know that such a percentage of tax has already been imposed and so much more will be expected from us. Besides we can then tell the zamindars as to what amount is being realized from us and what proportion of it is being spent on them.

The second point which I want to lay before the House is what my learned friend Mian Abdul Aziz has already stated in the course of his speech, that when the Government are giving a practical shape to the recommendations of the Resources and Retrenchment Committee by bringing forward these taxation measures why do they not pay any heed to the improvements suggested by them? Moreover, there seems to be no earthly

reason why the report of the Resources and Retrenchment Committee should not be presented to the House and an opportunity given to the honourable members for discussing it. After all what was the use of incurring so much expenditure, if the report was never to be brought before the House?

Now, Sir, I want to draw your attention to the amendments that were sought to be introduced but leave was not granted by the House to move them, thus depriving us of the opportunity to ventilate our grievances. One of these amendments was from Mr. Guest. It was to the effect that in sub-clause (1) after part (d) the following new part be added:—

(e) Sale of kapas, cotton, cotton-seed, wheat, rice, dhal, sugar, flour (whether white or wholemeal), milk, but not cream or other milk products, fuel, and lubricating oils when sold to the owner of a factory registered under the Factories Act, 1934.

I want to draw particular attention to fuel and lubricating oils, because I am afraid this action of the Government in disregarding this amendment would jeopardize the very existence of any trade in these articles, etc., which is being carried on in the province. Take the case of coal for instance. All the industries worth the name and the Government as well, require many thousands of tons of coal annually. Coal, as the House is well aware, comes from a distance of at least 1,200 miles. The companies owning such mines do not have any business office in this province. They appoint a local agent for this area and a commission of, say, two annas per ton is allowed to him. This measure will result in ruining the business worth thousands of that local agent.

Minister for Development : How much does a managing agent get by way of pay?

Rai Bahadur Lala Sohan Lal : That is a different question, but anyway I will give a reply.

Mr. Deputy Speaker : The honourable member should proceed with his speech.

Rai Bahadur Lala Sohan Lal : Sir, this is a very important point. Therefore, let me give a reply to the Honourable Minister. Just as the salaries of ministers in certain provinces are fixed at Rs. 500 and in certain others at Rs. 3,000, in the same way the emoluments of managing agents also differ, some getting Rs. 500 and some Rs. 3,000. Some of the companies in foreign countries which have a business of crores of rupees pay as much as 10 thousand rupees to their agents. There may be one or two such companies in India as well. Their pay can only be higher where the company is making a considerable profit and where the companies are assets to their countries.

Reverting to my argument in regard to coal, I beg to submit that if a tax is imposed upon these agents, they will have to shift their offices to some state, or to a neighbouring province. What will be the result? The result will be that the industrial concerns here, such as the Lyallpur Mill, which have already to pay comparatively more for coal than those in Bengal or other nearer provinces on account of the Railway freight, will not be in a position to compete with the latter after this tax of four annas has been imposed. Apart from driving the trade of coal out of the province, it will also result in ruining the industries. If the Government has accepted the amendments

[R. B. Lala Sohan Lal.]

moved by Mr. Guest, the industries would have received considerable encouragement and relief. The Government of Bengal had taken special care to make a provision in their Bill that their province in so far as its trade with other provinces and countries was concerned should not be put in a disadvantageous position. There it was argued that any loss to trade was a loss to the province itself.

Another important amendment regarding taxation at one point moved by my honourable friend Bai Bahadur Lala Gopal Dass has met the same fate and the Government have refused to grant leave to move it.

Again, Sir, while making a comparison with the measures enacted by Bombay and Madras it has been contended by the treasury benches that the tax in those provinces was levied at a very high rate, i.e., Rs. two per cent whereas in the Punjab they were asking for only four annas per cent. We know that this rate of four annas per cent is similar to that of one per cent on capital value which was originally proposed in the Property Tax Bill. Later on when they realized their folly and found a lacuna in their Bill they changed the rate to 20 per cent of the rental value. Similar is the case here. This rate of four annas is not in reality four annas per cent as it appears to be. This tax which is not a one point tax will have to be imposed at many stages and will in the end come to about Rs. two or in other words would be equal to that levied in Bombay and Madras. This will give a great set-back to the trade and industry of this province.

The importance of the matter deserved better consideration by the Government, but unfortunately that has not been done. My honourable friend Sayed Amjad Ali has made a request in regard to certain matters. He has tried to show that he will have to take his Ferozepore concern to Delhi on account of this tax. Moreover, the Punjab has already been given very little share in the War Supply contracts. The Honourable Minister for Development had himself remarked at a certain place that the province should be given its due share. But my submission is that so long as our province is industrially far behind other provinces and so long as the Government is bent upon ruining the little it has by burdening it with taxes, how can we expect any share in those contracts?

Now, sir, I come to the third important amendment.

At this stage the Assembly adjourned till 12 noon on Thursday, the 30th January, 1941.

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 30th January, 1941.

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

STARRED QUESTIONS AND ANSWERS.

CLERKS OF THE DEPUTY COMMISSIONER'S OFFICE, GURGAON.

*7458. **Chaudhri Sumer Singh**: Will the Honourable Minister of Revenue be pleased to state the number of leave reserve clerks and permanent and officiating clerks in the office of the Deputy Commissioner, Gurgaon, community-wise, and the number of such clerks appointed by the present Deputy Commissioner, community-wise, during his tenure of office in this district and also the communal proportion before and after these appointments and reasons for the difference in the proportion, if any?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which honourable members may bring to my notice in a more informal way.

DAMAGE CAUSED BY LOCUSTS IN GURGAON DISTRICT.

*7460. **Chaudhri Sumer Singh**: Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that locusts have visited several villages of the Gurgaon district during the months of October and November, 1940, whether the *Kharif* crops in the said district have been damaged by these visits; if so, what is the extent of the damage done and what action the Government intend to take to make up the loss suffered by these poor zamindars?

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

Second part.—No.

Third part.—Does not arise.

PATWARIS IN GURGAON DISTRICT.

*7461. **Chaudhri Sumer Singh**: Will the Honourable Minister of Revenue be pleased to state—

(a) the number at present of matriculate patwaris in Gurgaon district and the number of those among them who are at the

[Ch. Sumer Singh.]

present time employed in the office of the Deputy Commissioner, Gurgaon, with their scale of pay ;

- (b) the number of those at present in the senior and selection grades of patwaris in this district ;
- (c) the number of matriculate patwaris or patwaris with higher educational qualifications promoted so far in the said district to the senior or selection grade and, if no such patwari has so far been promoted to either grade, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :

- (a) (i) The number, at present of matriculate Patwaris (including one graduate and three under-graduates) .. 51
- (ii) The number, out of the above, at present employed in the Deputy Commissioner's office .. Nil
- (b) and (c) A statement showing the number of matriculate patwaris employed in each grade is given below. There is no selection grade among patwaris.

Class of Patwaris.	NUMBER.			
	B.A.	F.A.	Matriculates.	Total.
1st grade at Rs. 26 per mensem ..	..	..	..	..
2nd grade at Rs. 23 per mensem ..	..	..	3	3
3rd grade at Rs. 20 per mensem ..	1	3	41	45
4th grade at Rs. 15 per mensem ..	..	..	3	3
Total ..	1	3	47	51

Mian Abdul Rab : May I know whether the Government intends to raise the pay of the patwaris ?

Parliamentary Secretary : I do not think there is any proposal to that effect.

Mian Abdul Rab : May I know whether the Government intends to make the post of patwaris pensionable ?

Parliamentary Secretary : That is a request for action.

VETERINARY SURGEONS.

*7487. **Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Development be pleased to state—

- (a) the names of the veterinary hospitals in the Punjab where no qualified veterinary surgeons have been appointed for the last one year and the reasons therefor ;

- (b) whether it is a fact that the number of qualified veterinary surgeons in the province is far less than the number of veterinary hospitals ;
- (c) if the answer to part (b) be in the affirmative, whether Government has considered the question of retaining the services of veterinary surgeons even after they reach the age of superannuation ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) None.

(b) and (c) Do not arise.

BABA WISAKHA SINGH, A STATE PRISONER.

***6927. Mr. Dev Raj Sethi :** Will the Honourable Premier 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 ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) No.

(b) Indifferent because of age.

(c) He gained 21 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.

ACTION AGAINST COUNTERFEIT COIN MAKERS.

***6928. Mr. Dev Raj Sethi :** Will the Honourable Minister of Finance be pleased to state the number, district-wise, of counterfeit coin makers arrested during the last two years in the province and the action taken against each of them ?

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

STATEMENT SHOWING PERSONS ARRESTED IN COINING CASES AND THE RESULTS THEREOF FOR THE YEARS 1938
AND 1939.

Serial Number.	District.	Persons in police custody or on bail under section 170, Criminal Procedure Code at beginning of year as reported, or in cases taken up by the police.	Arrested by the police during the year.	Released under section 169, Criminal Procedure Code.	Released by Magistrate's order before trial.	Number of persons tried.	Number convicted.	Number acquitted or discharged.	Number of persons evading arrest at close of year.	Number of custody pending trial or investigation or on bail at end of year.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12
1	Hissar	10	13	..	..	17	8	9	..	6	
2	Rohtak	..	7	..	..	5	2	3	..	2	
3	Gurgaon	..	..	..	..	..	..	..	..	..
4	Karnal	..	8	..	..	4	3	1	..	4	
5	Ambala	..	4	1	..	2	1	1	..	1	
6	Simla	..	..	..	..	..	..	..	..	..
7	Hoshiarpur	1	5	..	2	3	1	2	..	1	
8	Jalandur	2	1	..	..	3	1	2	..	..
9	Ludhiana	3	2	..	..	5	4	1	..	..
10	Kangra	..	6	..	..	..	..	..	..	6	
11	Ferozepore	2	23	2	..	18	14	4	..	5	

12	Lehore	..	48	..	..	41	24	17	..	12
13	Amritsar	..	6	..	..	8	6	2	..	1
14	Gurdaspur	..	..	..	1	1	1	..	..	..
15	Siakot	..	4	2	..	2	2	..	..	..
16	Gujranwala	..	10	..	..	15	5	10	..	..
17	Sheikhpura	..	20	..	..	18	9	9	1	6
18	Montgomery	..	34	1	..	21	13	8	..	16
19	Lyalpur	..	16	..	..	19	10	9	..	3
20	Jhang	..	8	..	..	10	5	5	..	1
21	Multan	..	19	1	..	13	6	7	..	3
22	Muzaffargarh	..	..	..	..	..	..	..	..	..
23	Dera Ghazi Khan	..	4	..	..	4	2	2	..	1
24	Gujrat	..	2	..	..	2	1	1	..	..
25	Shahpur	..	13	..	..	8	5	3	..	7
26	Jhelum	..	6	..	..	12	1	11	..	6
27	Bawalpindi	..	21	1	..	21	13	8	..	3
28	Attock	..	18	..	..	18	8	10	..	1
29	Mianwali	..	4	..	..	1	1	..	..	3
GRAND TOTAL		70	302	8	3	271	146	125	1	80

VAKILS, ADVOCATES AND BARRISTERS PRACTISING IN LAHORE.

*6943. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Finance be pleased to state the total number of pleaders, vakils, advocates, and barrister advocates practising in the courts at Lahore at present ?

Parliamentary Secretary (Thakur Ripudaman Singh) :

Pleaders	..	..	..	170
Advocates	..	..	..	250
Barrister Advocates	..	..	..	86
Vakils	..	..	..	3

KIDNAPPING OF A HINDU BOY FROM A MARRIAGE PARTY IN
BUDHLADA MANDI.

*6882. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that on 4th May, 1940, a Hindu boy was kidnapped from a marriage party in the Budhlada mandi; if so whether the police has so far succeeded in tracing that boy ;
- (b) how many cases of kidnapping took place during 1939 and 1940 in the ilaqa in the jurisdiction of the Budhlada police station and how many of them have so far been traced ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) No such case was reported to the police. It has, however, been ascertained that a Hindu boy, aged 6-7 years, who accompanied a marriage party from Dhuri to Budhlada Mandi in May last was found missing in the morning, but was located the same evening. The boy is alleged to have been kidnapped by local bad characters.

(b) The required information is given below :—

Year.	Number of cases registered.	Number of cases traced.
1939	4	2
1940	Nil.	Nil.

THEFT CASES IN ROHTAK TOWN.

*6883. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of cases of thefts that took place in Rohtak town in 1939 and in the first half of the year 1940 separately with the number of those among them that were traced and chalaned in which the accused were convicted stating separately

whether the orders passed by the lower courts in such cases were upheld or set aside in appeal ;

- (b) the special steps taken by the police to reduce the number of cases of thefts in the said town ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a)

Year.	Reported.	Traced.	Challaned.	Convicted.	Upheld on Appeal.
Theft cases— 1939	53	25	25	19	17
1940 (up to the 30th June, 1940.)	20	6	6	6	6

(b) The majority of these cases relate to thefts of bicycles arising out of general hold-ups of bicycles by the police in plain clothes. The question of an increase in the strength of the Police posted in Rohtak Town to deal with the increase in the theft cases is under consideration.

BUILDING BY-LAWS OF BERI MUNICIPALITY.

***7093. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware that the Municipal Committee, Beri, district Rohtak, thrice sent up the proposals of the building by-laws to the Government through the Deputy Commissioner, Rohtak, on 24th October, 1938, 11th February 1939, and 5th September, 1939 ;

- (b) the reasons why those proposals were not forwarded to the Government and were returned to the Committee ?

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

(b) The Deputy Commissioner did not consider the proposed by-laws suitable and returned them to the Committee for necessary amendments.

PROSECUTING SUB-INSPECTORS.

***7357. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that in some districts of the Jullundur Range Sub-Inspectors of police of the executive line are working as Prosecuting Sub-Inspectors ;

- (b) if so, the names of such sub-inspectors along with the districts where they are working ?

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

(b) It is not in the public interest to disclose the names of police officers. Four sub-inspectors of police are working as prosecuting sub-inspectors in the following districts:—

One in Ludhiana.

One in Hoshiarpur.

One in Ferozepore.

One in the Fazilka sub-division of the Ferozepore district.

Chaudhri Jalal-ud-Din Amber: Is the Government aware of the fact that the sub-inspectors come to attend their cases in courts and are detained there some times for two or three days, with the result that their own work suffers at their police stations? May I know what steps the Government propose to meet this general complaint?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Government is not aware of any such complaint, but if the matter is brought to the notice of Government, it will receive careful consideration.

Khan Sahib Khawaja Ghulam Samad: May I know whether the sub-inspectors who are working as prosecuting sub-inspectors are qualified in law?

Parliamentary Secretary: I require notice for that question.

Khan Sahib Khawaja Ghulam Samad: May I know whether these sub-inspectors appear in cases which have been instituted by themselves?

Parliamentary Secretary: I cannot answer it offhand.

CENTRAL ADVISORY BOARD OF HEALTH.

*7078. **Sardar Sampuran Singh**: Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that the Central Advisory Board of Health had constituted a committee of which the Director of Public Health, Punjab, was a member, to inquire into the question of adulteration of ghee;

(b) whether as a result of this inquiry the Government has so far taken any steps to enforce the Punjab Pure Food Act with further usefulness;

(c) the nature of steps taken by the Punjab Government to prevent the adulteration of ghee?

The Honourable Mian Abdul Haye: (a) Yes.

(b) The Committee has so far considered only the technical aspect of the problem, including food standards and technique of food analysis. It has not yet submitted its report on the legislative and administrative aspects. The Public Health Chemist, Punjab, has been investigating standards for ghee and the investigation is still continuing. The information collected by him will be of great value to the Central Committee for Food Standards, which it is expected will be set up in pursuance of the recommendation of the Central Advisory Board of Health.

(c) The number of local bodies adopting the Punjab Pure Food Act is steadily on the increase. It is for them to apply the provisions of the Act vigorously. Co-operation of the public is also necessary in order to check a adulteration. So far as adulteration with artificial ghee is concerned, the honourable member is undoubtedly aware of the legislation which was passed in the last session for the purpose of prohibiting the sale of artificial ghee unless it was given a prescribed colour. The draft of a rule prescribing the colour has already been published for inviting objections and suggestions.

Rai Bahadur Lala Gopal Das : That was long ago. I understand you received objections to it. What has been done to meet those objections ?

Minister : Orders are now being issued. The rule is being made final.

Rai Bahadur Lala Gopal Das : Would you be colouring the ghee that would adulterate the ordinary ghee ?

Minister : Yes, artificial ghee has to be coloured before it is put up for sale.

SCHEMES FOR STUDIES FOR THE PRIMARY AND MIDDLE DEPARTMENTS.

*7079. **Sardar Sampuran Singh :** Will the Honourable Minister of Education be pleased to refer to his reply to starred Assembly question No. 5525¹ and state—

(a) when the proposed scheme referred to therein is expected to be put into operation ;

(b) the nature and details of those schemes ?

The Honourable Mian Abdul Haye : (a) On account of financial stringency and the outbreak of war it has been decided that the present classification of the primary (classes I—IV) and middle (classes V—VIII) departments of schools for boys should continue for the present. The revised scheme for these departments is being printed and will be put into operation as soon as possible.

(b) A copy of the scheme will be supplied to the honourable member when printed copies are available.

ADJOURNMENT MOTION.

COLLECTION OF LAND REVENUE IN JULLUNDUR, HOSHIARPUR AND LUDHIANA DISTRICTS.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the realisation of land revenue in the villages of Rahon, Kalon, and many other villages of the Jullundur, Hoshiarpur and Ludhiana districts even on the crops totally destroyed by the severe hailstorm on the night of 28th-29th September, 1940.

Mr. Speaker : When did the realisation of revenue begin ?

¹Volume X, page 1303.

Chaudhri Muhammad Abdul Rahman Khan : On the 15th of January, 1941.

Mr. Speaker : Then there is no question of urgency. Realisation began on the 15th and to-day is the 30th and the Assembly has been sitting on all these days. I, therefore, hold the motion out of order.

Chaudhri Muhammad Abdul Rahaman Khan : Sir, permit me to say a few words about the miserable plight of those zamindars who have been compelled to pay land revenue in spite of the fact that their crops were totally destroyed by hailstorm. If I were to relate their woeful tale, your hair would stand on end. I assure you that if no action is taken by Government to afford them any relief, they are doomed.

Mr. Speaker : Order please, I cannot allow a speech.

GENERAL SALES TAX BILL.

Clause 5.

Mr. Speaker : The Assembly will now resume consideration of the General Sales Tax Bill clause by clause.

Rai Bahadur Lala Sohan Lal (North Punjab, non-Union, Labour) (*Urdu*) : Sir, yesterday the House adjourned while I was on my legs opposing clause 5. I was particularly laying stress on the desirability of having one point tax as had been suggested by my honourable friend Rai Bahadur Lala Gopal Das through an amendment. In this connection I cited the case of coal fuel and explained at length the manner in which this trade would be adversely affected. Besides, I fail to see why the Honourable Minister for Development has taken it into his head to bring coal under the purview of this Bill. You will observe, sir, that Bengal is the home of collieries and yet the Bengal Government have exempted this article from the imposition of sales tax. But here in the Punjab the case is quite the reverse. The coal, which is a basic industrial material and is imported from a distant province, is being subjected to sales tax. The Honourable Minister perhaps does not realise that coal is already proving an expensive article to the industrialists as well as the public at large owing to freight charges from collieries. Imposition of this tax would raise its price still further and thus would endanger the industrial progress of the province.

Then I would like to make mention of lubricating oil. The position of this article is on all fours with coal. I need not dilate upon it as arguments advanced by me in regard to coal apply with equal force to lubricating oil. I may also point out that the trade in this article is bound to shift to places which are immune from the operation of sales tax. Besides, the stockists of lubricating oil in the Punjab would definitely stand at a disadvantage as compared with the dealers at Delhi, owing to the rise in price. I am therefore of the opinion that this article should be exempted from the imposition of sales tax.

Then, my honourable friend, Sir Chhotu Ram, was pleased to remark that sales tax was not a new or novel measure. It existed in Germany, Italy, Czechoslovakia, Hungary, Rumania, Russia, etc. There is one thing

very interesting about this argument and that is this. All these countries are under the sway of the enemy of the British and it is strange that my honourable friend has no example to cite from the friendly countries. On the one hand, the Honourable Premier is sparing no pains to expose the atrocities of the enemy countries, and to devise means to bring about the downfall of the aggressor and lecturing to the public to sacrifice their all to destroy the enemy. But here is my friend the Honourable Minister for Development so anxious to introduce measures adopted by the enemies. Even the Honourable Speaker when he finds that the Government of India Act or our rules of procedure are silent on an important matter, resorts to the Parliamentary practice followed by the House of Commons and never quotes from the practices adopted by the Dictators.

Then I have to register my vehement protest against the Government for their refusal to exempt books from the operation of this tax. I may point out that even in England from where my honourable friends profess to take their inspiration, books have been excluded from the purview of such a tax. I feel that imposition of tax on books is most unjustified. I think Government would be well advised to exempt books from this levy. In this connection there is another important point which I would like to bring to the notice of Government and that is the amendment which was moved by my honourable friend Sardar Bahadur Sardar Ujjal Singh. In seeking the exemption of religious scriptures from this tax, he left it to the discretion of the Government to decide what books would be called holy scriptures. I am afraid the Government may not be able to prescribe all the necessary religious books of Hindus for this exemption. In fact there are numerous books of Hindus which are regarded sacred by different schools of thought in Hinduism. This may also be the case with other religions. I fear some important books may not be ignored under this clause at the time of making the necessary rules.

One word more and I have done. I only wish to draw the attention of the Government to another point, and that is this. The Honourable Minister told us the other day that the Resources and Retrenchment Committee had met before the outbreak of the present war and hence their proposed rates were likely to be raised due to the war. He gave this reason for having increased the rates of taxation. May I ask if they will be again reduced after the war is over?

With these few words, Sir, I oppose clause 5.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary) : If I rise to say a few words it is not in opposition to clause 5 as it has been amended by the House. I only wish to make a few submissions for the consideration of the Honourable Minister in charge of the Bill. As is evident from clause 5, the Government has got ample powers to give exemptions not only to certain classes of goods or classes of dealers but the Government can also prescribe the points in the series of sales by successive dealers at which any goods or class or description of goods may be so exempted. It is with that point of view that I wish to bring to the notice of the Honourable Minister for Development two or three points. The first is in the case of fuel which my honourable friend Rai Bahadur Lala Sohan Lal has already

[S. B. S. Ujjal Singh.]

pointed out. Fuel plays an important part in industrial development. The cost of fuel is one of the main costs of production of any manufactured goods and situated as we are at a distance from coal mines and also from countries from which Diesel oil comes, the cost of fuel is already very high. Freight charges on coal amount to nearly Rs. 14 to 18 per ton and for that reason I wish to submit that fuel should be exempted from this tax as it has been done in Bengal. In the Bengal Bill it is given that fuels would be exempted when sold to the owner of a factory registered in Bengal under the Factories Act, 1934, and to be used for industrial purposes. The same applies to lubricating oils. Lubricating oils are also exempted from this tax in Bengal on the same conditions that when lubricating oils are used for industrial purposes, they should bear no tax. The third point that I wish to submit is in the case of milk. Milk is a very important food material and I think it should also be exempt from the tax. In Bengal they have exempted it. They have exempted milk but not cream or other milk products. May I submit that if milk is not exempted the result would be that dairying industry which is already in infancy in the Punjab will die. The small sellers of milk like Gujjars have not got a good reputation for selling pure milk. They will have their trade in full swing at the expense of the dairying industry as the Gujjar being a small dealer will pay no tax but a dairy will have to pay it. I would, therefore, submit that milk should be exempted from taxation. Another point which I wish to submit is that while this clause 5 gives power to the Government to levy tax at a certain stage, the Honourable Minister will kindly bear in mind that while levying this tax we may not be driving out of the province some of the distributors. I would like to give the instance of a firm of agents of cement companies or say coal agents. Now these firms are distributors. They simply pass orders from the manufacturers or producers in other provinces down to their stockists. Now if these distributors are to be taxed also, they will shift their offices to a neighbouring state or to Delhi and operate from there. They are only distributors and they pass orders on to the stockists who actually sell and deliver the goods. If the distributors are going to be taxed the result would be that these distributors who have their offices in the Punjab will shift either to the neighbouring states or to Delhi. Already the Caltex Company, I know, have got their offices in Delhi and not in Lahore while Burma Shell and other companies have their offices in Lahore. A number of these offices give employment to Punjabis. If they shift their offices to Delhi or native states, the result would be that so many Punjabis who are finding employment in their office will be thrown out of employment. This is a point which I wish to bring to the notice of the Honourable Minister. In Madras the working of this Act operated adversely on these distributors. The Indian Chamber of Commerce, Lahore, addressed a letter to the South Indian Chamber of Commerce, Madras, for communicating their views with regard to the working of the Madras Act in Madras. Their reply was very interesting. They definitely state that some wholesale dealers and distributors like the Imperial Tobacco Company and Lipton Tea Company and others have migrated to the neighbouring states from where they have been distributing their products without difficulty and without bearing any sales tax. I am afraid the result of the tax here in the Punjab would be the same. I hope the Honourable Minister will bear this point in mind while taking

into consideration the great powers that the Government have got in their hands under clause 5 of the Act.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban) (*Urdu*): Sir, most of the amendments proposed to clause 5 were such as should have been accepted by the Government provided it had shown a little far-sightedness. For instance, amendments 7 to 11 related to the question of exempting books from the imposition of this tax. These amendments were very important. I may point out in this connection that the exemption of books from this taxation is tantamount to removing illiteracy from the province. Sir, our province depends not only on exports of foreign countries but also on those of the other provinces of India itself. It would be highly improper to impose tax on the sale of books in this illiterate province because the poor are already unable to purchase books which would become all the more dear due to this taxation measure. How will they be able to afford higher prices for books? The result will be that they will be deprived of education facilities altogether. Should we expect the poor to spend whatever little they have on feeding their children or in purchasing books for them? The Primary Education Bill has not yet been enforced in the Punjab and here comes a taxation measure which is calculated to obstruct the progress of primary education by taxing the sale of educational books. There cannot be any justification for taxing the sale of text-books.

Sir, it is a great pity that the Government has refused to accept even those amendments which were moved in the interest of the poor people alone and which were not of any far-reaching character. For instance, we had sought exemption for the sale of articles of food and fuel like wood, coal, etc., from this taxation. I had moved a very important motion but I am sorry to say that the honourable members on the Government benches tried to silence me by saying "no, no," and did not even show the courtesy of hearing what I had to say in support of my amendment. In moving that amendment my object was to get a provision incorporated in the Bill for the exemption of perishable articles because those who deal in such articles are generally petty shopkeepers. It is a matter of common knowledge that if these shopkeepers make some saving out of the sale of such articles one day, they suffer losses immediately the next day. I take for instance the case of vegetables. A vegetable seller may be able to get some profit out of the sale of vegetables on the day he purchases them to sell out but may have to forego much of that profit and in some cases even his own money the next day, when the vegetables yet to be sold get stale and no one likes to pay for them. So is the case of fruit sellers and meat-sellers. Honourable members will be aware that sweetmeat-sellers also fall in this category. They have often to sell the sweets which get stale at very low prices to *chabriwalas* and sometimes they have to throw such sweets into drains on their giving obnoxious smell. I forgot to mention the case of meat-sellers who deserve to be exempted from the payment of this tax. I need not say that ours is a hot country where the articles I have mentioned cannot be preserved for more than a day or two as in countries with cold climate. I think I am not exaggerating if I say that often in this country these articles become worm-eaten, particularly in the rainy season, if one were to keep them

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even a day more than they ought to be kept. In the circumstances it can be easily judged that these shopkeepers will not be able to pay the proposed tax.

I am sure that if a tax had been proposed on profits only the class of persons, I have mentioned, must have been saved from it because it is with great difficulty that such shopkeepers manage to live on what they get out of their business. I ask, have any one of us here seen any meat-seller or sweet-meat-seller having built a mansion out of the profits of sweets or meat or seen any of this class of persons, living in a bungalow? Outside of Lobari gate there is a shop of a fruit-seller. Apparently it is a big shop and its proprietor is also a Chaudhri but his house is inside the main city in a dark, narrow lane. His house is a very small one. This is the condition of the owner of such a big shop of fruits. From this you can judge for yourself the condition of such of the fruit-sellers whose shops are smaller than the one I have referred to.

Moreover, these small shopkeepers will have to maintain accounts and as most of them are illiterate they will not be able to keep their own accounts. In order to maintain accounts they shall have to employ an accountant. In other words they will be encumbered with the expenses of an accountant to fill the coffers of the Government. This would be another hardship on them. My honourable brethren here are under the impression that the main burden of this taxation will fall on the urban people alone. They must know that in the towns there are no agricultural lands, or fruit gardens. The urban people cannot even afford to keep cows or buffaloes. Vegetables, fruit and milk are generally imported into the towns from villages. If you were to go to the Badamibagh Railway Station in the morning or have a walk on such of the roads as lead to the city of Lahore you will find that such vegetables as carrots, radish, etc., are brought into the city from the villages. Similarly, milk is also supplied for the consumption of the city from rural areas. Fruit gardens are also in the villages and all the fruits that sell in the city are brought from the villages. When the vegetable sellers, fruit sellers and milk vendors have to pay the proposed tax they will purchase the articles they deal in at lower prices than those at which they purchase them at present. Thus the rural people who sell fruits, vegetables, and milk to the shopkeepers in the towns will have also to share the burden of the proposed tax with the latter. The rural people after the levy of the proposed tax will not get the same prices for their commodities as they are getting at present.

Now I come to the trade and industry of this province. Compared to other provinces our province is very backward so far as trade and industry are concerned. The rural people when they find that a shop is electrically lighted jump to the conclusion that its owner must be a very rich man. To infer from the mere fact that a shopkeeper is cleanly dressed that he is a rich man is quite wrong. All such shopkeepers have to be very clean. Under the municipal orders the meat-sellers and sweet-meat-sellers have to maintain a particular standard of cleanliness. They, therefore, appear to be very rich. Their real condition is not what is shown by their clean clothes. Most of the prominent merchants in this province belong to other provinces. Some belong to Bombay and others to Sind. You will find very few among

them who belong to this province. If you go to Bombay the difference between the trade of that province and that of our's will become quite clear to you. There you will find that whole markets are devoted to the sale of particular articles. There are separate bazars for each such article as caps, umbrellas, crockery, etc. Most of these bazars are a mile or half a mile in length. There are such big traders there that one of them can purchase the whole of Anarkali and the Mall along with the buildings.

Whenever there is a demand for a particular article people open up factories to manufacture and to supply it. In the beginning when the people started wearing boots instead of our *desi* shoes the local merchants used to import them from Bombay and Agra. But later when the demand for them considerably increased people started manufacturing them locally and thank God, now we have a few factories in our province which prepare leather goods and also shops which sell them. Similarly, new factories for preparing other goods are also springing up. But it is most unfortunate that those factories are not yet fully established and yet the Government have brought in this measure to impose a tax on them.

At present we import many articles of daily use from other provinces and countries. If you were to visit the shops you will find them full of commodities made in other countries and provinces. Utensils are imported from Muradabad and cloth from Madras or other countries. Even all the big shopkeepers belong to other provinces. Had our province been industrialized these industrialists and traders who have come from other provinces would never have come. What a pity we cannot manufacture even locks. We import them from Aligarh. What is required is opening up of new factories so that the people could get employment and also the province some more wealth. The utmost that is done in this House is to stress that the rural people are poor, that they should be helped and that in order to lighten their burden of taxation a fair amount of it may be shifted to the shoulders of the urban population. You should ameliorate the condition of the rural people without in any way adversely affecting the prosperity of the urban people. But by the methods you have adopted to ameliorate the condition of the rural masses you will reduce the urban people also to poverty. No country or province can make any progress where the rich are made poor by measures like the one now before the House. The secret of progress lies in making the rich richer and ameliorating the condition of those who happen to be poor. (*Minister for Development*: That is what is being done.) But by bringing in such measures as the one now under consideration you are making poor even those who are rich.

If the Honourable Minister in charge signifies his willingness to learn I shall be only too glad to point out to him various methods which can be usefully employed for promoting the welfare of the people of this province. What is required is that Government should encourage industrialists and provide every kind of facilities to them so that they may start new factories here and manufacture those articles which at present are imported in large quantities from other provinces or countries. If he follows this procedure it is then and then only that he would be in a position to afford any relief to the poor people, inasmuch as work would be provided to the unemployed. After the industries are started he can ask the industrialists to fix good

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wages for the labourers and make arrangements for providing insurance facilities to them so that if any one of the labourers per chance dies there should be something left for his children to fall back upon. Besides, the industrialists can be asked to make arrangements for their education, health and accomodation. Similarly, he may issue orders that the same facilities should be provided to the labourers working in the Government-owned factories. If he acts in the manner referred to above he will see that the people of the Punjab would become prosperous in no time. But it is sheer injustice to lower the standard of people who are somewhat affluent by burdening them with taxes. What is required is that Government should try to raise the standard of the backward classes rather than to lower the standard of those who are already sufficiently advanced. Then the big agriculturists should also be asked to provide facilities to the poor agriculturists. Now-a-days what the former do is that they give the latter only a pittance and appropriate the rest to themselves. As a matter of fact the big landlords have nothing to do with work. They want only money which they receive while sitting idle in their luxurious bungalows. The real tillers of the soil get much less as compared to the hard work which they put. Under these circumstances if any tangible steps are taken in this behalf that would go a long way in ameliorating the condition of the poor tillers of the soil. If at present the plight of the zamindars is pitiable and their backs have so to say been broken by the heavy load of taxes, as has been alleged more than once on the floor of the House, that does not mean that they should be provided relief at the cost of other sections of the population. I do not say that relief should not be provided to the poor agriculturists. By all means do so. But see that in the zeal for providing relief to the poor agriculturists you do not overtax other sections of the public. If to-day industries are promoted in the province and the articles which at present are imported from other countries are manufactured here that would go a long way in providing relief to the poor people. I pray God to bring that day very soon so that the poor people of this province should be in a position to raise their head. But this can be done only if we work according to some fixed principle. Up till now not a single country in the world has ever been able to promote the interests of its inhabitants without developing industries and so long as that is not done in this province we cannot hope for any progress to be made. The Honourable Chaudhri Sir Chhotu Ram is taking these suggestions very lightly. True, he is the Minister for Development, but it is a matter of serious consideration for him whether instead of bettering the condition of the poor people he is not by imposing the General Sales Tax, reducing the well-to-do sections of the people to the state of hewers of wood and drawers of water. What is required is that he should do something to afford relief to the poor people rather than to reduce the rich to the state of beggary. I tell him frankly that as compared with the traders of Bombay the traders of this province, whom he regards as rich people, are only trifles. What to speak of the small traders, even when the big traders of the Punjab go with a capital of say Rs. 40,000 to Rs. 50,000 in order to make purchases the traders of Bombay treat them very lightly. As a matter of fact they do not consider their capital to be of any great consequence. But here those traders are considered to be big dealers. As compared with the traders of Bombay who do business amounting to crores of rupees in a

short while, our big traders do not even fall under the category of retail dealers. Besides there are so many mills and factories working there that railway authorities run special trains to carry the businessmen and the labourers to and from the factories to their destinations. In sooth there is absolutely no comparison between the trading classes of Bombay and those of the Punjab. In the circumstances what is needed is that the industrialists who have started factories or who intend to start factories here in the Punjab should be encouraged so that the people of this province should also become business-minded. The other day Sayed Amjad Ali Shah remarked that he owned two factories one at Delhi and another at Ferozepore and the latter had been established only for the benefit of that district because in it the local inhabitants work as labourers and the manufactured goods were supplied by him to Delhi. Now my submission is that if the present Government persisted in their attitude and treated the industrialists so very shabbily as they are doing now the result would be that he would be forced to remove his second factory to Delhi also because after all he has to supply manufactured goods at Delhi. Besides, I perfectly remember that once Lala Ram Saran Das established a factory outside Bhati gate, but due to some reasons he closed that factory and the result was that many people were thrown out of employment. They wept and prayed God to bring that day very soon when they should hear the whistle of the factory of Lalaji once again (*Laughter*). This is not anything to be laughed at. This whistle signified the starting of the factory which provided work to the poor people and thus helped them to make their both ends meet. That is the reason why they were so very anxious to see it started again. I wish the Honourable Chaudhri Sahib should also possess 50 factories so that the poor should get some work. Sir, I wonder why whenever we put forward any suggestion Government hesitate to accept it on the ground that their prestige would suffer and consequently turn it down. My submission is that that is the main purpose for which this Assembly has been set up so that if the honourable members submit any good advice Government should accept it and try to act accordingly. That is also one of the reasons why we dislike one man rule just as Hitler is doing to-day, because in such Governments individual freedom and freedom to express one's views have no room. Assemblies are created so that the representatives of the people should join their heads together and put forth suggestions which they think to be the best. Naturally in such assemblies every member has a right to give expression to his views freely rather than to be reduced to the position of a second fiddle as some of the honourable members have just now showed them to be. When I put forward a suggestion for the welfare of the ruralities the honourable members with one voice shouted, "no, no". It appears that they do not like even to discuss such matters on the floor of the House. I ask when ruralities bring milk in the cities and sell it, does it benefit them or not? Similarly when they bring sheep, goats, eggs, poultry and vegetables in the cities and sell them, do they derive any benefit or not? Who does not know that it is mostly the agriculturists who benefit by selling these things? Let them take it from me that if any tax is imposed on the sale of these articles it will be the agriculturists who will have to shoulder that burden. I am certain that the Honourable Chaudhri Sir, Chhotu Ram must be feeling in the heart of his hearts that what I

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am saying is quite true but he only does not give expression to it. I, therefore, appeal to him to give his serious consideration to these matters and do something for the benefit of the poor people.

Besides, during an interview with the Chaudhries of Mandi I took an opportunity to inquire about their views in regard to the General Sales Tax Bill as well as their business. They told me that they had inherited their profession from their forefathers and so they were continuing it. Otherwise they were not making any great profit as was generally considered by the people and that they were making their both ends meet with great difficulty. They further said that there was so much competition that previously where there was only one shop now something like 20 shops had sprung up and the result was that all were suffering. If these are the conditions of the Chaudhries of Mandi, it is all the more necessary for the Minister-in-charge to carefully consider this matter and exempt the poor traders from the operation of this Bill. It is possible that the Honourable Minister may get up and say that he has already exempted those dealers whose turnover does not exceed Rs. 5,000 from the operation of this tax and that all the small dealers would come under that provision. But my submission is that this is not at all correct. In the cities the turnover of even small dealers such as the sweet-meat-sellers exceeds Rs. 20 per day. Similarly, the turnover of butchers, bakers and grocers exceed Rs. 5,000 a year but the margin of their profit is very small. In no case can they be termed as big traders. If the Honourable Minister doubts the veracity of my statement he can ascertain the facts for himself. To assume that these dealers roll in profits is entirely wrong. Often such dealers have to suffer losses as well, and that is the reason why they do not look to be rich people. With these few words I request the Honourable Minister to exempt the small traders from the operation of this measure.

Mr. P. H. Guest (Punjab Commerce and Industry): Sir, I oppose this clause for very good reasons, the chief being that its effects will be very great. On the previous occasion I was debarred by this House from even putting forward a proposal that the sale of certain products should be exempted. I was also debarred from speaking by this House on the proposal that this Bill would be greatly improved if it became a single point tax Bill. There are many people who have come to the conclusion.—I am not one of those—but there are many who have come to the conclusion that the object of this Bill is clearly to ruin the non-zamindars, and I think, it is because of their refusal to consider the amendments which were really important ones that this thing has gone abroad. As the clause stands, there is no exemption for those firms who are losing concerns and making no profits. If a firm is definitely losing money, it is gradually losing its capital as a result. On the top of it, that firm may make sales although the sale is made at a loss. The result is that if this tax is applied, whatever is paid by way of tax is virtually a capital levy on that particular firm. I, for one, cannot be a party to any tax which by implication becomes a capital levy.

I will give one or two reasons more. One is the question of coal. I am very pleased that my honourable friend, Sardar Ujjal Singh, said a few words with regard to it in this House, the words which I was prevented

from saving by this House. I can only add that coal is the basic industrial material and it is undoubtedly a fact that this tax will make the coal so much more expensive. One cannot let this point go without emphasising the fact that when coal is Rs. 4-8-0 a ton, the freight on coal to Lahore is, I think, Rs. 12-8-0 a ton and one has to pay 4 annas per cent on the freight, which is 3 times the cost of the coal. That seems to be distinctly unfair and not only unfair, it will finally react on the very people who wish to put this Bill forward. The next point that I have to raise is that this clause is fundamentally unsound because of the lack of facilities for exemptions. It attacks the simple canons of taxation. The cost of collection is going to be much greater than even imagined if one is to collect at so many various points. It would be immaterial to me what the percentage of the tax would be, if it were placed at one point and what is more, the return, in ratio to the cost of collection, would be much greater.

Further the incidence of the tax under this clause, owing to the lack of exemptions, is going to be unfair and uneven. I have mentioned examples of this previously, so I will not say any more on that point except that you can have people, who will make a considerable profit and can afford to pay the tax, whereas you will have other people, who will get very small profits at their turnover and they have to pay the same proportion as those who get higher profits. I feel that it is very unfortunate that the members of this House—I am referring to zamindar members—have failed to realise that this tax will eventually react on the zamindars as well as on non-zamindars. For these reasons I oppose this clause.

(At this stage Mr. Speaker called upon Sardar Ajit Singh to speak.)

Khan Sahib Khawaja Ghulam Samad : I want to speak on this clause.

Mr. Speaker : Will the honourable member please resume his seat ?

Khan Sahib Khawaja Ghulam Samad : I request you to kindly give me permission to say a few words.

Mr. Speaker : No.

Khan Sahib Khawaja Ghulam Samad : Sardar Ajit Singh has already spoken on this clause.

Mr. Speaker : He has not spoken on this clause.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjab*) : Sir now that all amendments have been disposed of and the Honourable Minister has not thought fit to accept any one of them, I rise to make a request to him to keep in view a few points while framing rules under this Act. My first request is that the sales of necessities of everyday life should be exempted from the tax. If that is not done the poor people will be hard hit. Secondly, such commodities, like lubricating oils, and fuel as are necessary for the development of industries in the province should also be exempted. Then there is the question of the sales by members of the scheduled castes. My submission is that these people deserve encouragement at the hands of the Government and, therefore, the Honourable Minister should really do something in the matter and exempt such sellers.

[S. Ajit Singh.]

The Honourable Minister may reply, if all these sales are exempted what will be left for him to tax? I would submit that you may tax the sales of luxuries as heavily as you like because they are sold and purchased by rich people who have the capacity to pay the tax even at a higher pitch. Lastly, I would request him to see his way to make it a one-point tax so that the burden may not fall mainly on producers and consumers. These are very reasonable requests and I hope the Government will accede to them. But if the Honourable Minister is going to say in the course of his reply that they will seriously affect the expected income from this tax then I would submit that instead of such measures he had better bring forward

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a Salaries Tax Bill for fat Salaried Servants. That will surely give him all the money he requires. With these words, I again request him to bestow due consideration on these points while making rules.

Mr. Speaker : Honourable Minister for Development.

Khan Sahib Khawaja Ghulam Samad : May I know the reason why I am not allowed to speak?

Mr. Speaker : If the honourable member repeats his question, I may have to direct him to leave the House.

Khan Sahib Khawaja Ghulam Samad : I want to know the reason.

Mr. Speaker : I decline to give any reason.

Khan Sahib Khawaja Ghulam Samad : May I know the reason, because I being representative of the trading class have a prior claim to speak?

Mr. Speaker : I direct the honourable member to leave the House.

Khan Sahib Khawaja Ghulam Samad : I myself am leaving the House as a protest.

Mr. Speaker : Please clear out.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, many objections to the subject matter of the clause have been raised at various stages. They have been repeated perhaps half a dozen times each, and I have tried to reply to them as many times. I do not propose to repeat the arguments which I used on previous occasions to refute the criticism of the Opposition. It is only in respect of a few new points, which have been urged, that I will reply. Now, Sardar Sahib Sardar Santokh Singh and a few other members made a good deal of capital out of the fact that in Bengal 15 various articles have been entirely exempted. If the net result of the amendments which have already been accepted, is examined it will be found that we have exempted perhaps more than 15 specific articles under our own Bill. Therefore our Bill does not compare unfavourably in that respect with the Bengal Bill. Another objection raised by a number of speakers was that we have failed even to consult leading members of our own party, for instance, Sir William Roberts, Mr. Guest, Sayed Amjad Ali Shah and so on. It is wrong to say that we have not consulted them. We have consulted them and held discussions among ourselves. Unfortunately we have failed to convince some of our colleagues of the reasonableness of our proposals. There are many points on which it may not be possible

for the bulk of the members of the party to see eye to eye with a few others who represent special interests in the House. They have been allowed by the Leader of the Party to move amendments in deference to the wishes of their constituents. But if it were to be expected that the House or the party in power should be bound by the views of just a few persons who represent special interests, then no useful legislation for the province as a whole could be undertaken or brought before the House. Yet another argument was that we are not under this Bill taxing profits: we are taxing sales. It is perfectly true and we are fully conscious of this. One of the members, Dr. Sir Gokul Chand Narang, was pleased to say that the members on this side of the House have probably failed to realise that they were taxing not profits but sales. It is entirely wrong. We know this distinction quite as well as he does. But we have decided to tax sales deliberately and not accidentally, not under any sort of illusion or delusion about the objects of this Bill or the effects of this Bill. In this connection, it was suggested that there are many people, many concerns and many firms and houses which do business on a very small margin of profit. It is certainly true in respect of bigger houses and firms that they content themselves with a low margin of profit. It was further suggested that in some transactions there might be losses. I concede this. It was also suggested that in some cases big houses content themselves with a profit of one per cent only. That also I admit. But, Sir, I think I have a right to ask these gentlemen to say whether this represents a normal state of business, or is universally true of all transactions. We cannot accept abnormal features of business as the basis of taxation. There may be cases of sales in which losses are incurred, but I am sure that this is not a normal feature of the business as a whole. This does not happen except in respect of a few items of business which various firms and individuals may be able to transact in the course of a year. Nor can one per cent margin of profit be the normal feature of the whole field of business which is carried on by big houses. Therefore, I would request my friends of the Opposition not to put forward these abnormal features as usual features of business. Nor should members expect that abnormal features will be made the basis of taxation in any legislative measure. While they may make a profit of only 1 per cent on certain transactions they will be able to make much larger profits on other items. After all what do we ask them to pay? Only one-fourth of one per cent. If they put through transactions of one lakh, and even make only a profit of one per cent the aggregate profit will be Rs. 1,000. What do we claim? We claim only one-fourth of one per cent, that is, Rs. 250. (*Rai Bahadur Lala Sohan Lal*: Twenty-five per cent.) It is one-fourth of one per cent on sales of one lakh of rupees. We ask for no more than Rs. 250. Is it or is it not true? One single transaction involving a sale of one lakh will bring a profit of Rs. 1,000 if there is a margin of one per cent. What do we ask? Only one-fourth of this profit. On sales of the value of one lakh, one-fourth of one per cent will give us Rs. 250. Is it or is it not the case? (*An honourable member*: Yes). If there is a profit of Rs. 1,000 we claim only Rs. 250. They should not grudge it if they have any sympathy which they so often profess, with the poorest sections of the community.

Then, Sir, it was said by both Sardar Santokh Singh and Dr. Sir Gokul Chand Narang that if they had known the purpose for which money was

[Minister for Development.]

required they would not have hesitated to say yes to this Bill. "Please tell us what you want this money for. We are not against raising money provided you tell us on what specific objects the money is going to be spent." It is all very well to say so, but when their assertions are put to the test they fail most miserably. May I, in this connection, draw the attention of the House to one thing that happened in 1928-29. We told members of Dr. Sir Gokul Chand Narang's way of thinking definitely that we had introduced our Land Revenue Amendment Bill to reduce the share of the State in the net assets by 25 per cent. They knew what we were doing that for and yet they said, "No, this Bill should not be passed because it will result in loss to Government and Government will have to impose fresh taxation on somebody and most probably on non-zamindars".

Rai Bahadur Lala Gopal Das : Did not the National Reform Party support that Bill? As a matter of fact it was that party that was solely instrumental in bringing the ratio from 83 per cent to 25 per cent.

Minister for Development : Certainly not. I can draw the attention of the House to the speech of Raja Narendra Nath who was then the leader of that party and also to the speech of Rai Bahadur Lala Sewak Ram. They definitely put the question, "where was the money lost as a result of the Bill to come from?" I would ask my honourable friend to refer to the debates of 1928-29.

Rai Bahadur Lala Gopal Das : You refer to the debates yourself.

Minister : In a brief way I may restate the objects which we have in view in passing these taxation measures. The objects which we have in view are three—The first is, to equalise, as far as possible, the burden of taxation as between the agricultural classes and other classes. The second is that with the help of the proceeds of this taxation we shall be able to give some relief in some form to the agricultural classes, particularly the humbler sections of them. The third is to widen the scope of beneficent services in those areas which have so far been neglected. These three are in brief the objects which we have in view in passing these taxation measures. I may also draw the attention of the House to certain specific obligations which have been placed upon the Government by the action taken by this House. Those specific obligations are, firstly, we have, as a result of the action taken by our predecessors in this House, reduced the share of the state from 50 to 25 per cent of the net assets. Wherever a fresh settlement is undertaken there is likely to be loss of revenue. That is one very definite obligation cast upon the Government by the Legislative Council of 1928-29. Effect is being given to that obligation now.

Sardar Jagjit Singh Man : May I ask one question from the Honourable Minister? Has there been any loss to Government as a result of the settlements of Lahore and Amritsar?

Minister : As far as I remember, in the aggregate there has been no loss in Lahore. I am not sure about Amritsar. But there will be a very definite loss in Gurgaon and Kangra. A very definite loss has already occurred in Montgomery, Lyallpur, Gujrat, Sheikhpura and Gujranwala.

The second obligation arises from the passage of the Panchayat Act in this House. The Panchayat Act when it is put into force is bound to result in a good deal of expenditure. I am not speaking of the staff that has been engaged. I am speaking of those beneficent activities which will have to be undertaken by panchayats if any real good is to be done to rural areas. We are making very handsome grants to municipalities, notified areas, small town committees and so on. If these panchayats are to be turned into really useful instruments, grants of money will have to be made to them. Those who have any acquaintance with rural areas will be able to see and judge how much more money is needed in order to help the neglected areas in the coming years.

The third obligation which may be regarded as having been cast on the Government by this House is the passing of the Primary Education Bill. If any effect is going to be given to that measure, even partially, it will mean many lakhs of rupees a year. The total expenditure, if the scheme is enforced as a whole throughout the Punjab, is expected to be not less than four crores a year. Therefore, even if partial effect is given to the provisions of the Primary Education Bill it will amount to lakhs and lakhs of additional expenditure every year.

A fourth obligation has also been cast by this House on the Government. Not very long ago a resolution was passed that Government should, either by itself or in combination with private capitalists, undertake the development of industries in this province. That may mean twenty lakhs or ten lakhs or only two lakhs a year. But it certainly means additional expenditure; and if the House wants the Government to do something real, the expenditure will have to be substantial.

The last obligation to which I may draw the attention of the House is the provision of fresh irrigation facilities in areas where irrigation facilities do not exist. There is already a loud howl raised in this House as well as outside both by the members of our own party and by the Opposition that the Thal Project should be executed as quickly as possible, that the Bhakra Dam should be undertaken as quickly as possible, that something should be done for raising the level of well water in the Doaba and that something should be done for Kangra, Jhelum and Mianwali.

Rai Bahadur Lala Gopal Das : May I ask a question? In that case would you not raise a loan from the public to meet these charges?

Minister for Development : I am not going to miss a single point which it is necessary to mention to the House. The development of industries and the provision of additional irrigation facilities would require crores of money. My friend has suggested that this expenditure is certainly not going to be met out of the ordinary revenue of which the proceeds of these taxation measures will form part. Perfectly right. We are going to raise loans, but if the state of your budget is not good, if you are faced from year to year with a deficit budget, you are not likely to raise money at reasonable rates of interest. Therefore it is essential that our budgetary position should be perfectly sound, so that we may be able to raise any amount of money at reasonable rates of interest. The proceeds of this tax will help as to have prosperous budgets. It has been suggested by certain other members, "When your budget has been balanced, what do you want the money for? The fact

[Minister for Development.]

that the Honourable Finance Minister has been able to present balanced budgets where deficit budgets were expected, should be sufficient to inspire confidence in the public mind, and therefore if there is any money required to be raised by loan, we shall be able to raise loans." But do my friends know at what cost these balanced budgets have been secured? You do not know the sternness, the harshness with which the axe has been applied in many places where it should never have been applied. I am sure my friends know that clerks in most of the offices at the headquarters—I am not speaking of offices at district headquarters or smaller towns but I am speaking of clerks at the headquarters—here at Lahore, and I know it from personal experience that they have to leave their houses at 9 a. m., and are sometimes unable to return before 7 in the evening. And, as I remarked once before, if it had been permissible under the law as it stands, to prosecute those who are responsible for enforcing such long hours of work, the heads of departments would have found themselves in the dock. It is by devices of this nature that balanced budgets have been secured. I have quoted only one instance. There are many other devices adopted in order to secure a balanced budget which should never have been adopted and which ordinarily would not have been adopted by the Finance Member, but he has been compelled to adopt those devices because it was so essential to secure a balanced budget.

I have just one more point to make, and that is the point which was raised by Baji Sahiba. She says that poor meat-sellers, sweets sellers, vegetable-sellers and fruit sellers are going to be ruined when this Bill has been passed. I am afraid I cannot agree with her. These fruit sellers if they are really poor, will not be affected by this Bill at all. If their annual turnover does not exceed Rs. 5,000, they will not be affected by this Bill at all. But if there is any milk-seller, if there is any gujjar, if there is any sweet-seller, if there is any fruit seller, whose turnover exceeds Rs. 5,000 a year, I am not inclined to class him as a poor man. Of course, Baji Sahiba might consider him poor, Rai Bahadur Gopal Das might consider him poor and Sardar Santokh Singh might consider him poor. (*Interruption*). I am not going to class people whose turnover exceeds Rs. 5,000 a year among poor people, and if there is anybody whose turnover exceeds Rs. 5,000 there is no reason why he should not pay a very, very small amount of two annas per hundred rupees of the value of his sales.

Begum Rashida Latif Baji : The Honourable Minister is talking of the amount of sale, he is not talking of the profit.

Minister for Development : I am afraid these fruit-sellers and vegetables-seller do not present their budgets to me, but I understand that normally speaking they earn a much higher margin of profit than the bigger merchants, who are supposed to be content with a profit of 1 per cent, 2 per cent or 3 per cent. These poor *halwais* in some cases do not make less than 25 per cent. (*Interruptions*).

This Bill has been characterised as a Bill imposing a multi-point tax, not a tax on specific commodities but on general sales and turnover, a tax which is liable to be passed on to the consumer or to the grower and as a tax which is likely to drive business out of the Punjab. As in my own

humble way and according to my lights, I have already replied to this type of criticism, I will not waste the time of the House by repeating my own arguments used at previous stages of the discussion.

Sardar Sahib Sardar Santokh Singh : May I ask a question? The Honourable Minister has tried to make a point that if a man does business of one lakh and considering or calculating his profit at one per cent he makes Rs. 1,000 out of which we are asking the man to pay only Rs. 250. Is that correct? Then, may I know from the Minister whether he could tell us what income-tax he will have to pay on this profit of Rs. 1,000? (*Minister :* No I cannot say). He may take it from me that he has to pay income-tax at the ordinary rate of two annas six pies *plus* super-tax, both amounting to Rs. 278. So that the total comes to Rs. 528, and he may further have to pay an excess profits tax of Rs. 500 at the rate of 50 per cent. In that case will he or will he not be out of pocket?

Minister for Development : If my honourable friend had tried to follow me, he would have found that I had already answered this criticism. I think he proceeds on the assumption that in every single transaction the level of profit does not exceed one per cent. I do not admit the correctness of that assumption. There may be some transactions in which the profit may be 1 per cent or even less but there will be many other transactions in which the profit may be 3 per cent, 4 per cent or even higher and as the aggregate—I am not speaking of the proportion of profit in individual transactions—amount of profits in the case of big merchants is pretty high, they should not grudge this petty sum.

Sir William Roberts : May I ask the Honourable Minister whether in the case of a commodity like coal and fuel, a merchant in Delhi selling in the Punjab would be better off than a merchant in the Punjab selling in the Punjab?

Minister : Certainly. He should pay this tax out of the margin of profit he makes.

Sir William Roberts : But the merchant in Delhi will not be paying it.

Minister : True. If you are making a profit of 4 per cent, content yourself with a profit of 4 per cent *minus* a negligible amount leviable under this Bill.

Sir William Roberts : I am afraid the Honourable Minister has not followed the point.

Minister : I have. The merchant in Delhi will be in a slightly better position.

Mr. Speaker : The question is—

That clause 5 as amended stand part of the Bill.

The motion was carried.

Clause 6.

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That in line 1 for the words "finished articles" the word "goods" be substituted.

(*Urdu*): Sir, if my amendment is accepted there will be no need to move the other amendments. By substituting "goods" for the words

[Ch. Tikka Ram.]

"finished articles" the scope of the rebate will be made much wider than it is at present, and that is what the honourable members want. Most of the objections to this clause will be met by accepting my amendment. With these few words, Sir, I commend my amendment for the acceptance of the House.

Mr. Speaker : Question is—

That in line 1 for the words "finished articles" the word "goods" be substituted.

The motion was carried.

Parliamentary Secretary (Chaudhri Tikka Ram): I beg to move—

That in line 2, for the word "manufactured" the word "produced" be substituted.

The motion was carried.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural): I beg to move—

That in line 7, for the word "may", the word "shall" be substituted.

I want to draw the attention of the House to the fact that in the Madras Act the wording is that a rebate *shall* be allowed and so on. It is imperative that in case goods go out of the province a rebate should be allowed and there should be no choice given to the Government to say that they *may* allow a rebate. They should and ought to allow a rebate on goods exported. I hope the amendment needs no further elucidation and the Honourable Minister will be willing to accept it.

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

That in line 7, for the word "may", the word "shall" be substituted.

Shaikh Sadiq Hassan (Amritsar City, Muhammadan, Urban) (Urdu): Sir, the amendment moved by my honourable friend Rai Bahadur Lala Gopal Das appears to be a very minor amendment but I regard it as a very important and significant amendment. It is the primary duty of every Government to see that trade and commerce flourish under it. If the subjects are prosperous, the Government will also be rich, and if the people are bankrupt, the Government too is bound to be insolvent. It is, therefore, the duty of a government to make strenuous efforts to increase the prosperity of its people. Trade and industry must be encouraged by every Government which has the good of the country at heart. Adequate arrangements should be made for the export of raw material and the industrial products. But I am sorry to say that our Government is restricting the grant of rebate on our exports. It agrees to grant rebate but the word used is "may" and not "shall" or "will". In this way the Government may or may not allow a rebate. This will also open the door to corruption and favouritism. I admit that the present Minister of Development and the Director of Industries are very honest. But this does not mean that all the succeeding Ministers and Directors will necessarily be honest and incorruptible. My fear is that another party may come into power and begin to act dishonestly. If, God forbid, a Congress Ministry comes into being in the Punjab, it may not be so sympathetic towards the zamindars as the present

Ministry is. I am afraid the Congress Government will be inimical towards the agriculturists. We should, therefore, leave no scope in the Bill for the discretion of Ministers and officers.

There are, sir, four different methods. The first is employed by Japan inasmuch as that country seeks to export her own products to other countries. The second method is to protect one's own produce by imposing heavy duty on the import of foreign goods. The third way is to grant subsidies to one's own industries. Let us consider how rich the foreign countries have become by acting on these principles. They have earned crores and *arabs*, that is, thousands of millions of rupees by imposing heavy duties on the import of foreign goods and granting large subsidies to their industrialists. The fourth method is that of free trade. This was followed by Britain for some time. But now even Great Britain has begun to restrict free trade. Our Government should also give preference to the goods produced in the Punjab and a rebate should be given on the sale of goods which are to be exported to other provinces or countries. But the Government has proceeded to tax all kinds of sales in the Punjab.

Now let us try to see what will happen. Supposing there are various industrial concerns here and they manufacture various articles and send them to other provinces and countries. Let us further suppose that the Punjab industrialists have to compete with the industrialists of Bombay. Here in the first instance the people selling raw material will have to pay tax and then when that raw material will be converted into manufactured goods in the mills and is sold, the manufacturers will have to pay a certain amount as a tax. At the third stage when it will be sold in the bazar by shop-keepers it will again be taxed. And if it is sent out, the exporters will have to pay freight for its transport. The result will be that when it will reach the importing province or country in order that it may yield some return it shall have to be sold at a price which will include the amount of tax paid on it and the railway freight. Compared to it the price of goods imported from Bombay will be too low for it will not include any taxes charged by the Government on those goods. The low prices of manufactures imported from Bombay in that province or country will naturally attract more custom, while goods imported from the Punjab will not sell. Even our manufactured goods will not be able to compete with the goods imported into the Punjab from Bombay. Compared to the goods locally manufactured the goods imported from Bombay will sell at low prices. So far as manufacturing woollen cloth in the Punjab is concerned, to begin with the seller of wool will have to pay this tax. Then the industrialist will have to pay the same tax on it when he will sell it in the form of cloth. The shopkeeper who will purchase it will have to pay the same tax when he will sell it to the consumers. And if it is sent to some other province the industrialist will have to pay the charges of transport. Every time the tax is paid on it the price will go up and the result would be that it will not sell in the presence of cloth manufactured in some other province where there is no general sales tax.

Sir, in other industrial countries their governments give protection to their local industries to encourage them by protective tariffs and by guaranteeing them returns, etc. But here in our province our Government is trying to discourage industry by levying this new tax. Sir, all the

[Sh. Sadiq Hassan:] Modern wars have been fought for commercial and industrial reasons. We know in the times of the East India Company, the Britishers wanted to force cotton goods on Mir Qasim. Similarly opium was forced on China at the point of sword. We also know the causes which were responsible for the last Great War. Germany wanted markets for its manufactures and the result was the last war. Similarly, at present Japan is fighting the Chinese because it wants to secure a market in China for its manufactures. The underlying reasons of the war which is going on at present in Europe are also the same. Germany wants to secure a monopoly of the world market for its exports. So long a country does not give preference to the goods manufactured by its own industrialists it cannot hope to industrialize. I have given notice of an amendment recommending therein to the Government to levy a certain amount of taxation on the goods imported into the province from other provinces. But I find that such amendment is against the provisions of the Government of India Act, 1935. I would say at present that the Honourable Minister should not ignore the principles by which the trade and industry of a country can flourish. In the Central Assembly for years the Indian element tried to prevail upon the Government to levy heavy duties on imports in order to give protection to Indian industry. But the Government in order to benefit the British industrialists for a long time withstood all such attempts of the Indian members to prevail upon them to raise tariff duties on foreign imports. Ultimately the Indian members succeeded in prevailing upon the Government to levy customs duties on foreign imports. Some time ago 5 per cent import duty was levied on cloth imported from Manchester. But to counteract the effect of this 5 per cent duty, the Government of India levied 5 per cent excise duty on cloth manufactured in India. Now what were the causes of this struggle between the Indian members of the Central Assembly and the Government of India? The Indian members wanted protection for the Indian industry while the Government wanted to favour the cloth manufacturers of Manchester. Similarly in the case of this province in the face of a tax on all sales the local industrialists will not be able to compete with the industrialists of other provinces, and the result would be that the few factories which we have opened at present will be closed resulting in the unemployment of many people.

Mr. Speaker : The honourable member is not relevant. The amendment moved is that for the word "may" the word "shall" be substituted, that is, the Government shall give rebate but the rate of rebate and quantity of rebate is not in question.

Shaikh Sadiq Hassan : Very well, Sir, if the word "shall" is substituted for the word "may" it will create a lot of difference. Under the clause as at present worded it is up to the Government to give rebate or to withhold it. But under the clause as proposed to be amended by the substitution of the word "shall" for the word "may" the Government shall have to give rebate. Sir, in the end I request the Government to accept the amendment which is now before the House.

Sir William Roberts (European) : I should like to support this amendment. In a taxation Bill there should be nothing vague about the intentions of Government. If it is intended to give this rebate, it should

be absolutely clear. What I fear is that the intention is to give whole rebate in certain cases and only a partial rebate in others, and such is to be changed from year to year. This is going to be a factor against the development and success of business. There is no reason why a concession of this kind should not be stated perfectly clearly without any ambiguity as to what the concession is, so that nobody will have to find out from Government offices what the latest orders are on this and the latest orders are on that. Everything should be clearly open. Again, this province is so situated that it is suffering from very high freight in both fuel and raw material, coal for example. As Mr. Guest said, coal freight accounts for three-fourths of the cost of coal in the Punjab. We are in the same position with regard to railway freight. It is a tremendous drag and if we are so stupid as to impose a tax on exports of any kind, we are simply going to do ourselves harm and no good to our province. We would be stopping to the extent of the tax—I do not think it will be killing—the industry in the province and we will be retarding progress. (*Hear, hear.*)

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): I regret to say that I cannot accept this amendment. By the amendment proposed by Chaudhri Tikka Ram, Government undertakes to exempt in whole or in part all goods which are sold in the province but in respect of which it is proved that they have been exported out of the province, Government has taken power to exempt either in whole or in part all such goods. Now, is it intended that the hands of the Government should be tied so that it may have absolutely no discretion? Suppose the Government feels on a very careful consideration of a case that hundred per cent exemption is not required in the interests of either the commercial classes or the industrial classes and only an exemption of 25 per cent or 15 per cent is enough—

Mr. Speaker: But that matter is not under discussion.

Minister: Yes.

Mr. Speaker: The amount of rebate is not in question. The amendment moved is that the Government "shall" give rebate.

Minister: Why should Government be forced to exempt even a part in the case of all goods? If it is done, it might prove detrimental to the revenues of the province. I will just quote one instance. *Kooth* is a monopoly of the Kashmir State and the Punjab. Suppose *kooth* is going to be exported in large quantities, worth crores and crores of rupees a year, why should the State be deprived of its dues in the profits of such export trade? Why should you force the Government to exempt the export either in whole or in part? In cases where the interests of trade and commerce require that there should be cent per cent exemption, Government will certainly do it. But where only a partial exemption is needed, the Government should be in a position to give only partial exemption and where no exemption is needed, the Government should be in a position to refuse any exemption whatever. After all, the Government is not going to act in any arbitrary manner. This Government is a responsible Government and there is no reason why a responsible Government should be forced to grant an exemption where no exemption is needed, just to oblige a very

[Minister for Development.]

limited class of greedy grasping wealth hunters. Let us not forget that in Madras they have granted exemption only to the extent of 50 per cent, but here the Government is taking power to grant exemption even to the extent of cent per cent. I think I have a right to ask the House, as to why they are seeking to deprive the Government, which is responsible to themselves, of all discretion. In the case of an irresponsible Government it may be different, but a Government which is a responsible one is bound to be susceptible to the influence of the public, both inside and outside the House. It will, therefore, be wrong to tie the hands of that Government in such a manner that it should not be in a position to exercise any discretion in respect of any goods. Let us not forget that the proceeds of this tax are going into the common fund of the community, and if a question arises between a well-to-do individual and the community at large, most surely the House would expect the Government to favour the community as against that individual.

Mr. P. H. Guest : May I ask one question from the Honourable Minister? If it is considered that, by this amendment, the powers of the Government will be taken away and that they will not be able to tax even the monopolists, why should they not so arrange this clause as to mean that, with the exception of the monopolists, the tax shall be remitted?

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Mr. Speaker, the Honourable Minister for Development has entirely missed the point raised by my honourable friend Lala Gopal Das; no wonder, because he is not a business man and does not therefore understand the technique of business. The question in the first instance is, whether Government should have this power at all. I really fail to see why Government wants to retain the power of remitting the whole or a portion of the tax on exports. Why leave matters so vague? My honourable friend must know that when making sales outside the province, a merchant calculates every pie he has to get as refund. But if he is in the dark and does not know how much refund he will get, he will not be in a position to discount that refund in his price, and will be in a fix, whether or not he should make the sale outside the province. This is one point which the Honourable Minister for Development should try to understand. The merchant must know exactly where he stands. If he knows that as a matter of course and without fear or favour at the hands of anybody, he has to get refund of the entire amount of duty he has paid on certain goods he has to deliver outside the province, he will be able to make a sale; but if he is not so sure whether he will get a part or the whole of the amount of duty paid by him, he will not be able to make up his mind to sell his goods outside the province. The Honourable Minister for Development should try to understand these difficulties of a merchant.

One more thing is that a great deal of stress has been laid upon the fact that ours is a responsible Government, and as such must be given power to do anything it likes. I may most humbly point out that if this was really a responsible Government in the sense that it represented all sections of the House, one thing is certain and it is, that whatever other portfolio Sir Chhotu Ram may hold, he would not have been allowed to hold that one portfolio of Development Minister even for a day.

Mr. Speaker : Question is—

That in line 7, for the word "may", the word "shall" be substituted.

The Assembly divided: Ayes 18, Noes 66.

AYES.

Ajit Singh, Sardar.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Guest, Mr. P. H.
 Harnam Das, Lala.
 Jugal Kishore, Chaudhri.
 Lal Singh, Sardar.
 Muhammad Abdul Rahman Khan,
 Chaudhri.

Muhammad Nurullah, Mian.
 Mula Singh Sardar.
 Rashida Latif Baji, Begum.
 Roberts, Sir William.
 Sadiq Hassan, Sahikh.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sohan Lal, Rai Bahadur Lala.
 Uttam Singh Dugal, Sardar.

NOES.

Abdul Haye, The Hon'ble, Mian.
 Abdul Rahim, Chaudhri (Gurdas-
 pur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Allah Bakhsh Khan, Khan Bahadur
 Nawab Malik.
 Allah Yar Khan Daulatana, Mian.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Major.
 Badr Mohy-ud-Din Qaderi, Khan
 Sahib Sayed.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chau-
 dhri Sir.
 Dasauntha Singh, Sardar.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major-
 Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Rasul, Chaudhri.
 Gopal Singh (American), Sardar.

Gurbachan Singh, Sardar Bahadur
 Sardar.
 Habib Ullah Khan, Malik.
 Haihat Khan Daha, Khan.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Bahadur Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh, Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Tiwana, The Honour-
 able Malik.
 Kishan Das, Seth.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Qasim Chaudhri.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yusuf Khan, Khan.

Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pohop Singh, Rao.
 Prem Singh, Mahant.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.

Ripudauman Singh, Rai Sahib Thakur.
 Roshan Din, Chaudhri.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sumer Singh, Chaudhri.
 Suraj Mal, Rai Sahib Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mian Muhammad Nurullah (Lyallpur, Muslim, Rural) (*Urdu*):
 Sir, I beg to move—

That in line 8, for the words "one half of" the words "equal to" be substituted.

Sir, the Government has laid down that when a finished article manufactured in this province is sold for delivery outside the province, a rebate of one-half of the tax shall be allowed. This rebate besides being subject to the sweet will of the Government will only be a rebate of one-half of the tax. But I beg to submit that even that is too little and it would be better if the rebate is made equal to the tax, i.e. there should be no tax at all. My object in moving this amendment is to enable the small industries to compete with provinces like Delhi, North West Frontier and Sind who would in the absence of such a measure be in a more advantageous position than our province. If a tax is imposed our goods will not find a market anywhere on account of enhanced prices. I happen to be connected with the sports goods trade at Sialkot and I know that our exports to the United Kingdom and Europe, which amounted to 60 lakhs worth of goods outside India, were practically at a standstill when war started and are coming up again. The only way to save this industry is to capture the United States of America market. But if this tax is levied and full rebate is not given, we will lose a golden chance of encouraging industry. Again, in respect of cotton I have already submitted that at some stage or another the producer will also be taxed. Now in view of the fact that cotton is governed by world prices, it will not be possible for us to compete favourably with outside producers and the producer here, that is, the zamindar will eventually suffer. But if this amendment is accepted we will have to pay no tax on the export of cotton and will be in a position to compete with others in the world markets as well as our neighbouring province of Sind.

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

That in line 8, for the words "one half of", the words "equal to" be substituted.

Rai Bahadur Lala Sohan Lal (Northern Punjab, Non-Union Labour) (*Urdu*): Sir, I have also a similar amendment in my name on the order paper. It is to the effect that.....

Mr. Speaker : The honourable member need not move his amendment just now.

Rai Bahadur Lala Sohan Lal : That is almost the same amendment. It means that such finished articles manufactured in this province as are sold for delivery outside the province should be exempted from the payment of this tax. In other countries every facility is provided to their industries for enabling them to beat the tariff barriers set up by other countries against them. Japan, for instance, reduced the shipping charges by ten per cent when the Government of India enhanced by ten per cent the duty on Japanese and other non-Empire goods. This was done in order to afford an opportunity to the Japanese exporters of selling their goods in India at the same price as they were doing before the duty was raised. On the one hand there are such countries who go so far as to reduce their freights for helping their industries and on the other our Government is bent upon taxing the goods manufactured in their own province so that they may not get even that income which they are getting at present.

There is another thing to which I may make a passing reference. It is, that the Honourable Minister has not so far given any detailed reply to the points raised by the honourable Dr. Sir Gokul Chand Narang and myself about the Government's policy regarding the proceeds of this tax.

Mr. Speaker : The honourable member is irrelevant.

Rai Bahadur Lala Sohan Lal : All right, Sir. With these words I support the amendment moved by my honourable friend Mian Muhammad Nurullah.

Mr. Speaker : The question is—

That in line 8, for the words "one half of", the words "equal to", be substituted.

The motion was lost.

Rai Bahadur Lala Sohan Lal : Sir, I beg to move—

That in lines 7-8, for the words, "a rebate.....of the tax", the words "no tax shall be" be substituted.

The Assembly divided : Ayes 17, Noes 66.

AYES.

Ajit Singh, Sardar.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Guest, Mr. P. H.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Lal Singh, Sardar.
Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Rashida Latif Baji, Begum.
Roberts, Sir William.
Santokh Singh, Sardar Sahib Sar-
dar.
Sita Ram, Lala.
Sohan Lal, Rai Bahadur Lala.
Uttam Singh Dugal, Sardar.

NOES.

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

Abdul Rahim, Chaudhri (Girdas-
pur).

Abdul Rahim, Chaudhri (Gurgaon).	Muhammad Hussain, Chaudhri.
Ahmad Yar Khan, Chaudhri.	Muhammad Jamal Khan Leghaci, Nawab Sir.
Akbar Ali, Pir.	Muhammad Nawaz Khan, Major Sardar Sir.
Ali Akbar, Chaudhri.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Allah Yar Khan Daulatana, Mian.	Muhammad Sarfraz Khan, Chau- dhri.
Amjad Ali Shah, Sayed.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Anant Ram, Chaudhri.	Muhammad Yusuf Khan, Khan.
Ashiq Hussain, Major.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Badr Mohy-ud-Din Qaderi, Khan Sahib Sayed.	Muzaffar Khan, Khan Bahadur Nawab.
Bhagwant Singh, Rai.	Nasir-ud-Din, Chaudhri.
Chhotu Ram, The Honourable Chau- dhri Sir.	Nasrullah Khan, Bana.
Dasaundha Singh, Sardar.	Nawazish Ali Shah, Sayed.
Faiz Muhammad, Shaikh.	Nur Ahmad Khan, Khan Bahadur Mian.
Faqir Hussain Khan, Chaudhri.	Pir Muhammad, Khan Sahib Chau- dhri.
Farman Ali Khan, Subedar Major Raja.	Pohop Singh, Rao.
Fateh Khan, Khan Sahib Raja.	Prem Singh, Mahant.
Fateh Muhammad, Mian.	Pritam Singh Siddhu, Sardar.
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.
Ghazanfar Ali Khan, Raja.	Roshan Din, Chaudhri.
Ghulam Rasul, Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Gopal Singh (American), Sardar.	Shah Nawaz, Mrs. J. A.
Gurbachan Singh, Sardar Bahadur Sardar.	Shah Nawaz Khan, Nawab Sir.
Habib Ullah Khan, Malik.	Sikander Hyat-Khan, The Honour- able Major Sir.
Hari Chand, Rai Sahib Rai.	Sumer Singh, Chaudhri.
Het Ram, Rai Bahadur Chaudhri.	Suraj Mal, Rai Sahib Chaudhri.
Indar Singh, Sardar.	Tara Singh, Sardar.
Jagjit Singh Man, Sardar.	Tikka Ram, Chaudhri.
Jogindar Singh Man, Sardar.	
Kishen Das, Seth.	
Muhammad Akram Khan, Khan Bahadur Raja.	
Muhammad Ashraf, Chaudhri.	
Muhammad Faiyaz Ali Khan, Na- wabzada.	

Sardar Sahib Sardar Santokh Singh : May I request you to permit Khawaja Sahib to come back to the House? There was some misunderstanding and I do not think he meant any affront to the chair. I hope you will permit him.

Mr. Speaker : Personally I have not the slightest hesitation. He began to ask me questions. In other words, he wanted an explanation which I could not and cannot give.

Sardar Sahib Sardar Santokh Singh : He could not question the authority of the Chair.

Mr. Speaker : I warned him that if he put another question I shall have to ask him to leave the House. But he yet went on asking my reasons. Upon this I asked him to clear out. Now is it the pleasure of the House that Khawaja Ghulam Samad may be allowed to come ?

By leave of the House the honourable member was permitted to come to the House.

Chaudhri Tikka Ram : Sir, I beg to move—

That in lines 7—10, for the words following the word "prescribed", the following be substituted:—

"the whole or any portion of the tax leviable on the sale of such goods may be remitted if it is proved to the satisfaction of the assessing authority that such goods have been despatched outside the province".

The motion was carried.

Mr. Speaker : The question is—

That clause 6 as amended stand part of the Bill.

The motion was carried.

Clause 7.

Mr. P. H. Guest (Punjab Commerce and Industry) : Sir, I beg to move—

That in line 5, between the words "fee" and "as" the words "not exceeding one hundred rupees" be inserted.

My object in moving this amendment is to safeguard the interests of commission agents. There are many cases of commission agents who are receiving perhaps one per cent as commission and the whole of their livelihood comes to only one per cent. The remarks made by the Honourable Minister for Development will not apply to those cases, that is, that they may be making a profit of one per cent in one item and a profit of 10 per cent on another item. In the case of the people I am thinking of, first of all they get only one per cent as commission, out of which they have to expend a certain amount of money in running their business, and if they were forced to pay an unreasonable license fee it would be a hardship. Also, I must say, there are people who might get 3 or 4 per cent very frequently; I can give instances of persons who on an average get 3 per cent on their agency business on the turnover. They have to spend about 50 per cent of their total commission in expenses in running their business. I can actually give facts and figures to prove that. In these cases I feel that there should be some consideration given by the Government, and if I can have some assurance from the Honourable Minister that in this matter they will be treated in a very reasonable way—and that is why I want to put Rs. 100 as the maximum—I have no objection, provided I feel satisfied that Government will treat it in the way in which it is assumed it should treat it. With these words I move my amendment.

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

That in line 5, between the words "fee" and "as" the words "not exceeding one hundred rupees" be inserted.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural), (Urdu): Sir, I think the amendment moved by my honourable friend Mr. Guest is quite reasonable. If it is accepted Government would not stand to lose anything. The object of this amendment is merely to fix by statute the upper limit or the maximum amount of the fee to be charged in lieu of the license issued. In fact the Government would receive increased revenue as a result of the incorporation of this amendment. I am sure Government would feel disposed to accept this reasonable amendment.

Minister for Development: Sir, I am certainly prepared to give one assurance, namely, that the scale of fees adopted will not be unreasonable. But the real difficulty arises about the interpretation of the word "reasonable". My idea of reasonableness may be entirely different from the idea of reasonableness entertained by Mr. Guest. Therefore, if that abstract assurance will satisfy him, I am certainly prepared to give it to him.

Mr. Speaker: The question is—

That in line 5, between the words "fee" and "as" the words "not exceeding one hundred rupees" be inserted.

The motion was lost.

Mr. Speaker: The question is—

That clause 7 stand part of the Bill.

The motion was carried.

Clause 8.

Mr. Speaker: The question is—

That clause 8 stand part of the Bill.

The motion was carried.

Clause 9.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour Urdu): I beg to move—

That in line 6, for the word "twenty-one" the word "thirty" be substituted.

In this connection I have only to make this submission that the period of 21 days is very short. When a similar clause in the Punjab Urban Immovable Property Tax Bill was under consideration, the Honourable Premier was pleased to accept an amendment calculated to extend the period from 21 to 30 days. This amendment has the same object in view and the same arguments which were then advanced in support of that amendment, hold good in this case also. I hope the Government would see no difficulty in accepting this amendment.

Mr. Speaker: Clause under consideration, amendment moved—

That in line 6, for the word 'twenty-one' the word 'thirty' be substituted.

Minister for Development: I am prepared to accept the amendment.

Mr. Speaker: The question is—

That in line 6, for the word "twenty-one" the word "thirty" be substituted.

The motion was carried.

Mr. Speaker : The question is—
That clause 9 as amended stand part of the Bill.

The motion was carried.

Clause 10.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural
(Urdu) : I beg to move :—

That in sub-clause (1), lines 6-7, for the words "such authority as may be prescribed, the words "District Judge" be substituted.

Sir, this subject has been discussed threadbare on several occasions in this House. I fully realise the controversial nature of this matter, but I have not the slightest intention to engender any heat about it. I have only to make this submission that Government have already invested large powers in the executive authority and now it behoves them to leave some of these powers to be exercised by the judiciary. I have, therefore, put forward an amendment to the effect that appeals should lie to a district judge instead of an executive authority, which would consist of a revenue assistant or a deputy commissioner. I may add that the hands of these executive officers are already full and they have little time to afford for judicial matters. Besides, they are not judicial minded. They are more or less governed by their own whims and caprices. In certain matters they only carry out the instructions received from above without taking the courage to use their powers judiciously and thus save the victim from the grave injustice that might be done to him. In this connection I have to bring this fact to the notice of the Government. When electoral rolls were being prepared, the voters submitted applications for their names to be included in the lists. But the executive authority raised objections on one pretext or the other and their names as voters could not be recorded. Then during the preparation of voters lists recently, father of Lala Harnam Das raised before the officer concerned an objection to the effect that Sardar Mota Singh was a Sikh and did not belong to the scheduled castes and hence he could not be eligible for contesting the Harijan seat. Contention was that Mota Singh had stated before a court about his being a Sikh. During the Gurdwara elections his name was registered as a Sikh. My honourable friend's father assured the officer concerned that his statement was correct and he adduced proof corroborating the fact. But in spite of it the officer did not in his wisdom consider it fit to disqualify Mota Singh and he kept him on the rolls of the scheduled castes. My honourable friend would throw more light on the subject. So, what I want to drive at is that the executive authority is not expected to administer justice in matters judicial. They do things according to their own sweet will and pleasure, with the result that the people are not satisfied with their judgments. It is therefore essential that this matter should be left to district judges. With these words I commend my amendment to the House for acceptance.

Sayed Amjad Ali Shah : Sir, with your permission, may I enquire from the honourable member as to what Mota Singh admitted before the District Magistrate? Did he declare himself a Sikh or a member of the scheduled caste? I think he said that he belonged to the scheduled caste.

Mian Muhammad Nurullah : He said that he was a Sikh.

Lala Harnam Das : I have proof in my possession corroborating the statement that he is a Sikh.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), lines 6-7, for the words 'such authority as may be prescribed,' the words 'District Judge' be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): This subject has been discussed threadbare on the floor of the House on previous occasions and it may appear *prima facie* useless to say anything again on this point. But as a matter of principle, I think it is the duty of people sitting on this side, who believe that justice can be done more properly by the judicial department than by the executive officers, never to let go any opportunity to rub it in, though they may not achieve any success. My particular object in getting up on this occasion is to draw the attention of the Honourable Minister to a very weighty utterance of one of the greatest British statesmen which was published only a few days ago in the 'Civil and Military Gazette'. The Honourable Minister might remember what Sir John Simon said about the fifth liberty. Sir John Simon referred to four liberties which were enunciated by Mr. Roosevelt, the President of the United States of America, and he said Mr. Roosevelt had omitted one very important liberty and that should be numbered as the fifth liberty, and Sir John Simon pointed out that that liberty was the liberty of having resort to law courts where the subject has any grievance either against a particular individual or against the Government itself. It was an extremely important statement and I thought that I might bring it to the notice of the Honourable Minister and other members of the Government. It is a very curious thing that whereas in the previous Bills they used to say the collector or some other officer, this time they have omitted any reference to the collector or to any such officer. Probably they thought it would be of some use in hoodwinking people on this side, but the cat is out of the bag in the very next few lines where a reference is made to the Financial Commissioner under the heading of 'Revision' that the Financial Commissioner may send for the record of any case and so on. What does that mean? That merely indicates that the intention of the Government is that it would be some revenue officer who would be entrusted with such powers. Otherwise we all know the Financial Commissioner has no authority or jurisdiction to send for the record of a civil court. It is only the High Court that can exercise revisional powers so far as the civil courts are concerned. The Financial Commissioner has jurisdiction only over revenue courts. So, although they do not mention the word "collector" so as not to raise alarm, their intention is obvious that the collector, some collector, may be a revenue assistant or some such other person whom they may invest with these powers, will hear complaints or appeals in such matters. I have no hope that the Government would give up this policy. They seem to fight shy of civil courts. They may say that they have all respect for civil courts, but it is nothing but lip service. In their heart of hearts, as appears from their speeches on the floor of this House and from speeches made outside this House in various parts of the province, they fight shy of the civil courts, because they think the civil courts are not under their influence and they cannot in any way influence their judgments. Therefore they are anxious to keep every such power in the hands of the revenue-

authorities who are absolutely under their thumb and cannot have the courage, except in very rare cases, to do justice according to their own lights. With few exceptions these officers who are under their thumb cannot have the courage to resist any hint which according to my friend might come from above, and therefore the Government has never agreed, has not agreed even on a single occasion during the discussion of recent Bills, to refer any such question to civil courts. I have no such hope, but I was only pointing out what a British statesman has said on this point.

Rai Bahadur Lala Sohan Lal (Urdu): Sir, I wish to invite the attention of the Honourable Minister to some of the speeches that were delivered by his own supporters. One honourable member had said that the present Director of Industries and the Minister of Development were very honest. I too endorse this view and repeat that the said officer and the present ministers are really very honest people. But the point which my honourable friend had made was that the honesty of the present Ministry and officers should not make us forget the fact that some other party may come to power and begin to behave differently. In fact the honourable member feared that the Congress Party might come to power. He wanted, therefore, that the laws passed now should be such as would not leave much to the discretion of the officers and the Ministry in power. The legislation should be sound and fair so that even a less honest ministry and officers than the present ones may not be able to do any wrong. We should not leave much scope for personal inclinations of the authorities in the present legislation. Therefore appeal should lie to an independent court.

With these few words, Sir, I strongly support the amendment that has been moved by my honourable friend Mian Muhammad Nurullah.

Lala Harnam Das (Lyallpur and Jhang, General Reserved Seat, Rural) (Urdu): Sir, I rise to support the amendment that has been moved by my honourable friend Mian Muhammad Nurullah. As a matter of fact, I hesitate to say anything against the executive officers of the Government. But it is our daily experience that the executive officers are not so careful as the judicial officers are. The former generally fail to do justice in the cases that are brought before them by the public. I would quote one concrete example. During the preparation of the list of voters for the coming elections of the Punjab Legislative Assembly, my father objected to the inclusion of the name of a person as achhut while previously he used to claim to be a Sikh for the purposes of past elections. He had also given his caste as Sikh in the admission form for a University examination in 1922 which form he had filled with his own hands. Again in the list of voters for the last election of the Punjab Legislative Assembly he had given his name as a Sikh voter and actually voted as a Sikh. On the other hand he fought an election at Lyallpur against me as an Achhut candidate after getting his name entered in the list of Achhut voters. He was, however, defeated in the elections. But some time later he appeared as a witness and stated before the District Magistrate of Lyallpur that his caste was Sikh. This man is working as a clerk of a pleader. Previously his name was included in the list of voters of the scheduled castes. My father proved all these facts before a court. But our honourable friends sitting on the treasury benches helped this voter by sending, through Seth Kishan Das, a letter of recommendation written by

[L. Harnam Das.]

Sayed Amjad Ali Shah. My honourable friend Seth Kishan Das has confessed this outside this Chamber. But I cannot say if he will admit this in the House.

Mr. Speaker : The honourable member has made a personal attack. He should withdraw.

Dr. Sir Gokul Chand Narang : Why should he withdraw? He is not making a personal remark in the private capacity of the honourable member. He has tried to point out how the administration of justice in this province is being corrupted by members of the Government, that a Parliamentary Secretary has the courage to write to a magistrate and ask him to decide the case in this way and that. This is the only way in which these things can be exposed.

Mr. Speaker : For that a substantive motion should be moved. A statement like this cannot be made.

Dr. Sir Gokul Chand Narang : Why not?

Mr. Speaker : Because it is against the Parliamentary as well as our own practice.

Dr. Sir Gokul Chand Narang : He is not censuring him, he is not making a formal motion of censure against him, he is only putting it forward as an instance.

Mr. Speaker : He cannot. That cannot be done and therefore I ask him to withdraw.

Sardar Sahib Sardar Santokh Singh : All that the honourable member had said was that the Parliamentary Private Secretary had written a letter to the Magistrate. Some time back one of the Congress members brought it to the notice of this House that the Personal Assistant of the Premier had written a letter in an election matter and that was permitted.

Mr. Speaker : The Personal Assistant is not a member of the Assembly while the Parliamentary Secretary is a member of the House.

Dr. Sir Gokul Chand Narang : But is that a charge?

Mr. Speaker : I hope the honourable doctor will agree that if it is not a direct charge, it is an insinuation without any doubt. Please withdraw those remarks and proceed.

Lala Harnam Das : Mr. Speaker, it was Sayed Amjad A li Shah who wrote that letter.

Mr. Speaker : The honourable member has now expressly violated the ruling of the Chair. He has made that remark a second time, despite a protest from the Chair. That is not right. The honourable member should withdraw his remarks.

Lala Harnam Das : All that was written, but I withdraw.

Dr. Sir Gokul Chand Narang : He withdraws because it is not permissible.

But, may I just point out one thing? For bringing forward a censure motion a certain minimum number of votes are required and that minimum can never be available in this House. There are very few members on this side.

Mr. Speaker : The honourable member is not right. A specific number is required in the case of a censure motion against ministers.

Dr. Sir Gokul Chand Narang : I am talking in general. Here are a few members, just ten or twelve. If they want to say something against a minister or somebody else they can only hope to ventilate their feelings by some such remarks. Supposing a minister has been guilty of such a thing, they can never hope to move a censure motion and even if moved the cannot carry it. Either they can go to the press or they can ventilate their feelings or their grievances here. There is no other way open to them.

Mr. Speaker : So long as the rules are as they are, I have no option in the matter.

Lala Harnam Das : Sir, I withdraw these words although it is a hard fact that a letter of recommendation written by Sayed Amjad Ali Shah was sent there in this connection.

In the same way an objection was raised by the Deputy Commissioner, Hoshiarpur, against Sardar Mula Singh and a magistrate was appointed as the revisional authority, who took down the statements of witnesses against him and on the statement of only two witnesses ordered that this name should be removed from the list of voters of depressed classes. What were those statements? One of the witnesses stated that he saw Sardar Mula Singh in a religious Diwan of Sikhs and the other stated that he saw him bowing before Granth Sahib. All people respect religious books. Mr. Speaker, it is possible that even you may have some time, in order to show respect for any holy scripture, done the same. But only in view of the aforesaid two statements, the name of Sardar Mula Singh was removed from the list of voters of depressed classes. But whenever there is an objection against a member of the Unionist Party, the Government either helps him directly or at least connives at the whole affair. For example, Sardar Gopal Singh is a nominated member of the Gurdawara Parbandhak Committee but notwithstanding this fact his name is there in the list of voters of depressed classes. An objection was raised against him also. But no action was taken against him. If any judicial officer had heard the objection that was raised against Sardar Mula Singh he would not have ordered the removal of his name from the aforesaid list of voters. But the objection was heard by an executive officer who decided the case against Sardar Mula Singh. It is on account of this that we say that these powers which you are conferring on the executive officers should be conferred on judicial officers.

Seth Kishan Das (Jullundur General, Reserved Seat, Rural) (*Urdu*) : Sir, my friend Lala Harnam Das has said something about me which is not only wrong and baseless but also a lie (*jhuti*).

Mr. Speaker : Order please. The word *jhuti* is not parliamentary. Do not be personal please.

Seth Kishan Das (*Urdu*) : Sir, he has said something about me which is quite baseless and I want to clear my position about it.

Mr. Speaker : He has already withdrawn his remarks.

Seth Kishan Das (*Urdu*) : Very well, Sir. As he has withdrawn his remarks I need not say anything and I also withdraw the remarks I made about the honourable member.

Minister for Development (The honourable Chaudhri Sir Chhotu Ram): I have just one word to say about this. It has been urged that appeals should be heard by the district judge. I am not prepared to institute a comparison between the honesty of one class of public servants and that of another. I do not subscribe to the view that executive officers are any the less honest than judicial officers. They are just as competent, just as honest, as members of the judicial branch of the public service. But I may be allowed to draw the attention of honourable members to the fact that in Madras they have done the same thing. There is no appeal to a judicial officer there. The appeal lies to a revenue officer and the final authority vests in the Board of Revenue. In Bengal it is the same. In fact the Bengal Bill goes to the extent of specifically ousting the jurisdiction of civil courts in all these matters. Therefore, if I err at all, I err in good company.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (*Urdu*): Sir, only the other day a resolution was brought recommending to the Government to retire such of the sub-judges who happened to have completed 25 year's service. This resolution was moved because in the opinion of the honourable member who moved it, the work of the sub-judges had considerably decreased. There were other members also who supported that resolution. According to these new fiscal Bills the work of the executive officers is bound to increase. They will be overworked. On the one hand the executive officers will be overworked and on the other, as alleged by some of the honourable members, the sub-judges have little work to attend to. Now if it is really so then the best thing to do would be to give work to the judicial officers. Why should you burden the executive officers with work while the judicial officers have little work to do? Why not give the work of assessment, collection, etc., which has to be done under the provisions of these new Bills, to the judicial officers? Why do you give an opportunity to the people to doubt your *bona fides*?

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) (*Urdu*): Mr. Speaker, I have risen to support the amendment now before the House. I will only try to reply to a few remarks of the Honourable Minister of Development. Let me make it clear that we do not say that the deputy commissioners and other executive officers are unjust by nature. What we mean is this that the Honourable Ministers entrust to their care such work on account of which they have to be unjust. The duties entrusted to them are such that even if they try they cannot be just. For example the deputy commissioners and tahsildars are required to collect war fund. Although the Honourable Minister stated that they do not collect war fund in their official capacity the question is, how can they separate their official capacity from their private capacity so far as the collection of war fund is concerned? Every executive officer hopes to get credit for the collection of the war fund, and therefore, tries to make the amount of his collections as much as possible. He, as is natural, employs all methods to get contributions from the people towards war fund. Two persons come before a deputy commissioner and apply for the grant of a licence for a fire-arm. The deputy commissioner tells them that he would give licence to them if they contribute towards the war fund. One of them contributes and the deputy commissioner gives him a licence. The means of the other applicant do not allow

him to make any contribution and the deputy commissioner refuses to give him a licence. Similarly people appear before a registrar and he tells them that he would register the deeds and documents of only those who will contribute handsomely towards the war fund. Those who contribute get their deeds and documents registered and those who do not, have to face difficulties in getting their deeds and documents registered. The other officers can also behave in a similar manner. I do not mean that contributions for war fund should not be realized. What I mean is this that people should not be forced to contribute. Those who wish to contribute

3 p. m. may contribute and those who do not wish to contribute should not be forced to contribute. No one should be pressed to contribute. In brief, Sir, the executive officers cannot be expected to do justice. This being so, I request the Treasury Benches to accept this amendment.

Mian Muhammad Nurullah : The question of honesty or dishonesty does not arise.

Rai Bahadur Lala Gopal Das : I would like to ask a question from the Honourable Minister. What is meant by the Board of Revenue in Madras ?

Minister for Development : Same as Financial Commissioners here.

Rai Bahadur Lala Gopal Das : Is it one man or a body of persons ?

Minister : In some provinces they are two and in some they are three. They function collectively as well as individually.

Mian Muhammad Nurullah : That solves my problem, because if an appeal is to be preferred to more than one person, if one of them is biased, he would not be able to do as he likes. It is only when personal feelings come in that a man wants to do as he likes and nobody acts fairly and squarely. The question of honesty or dishonesty was never raised by me and I never said that executive officers are dishonest. I say they may be very honest. The only trouble is that they honestly believe that they have to help the party in power and they have to dance to the tune and policy dictated by the party in power. They then do certain things which are objectionable. I need not quote instances. They are so many. They are things of every day occurrence. There is no question of honesty or dishonesty. They honestly believe and they are honest in their convictions when they act in the interests of the party in power and act according to their bidding. If however provision is made in the Bill about the appeal being heard by more than one person, I will have no objection. During all the enactments made by the party in power they have never made an effort to allow us the right to appeal to more persons than one who will sit in bench. The question raised by my honourable friend Sardar Lal Singh is another typical example. In our district and in every district revenue is being raised by ten per cent and zamindars are being asked to pay ten per cent more without any permission by this House or by the Executive Government. Up to some extent there can be no complaint if people voluntarily contribute to these funds for war purposes, but after a certain period force will come in and people would be forced to pay. It may be that for

[M. Muhammad Nurullah.]

another ten days people may go on paying willingly as desired by the local officials or the War Board, but after that a stage will be reached and people may object to pay willingly. In that case no force or coercion should be used. This thing has been going on. Only yesterday I was in Lyallpur and many people told me.

Mr. Speaker : The honourable member is not relevant. He should speak to the motion.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : On the strict merits of the proposal I have nothing to add. But a reference was made to an undesirable way of raising subscriptions. Whether these subscriptions are meant to help the War or for any other purpose, some of the members seemed to be under the impression that executive officers—

Mr. Speaker : I have held it irrelevant.

Minister : It tends to cast a sort of reflection upon a certain class of officers, and I beg to submit that this is a type of work which can be entrusted even to a judicial officer. While judicial officers will not be acting in a judicial capacity, in such matters there is nothing to prevent them from undertaking the duty of collecting money for War funds.

Mr. Speaker : Question is—

That in sub-clause (1), lines 6-7, for the words "such authority as may be prescribed" the words "District Judge" be substituted.

The Assembly divided : Ayes 15, Nos. 64.

AYES.

Faqr Chand, Chaudhri.	Jugal Kishore, Chaudhri.
Gauba, Mr. K. L.	Lal Singh, Sardar.
Ghulam Samad, Khan Sahib Khawaja.	Mubammad Nurullah, Mian.
Gokul Chand Narang, Dr. Sir.	Mula Singh, Sardar.
Gopal Das, Rai Bahadur Lala.	Santokh Singh, Sardar Sahib Sardar.
Harnam Das, Lala.	Sita Ram, Lala.
Jalal-ud-Din Amber, Chaudhri.	Sohan Lal, Rai Bahadur Lala.
	Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.	Balwant Singh, Sardar.
Abdul Haye, The Honourable Mian.	Bhagwant Singh, Rai.
Abdul Rahim, Chaudhri (Gurdaspur).	Chhotu Ram, The Honourable Chaudhri Sir.
Abdul Rahim, Chaudhri (Gurgaon).	Dasaundha Singh, Sardar.
Ahmad Yar Khan, Chaudhri.	Faiz Muhammad, Shaikh.
Akbar Ali, Pir.	Faqr Hussain, Khan, Chaudhri.
Ali Akbar, Chaudhri.	Farman Ali Khan, Subedar-Major Raja.
Allah Yar Khan Daulatana, Mian.	Fateh Khan, Khan Sahib Raja.
Amjad Ali Shah, Sayed.	Fateh Muhammad, Mian.
Anant Ram, Chaudhri.	Fazl Ali, Khan Bahadur Nawab Chaudhri.
Ashiq Hussain, Major.	

Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Bahadur Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Tiwana, The Honour-
 able Malik.
 Kishan Das, Seth.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan,
 Nawabzada.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Sarfraz Khan, Chau-
 dhri.

Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan, Qizilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Roshan Din, Chaudhri.
 Sahib Dad Khan, Khan Sahib.
 Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sumer Singh, Chaudhri.
 Suraj Mal, Rai Sahib Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mian Muhammad Nurullah (Lyalpur, Muslim, Rural) (*Urdu*): Sir—
 I beg to move—

That the proviso to sub-clause (1) be deleted.

Sir, I would like to read out that proviso, which is—

Provided that no appeal shall be entertained under this subsection unless it is ac-
 companied by satisfactory proof of the payment of the tax in respect of
 which the appeal has been preferred.

I beg to submit that it is a very harsh provision that a person should first
 pay the tax and then prefer an appeal against it. It would cause no end
 of hardship to people who are already leading a hard existence.
 Nowhere is there a provision of this nature which requires the appellant to
 make payment before appealing against such assessment. I, therefore,
 request that this proviso be deleted.

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

That the proviso to sub-clause (1) be deleted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban):
 Sir, I rise to support the amendment moved by my honourable friend Mian
 Nurullah. It is really very hard for a person to first pay all that is demanded
 from him and then appeal. If the Honourable Minister will refer even to the
 Madras Act, of which ours is a copy, he will find that there a person is allowed

[S. S. Santok Singh.]
to prefer an appeal if the tax admitted by him is paid and not the whole tax that is assessed by the authorities, as is the case here. If the Honourable Minister will accept that proposition, I believe, the position will be that a large number of people will be able to appeal, otherwise, only those who will first pay could appeal. Why is this provision of the Bill different from that of the Madras Act, of which ours is a copy and why need the Honourable Minister find any difficulty in accepting the amendment that has been moved by my honourable friend Mian Nurullah ?

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) :
It appears, Sir, that not only have all the worst features of the Madras Act been adopted by the Honourable Minister but even the bad features of the Madras Act have been made worse. Now, for instance, as my honourable friend has pointed out, the provision in the Madras Act is that an appeal shall not lie unless there is a satisfactory proof of payment of the tax admitted by the appellant to be due and not the whole tax which is assessed against him. But in the proviso of the Bill which the Honourable Minister of Development has brought forward it is provided that no appeal shall lie unless the whole amount of the tax assessed has been paid. I would submit, Sir, that this is a most extraordinary provision. Even if some other province has adopted it, of which I am not aware, I must submit that this is a very hard and unjustifiable provision. You know, Sir, as a lawyer, that there is no such provision in the civil law that there should be a proof of the payment of the decretal amount before a judgment-debtor can file an appeal. You know thirty days, sometimes sixty days, sometimes ninety days are given for filing an appeal. Now, supposing there is a decree against a judgment-debtor for fifty thousand rupees. It is not possible in every case for a judgment-debtor to pay off fifty thousand rupees before he can file an appeal. It is not possible even for the decree-holder to realise his amount within thirty, sixty or ninety days. There is the procedure for the recovery of his decretal amount. He has to approach the court again after he has obtained the decree. He has to file an application for the execution of that decree, then the court has to issue notice to the judgment-debtor and after all that procedure has been gone through an order is passed, or may not be passed, for the attachment of the property of the judgment-debtor and auction and sale and so on and so forth. In some cases some assessee may be assessed to many thousands of rupees and if the condition is that he must pay before he can file an appeal and thirty days have been given for the appeal, then he may in some cases lose the right of appeal. This is another instance in the Madras Act and, if I am not mistaken, the time for filing the appeal was thirty days but the Honourable Minister reduced it to twenty-one days until an amendment was moved and he, in order to show perhaps that not all the amendments were rejected, accepted this paltry amendment and restored thirty days. Is it not ? (Voices : Yes.) I was only referring to it to show how deliberately the provisions of the Madras Act were made worse in the Bill which is now before us ; but even taking the Madras Act as it is, I think it is only reasonable that the Honourable Minister in the first place should not impose any such condition on the appellant and if he thinks that it would be necessary and proper for the Government to be satisfied on that matter, then he can say at the utmost that

no appeal shall be filed unless the assessee gives proof of the payment of the amount admitted by him. I think this is only fair and proper and I leave it to his good sense to accept it or to reject it.

Minister for Development : Sir, I oppose this amendment. This condition proceeds on the same principles as was adopted in the case of the Urban Immovable Property Tax Bill. If this condition is not imposed, then there will be a tendency on the part of parties to file frivolous appeals. Such appeals will be undesirable. They will waste the time of the officers and also delay payment of this tax. A reference was made to civil law, suggesting that so far as civil law is concerned there is no obligation on a person, who desires to file an appeal, to deposit the amount of the decree if he wants permission to appeal. But my honourable friend has made no reference to the fact that a decree which has once been passed can be executed the very next day. The decree-holder can take out execution proceedings and unless the appellant files an application before the appellate court and gets an injunction the decree will be executed against him. Moreover, without being quite sure of the law on the point, I have some recollection of a similar practice in civil courts. Suppose a person, against whom a decree was passed *ex-parte*, wanted to have those *ex-parte* proceedings cancelled. Then he, in some cases, was asked to deposit the whole amount of the decree which was passed against him before he could be allowed to be heard. (*Interruption.*) I have already stated that I am not quite sure of any specific provision of law but that is the practice in the courts. (*An honourable member :* This is the practice.)

Dr. Sir Gokul Chand Narang : Very rare cases if at all.

Minister : Well, that practice is there; whether such discretion is used frequently or is used only occasionally I am not sure. If civil law has given that power to courts, there is no reason why the executive should not have that power in the case of well-to-do persons.

Dr. Sir Gokul Chand Narang : Then all these proceedings are *ex-parte*.

Mr. Speaker : Question is—

That the proviso to sub-clause (1) be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 10 stand part of the Bill.

The motion was carried.

Clause 11.

Shaikh Sadiq Hassan : I move—

That in sub-clause (1), line 4, after the word "application", the word "shall" be inserted.

Shaikh Sadiq Hassan (Amritsar City, Muhammadan, Urban) (*Urdu*): Sir, this much I can understand that the Honourable Minister for Development wants to collect money by this measure and I can also understand that instead of vesting powers in the Judiciary he wishes to vest them in the executive officers as he is of the opinion that the latter are as honest as the former. But I fail to understand why the people should be deprived of their right of preferring appeals. As you are aware, Sir, the present procedure is that if a person is not satisfied with the decision of a lower court he can go to the High Court. Similarly, permission should kindly be given to the persons concerned to prefer an appeal in case they are not satisfied with the decisions made by the officers. If the Government are not going to accept any amendment they should at least accept this one the only aim of which is to provide facilities to the people concerned.

Mian Abdul Aziz: Sir, I would like to explain the position. As a matter of fact, the amendment as it stands reads correctly. You will be pleased to see that in the first part of the clause the words are "The Financial Commissioner may in his discretion". It is only his discretion that may be applied in the first part of the clause. Then the second part is, "or on application shall" do such and such thing.

Mr. Speaker: The word "or", is wrong. It should be "and".

Shaikh Sadiq Hassan: Then, Sir, I move—

That in sub-clause (1), line 4, for the word "or", the word "and" be substituted and after the word "application" the word "shall" 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.

Mr. Speaker: All the amendments of which notice has been received are out of order. The question is—

That clause 12 stand part of the Bill.

Rai Bahadur Lala Gopal Das (*Urdu*): Sir, I had given notice of an amendment—

That in the proviso to sub-clause (2), line 3, for the word "three", the word "ten" be substituted.

The object of my amendment is very simple. All that I want to submit is that the proviso of this clause should be made more or less like that of the Madras Sales Tax Act which runs as follows:—

Provided that this section shall not apply to petty dealers whose business is such as is not likely to make them liable to taxation under this Act.

But in our Bill the proviso to sub-clause (2) says:—

Provided that this section shall not apply to any dealer whose turnover does not exceed three thousand rupees in any year.

If the Honourable Minister for Development is pleased to substitute "five thousand rupees" for "three thousand rupees" it will greatly help the petty

dealers as they will be saved employing *Munshis* and *Munims* for keeping their accounts up to date. And if this amendment is rejected, the petty dealers will have to bear an extra expense for the maintenance of their accounts for the goods bought and sold by them, and it will be nothing short of squeezing the petty shopkeepers.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural): Sir, my objection to this clause is of a fundamental character. My objection is not based on the opposition to this tax nor is it based on any desire to reduce the amount of money which the Honourable Minister of Development hopes to get into the exchequer. But my objection to this clause is that it imposes an unnecessary inconvenience on the assessee which can be avoided without in the least affecting the amount of money which the Government hopes to raise. The Honourable Minister and other members on the Government side have been at considerable pains to demonstrate to the House that the incidence of this taxation is low and that the incidence of this taxation on a transaction is such that it need not frighten any one. Whether that contention is correct or not is not what I wish to discuss at the present moment. Assuming for the sake of argument that that contention is correct, what I wish to submit is, would not that purpose have been equally served by adopting a method of taxation which will save small shopkeepers and retail vendors from the highly inconvenient and highly expensive method of keeping accounts? It has been stated that on Rs. 5,000 the Government would only charge 2 annas per cent. What does that come to? That amount comes to about Rs. 6-4-0, that is, the total amount of taxation that a person, whose turnover does not exceed Rs. 5,000, will have to pay to the exchequer will be Rs. 6-4-0. Now, could not that object have been attained by laying down that every shopkeeper should take a licence for Rs. 7 and by exempting from taxation the turnovers, say, below Rs. 20,000? Now, what would happen? Here is a fruit vendor—I am not referring to the big or moderate shops of vegetable sellers or fruit sellers outside the Lohari gate or Delhi gate or Shahalmi gate—but I am referring to the fate of the poor vendor in Lahore who goes about the bungalows and sells vegetables or fruits, in order to make a meagre living of 12 annas or in some exceptional or fortunate cases, meagre living of one rupee a day. He must, *ex-hypothesi*, sell fruits or vegetable worth Rs. 10 a day to have a net income of rupee 1 a day. That brings him within the purview of this Act. Do you expect that illiterate man to keep an account which would satisfy the whims of the assessors or the taxation officers whom this Government would appoint? Are you not introducing in the province an engine of oppression in the form of petty officials who will squeeze life out of these poor citizens of this province who eke out a miserable existence by working 12 hours a day? This is not an imaginary thing. Every fruit vendor, every sweetmeat vendor, every vegetable vendor, every butcher, every milk vendor, every *nambai*, every hotel keeper on a small scale, in order to be able to make at the end of the day one rupee for his family, must have a turn over of Rs. 10 or 12 a day. Is that not a fact of which every member of the House including the Minister for Development is aware? Is it the intention to realise money for the exchequer or is it further the intention that the life of these poor people should be made miserable and these illiterate people

[R. B. Mukand Lal Puri.]

should be made to employ literate clerks to keep their accounts? Who is to keep accounts for the butcher, who is to keep accounts for the small vendor? He must employ a literate agency. If he does employ such an agency how much will he have to spend? Rupees 5 a month at least. It will ordinarily be, if he employs a part time clerk or a *munim*, Rs. 10 a month, calculate by any standard. In order that you may realise taxation of Rs. 6-4-0 from him per year, you compel the wretched man to keep a clerk or a *munim* on Rs. 10 a month. That is what it means. I read out to the members of the Assembly the implication of this clause and I crave your indulgence to read it out again. It says—

Every dealer shall keep and maintain a true and correct account of the value of the goods sold and bought by him.

He has to give a true and correct account which is to be accepted by the Government official. Nobody is going to rely on his verbal statement, "Look here I only sold fruit for Rs. 7". He must keep an account. A person, for instance, who sells curd piecemeal for one pice must keep the account to show that he sold curd to 300 persons a day worth Rs. 10. Can you expect our average *halwai*, the average milk vendor, average *sharbat* vendor, can you expect them to keep accounts? Are you not insisting that every one of the poor vendors whether they carry on their trade in the streets or whether they ply their trade in a covered hut should keep a literate clerk or a *munim*? It appears to me that this clause is entirely foreign, entirely irrelevant and unnecessary to the object of the measure which is to raise taxation. I again repeat that the object of the Sales Bill is to raise taxation of Rs. 6 or Rs. 7 a year only from the lowest assessee, but are you not by this clause imposing the necessity on that man to keep accounts, and to spend Rs. 6 or 7 a month, so that the State may be able to realise Rs. 6 or 7 a year from him? Why not levy a flat rate of Rs. 6 or even Rs. 10, without the necessity of keeping accounts and raise the lowest level to a turnover of Rs. 20,000 or Rs. 25,000 a year? Perhaps the Honourable Minister for Development wishes to hit or make miserable the life of shopkeepers whom he hates and whom he wants to injure regardless of the fact whether the State gains from it or not. If that is his object, he will certainly have made the conditions of their life highly inconvenient without getting corresponding or proportionate gain for the State. Does he know that these small vendors already sell their wares at a mere margin of subsistence? Is the House unaware that the average shopkeepers do not make a profit of more than a rupee or Rs. 1-8-0 or in the case of some fortunate people Rs. 2 a day, and do you expect that out of that Rs. 30 or Rs. 40 that he earns he will be able to spend Rs. 15 a month in employing an accountant or a *munim* to keep his accounts? I appeal to this great party which gives mandate to the Minister for Development to look at the details of the provision to which they are lending their support. I wish to draw the attention of the honourable members to the fact that I have talked on this matter with several members of the Unionist Party and they equally object to it. I draw the attention of the House to the vehement protest lodged by Malik Barkat Ali in his speech for circulating the Bill for eliciting opinion thereon. I had a talk with some of the honourable members who adorn these benches about the inequity of this provision and most of them agreed with

me in the matter ; but the unfortunate position is that they do not attend their party meetings where at least I hope the details of the measure are discussed, otherwise I cannot possibly imagine how a provision like that could find a place in the Bill. Again a flat rate of Rs. 8 or Rs. 10 would certainly cause no inconvenience. In this matter I again draw their attention to the remarks of Bastable which I quoted the other day that it was highly inconvenient and oppressive. One of the greatest dangers of the Sales Tax, it seems to me, was magnified in clause 3. Therefore I ask the Honourable Minister for Development to consider whether he cannot raise an equivalent amount of taxation by taxing goods without having this highly inconvenient, oppressive, impractical and, as I say, needless provision.

Lala Sita Ram (Trade Union Labour) (*Urdu*) : Sir, I am afraid most of my friends might not have fully understood the important speech of my honourable friend Rai Bahadur Mukand Lal Puri, because it was made in English. I would, therefore, like to stress some of his points and add more arguments. We should not regard this clause as of no importance. In fact it is a very important clause. Although it is laid down that only those dealers would be required to keep regular accounts of their sale whose turnover exceeds Rs. 3,000 per annum, yet the responsibility of keeping accounts will also devolve on those whose turnover is less than even Rs. 3,000 per annum. How will they, otherwise, be able to prove that their turnover does not exceed Rs. 3,000? As a matter of fact even the petty shopkeepers would be compelled to keep accounts, as the onus of proof will be on them now. It will be binding on them to prove that their turnover does not exceed Rs. 3,000 or Rs. 5,000 per annum if they are to escape the keeping of accounts or the tax respectively. It goes without saying that all the shopkeepers are not very literate. They will have to engage a clerk to keep accounts. Even a betel seller or a Gujjar who sells milk will have to learn book-keeping or engage a paid accountant to avoid the rigorous or improper taxation. His daily sale may be no more than ten rupees, but he will be bound to employ a clerk at Rs. 15 while his profit may not exceed 8 annas or 10 annas per day. Now I wonder if his trade will be worth his while. At least he will have to give up this business and wind up his shop. As a matter of fact it will be different for a common shopkeeper to earn his livelihood. He will not be able to purchase the bare necessities of life after paying his tax. Town life is already very dear. It will become dearer still. Does the Government think that this small profit of 8 annas or 10 annas is really taxable? Should it be taxed on the principles of fairness and equity? In my opinion it will be a very hard and stringent measure. I would, therefore, appeal to the Government to accept this amendment so that some of the rigors of the Bill may be removed.

Shaikh Sadiq Hassan (Amritsar City, Muhammadan Urban), (*Urdu*) : Sir, I think this is a very rigorous clause. It will particularly constitute a great hardship to the comparatively poorer people. After all, what is the daily sale of a person whose annual turnover is Rs. 3,000? It is only Rs. 8 per day. Such a poor man can ill-afford to employ a *Munshi* on a monthly salary of Rs. 15 or Rs. 20, for accurate book-keeping. This will drain away all the savings of petty shopkeepers. The other alternative for illiterate dealers would be to have their accounts prepared by some one else who may prepare

[Sh. Sadiq Hassan.]

only a bogus account. Thus the legislation under contemplation would throw open a gate of corruption while the Government has been trying in the past to eradicate corruption. Moreover, it is very difficult for a petty shopkeeper to keep account of each and every pice of sale or purchase. I would, therefore, appeal to the Honourable Minister in charge of this Bill to very kindly exempt those dealers from the operation of this clause whose turnover is less than ten thousand rupees per annum.

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

This is a very moderate demand. The petty shopkeepers with a daily turnover of Rs. 8 only will not be able to employ a clerk for keeping their accurate accounts. So there is a danger that more often than not they will submit false accounts. This will defame the fair name of the Punjab.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : This clause, if passed in its present form, will cause great hardship and the greatest hindrance to the small trader, the hawker, the vendor and others. This situation has already been fully explained by those who have spoken before me. I will refer the Honourable Minister to the Acts of other provinces. He is very fond of quoting the Madras Act which he has taken as a model for his Bill. What does the Madras Act lay down? The Madras Act does not make it compulsory or necessary for everybody, however petty he may be, to keep accounts. The Madras Act, clause 9 (1), lays down that every dealer whose turnover is Rs. 10,000 or more in a year shall submit such return or returns of his turnover, in such manner and within such period as may be specified in the rules made under section 30 and so. If the assessing authority is satisfied that any return submitted under subsection (1) is correct and complete, he shall assess the dealer on the basis thereof. If no return is submitted by the dealer under subsection (1) before the date prescribed or specified in that behalf or if the return submitted by him appears to the assessing authority to be incorrect or incomplete, the assessing authority shall proceed to determine the turnover in accordance with the rules made under subsection (1) of section 3, provided that before taking action under this clause the dealer shall be given a reasonable opportunity of proving the correctness and completeness of any return submitted by him.

This section of the Madras Act makes two things quite clear. One is that nobody is compelled to keep accounts as our Bill lays down. Small traders may or may not keep accounts. They have only to submit returns if their total sales exceed the exemptions limit which in the case of Madras is Rs. 10,000. In our case the exemption limit is Rs. 5,000 and it really passes my comprehension why people whose total sales do not exceed Rs. 5,000 should be compelled to keep accounts, submit returns and do all the rest.

I now come to the Bombay Act. That Act does not make it obligatory upon any small or petty seller or dealer to keep accounts. What it lays down is that in cases where accounts are kept and maintained and statements submitted in the manner and at the period prescribed under section 10, the tax leviable under section 3 shall be assessed by the Collector on the

value of sales as disclosed in such accounts and statements. In cases where no such accounts are kept and maintained or where no such statements are submitted, or where such accounts or statements are in the opinion of the Collector false or incorrect, the Collector shall make the assessment to the best of his judgment. So in the case of Bombay too it is not obligatory or mandatory for every petty dealer to keep accounts, so that most of the objections, most of the hardships that have been enumerated by the previous speakers do not exist in the case of Madras and Bombay. Unfortunately I have not got before me a copy of the Bengal Bill, but if my memory fails me not there is no such provision in that Bill that makes obligatory to keep accounts. I think in Bengal the exemption limit laid down is Rs. 20,000. From whatever point of view we may look at things, I fail to see why Government should persist in prescribing the limit for keeping accounts at so low a figure as Rs. 3,000 which will necessitate every shopkeeper, be he a vendor, be he a hawker, be he anything whose sales are somewhere in the vicinity of Rs. 8 per day to keep accounts. I will not repeat the arguments advanced by members who have spoken before me. Suffice it to say that this clause if passed in this form will make the living of these poor people absolutely impossible. They are not literate themselves, they cannot keep accounts and financially, they are not so well off as to keep a whole-time or a part-time clerk to keep accounts. Considering all these hardships the Government will be well advised in the first instance to raise the amount from Rs. 3,000 to Rs. 5,000 the minimum exemption that has been granted under the Bill. There is no sense in insisting on Rs. 3,000. The other provinces have kept this amount at the level of the exemption that they have granted, and I really see no reason why there should be any difference in the case of the Punjab. I do hope that the poverty of these poor people, and the helplessness that those people will find themselves in, will appeal to the heart of even this hard Development Minister, and that he will see his way to raise the amount to Rs. 5,000 in the case of those who are to keep accounts. As a matter of fact, it should not be at all obligatory for the Government to compel every petty man to keep accounts. If he does not keep accounts, does not submit returns, he will do so at his own risk. The assessing authorities will have the right to tax him as they like and if they find that he is not in a position to engage a part-time or a whole-time clerk, but wants to take the risk of being arbitrarily assessed by the assessing authority, I do not really see why the Government should stand in his way and compel him to incur an extra expenditure which may perhaps be ten times more than the tax that he has to pay. After the statements that have been made by members on these benches, I do hope that this aspect of the question will have the attention and consideration that it deserves at the hands of the Development Minister.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural)
(Urdu): Sir, it is difficult to keep accounts true and correct in the manner as required by sub-clause (1) of clause 12. Sub-clause (1) of clause 12 reads as follows:—

Every dealer shall keep and maintain a true and correct account of the value of the goods sold and bought by him.

It is very difficult to maintain a correct account of the goods sold and bought by a dealer. Supposing myself or the Honourable Minister himself goes to the shop of a fruit-seller

[M. Muhammad Nurullah.]

and purchases from him half a dozen of apples, a dozen oranges and two dozen peaches and then other customers come and order him to give them certain number of certain fruit and so on. How is it possible for the fruit-seller to keep a detailed account of all the fruits sold during the day? How can he maintain an account describing that half a dozen of apples, one dozen of oranges and two dozens of peaches were sold to the Honourable Minister and such and such fruit was sold to such and such persons who came after him? It is impossible for him to maintain any such account. As already said by my friend Shaikh Sadiq Hassan this Bill will create new dangers for the province. If the Honourable Minister thinks I have misunderstood the meaning of this sub-clause let him explain what is meant by "true and correct" account.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur North, Muhammadan, Rural) (*Urdu*): Sir, if the clause under consideration is passed the result would be that illiterate persons will not be able to take to business. For under it all the dealers, be they retail dealers or whole-sale dealers, shall have to keep and maintain a true and correct account of the of goods sold by them. The clause as it stands provides that every trader whose turnover exceeds Rs. 3,000, shall have to keep a true account of goods sold and bought by him. It means that every shopkeeper or a street vendor, who earns his living by selling goods to the value of eight or ten rupees per day, shall be required to maintain a correct account of the goods sold by him. This is, I think, a great hardship for him. The hard-heartedness of my friends has reminded me of an anecdote. It is said that a certain Pathan purchased some *jamans* and began to devour them one by one. It so happened that a black wasp accidentally came and sat on his *jamans*. The Pathan got hold of it. It began to buzz. At that the Pathan ejaculated, "As your colour resembles that of my *jamans*, so I must devour you too." Similarly my honourable friends want to crush the small traders and the street vendors along with the big traders on the ground that they are making a lot of profit. This is sheer injustice in particular for those who do some business with a view to keep their bodies and souls together. My submission is that generally such traders are illiterate and it is not fair for us to expect that they should employ some literate persons to keep their accounts. Anyway if Government insist upon this thing that all the dealers whether they are retail dealers or whole sale dealers should keep a true and correct account of the goods sold by them, let them appoint patwaris for this purpose also and entrust to them different halqas so that they should go from shop to shop and write out the day's accounts of all the illiterate shopkeepers and street vendors. In this way it would become easy for the poor traders to comply with this provision and the Government would also achieve their object. In short my submission is that this clause is very stringent and it should not be passed in its present form. At present due to the outbreak of war people are already suffering a great deal and at this juncture it behoves my honourable friends to realize their responsibility and desist from creating any more difficulties for them. If they simply want to perpetrate cruelties on the trading classes of course they will succeed in their object by passing such stringent measures. But I would advise them to realize their responsibility and see whether by passing

such harsh measures they are not actually reducing the traders into hawers of wood and drawers of water. For God's sake do not reduce them to poverty as you have done the zamindars, and do not try to put obstacles in their way. In the circumstances, I would appeal to the Honourable Minister to make this clause less stringent so that the poor traders should not be put to unnecessary trouble.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (*Urdu*): Sir, I admit that for the proper enforcement of this measure it will be absolutely essential that every dealer should maintain and keep a true and correct account of the value of goods sold and bought by him. But it appears from clause 12, as it stands, that even those dealers shall be required to keep and maintain true and correct accounts of the value of goods sold and bought by them whose turnover is only Rs. 3,000. It follows that even dairymen, fruit vendors and *chhabriwalas* would also have to keep and maintain a true and correct account of the value of goods sold by them because even their annual turnover exceeds Rs. 3,000. I think most of the people do not know as to how accounts are kept and maintained. Keeping and maintaining of accounts means that even if a small article, such as a pencil or a slip book is purchased by a customer, the shopkeeper would in the first instance have to prepare a bill and then he would have to enter its voucher number and so on and so forth. Do my honourable friends expect that date-sellers, *chhabriwalas* and fruit vendors would be able to keep and maintain a true and correct account of the value of goods sold by them especially when most of them happen to be illiterate? They cannot be expected to employ literate *munshis* to keep their accounts. I would, therefore, request the Honourable Minister to exempt the small dealers from the operation of this clause. I personally think that some sort of limit should be set down below which no dealer should be required to maintain his accounts at all. To my mind dealers whose turnover does not exceed Rs. 20,000 should be exempted from the operation of this clause. As a matter of fact it is very difficult for the dealers with a turnover of less than Rs. 20,000 to keep and maintain a true and correct account of the value of goods sold and bought by them. I hope the Honourable Minister would give his serious consideration to this matter and would agree to this exemption being provided in the body of the Act itself. With these words I resume my seat.

Mr. Deputy Speaker : Question is—

That clause 12 stand of the Bill.

The Assembly decided : Ayes 45, Noes 20.

AYES.

Abdul Hamid Khan, Sufi.	Faiz Muhammad, Shaikh.
Abdul Rahim, Chaudhri (Gurdaspur).	Faqir Hussain Khan, Chaudhri.
Ahmad Yar Khan, Chaudhri.	Fateh Muhammad, Mian.
Amjad Ali Shah, Sayed.	Fazl Ali, Khan Bahadur Nawab Chaudhri.
Ashiq Hussain, Major.	Fazal Karim Baksh, Mian.
Chhotu Ram, The Honourable Chaudhri Sir.	Ghazanfar Ali Khan, Raja.
	Gopal Singh (American), Sardar.

Gurbachan Singh, Sardar Bahadur Sardar.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Indar Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Kartar Singh, Chaudhri.
 Khizer Hayat Tiwana, The Honourable Malik.
 Kishan Das, Seth.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.

Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Sumer Singh, Chaudhri.
 Suraj Mal, Rai Sahib Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

NOES.

Abdul Aziz, Mian.
 Ajit Singh, Sardar.
 Ghulam Samad, Khan Sahib Khawaja.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Muhammad Abdul Rahman Khan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Nurullah, Mian.

Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
 Mukand Lal Puri, Rai Bahadur Mr.
 Rashida Latif Baji, Begum.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 Santokh Singh, Sardar Sahib Sardar.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Bahadur Lala.
 Uttam Singh Dugal, Sardar.

Clause 13.

Mr. Deputy Speaker : Question is—

That sub-clause (1) stand part of the clause.

The motion was carried.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban)
 Sir, I move—

That in sub-clause (2) lines 3—7, the words "the goods.....is done", be omitted.

Sub-clause (2) empowers any officer appointed by the Government to ask for the production of not only all accounts in the ordinary course of business, but also "the goods in their possession and in their buildings, office

shops, godowns, tents, enclosures, booths, vehicles, vessels, boats, rafts or in any other place in which business is done. All these "shall be open to inspection at all reasonable times by such officers as may be authorised in this behalf." Once the Government has authorised or empowered its officers to inspect all the accounts and registers of the dealers maintained in the ordinary course of their business, it seems to me too humiliating that further powers be given to those officers to inspect the buildings, stocks, etc. Most of the dealers have their stocks in bulk. Does it mean that those officers whom the Government may appoint and authorise in their wisdom should get those goods weighed also which may involve an expenditure of hundreds and thousands of rupees to the poor dealer, apart from the humiliation that this course would involve? My point is that once the account books are examined that must be quite enough and no further powers need be given to the officers to inspect the stocks, etc., and have them weighed at extra cost to the dealer. Even the Income-tax Act does not give any such authority to their officers, who are men of standing, men who are gazetted officers, officers whose pay is quite decent and who are not in the ordinary course of things expected to be led astray by small temptations. Now let us examine the Acts as they are passed by the other provinces in respect of this.

At this stage the Assembly adjourned till 2-30 p. m. on Friday, 31st January, 1941.

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 31st January, 1941.

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

STARRED QUESTIONS AND ANSWERS.

CLASSIFICATION IN JAILS OF PERSONS CONVICTED UNDER DEFENCE OF INDIA RULES AND UNDER CERTAIN SECTIONS OF INDIAN PENAL CODE AND CRIMINAL PROCEDURE CODE.

***7186. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the number and names of detenus arrested under the Defence of India Rules placed in A, B and C classes respectively ;
- (b) the number and names of the prisoners sentenced under sections 124-A, 153-A, 302/117 and 117, Indian Penal Code and under sections 107 and 108, Criminal Procedure Code, as also under the provisions of the Defence of India Rules who have been placed in A, B or C classes ;
- (c) the number of under-trial prisoners being proceeded against under any of the provisions of law mentioned in (b) along with the classes in which they are placed ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : I am afraid I must decline to put on already overtaxed officers the obligation to collect the very comprehensive information asked for in this extremely vaguely worded question. I would point out for instance that no periods are specified for the information asked for in parts (b) and (c) ; moreover it is impossible to give a definite answer to part (a) and some other parts of the question, as the classification mentioned does not apply to the classes of prisoners quoted. If the honourable member will be more specific, I will consider whether the information he requires should be collected.

DECLARATION OF SOME AGRARIAN ACTS AS *ULTRA VIRES*.

***7194. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the courts in the province that have held any of the Agrarian Acts passed by this Assembly as *ultra vires*, the names of the Acts and the date of announcing judgment ;
- (b) whether the operation of such Acts has been suspended by the Government ; if so, will he kindly lay the copies of those instructions on the table of the House ;
- (c) the intentions of Government in this matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) A statement is laid on the table.

(b) *First part*: No. The Chief Revenue Authority has, however, drawn the attention of the subordinate revenue courts to the litigation pending in the High Court regarding the validity of the Punjab Restitution of Mortgaged Lands Act, 1938, and the Punjab Alienation of Land (Second Amendment) Act, 1938, so that appropriate action may be taken in each case under these Acts. As regards the Provincial Insolvency Act, 1939 (Punjab Act No. III of 1939), the judgment in question was not previously brought to the notice of Government who are now examining the position.

Second part.—It is against constitutional practice to lay on the table copies of correspondence between Government and its officers.

(c) Any action to be taken by Government will depend on what decisions are taken by the High Court.

Statement.

District.	Name of Act held to be <i>ultra vires</i> .	Name of Court by which held to be <i>ultra vires</i> .	Date of announcing judgment.
Gurdaspur ..	Punjab Restitution of Mortgaged Lands Act, 1938.	Sub-Judge, II Class, Gurdaspur.	16th August, 1940.
Gujranwala ..	Punjab Restitution of Mortgaged Lands Act, 1938.	Sub-Judge, I Class, Gujranwala.	26th October, 1940.
Jhang ..	Provincial Insolvency (Punjab Amendment) Act, 1939, Punjab Act No. III of 1939.	Sub-Judge, I Class, Jhang.	3rd October, 1929.
Sialkot ..	Punjab Alienation of Land (Second Amendment) Act, 1938, Punjab Act No. X of 1938.	Additional Sub-Judge, I Class, Sialkot.	(i) Two cases, dated 18th July, 1940. (ii) Two cases, dated 23rd July, 1940.
	Punjab Alienation of Land (Second Amendment) Act, 1938, Punjab Act No. X of 1938.	Sub-Judge, IV Class, Sialkot.	(i) Six cases, dated 22nd July, 1940. (ii) One case, dated 21st August, 1940.
	Punjab Alienation of Land (Second Amendment) Act, 1938, Punjab Act No. X of 1938.	Sub-Judge, Daska..	(i) One case, dated 15th November, 1940. (ii) One case, dated 21st October, 1940.
	Punjab Alienation of Land (Second Amendment) Act, 1938, Punjab Act No. X of 1938.	Sub-Judge, Toba Tek Singh.	16th October, 1940.

WORKING OF THE RESTITUTION OF MORTGAGED LANDS ACT.

***7462. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state whether any officer has so far been appointed in the Gurgaon district in connection with the working of the Restitution of Mortgaged Lands Act; if so, the number of applications received so far under the Act and the number of those among them which he has disposed of with the area of land restored to the owner in each such case and if no application has so far been finally disposed of, the reasons for the delay and the action intended to be taken in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): No special officer has been appointed; but the Settlement Officer, Assistant Settlement Officer and Extra Assistant Settlement Officer in the district were invested with the powers of Collector for the disposal of applications under the Act. Six hundred and fifty-one applications have been instituted so far, of which 7 were dismissed as the Act did not apply to them. The other applications are pending as the work has for the time being been suspended till the decision of the High Court on the validity of the Act is known.

REPRESENTATION OF SIKHS AMONG SADAR QANUNGOS.

***7491. Sardar Lal Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that there is not a single Sikh among Sadar Qanungos throughout the Punjab (the three persons bearing names similar to those of the Sikhs not being Sikhs); if so, what steps, if any, Government intends taking in the matter to give proper representation to the Sikhs in this branch of service?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude, but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, be prepared to examine any particular instance of disproportionate representation which honourable members may bring to my notice in a more informal way.

APPOINTMENT OF A SIKH AS DIRECTOR OF LAND RECORDS.

***7492. Sardar Lal Singh :** Will the Honourable Premier be pleased to state whether any Sikh has ever held the post of the Director of Land Records?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): The question savours of communalism and in consonance with the usual practice I must decline to answer it on the floor of the House. I have, therefore, treated it as an unstarred question and have directed that a written answer should be sent to the honourable member through the Assembly office.

DEBT CONCILIATION BOARDS, JHANG, CHINIOT AND LYALLPUR.

***7490. Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of applications received by the Debt Conciliation Boards, Jhang, Chiniot and Lyallpur, since their inauguration from (i) debtors, (ii) creditors, giving number for each year separately;

[E. B. Mukand Lal Puri.]

- (b) the total number of applications disposed of out of the above ;
 (c) the number of applications dismissed *in limine* from among those filed by (i) debtors, (ii) creditors respectively ;
 (d) the total amount of debt involved in the applications which have been so disposed of ;
 (e) the proportion of debts, which have been actually paid, to the total debt ;
 (f) the proportion of debts, which have been agreed upon to be paid to the total debt ?

Parliamentary Secretary (Chaudhri Tikka Ram) : A statement giving the required information is laid on the table.

STATEMENT.

Year.	JHANG.		CHINIOT.		LYALLPUR.		
	From Debtors.	From Creditors.	From Debtors.	From Creditors.	From Debtors.	From Creditors.	
(a) Number of applications received by the Debt Co-ordination Boards, Jhang, Chiniot and Lyallpur since their inauguration from (i) debtors and (ii) creditors, giving number for each year separately.	1935 ..	888	48	..	..	..	..
	1936 ..	2,316	827	..	..	..	..
	1937 ..	1,661	1,660	..	..	..	..
	1938 ..	782	1,429	80	101	82	28
	1939 ..	372	1,025	272	389	580	116
	1940 ..	32	350	504	1,779	203	142
(b) Total number of applications disposed of.		3,253	831	333	116	742	268
(c) Number of applications dismissed <i>in limine</i> from among those filed (i) by debtors and (ii) creditors separately.		2,496	3,694	301	1,025	151	198
(d) Total amount of debt involved in applications which have been so disposed of.	JHANG.		CHINIOT.		LYALLPUR.		
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	
	2,86,58,351	2 6	28,05,177	3 0	27,52,013	0 6	
(e) Proportion of debts which have been actually paid, to the total debt.	JHANG AND CHINIOT.				LYALLPUR.		
	3.32				.06		
(f) Proportion of debts which have been agreed upon to be paid, to the total debt.	1.2				.38		

HONORARY MAGISTRATES.

*6945. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Finance be pleased to state—

- (a) the total number of honorary magistrates in the province as on 1st June, 1940 ;
- (b) the number of those among them who are above 60 years of age and also the number of those who are not literate and can only sign their names or affix their thumb-impressions ;
- (c) whether there are any minimum academic qualifications rigidly enforced at the time of the recruitment of the honorary magistrates ; if so, their nature ;
- (d) whether there is any age limit fixed for them ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :
(a) 818.

(b) It is not possible to collect the information required by the honourable member without a disproportionate expenditure of time and labour, but the number of such honorary magistrates must be very small now.

(c) No definite standard has been laid down but before appointing any person as an honorary magistrate Government under the existing rules satisfy themselves that the gentleman concerned is at least able to read and write the vernacular fluently.

(d) No appointment or reappointment is ordinarily made if the gentleman recommended is below the age of 30 or will be 65 before his term expires.

Mian Muhammad Nurullah : Is it a fact that Government generally gives preference to an uneducated person over an educated person ?

Parliamentary Secretary : Not ordinarily.

Sardar Jagjit Singh Man : Is it a fact that some honorary magistrates have been appointed *ilaga* magistrates ?

Parliamentary Secretary : I have no knowledge of it.

GHADAR CONSPIRACY PRISONERS AND BABBAR AKALI PRISONERS.

*6956. **Mr. Dev Raj Sethi** : Will the Honourable Finance Minister be pleased to state—

- (a) the total number of Ghadar conspiracy prisoners and Babbar Akali prisoners still undergoing imprisonment ;
- (b) whether it is a fact that they have served more than 20 years of imprisonment ;
- (c) whether the Government proposes to release all or any of them forthwith ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :
(a) (1) Babar Akalis, None.

(2) Ghadar Conspiracy case prisoners, Two.

(b) No.

(c) No.

NON-OFFICIAL VISITORS OF JAILS.

*6961. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Finance be pleased to state—

- (a) the names of the present non-official visitors of various jails in the Punjab ;
- (b) the period for which a non-official visitor of jails is appointed ;
- (c) the rules and other considerations that prevail with the Government in the appointment of non-official visitors ;
- (d) what are the privileges and duties of the non-official visitors ;
- (e) for how many times have the non-official visitors of the Lyallpur and Jhang District jails paid visits to these jails during the 12 months ending 31st March, 1940, and what reports they have given as a result of their visits ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :

(a) A list is laid on the table.

(b) Non-official visitors are appointed for a period of two years but may be reappointed on the expiry of this term.

(c) The conditions governing their appointment are given in paragraph 515 of the Report of the Indian Jails Committee (1919-20), Volume I.

(d) The honourable member's attention is invited to paragraph 523 of the Punjab Jail Manual.

(e) The number of visits paid by the non-official visitors to Lyallpur and Jhang jails during the twelve months ending 31st March, 1940, were 38 and 48 respectively.

A general scrutiny and compilation of the reports made on these 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.

Sardar Jagjit Singh Man : May I know that at the time of re-appointment, old members are always reappointed ?

Parliamentary Secretary They are ordinarily.

Mian Muhammad Nurullah : Is it a fact that they are always reappointed ?

Parliamentary Secretary : Not always.

Statement.

Name of the Jail.	Name of the non-official visitors.
1. Hissar District Jail	1. Honorary Lieutenant Thakur Sukh Pal Singh. 2. Mr. J. D. Qureshi. 3. Khan Abdul Ghafoor Khan.

Name of the Jail.	Name of the non-official visitors.
2. Rohtak District Jail ..	1. Sardar Bahadur Captain Dalpat Singh, I.O.M. 2. Khan Bahadur Chaudhri Muhammad Shafi Ali Khan. 3. Lala Kushi Ram. 4. Shrimati Savatri Devi.
3. Gurgaon Subsidiary Jail ..	1. Lala Ram Kanwar. 2. Khan Sahib Chaudhri Farzand Ali Khan. 3. Chaudhri Madho Singh. 4. Miss M. Partap Singh.
4. Karnal Subsidiary Jail ..	1. Lala Chaman Lal. 2. Sahibzada Muhammad Zulfiqar Ali Khan. 3. Bhai Shub Sher Singh.
5. Ambala District Jail ..	1. Lala Gauri Shanker. 2. Lala Sant Ram. 3. Lala Benarsi Das. 4. Syed Hamid Ali. 5. Honorary Lieutenant Khan Bahadur Dr. Mahbub Ali Khan. 6. Mrs. B. S. Seekond.
6. Ludhiana District Jail ..	1. Honorary Captain Sardar Sahib Jagpal Singh. 2. Rai Sahib Lala Sheo Parshad. 3. Sardar Bahadur Mit Singh. 4. Lieutenant Aziz-ud-Din. 5. Dr. Dame Edith Brown.
7. Jullundur District Jail. ...	1. Khan Sahib Niaz Rasul Khan. 2. Rai Sahib Lala Tara Chand Sud. 3. Bawa Gurdas Ram.
8. Ferozepore District Jail ...	1. Rai Bahadur Pandit Daulat Ram Kalra. 2. Lala Gowardhan Das. 3. Khan Sahib Khawaja Gul Muhammad Khan. 4. Khan Sahib Risaldar Muhammad Hassan Khan. 5. Guru Harnam Singh.

Name of the Jail.	Name of the non-official visitors.
9. Hoshiarpur Sub-Jail ..	1. Rai Hari Chand. 2. Rai Sahib Thakur Surjan Singh. 3. Mrs. R. S. Luke. 4. Chaudhri Iqbal Muhammad.
10. Dharmasala Sub-Jail ..	1. Mr. Nadir Shah Nowrojee. 2. Rai Sahib Lala Sham Lal Kaistha. 3. Captain Chaudhri Kirpa Ram.
11. Amritsar Sub-Jail ..	1. Mian Hafiz Ullah. 2. Lala Parkash Chand. 3. Rai Bahadur Seth Kishore Chand Maheeshwari.
12. Central Jail, Lahore ..	1. Mr. B. E. Buckwell. 2. Pandit Thakur Dutt Sharma. (Notification under issue). 3. Chaudhri Abdul Karim. 4. Khan Sahib Mian Amir-ud-Din. 5. Chaudhri Fateh Muhammad. 6. Lala Janki Das. 7. Lala Amar Nath Chopra.
12-A. Female Jail, Lahore ..	1. Kanwarani Dalip Singh. 2. Miss Prem Vati Thapar. 3. Mrs. Inglis. 4. Mrs. D. F. Skriue.
13. Gurdaspur District Jail ..	1. Khan Bahadur Babu Sheikh Muhammad. 2. Subedar Major Sawan Singh. 3. Mahant Ajudhia Nath. 4. Mrs. Rullia Ram.
14. Sialkot District Jail ..	1. Khan Bahadur Sheikh Inayat Ullah. 2. Khan Bahadur Maulvi Feroz-ud-Din. 3. Lala Karam Chand Aggarwal. 4. Sardar Gurbakhsh Singh Ahluwalia. 5. Mrs. Gurbakhsh Singh Ahluwalia.

Name of the Jail.	Name of the non-official visitors.
15. Gujranwala District Jail ..	1. Sardar Sahib Sardar Rajwant Singh. 2. Khan Sahib Sheikh Ata Muhammad. 3. Khan Bahadur Chaudhri Riasat Ali. 4. Diwan Brij Lal. 5. Mrs. Malhotra.
16. Sheikhpura Sub-Jail ..	1. Mian Ashiq Hussain. 2. Lieutenant Sardar Nau-Nihal Singh Man. 3. Sardar Raghbir Singh Dutt. 4. Risaldar Bakhshi Karm Chand.
17. Montgomery Central Jail ..	1. Mr. R. L. Betra. 2. Baba Jaswant Singh Bedi. 3. Chaudhri Jahan Khan. 4. Sardar Satwant Singh. 5. Dr. Miss J. Alexander.
18. Multan Jails ..	1. Seth Pars Ram. 2. Khan Abdul Ghafur Khan Khakwani. 3. Sheikh Khurshaid Ahmad. 4. Pandit Jiwan Lal. 5. Malik Murad Bakhsh Bucha 6. Chaudhri Chaman Lal.
19. Rawalpindi District Jail ..	1. Sardar Sohan Singh. 2. Sardar Darshan Singh Bindra. 3. Sardar Bahadur Lieutenant Alam Khan. 4. Khan Sahib Sheikh Fozal Iahi. 5. Mrs. Cheeseman.
20. Lyalpur District Jail ..	1. Lala Chaman Lal. 2. Sardar Ude Singh. 3. Risaldar Muhammad Hayat Khan. 4. Shrimati Pritam Kaur.

Name of the Jail.	Name of the non-official visitors.
21. Jhelum District Jail ..	1. Lieutenant Najib Ullah Khan. 2. Sardar Sahib Sardar Shamsher Singh. 3. Sultan Nadir Ali Khan. 4. Superintendent E. F. McConnell.
22. Dera Ghazi Khan District Jail..	1. Lala Parma Nand Bhutani. 2. Khan Rahim Dad Khan. 3. Rai Sahib Chaudhri Jaimni Das.
23. Mianwali District Jail ..	1. Khan Bahadur Captain Malik Muzaffar Khan. 2. Seth Bogha Ram. 3. Khan Sahib Malik Ledhu. 4. Khan Muhammad Nawaz Khan. 5. Khan Bahadur Khan Ghulam Qadir Khan.
24. Campbellpur District Jail ..	1. Khan Sahib Hashim Khan. 2. Sardar Sahib Thakur Bhagwan Das. 3. Sheikh Farman Ilahi.
25. Jhang District Jail..	1. Lala Brij Lal. 2. Sheikh Yusuf Shah. 3. Lala Ram Lal Khokha. 4. Mian Nur Muhammad Chela.
26. Shahpur Camp Jail ..	1. Mian Ata Muhammad. 2. Risaldar Sardar Ata Muhammad Khan. 3. Malik Ahmed Yar Khan Tiwana.
27. Gujrat Sub-Jail ...	1. Khan Sahib Chaudhri Ghulam Mohi-ud-Din. 2. Khan Muhammad Zaman Khan. 3. Chaudhri Jalal Khan. 4. Diwan Mahesh Das. 5. Sardar Kuldip Singh. 6. Miss E. Paterson.

Name of the Jail.	Name of the non-official visitors.
28. Muzaffargarh Sub-Jail ..	1. Sheikh Allah Bakhsh. 2. Raj Bahadur Lala Piyare Lal. 3. Khan Amir-Akbar Khan. 4. Khan Sahib Malik Qadir Bakhsh. 5. Chaudhri Bhawanj Das.
29. Rajanpur Sub-Jail ..	1. Syed Wassu Shah. 2. Lala Ram Saran Das. 3. Raj Bahadur Lala Dharu Lal.
30. Kasur Sub-Jail ..	1. Khan Bahadur Sardar Muhammad Shahbaz Khan Khalafzaj. 2. Sardar Amar Singh. 3. Pandit Ram Rakha. 4. Miss A. E. Lambert.
31. Sargodha Sub-Jail ..	1. Sheikh Ata Ullah. 2. Sardar Brij Pal Singh Ahuja. 3. Khan Mian Khan.

HUNGER-STRIKE BY PRISONERS.

*7190. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Finance be pleased to state—

- (a) the number and names of prisoners confined in the Punjab jails who went on hunger-strike since the outbreak of war, with the dates of their resorting to hunger-strikes ;
- (b) the period for which each prisoner remained on hunger-strike and the number of days after which each was forcibly fed ;
- (c) the grievances put forward by each or all for going on hunger-strike ;
- (d) the manner in which the hunger-strike ended in each case ;
- (e) whether any grievances were redressed ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) : This information will not be easy to compile, but I may point out that resort to hunger-striking is unfortunately becoming very frequent. Hunger-striking is, as the honourable member is aware, a serious offence. It would not be desirable to give undue publicity to this form of indiscipline ; but if the honourable member desires information as regards any particular case it will be collected.

MURDER OF A CATTLE DEALER IN MAHEM POLICE STATION, DISTRICT ROHTAK.

*7489. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister for Public Works be pleased to state whether it is a fact that a report of the murder of a cattle dealer was lodged in Police Station Mahem on or about 7th November, 1940, and that the police has so far failed to trace the culprits ; if so, the action intended to be taken in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Yes. Prolonged investigation has provided no clue and nothing further can be done.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNAL PROPORTION AMONG EXTERNAL EXAMINERS FOR EXAMINATIONS IN THE PUNJAB VETERINARY COLLEGE.

1334. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Development be pleased to state—

- (a) the number of Muslim and non-Muslim external examiners appointed at the Punjab Veterinary College in the annual and supplementary examinations separately during the years 1939 and 1940 ;
- (b) whether it is a fact that the percentage of Muslims among these examiners is low ; if so, the action taken by Government to make up the deficiency ?

The Honourable Chaudhri Sir Chhotu Ram : (a)

ANNUAL EXAMINATION.		SUPPLEMENTARY EXAMINATION.	
Muslims.	Non-Muslims.	Muslims.	Non-Muslims.
	<i>In 1939.</i>		
Nil.	10	1	8
	<i>In 1940.</i>		
1	7	1	6

(b) Yes. No action is contemplated by Government as the appointment of examiners is not made communitywise.

REPRESENTATION OF HINDUS IN THE POLICE DEPARTMENT.

1335. **Rai Bahadur Lala Sohan Lal** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number at present of Superintendents of Police and Deputy Superintendents of Police in the Punjab community-wise ;
- (b) whether it is a fact that out of 53 Deputy Superintendents of Police in the Punjab only 10 are Hindus, if so, the reasons therefor ;
- (c) whether it is also a fact that out of 892 Sub-Inspectors, 579 Assistant Sub-Inspectors and 3,046 Head Constables of Police only 217, 124 and 760 respectively are Hindus ; if so, the reasons therefor ;
- (d) the total number of constables in the (i) regular police, (ii) additional police and (iii) special police force separately, community-wise, and whether it is a fact that Hindus are not adequately represented among them ; if so, what steps the Government contemplates to take to ensure that the Hindus get their adequate representation in the police force both among the officers' grade and among the ranks ;
- (e) the total number of listed appointments in the Provincial Police Service and the proportion of each community among those holding the posts ;
- (f) whether it is a fact that the Hindus are under-represented among them ; and if so, the steps intended to be taken to give them proper representation in these posts ?

The Honourable Malik Khizar Hayat Tiwana : (a) :

(a) Rank.	Total number of appointments on 1st January, 1941.	European and Anglo-Indians.	Muslims.	Hindus.	Sikhs.	Indian Christians.	Scheduled castes.
Superintendent of Police	41	24	9	3	4	1	..
Deputy Superintendent of Police.	62	8	31	10	12	1	..

(b) Of the 62 Deputy Superintendents of Police serving on the 1st January, 1941, 10 were Hindus. Eighty per cent of the vacancies occurring in this rank are filled by the promotion of Inspectors by selection tempered by seniority, and for administrative reasons it is not considered desirable to alter this procedure in any way.

[Minister for Public Works.]

(c) Out of 899 sub-inspectors, 585 assistant sub-inspectors, and 8,049 head constables serving on the 1st January, 1941, 224, 195 and 770, respectively were Hindus. This community is therefore adequately represented in these ranks. No direct appointments to the rank of sub-inspector and head constables are made, and all vacancies occurring in these ranks and 75 per cent of the vacancies in the rank of assistant sub-inspector of police are filled by the promotion of assistant sub-inspectors, head constables and foot constables by selection tempered by seniority regardless of the community to which they belong. The remaining 25 per cent of the vacancies in the rank of assistant sub-inspector are filled by direct recruitment of the most suitable candidates appearing before the selection boards.

(d) The number of constables serving in the regular police and the provincial additional police on the 1st January, 1941, was 18,540 and 2,880, respectively, of whom 9,418 and 818, respectively, were Hindus. There is no special police force in the Punjab.

(e) There are no listed posts in the Punjab Provincial Police Service.

(f) The Hindu community is not fully represented in the lowest rank of the force, but every effort has been and is being made to secure more Hindu recruits. There are many districts in which it is most difficult to find suitable candidates from the Hindu community to serve in the lower ranks. In the past efforts were made to remedy the deficiency in those districts by recruitment from outside, but it was found that differences of language and climate and differences in conditions of living made it difficult in most cases for recruits from one part of the province to serve contentedly in another.

REPRESENTATION OF SIKHS AMONG EXAMINERS AND SUB-EXAMINERS
OF THE PUNJAB UNIVERSITY.

1336. Captain Sodhi Harnam Singh : Will the Honourable Minister of Education be pleased to state—

- (a) the number of Sikhs among the examiners and sub-examiners during each of the calendar years 1937, 1938, 1939 and 1940 as compared with the total number ;
- (b) the total amount of remuneration paid to the examiners and sub-examiners belonging to different communities in each of the calendar years 1937, 1938, 1939 and 1940 ?

The Honourable Mian Abdul Haye : It is regretted that the answer to this question is not yet ready.

REPRESENTATION OF SIKHS AMONG EMPLOYEES OF THE GOVERNMENT
PRINTING PRESS, LAHORE.

1337. Captain Sodhi Harnam Singh : Will the Honourable Minister of Development be pleased to state the total number of persons recruited on the establishment of the Government Printing Press, Lahore, in 1937, 1938, 1939 and 1940 and the number of Sikhs taken each year ?

The Honourable Chaudhri Sir Chhotu Ram : A statement is laid on the table.

		1937.		1938.		1939.		1940.	
		No. of appointments.	No. of Sikhs.	No. of appointments.	No. of Sikhs.	No. of appointments.	No. of Sikhs.	No. of appointments.	No. of Sikhs.
Provincial Office.	Stationery	..	..	..	..	..	..	22	4
Secretariat Press	..	39	2	10	1	15	3	22	4
Government Book Depot	..	1	..	..	..	..	..	2	1
Central Jail Press	..	4	..	..	..	1	..	7	3
Borstal Institution Press	..	..	..	..	..	..	..	..	..

REPRESENTATION OF SIKHS IN RECRUITMENTS MADE TO POSTS IN FINANCIAL COMMISSIONERS' OFFICE.

1338. Captain Sodhi Harnam Singh : With reference to the answer to unstarred question No. 1185¹ asked on 19th November, 1940, will the Honourable Minister of Revenue be pleased to state the total number of persons recruited to the various cadres in the Financial Commissioners' Office mentioned in that question and the number of Sikhs recruited in each of the calendar years 1937, 1938, 1939 and 1940 ?

The Honourable Dr. Sir Sunder Singh Majithia :

Year.	Total number of persons recruited.	Number of Sikhs.
1937	..	..
1938	8	1
1939	19	1
1940	24	6
	17	4

REPRESENTATION OF SIKHS AMONG PROCESS-SERVERS AND BAILIFFS.

1339. Captain Sodhi Harnam Singh : Will the Honourable Minister of Finance be pleased to state the total number of process-servers and bailiffs and the number of Sikhs out of them appointed in each of the four years 1937, 1938, 1939 and 1940 ?

The Honourable Sir Manohar Lal : The time and trouble involved in collecting the information will not be commensurate with any possible benefit to be obtained.

REPRESENTATION OF SIKHS IN THE PUBLIC HEALTH DEPARTMENT.

1340. Captain Sodhi Harnam Singh : Will the Honourable Minister of Education be pleased to state with reference to the unstarred question No. 1178¹ asked on 19th November, 1940, the total number of persons appointed to the various cadres mentioned in the said question and the number of the Sikhs out of them recruited in 1937, 1938, 1939 and 1940 ?

The Honourable Mian Abdul Haye : A statement giving the required information is enclosed.

Statement.

	1937.		1938.		1939.		1940.	
	Total number of persons appointed.	Number of Sikhs among the persons appointed.	Total number of persons appointed.	Number of Sikhs among the persons appointed.	Total number of persons appointed.	Number of Sikhs among the persons appointed.	Total number of persons appointed.	Number of Sikhs among the persons appointed.
(a) Assistant Directors of Public Health.	..	..	1	..	..	..	1	..
(b) Sanitary Inspectors (Special Public Health Staff).	1	..	..	..	..	..	1	..
(c) Sanitary Inspectors (Normal staff).	..	..	..	..	..	..	1	..
(d) Vaccinators (Special staff)	1	..	1	..	1	1	..	..
(e) Laboratory Assistants and Attendants.	..	..	1	..	..	..	2	..
(f) Clerks (including Head Assistants and Head Clerks).	5	1	5	..	1	..	..	..

REPRESENTATION OF SIKHS IN THE PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS BRANCH.

1341. Captain Sodhi Harnam Singh : Will the Honourable Minister of Public Works be pleased to state with reference to the unstarred question No. 1179¹ asked on 19th November, 1940, the total number of persons and the number of Sikhs out of them appointed in the years 1937, 1938, 1939 and 1940 ?

The Honourable Malik Khizar Hayat Tiwana : The time and trouble involved in collecting the information asked for will not be commensurate with any possible benefit to be obtained, but if the honourable member mentions any specific instance the latter would be looked into.

REPRESENTATION OF SIKHS IN THE PUNJAB CIVIL SECRETARIAT.

1342. Captain Sodhi Harnam Singh : With reference to the unstarred question No. 1180¹ asked on 19th November, 1940, will the Honourable Premier be pleased to state the total number of persons and the number of Sikhs out of them recruited in each of the years 1937, 1938, 1939 and 1940, to these posts ?

The Honourable Major Sir Sikander Hyat-Khan : The information is as follows :—

Year.	JUNIOR CLERKS.		SENIOR CLERKS.		STENO-GRAPHERS.		ASSIST-ANTS.		JUNIOR TRANSLAT-TORS.	
	Number recruited.	Number of Sikhs appointed.	Number recruited.	Number of Sikhs appointed.	Number recruited.	Number of Sikhs appointed.	Number recruited.	Number of Sikhs appointed.	Number recruited.	Number of Sikhs appointed.
1937	24	3	1*	} Nil	2	} Nil	4*	Nil	Nil	} Nil.
1938	19	3	1		3		Nil	Nil	1	
1939	23	4	1	2	Nil	Nil	1			
1940	26	6	Nil	Nil	Nil	Nil	Nil	Nil		

It should be mentioned that communal considerations are observed only at the time of direct recruitment and that, with the few exceptions noted on below,* direct recruitment to the Civil Secretariat is made only to the lowest grades, viz., Junior Clerk, Stenographer and Junior Translator. The higher posts are filled by promotion from within the cadre and are based on seniority and merit. Thus the figures do not take into account the promotions made to the grades of Senior Clerks, Assistants, Personal Assistants and Superintendents.

*One post of Senior Clerk is reserved for a lady confidential typist and a few posts of Assistant in the Finance Department are reserved for specialists from the office of the Accountant-General, Punjab.

REPRESENTATION OF SIKHS IN THE COMBINED OFFICE OF THE RURAL RECONSTRUCTION AND CO-OPERATIVE SOCIETIES DEPARTMENTS.

1343. Captain Sodhi Harnam Singh : With reference to the answer to unstarred question No. 1181² asked on 19th November, 1940, will the Honourable Minister of Development be pleased to state—

- (a) whether the Sikhs are under-represented in the combined Rural Reconstruction and Co-operative Societies' office ;

¹ Volume XIV, page 72.

² Volume XIV, page 73.

[Capt. Sodhi Harnam Singh.]

(b) the total number of persons and the number of Sikhs out of them recruited in each of the years 1937, 1938, 1939 and 1940 in the two offices separately or combined ?

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

(b) Year.	Total recruit- ment.	Recruitment of Sikhs.
1937-38 .. .. .	..	..
1938-39	4	2
1939-40 .. .. .	..	..

The share of the Sikhs in the fresh recruitment was 50 per cent against 20 per cent fixed by Government.

REPRESENTATION OF SIKHS IN THE FOREST DEPARTMENT.

1344. Captain Sodhi Harnam Singh : Will the Honourable Minister of Development be pleased to state the total number of the persons recruited in the cadres mentioned in the unstarred question No. 1186¹ asked on 19th November, 1940, and the number of Sikhs out of them during each of the years 1937, 1938, 1939 and 1940 ?

The Honourable Chaudhri Sir Chhotu Ram : No recruitment was made in 1937, 1938 and 1939. In 1940 three candidates were selected for training at the Indian Forest College, Dehra Dun, for the 1940-42 course, for appointment to Punjab Forest Service, Class I, which has replaced the Indian Forest Service. None of these candidates was a Sikh. It may be added that Sikhs were represented to the extent of 33½ per cent in the Punjab Forest Service when the selections in question were made.

REPRESENTATION OF SIKHS IN THE MEDICAL DEPARTMENT.

1345. Captain Sodhi Harnam Singh : Will the Honourable Minister of Education be pleased to state the total number of persons recruited in various cadres mentioned in unstarred question No. 1190², asked on 19th November, 1940, and the number of the Sikhs out of them during each of the years 1937, 1938, 1939 and 1940 ?

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

¹Volume XIV, page 76.

²Volume XIV, page 79.

REPRESENTATION OF SIKHS AMONG HEAD MISTRESSES IN GOVERNMENT HIGH SCHOOLS.

1346. Captain Sodhi Harnam Singh : With reference to the answer to unstarred question No. 1195¹ asked on 19th November, 1940, will the Honourable Minister of Education be pleased to state the total number of persons recruited in these cadres and the number of the Sikhs out of them during each of the years 1937, 1938, 1939 and 1940 ?

The Honourable Mian Abdul Haye : No Head Mistresses either in the P. E. S. or the S. E. S. were recruited all having been transferred from the posts of Assistant Mistresses or District Inspectresses.

SIKH ASSISTANT DISTRICT INSPECTORS OF SCHOOLS.

1347. Captain Sodhi Harnam Singh : Will the Honourable Minister of Education be pleased to state whether the number 81 of Sikh Assistant District Inspectors given in answer to unstarred question No. 1196² asked on 19th November, 1940, includes persons who are no longer Sikhs ?

The Honourable Mian Abdul Haye : The number represents those whose religion on first appointment to Government service was registered as Sikh and is still so registered.

REPRESENTATION OF SIKHS AMONG THE ORDINARY FELLOWS AND AMONG OTHER EMPLOYEES OF THE PUNJAB UNIVERSITY.

1348. Captain Sodhi Harnam Singh : Will the Honourable Minister of Education be pleased to state the total number of ordinary Fellows of the Punjab University appointed and other persons employed in the various grades mentioned in the unstarred question No. 1182³ asked on 19th November, 1940 and the number of Sikhs out of them during the years 1937, 1938, 1939 and 1940 ?

The Honourable Mian Abdul Haye : It is regretted that the answer to this question is not yet ready.

REPRESENTATION OF SIKHS IN OFFICES OF THE REVENUE DEPARTMENT.

1349. Captain Sodhi Harnam Singh : With reference to the answer to unstarred question No. 1184⁴ dated the 19th November, 1940, will the Honourable Minister of Revenue be pleased to state the total number of employees in each cadre and the number of Sikhs therein recruited during 1937, 1938, 1939 and 1940 ?

The Honourable Dr. Sir Sundar Singh Majithia : The only information which is readily available is contained in the annual consolidated statement in the Assembly Library and the collection of information not contained therein will entail unnecessary expense, which would not be commensurate with the advantage to be gained.

¹Volume XIV, page 81.

²Volume XIV, page 73.

³Volume XIV, page 82.

⁴Volume XIV, page 75.

REPRESENTATION OF SIKHS IN THE EXCISE DEPARTMENT.

1350. Captain Sodhi Harnam Singh : With reference to the answer to unstarred question No. 1209¹ asked on 21st November, 1940, will the Honourable Minister of Finance be pleased to state the total number of persons recruited to all such cadres and the number of Sikhs among them for each of the years 1937, 1938, 1939 and 1940 ?

The Honourable Sir Manohar Lal : The required information is given in the statement attached :—

Statement showing the number of Sikhs appointed to the various posts in the Punjab Excise Department, during the years 1937, 1938, 1939 and 1940.

1 Posts.	2		3		4		5	
	1937.		1938.		1939.		1940.	
	Total number of appointments made.	Number of Sikhs appointed.	Total number of appointments made.	Number of Sikhs appointed.	Total number of appointments made.	Number of Sikhs appointed.	Total number of appointments made.	Number of Sikhs appointed.
(i) Excise Assistant to the Financial Commissioners, Punjab.	1	Nil	Nil	Nil	1	Nil	Nil	Nil
(ii) Excise Superintendents ..	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil
(iii) Excise Inspectors ..	5	1	5	Nil	3	Nil	8	Nil
(iv) Excise Sub-Inspectors ..	7	2	8	1	11	3	7	3

NOTE.—Appointments to the posts of Excise Superintendents are made from among Excise Inspectors, and appointments to the posts of Excise Inspectors are made from among Excise Sub-Inspectors.

REPRESENTATION OF SIKHS IN THE EDUCATION DEPARTMENT.

1351. Captain Sodhi Harnam Singh : Will the Honourable Minister of Education be pleased to state, with reference to the unstarred question No. 1173² asked in November, 1940, the total number of persons recruited to these posts and the number of Sikhs out of them during each of the years 1937, 1938, 1939 and 1940 ?

The Honourable Mian Abdul Haye : Head Masters and Assistant District Inspectors of Schools are seldom recruited direct, but are selected

¹ Volume XIV, page 173.

² Volume XIV, page 63.

and appointed from among the officials already in service. The statement below indicates the position :—

Year.	DIRECTLY RECRUITED.			SELECTED AND APPOINTED.		
	Head Masters.	Assistant District Inspectors of Schools.	Number of Sikhs.	Head Masters.	Assistant District Inspectors of Schools.	Number of Sikhs.
1937 .. ..	..	4	..	5	8	3
1938 .. ..	..	1	..	4	8	1
1939	1	..	..	11	7	4
1940	1	..	..	5	9	4

APPLICATION FOR LEAVE OF ABSENCE OF SHRIMATI RAGHBIR KAUR.

Mr. Speaker : I have to read out to the Assembly the following application received from Shrimati Raghbir Kaur, Member of the Assembly, for permission to be absent from the Assembly :—

As I am in Jail for one year under Defence of India Rules and would not be able to attend the meetings of the Assembly, kindly submit this petition before the House and accord necessary permission for the absence.

The question is—

That the permission asked for be granted.

The motion was carried.

ADJOURNMENT OF THE ASSEMBLY.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I beg to move—

That this Assembly at its rising this day be adjourned till Tuesday, 11th February, 1941.

The motion was carried.

GENERAL SALES TAX BILL.

Clause 18.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Yesterday, when the House rose my amendment No. 2, namely—

That in sub-clause (2), lines 3—7, the words "goods.....is done" be omitted, was under discussion. The principle underlying my amendment is that once powers are given to the Government for the inspection of accounts and registers kept by business houses, further powers for production of goods

[S. S. Santokh Singh.]

or stocks are neither necessary nor desirable. In the case of big merchants they keep proper accounts and it is on the basis of these accounts that income-tax is levied on them. There is absolutely no reason to doubt the accuracy of those accounts which are kept by the persons concerned. At the same time the inspection of the stocks would cause much unnecessary inconvenience to the traders and stockists while it would not bring anything definite to the Government. In the case of a petty dealer, hawker, fruit-seller and such like persons this will be just as great a havoc as the police play with these poor people. So, from whatever point of view we look at it, it is neither desirable nor is it necessary to give these vast powers of inspection of goods and of their production before the subordinate officers who will be deputed either to go on the premises to see them or who might otherwise insist on production of those stocks. With these words I commend my amendment for the acceptance of the House.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), lines 3—7, the words “the goods..... is done” be omitted.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : (Urdu) : Sir, this clause is one of the severest clauses included in the proposed Bill. Let me point out that the words “at all reasonable times” are dangerous. For instance, an officer goes to inspect at unreasonable time and the dealer takes objection to it while the officer claims that it is a reasonable time. In this way a great fuss is likely to be created.

Mr. Speaker : The honourable member is not relevant. The amendment before the House is that the words “the goods.... is done” be omitted.

Mian Muhammad Nurullah : I am coming to that. What I want to submit is that the word “building” should be omitted. The sub-clause says —

The goods in their possession and in their buildings, offices, shops, godowns, tents, enclosures, booths, vehicles, vessels, boats, rafts or in any other place in which business is done.

If the word ‘buildings’ is included it will prove dangerous as house is also a building. So the houses of dealers if inspected by authorised officers will bring insult to the former. My submission, therefore, is that the whole sub-clause should be omitted.

Mr. Speaker : The question is—

That in sub-clause (2), lines 3—7, the words “the goods.... is done” be omitted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

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 parts (a), (b) and (c) stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That part (d) stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That parts (e) and (f) stand part of the clause.

The motion was carried.

Sir William Roberts (European) : I move—

That in line 28, between the words "to" and "five" the words "a maximum of" be inserted.

When the Honourable Premier was explaining these penalty clauses the other day, he said that the intention was that this should be maximum and that the fine generally would be under five hundred rupees. I think there are many companies in the Punjab, which will have to pay anything from Rs. 500 to thirty or forty thousand rupees under this Bill. The clause now reads as "five hundred rupees, or double the amount of the tax recoverable, whichever is greater". It is possible to penalise a firm which may not be really guilty of anything. The number of things for which the penalty can be imposed is given in the earlier part of the clause. Firstly :

(a) wilfully submits an untrue return or fails to submit a return as required by the provisions of this Act or the rules made thereunder.

Again :

(b) 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

and so on. We all know the difficulties of running a big business and having accounts always correct. It may be that owing to an inefficient clerk or a dishonest clerk, a mistake may occur and under the clause, as it now stands, a heavy penalty may be imposed for a minor offence. I, therefore, request the Honourable Minister to kindly accept this amendment.

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

That in line 28, between the words "to" and "five" the words "a maximum of" be inserted.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, there are several amendments to this clause and I understand that the House is taking at this time the amendment of Sir William Roberts. As a matter of fact, the object of Sir William Roberts, as I understand, is to make it quite clear that the maximum amount of the fine is what is specified in this clause. I think, if this clause is read without even the

[R. B. Mukand Lal Puri.]

word "maximum" being added to it, it will have the same meaning. But I do not think the House would be committing any wrong or the House would not be acting correctly if it adds the word "maximum" in order to make its intention clear. The words already existing are :

Whoever wilfully acts in contravention of any of the other provisions of this Act, shall, on conviction by a magistrate of the first class, be liable to a fine which may extend to five hundred rupees, or double the amount of the tax recoverable.

Now, after putting the word "maximum" the clause would read as follows :—

.....liable to a fine which may extend to a maximum of five hundred rupees.

That would only make the intention of the House clear ; otherwise, I think the language of the clause as it stands, only lays down that what is provided there is the maximum.

Sayed Amjad Ali Shah : Sir, I do not think my honourable friend opposite has quite got the meaning of Sir William Robert's amendment. If I understand him correctly, I think, he wants to fix a maximum of five hundred rupees, and in case the tax to be recovered is double, even then the amount should not exceed five hundred rupees. I think that is the meaning of his amendment and that is his intention.

Sir William Roberts : I object to the use of the words "whichever is greater" which means that it can be Rs. 20,000, or Rs. 30,000 or Rs. 40,000.

Rai Bahadur Mukand Lal Puri : Your object can only be served if you ask for the omission of the words, "or double the amount of the tax recoverable, whichever is greater". You need not put the word "maximum."

Minister for Development : The amendment which my honourable friend has moved does not at all serve the purpose which he has in view, and, the amendment being pointless, I should oppose it.

Sir William Roberts : Sir, I ask for leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I beg to move—

That in line 28, for the words "five hundred rupees" the words "one hundred rupees" be substituted.

Sir, this punishment is too severe. Just in the beginning when this Bill comes into force, people should be punished very lightly, specially in the case of fines to be imposed when the accounts are not true. To my mind it is impossible to keep true accounts in the case of retail sellers, hawkers, etc. I think the punishment of five hundred rupees will be too severe. It should be very light and may go up to one hundred rupees.

Mr. Speaker : The question is—

That in line 28, for the words "five hundred rupees", the words "one hundred rupees" be substituted.

The motion was lost.

Mian Muhammad Nurullah : Sir, I beg to move—

That in lines 28-29, for the words "or double the amount of tax", the words "or one and one quarter of the amount of tax" be substituted.

The motion was lost.

Sir William Roberts : Sir, I beg to move—

That in lines 28—30, the words “ or double.....is greater ” be omitted.

Sir, the Honourable Minister said yesterday in regard to a previous amendment that it was not clear what I wanted to aim at, but surely this amendment is a definite one, that the maximum may be Rs. 500 or may be less. I do not think that such words should be used which may be misinterpreted and which may be used unfairly towards any firm which is either doing business in the Punjab or may want to come here for business. I do not think that it is necessary to elaborate the point ; it is perfectly clear and is perfectly reasonable.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 28—30, the words “ or double.....is greater ” be omitted.

Mr. P. H. Guest (Punjab Commerce and Industry) : Sir, I rise to support this amendment for the omission of the entire phrase “or double the amount of the tax recoverable, whichever is greater”. The object is that it is possible for the management of a large concern to commit an error or due to a mistake on the part of the staff certain of these offences will be unintentionally committed. I see here the words—

Fails to pay the tax due from him within the time allowed.

It is quite possible that by mistake the papers may be put in the pending papers and he may be fined double the amount recoverable which is one thousand. I therefore feel that we should not allow the words “double the amount” to be put in the clause. I support the amendment that this phrase should be omitted.

Mr. Speaker : The question is—

That in lines 28—30, the words “ or double.....is greater ” be omitted.

The Assembly divided : Ayes 18, Noes 57.

AYES.

Ajit Singh, Sardar.	Muhammad Nurullah, Mian.
Faqir Chand, Chaudhri.	Muhammad Raza Shah Jeelani,
Gauba, Mr. K. L.	Makhdumzada Haji Sayed.
Ghulam Samad, Khan Sahib Khawaja.	Mukand Lal Puri, Rai Bahadur.
Girdhari Das, Mahant.	Mula Singh, Sardar.
Gokul Chand Narang, Dr. Sir.	Rashida Latif Baji, Begum.
Gopal Das, Rai Bahadur Lala.	Roberts, Sir William.
Guest, Mr. P. H.	Santokh Singh, Sardar Sahib Sardar.
Jugal Kishore, Chaudhri.	Sohan Lal, Rai Bahadur Lala.
Lal Singh, Sardar.	

NOES.

Abdul Haye, The Honourable Mian.	Allah Yar Khan Daulatana, Mian.
Abdul Rab, Mian.	Amjad Ali Shah, Sayed.
Abdul Rahim, Chaudhri (Gurdaspur).	Badr Mohy-ud-Din Qaderi, Khan Sahib Sayed.
Abdul Rahim, Chaudhri (Gurgaon).	Chhotu Ram, The Honourable Chaudhri Sir.
Ahmad Yar Khan, Chaudhri.	Dasaundha Singh, Sardar.
Ali Akbar, Chaudhri.	

Faiz Muhammad, Shaikh.	Muhammad Yasin Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.	Muzaffar Ali Khan Qazilbash, Sardar.
Fateh Muhammad, Mian.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muzaffar Khan, Khan Bahadur Nawab.
Fazal Din, Khan Sahib Chaudhri.	Nasir-ud-Din Shah, Pir.
Fazal Karim Bakhsh, Mian.	Nasrullah Khan, Rana.
Ghazanfar Ali Khan, Raja.	Nawazish Ali Shah, Sayed.
Ghulam Rasul, Chaudhri.	Nur Ahmad Khan, Khan Bahadur Mian.
Gopal Singh (American), Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Gurbachan Singh, Sardar Bahadur Sardar.	Pohop Singh, Rao.
Hans Raj, Bhagat.	Prem Singh, Mahant.
Het Ram, Rai Bahadur Chaudhri.	Ram Sarup, Chaudhri.
Indar Singh, Sardar.	Ripudaman Singh, Rai Sahib Thakur.
Jagjit Singh Man, Sardar.	Roshan Din, Chaudhri.
Khizar Hayat Tiwana, The Honourable Malik.	Sahib Dad Khan, Khan Sahib, Chaudhri.
Kishan Das, Seth.	Shah Nawaz, Mrs. J. A.
Muhammad Akram Khan, Khan Bahadur Raja.	Shah Nawaz Khan, Nawab Sir.
Muhammad Ashraf, Chaudhri.	Sultan Mahmood Hotiana, Mian.
Muhammad Faiyaz Ali Khan, Nawabzada.	Sumer Singh, Chaudhri.
Muhammad Hussain, Chaudhri.	Suraj Mal, Rai Sahib Chaudhri.
Muhammad Nawaz Khan, Major Sardar Sir.	Tara Singh, Sardar.
Muhammad Sarfraz Khan, Chaudhri.	Tikka Ram, Chaudhri.
Muhammad Sarfraz Khan, Raja.	Ujjal Singh, Sardar Bahadur Sardar.

Khan Sahib Khawaja Ghulam Samad (Southern, Towns, Muhammadan, Urban) (*Urdu*): Sir, I beg to move—

That in line 32, for the word "fifty", the word "five", be substituted.

Sir, this Bill is already very stringent, for the tax to be levied under it when passed into an Act is too heavy. By proposing fifty rupees as daily fine during the period the breach of rules continues you are adding to the rigours of this measure. It is quite possible that a person due to certain causes which may not be within his power to control may not be able to keep account of the returns. The penalty provided for such a breach is a fine which can extend to Rs. 1,000. But if the breach on his part continues he may be fined Rs. 50 daily for the period the breach continues. What can be more rigorous than this? There would be many persons who will fail to pay the fine which can extend to Rs. 1,000 and any such failure, will make them liable to a further fine of Rs. 50 per day of the period during which they will not pay the fine. In order to reduce the rigours of the penalty clauses I have moved the amendment which is now before the House. It only aims at reducing the daily fine from Rs. 50 to Rs. 5. I hope the Government will very kindly see their way to accept it.

Mr. Speaker : The question is—

That in line 32, for the word "fifty" the word "five" be substituted.

The motion was lost.

Rai Bahadur Lala Sohan Lal (North Punjab Non-Union Labour {Urdu}): Sir, I beg to move—

That in lines 30—34, the words, "whichever.....continues", be omitted.

The whole clause as it stands reads as follows:—

Shall on conviction by a magistrate of the first class be liable to a fine which may extend to 500 rupees or double the amount of tax recoverable....."

When it has been provided in the body of the proposed measure that on conviction an accused will be liable to be punished with a fine of Rs. 500 or double the amount of tax recoverable I do not think there is any necessity for these words. I therefore move that the last four lines of the clause now before the House be omitted.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 30—34, the words, "whichever.....continues", be omitted.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): It appears that the House has not understood the implications of the present clause of the Bill. The present clause of the Bill not only creates an offence but it prescribes punishment therefor and the punishment which is prescribed here is two-fold, that is every offender will be liable to a certain amount of fine for a breach of any of the rules which may be framed under the Act and also he will be liable to a further fine which may extend to Rs. 50 for every day after the first during which the breach continues. This section does not leave any discretion to the magistrate to give one of these punishments. Under the law he must inflict two punishments, one the substantive punishment for the breach and if that breach is continued for more than one day he must inflict another punishment, the maximum of which is Rs. 50 for every day that the breach continues. It is quite possible that he may inflict a fine of Re. 1 a day, but kindly see what this leads us to. The first offence which the clause creates is "any person who wilfully submits an untrue return or fails to submit a return as required by the provisions of this Act". Now if a person is required to submit a return of his outturn by the 30th of January and if he fails to do that up to the 30th of January and does not submit the return, let us say for a month, then after the 30th of January, he is guilty of a continuing breach from day to day and it will be the duty of the magistrate to inflict upon him in addition to the substantive fine a fine which may extend to Rs. 50 every day after the first during which the breach continues. I put this interpretation of the section to the Honourable Minister just now and he seemed to agree with me that this is the interpretation of the section and he says that his intention is that in such cases the punishment should be double and should be per day. Merely for failing to submit a return as required by the provisions of this Act, that is, by a particular day a person becomes guilty of continuing breach and the breach continues till he has submitted the return. Supposing he has submitted the return a month later or two months later, he must be fined under this provision for every day that he has for some reason or other omitted to submit the return.

[R. B. Mukand Lal Puri.]

Again the second act of omission which is created an offence under this Act is "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". Supposing a man's total sale is Rs. 4,000 and he has not kept true accounts, this again, you will see is a continuing breach. If at the end of the year the assessing authority has found that this man has not kept accounts for nine months, then it will be the duty of the magistrate to fine him for every day at the rate which may extend to Rs. 50 per day.

Again that is not all. Another omission which is made an offence is his failure to pay the tax due from him within the time allowed. Supposing a man has to pay Rs. 20 tax and the due date by which he has to pay it is the 1st of February. For some reasons beyond his control, he has delayed to make the payment for thirty or sixty days, this section lays down that in addition to the fine for failure to pay on the due date he must be fined for every day after the first during which the breach continues.

Mr. Speaker : The honourable member is repeating himself.

Rai Bahadur Mukand Lal Puri : Sir, I am doing it with reference to each sub-clause. Has it not happened in your case or in the case of other people that for reasons for which they are not responsible they have not submitted their return within time, say for two months or three months to the Income-tax authorities? There is no such penalty of fine under the Income-tax Act. Again, when the income-tax has been assessed by the Income-tax officer, he sends an intimation about the date by which it should be paid. Has it not occurred in the case of most of us sitting here that the income-tax which is an annual affair is not paid on some occasions for a number of days after the intimation is received? Under the Income-tax Act there is no penalty that the poor assessee should be liable to pay a recurring tax for every day that he has delayed to send the return, and for every day that he has failed to pay the tax after the tax has been levied. I wish to draw the attention of the House, to the great risk they are taking in penalising in such an atrocious manner the poor people whom they are taxing.

Yesterday I pointed out that the lowest tax would be Rs. 6-4-0 per year. But let us take it that the average tax of a small shopkeeper is Rs. 10. In order that he may be taxed Rs. 10, this legislature has insisted upon that person who would be willing to pay Rs. 10, that he must keep accounts that he must keep accounts throughout the year, that he must keep accounts in the prescribed form, so that he should put himself to the expenditure of Rs. 10 a month. Assuming he has done that or assuming he has not failed to do that, does he merit the penalising? You say, "we are asking you to pay a tax of Rs. 10 a year, and we want you to do something in order to show that you are correctly keeping the accounts, that is to spend Rs. 10 monthly, and if you do not do that we shall fine you in a sum which may extend to Rs. 500 and for every day that you are guilty of an offence of either not keeping an account or for every day's delay in submitting the return, you are liable to a penalty which may extend to Rs. 50 per day." Is that just? In all civilised countries, the punishments are modulated in accordance

with the enormity of the crime. But here the case is that of *take ser bhaji, take ser khaja*. (An honourable member: Why not *andher nagri chupat raja*?) I did not like to put it although conditions in the Punjab are not far different, but a great many people seriously maintain that nothing can be greater *andher* than some of the legislative activities of this Government. This is a matter which has been pointed out to me by scores of educated people, scores of people who have been hit by the discriminatory legislation of the Punjab Government, and it is time that the Government cries a halt. As I pointed out yesterday, we do not so much object to the oppressive taxation, but it is the unjust manner, it is the inconvenient manner, it is the penalising and oppressive nature in which this tax is being introduced which is the great grievance of the average Punjabi.

I discussed this clause with the Honourable Minister for Development in the short interval that I got during the last division (*Interruption*). I told him that he has got the maximum punishment of Rs. 500 for any defaulter and if he thinks that there are some rich persons who may have to pay Rs. 10,000 tax, and that a higher punishment should be provided for them he has got a provision in the Bill that they can be fined up to Rs. 20,000 so that he has already the maximum punishment which any sensible legislature can adopt with respect to this matter. A fine of Rs. 500 in the case of small people and a fine which may extend even to two lakhs of rupees in the case of people doing higher business, is already provided. What else do you want? My friend is not content with these. He says that where there is a breach of the rules, the punishment should ~~be~~ be Rs. 50 per day. I put to you, is this called for? Is this just? Is this fair? Or is it only being insisted upon because the Minister has chosen to do so and his party has not got the guts to tell him that he is wrong and because he has a majority? Another thing which we should consider is whether we, the members of the Opposition, are doing any service to the province in these circumstances, by offering our criticism in a House which does not pay the slightest heed to what is said by this side of the House and whether real service would not be rendered by us by walking out of the House and leaving the responsibility of this legislation entirely on the shoulders of the members of the Unionist party. After giving sufficient thought to the matter I think that is the only sensible thing and I would ask the leader of the party to seriously consider the point I have put forward. After all this is a very reasonable amendment. It does not go against the principle of the Bill; it does not affect even to the slightest extent the amount which would come to the revenues of the province as taxation. If such amendments which are considered reasonable by all sides of the House are not accepted, our remaining here means waste of our time and the time of the House.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Rai Bahadur Mukand Lal Puri grew very eloquent over this clause. He says, why should there be a double fine in the case of continuing breach? The reply is obvious. In the case of a continuing breach, in order to prevent it, there should be a fine for the period during which the breach continues. After all, it rests with the delinquent man not to repeat the breach and if he wilfully and deliberately continues to be guilty of that breach, there is no reason why he should not pay a penalty for each day the

[Minister for Development.]

breach continues. The honourable member has appealed to you, is this just, is it fair to continue this state of things? And he says that if this attitude is continued he and his party are thinking very seriously of leaving the responsibility of enacting this measure to the Unionist Party. I am very sorry that he should think so. But has he taken care to study either the Bengal Bill or the Madras Act?

Rai Bahadur Mukand Lal Puri : This provision which you are having does not occur in the Madras Act.

Minister : The wording in the Madras Act is, "where the breach is a continuing breach, to a further fine which may extend to Rs. 50 for every day after the first".

Rai Bahadur Mukand Lal Puri : But what about keeping accounts? You have added it to the list of offences.

Minister : The principle is the same. It is his business to keep accounts and there is no reason why he should not suffer if he does not do so. In the Bengal Bill also the wording is the same "shall be punishable with a fine not exceeding Rs. 2,000 and when the offence is a continuing one, with a daily fine not exceeding Rs. 50 during the period of the continuance of it".

Rai Bahadur Mukand Lal Puri : That is only a Bill.

Minister : Wherever the offence of a continuing breach has been committed, an additional fine has been added to the fine for the substantial offence. This occurs both in the Madras Act and in the Bengal Bill, and I see no reason why Rai Bahadur Mukand Lal Puri should fly into a temper when he finds a similar thing here.

Mr. Speaker : Question is :

That in lines 30—34, the words "whichever.....continues" be omitted.

The motion was lost.

Mr. Speaker : Question is :

That the last 9 lines of clause 15 stand part of the clause.

The motion was carried.

Mr. Speaker : Question is :

That clause 15 stand part of the Bill.

The motion was carried.

Clause 16.

Rai Bahadur Lala Sohan Lal (Northern Punjab Non-Union Labour (Urdu) : Sir, I beg to move—

That in part (a), line 6, the words "five hundred rupees or" be omitted.

Sir, in order to make the purport of my amendment clear I would, with your permission, read out the whole sub-clause. It is to the effect that :

(a) where the offence consists of the failure to pay, or the evasion of, any tax recoverable under this Act, in addition to the tax so recoverable, a sum of money not exceeding five hundred rupees or double the amount of the tax recoverable, whichever is greater,"

Now in view of the fact that a sufficient penalty has already been provided for in clause 15, this additional penalty of five hundred rupees does not seem to have any justification whatsoever. I beg to submit that when one finds that this provision is going to affect the small dealers as well, one is disposed to consider this provision as rather too harsh. I, therefore, move that the words "five hundred rupees or" be omitted.

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

That in part (a), line 6, the words "five hundred rupees, or" be omitted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Here again I would refer the honourable mover to the Madras Act where in case of failure to pay the tax an additional fine of not Rs. 500 but of Rs. 1,000 has been adopted. There is no reason why, if Madras adopts a scale of one thousand in addition to a substantive fine, the Punjab should be reviled because it has come down to Rs. 500 only.

Mr. Speaker : Question is—

That in part (a), line 6, the words "five hundred rupees, or" be omitted.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muslim, Urban) (*Urdu*) : Sir, I beg to move—

That in part (a), lines 7-8, the words "or double.....is greater" be omitted.

Sir, under the head "Composition of offences" it is provided that the prescribed authority may accept from any person who has committed any offence under this Act by way of composition of such offence the penalties that have been laid down in the Act. Now you are very well aware, Sir, what sort of a composition there can be between the ruler and the ruled. The poor fellow has no say in the matter and he has to accept the composition willy nilly. In other words he is a party to it under force and compulsion. It is wrong to call such a submission as composition. Under clause 12 every dealer who has a turnover of Rs. 3,000 or less is required to keep a correct account of his dealings and under clause 15 heavy fines and in addition a further fine of Rs. 50 per day in case of his continuing the breach is provided for if that dealer does not submit a true return or fails to pay the tax within the time allowed or evades the payment or obstructs inspection or entry by an officer.

My amendment has been moved with the specific purpose of bringing home to the Government that the provision requiring a dealer, with a turnover of Rs. 3,000 or in other words a sale of goods worth Rs. 7-8-0 per day, to keep an account of his business dealings, besides being unreasonable is a very harsh one. Moreover any breach of this will be penalized with an exorbitant fine which will be further enhanced by an additional fine of Rs. 50 for every day that the breach continues. To impose an unreasonable penalty and to call it a composition of the offence is a sheer prostitution of the term. Then again a good many members have drawn the attention of the Government to the fact that the margin of profit of big companies being very small the rate of tax in their case should be reduced proportionately. Now if such a company fails for some reason to pay a tax amounting to, say, Rs. 1,000, how is it reasonable and equitable to impose a penalty of Rs. 2,000 on it? The Honourable Minister has referred

[K. S. Khawaja Ghulam Samad.]

to the Madras and Bengal measures with such a gusto. My submission is that if he had confined himself to copying the provisions of these measures as they are, there would have been much less opposition to his Bill. But this Bill is much worse than the Madras and Bengal measures and that is why we request the Government to make it less harsh. Even in the case of composition, the assessee will be forced to pay Rs. 700 or even Rs. 1,400 besides the fine of Rs. 500. This provision is highly unreasonable and unjust. With these words, I commend my amendment to the acceptance of the House.

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

That in part (a), lines 7-8, the words " or double..... is greater " be omitted.

Sir William Roberts (European) : I should like to support this amendment. In the Bengal Bill there is no mention whatever of doubling the tax recoverable. It is a clear statement of Rs. 2,000 instead of Rs. 500 in this Bill. It is a clear statement at once of what they are liable to, but in our Bill or in the Madras Bill no firm can know what it can be liable for if it makes the simplest clerical mistake. I therefore support this amendment.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (Urdu) : Sir, the sub-clause to which my honourable friend Khawaja Ghulam Samad has moved this amendment relates to cases where the least amount of the tax recoverable from the assessee will be Rs. 250 and the magistrate will have the power to impose a fine which may extend to double that amount. This means that his amendment is for the benefit of those dealers who will have been assessed to at least Rs. 250, that is, whose turnover is not less than Rs. 1,00,000. In the course of his speech the honourable member has referred to poor dealers over and over again. But my submission is that it is only men like my honourable friend the Khawaja Sahib who can have the audacity to describe as poor a dealer whose annual turnover amounts to no less than one lakh of rupees. Thus, I cannot be expected to have any sympathy with the object of this amendment. I can understand a member like my honourable friend, Sir William Roberts, moving an amendment of this nature, because he speaks for big dealers and big businessmen, but I cannot understand the honourable mover appealing to me in the name of poor dealers to accept this proposal. With these remarks I oppose the amendment.

Mr. Speaker : Question is—

That in part (a), lines 7-8, the words " or double..... is greater " be omitted.

The motion was lost.

Mr. Speaker : Question is—

That the opening words and part (a) of clause 16 stand part of the clause.

The motion was carried.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan (Urban) (Urdu) : Sir, I rise to oppose sub-clause (b) of this clause. I would not dwell at length upon this but would confine my remarks to one or two things contained in this clause. Sub-clause (a) deals with offences such as failure to pay or the evasion to pay any tax recoverable under this

Act. Apart from it, for other offences a fine of one thousand rupees is provided in sub-clause (a). My submission is that if the honourable minister is pleased to delete the words "the evasion of" the sub-clause (a) will prove sufficient. And if words which mean persons who have not paid the tax wilfully, be added to it, the purpose of the Government will be served on the one hand and on the other part, (b) can also be expunged from the Act. Other offences such as not keeping accounts, etc., are not so serious offences as failure to pay or the evasion of any tax wilfully. I, therefore, do not see any necessity of part (b) in the Bill.

Mr. Speaker : The question is—

That part (b) stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That clause 16 stand part of the Bill.

The motion was carried.

—————
Clauses 17 and 18.

Mr. Speaker : The question is—

That clauses 17 and 18 stand part of the Bill.

The motion was carried.

—————
Clause 19.

Rai Bahadur Lala Gopal Das : Sir, I beg to move—

That in sub-clause 2 (c), line 1, the words "if any" be omitted.

This is a consequential amendment. The Government has accepted my amendment in clause 3 (1). Therefore, the Government should not have any objection in accepting this amendment.

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

That in sub-clause (2) (c), line 1, the words "if any" be omitted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I am prepared to accept this amendment.

Mr. Speaker : The question is—

That in sub-clause (2) (c), line 1, the words "if any" be omitted.

The motion was carried.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) : Sir, I beg to move—

That leave be granted to move that in sub-clause (2) at the end the following new part be added :—

"(o) the exemption of food articles and other necessities of life."

Here, I need only say that America which is a very rich country has also given exemption to food articles.

The motion was lost.

Rai Bahadur Lala Gopal Das : Sir, I beg to move—

That leave be granted to move that in sub-clause (2) at the end the following new part be added :—

"(p) the exemption of a businessman or dealer from the payment of the tax for a particular year or years, if during that period, the businessman or dealer has incurred losses in business or has not made any profits."

[R. B. L. Gopal Das.]

This does not need any elucidation. I think it is a very reasonable amendment.

The Assembly divided : Ayes 19, Noes 54.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Faqir Chand, Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Guest, Mr. P. H.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.

Lal Singh, Sardar.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Rashida Latif Baji, Begum.
Roberts, Sir William.
Santokh Singh, Sardar Sahib Sardar.
Sita Ram, Lala.
Sohan Lal, Rai Bahadur Lala.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahamd Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
Allah Yar Khan Daulatana, Mian.
Amjad Ali Shah, Sayed.
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.
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.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.
Haibat Khan Daha, Khan.
Hans Raj, Bhagat.

Hari Chand, Rai Sahib Rai.
Jagjit Singh Man, Sardar.
Karumat Ali, Shaikh.
Khizar Hayat Tiwana, The Honourable Malik.
Kishan Das, Sethi.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Ashraf, Chaudhri.
Muhammad Faiyaz Ali Khan, Nawabzada.
Muhammad Hussain, Chaudhri.
Muhammad Jamal Khan Leghari, Nawab Sir.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Muhammad Sarfraz Khan, Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sardar.
Nasir-ud-Din, Chaudhri.
Pir Muhammad, Khan Sahib Chaudhri.
Pohop Singh, Rao.
Prem Singh, Mahant.
Ripudaman Singh, Rai Sahib Thakur.
Roshan Din, Chaudhri.
Shah Nawaz, Mrs. J. A.

Shah Nawaz Khan, Nawab Sir.	Tara Singh, Sardar.
Sultan Mahmood Hotiana, Mian.	Tikka Ram, Chaudhri.
Sumer Singh, Chaudhri.	Ujjal Singh, Sardar.
Suraj Mal, Rai Sahib Chaudhri.	Bahadur Sardar.

Rai Bahadur Lala Gopal Das : I move—

That in sub-clause (3), lines 6-7, for the words "one thousand", the words "five hundred" be substituted.

In this connection I want to draw the attention of the House to the fact that we have accepted the recommendation of the select committee in clause 15 where previously they had said that the fine would extend to one thousand rupees but now it has been reduced to five hundred rupees. I think a similar reduction is needed here. I hope the Honourable Minister would accept my amendment which is quite in order.

4 p.m.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (3), lines 6-7, for the words "one thousand", the words "five hundred" be substituted.

Minister for Development : Sir, I am prepared to accept this amendment. The reason is this that we proposed a fine of one thousand rupees for breaches of the substantive law but when the select committee stage was reached we lowered that amount from one thousand to five hundred rupees. Under this clause we are speaking of breaches of rules made under the substantive law. By an oversight no attention seems to have been paid to this scale of fine during the select committee stage. As this amendment only relates to a fine to be imposed for breaches of rules made under this law, I am prepared to bring it to the same level as fines for breaches of the substantive law. (*Hear, hear.*)

Mr. Speaker : Question is—

That in sub-clause (3), lines 6-7, for the words "one thousand" the words "five hundred" be substituted.

The motion was carried.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*) : I beg to move—

That in sub-clause (3), line 9, for the word "fifty", the word "five" be substituted.

Sir, at first I had no mind to move the amendment. But seeing that the Honourable Minister was in a hilarious mood and had very kindly accepted the amendment put forward by my honourable friend Rai Bahadur Lala Gopal Das, I decided to move it. Besides, my amendment is on all fours with that of my honourable friend and the same arguments are applicable to this case also. I am, therefore, confident that the Honourable Minister would be disposed to accept it.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (3) line 9, for the word "fifty", the word "five" be substituted.

Minister for Development : If instead of "five" the mover of the amendment agrees to the substitution of "twenty five" I am prepared to accept it.

Khan Sahib Khawaja Ghulam Samad : I agree to the substitution of "twenty five" instead of "five". I, therefore, withdraw my amendment.

The amendment was by leave withdrawn.

Khan Sahib Khawaja Ghulam Samad : I move—

That in sub-clause (3), line 9, for the word "fifty", the word "twenty-five" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 19 as amended stand part of the Bill.

The motion was carried.

Clause 12.

Chaudhri Tikka Ram (Parliamentary Secretary) : I beg your leave to modify to a certain extent the amendment of which I have given notice in order to make its meaning clear. For the words "four and a half", I put the words "four thousand five hundred." I beg to move—

That in the proviso to sub-clause (2), line 3, for the words "three thousand", the words "four thousand five hundred" be substituted.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proviso to sub-clause (2), line 3, for the words "three thousand", the words "four thousand five hundred" be substituted.

Mian Muhammad Nurullah : On a point of order. This clause was passed long ago and my objection is to the new amendment which has been moved to that clause. Now, I want to know whether it is possible to give amendments to that clause. If so, I would like to move—

That for the words "three thousand", the words "ten thousand" be substituted.

(Urdu) : Sir, it is laid down in the proviso to sub-clause (2) of clause 16 that only those dealers would be exempt from keeping accurate and correct accounts whose annual turnover does not exceed three thousand rupees. But a dealer will have to keep accounts in order to prove that his turnover does not exceed three thousand rupees per year. This will be very difficult for a petty shopkeeper whose annual turnover is three thousand rupees because this comes to a sale of Rs. 8 per day. Now this gross income would only yield a net profit of annas 8 per diem, or at the best annas 12 only. Will he be able to employ a *munshi* and pay him from this meagre income? Supposing he were to keep these accounts himself and also attend to his customers whose number may be five or eight at a time. Will he detain others till he can note down all the articles that one of them has purchased? The salesman at the Quetta House, Anarkali, can ill-afford to note down his one customer's purchases before proceeding to attend to his other customer. Correct and true accounts can only be maintained if entry is made in a register as soon as an article is sold even though it may be worth one pice only.

Sir, in Madras those people are not required to keep accounts whose turnover does not exceed Rs. 4,500 per annum. I would strongly urge upon the Punjab Government to exempt from the operation of this clause all those dealers whose turnover does not exceed ten thousand rupees per year.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : Sir, I am really surprised to hear the speech of my honourable friend, Mian Muhammad Nurullah. With the experience he has had as a member of this legislature and with the high degree of economics which he holds from a school of economics in London, this speech does not seem either to convince any one or to make clear the position he has taken up. If you look at clause 3 of this Bill, you will find that the Government is taxing those dealers who have a turnover of five thousand rupees. Now, if those dealers are to be taxed, how is the Government going to know whether those dealers have sold goods to the value of five thousand rupees? The only indication to the Government will be their accounts, and if they do not keep any accounts, how will the Government or they themselves prove that they have not sold goods worth five thousand rupees if they want exemption? My honourable friend's amendment, that this should be raised to ten thousand rupees, is ridiculous. Secondly, my honourable friend has given instances, that supposing five people walk into the shop of the Quetta fruit house and they buy 10 different articles, then how would the shopkeeper be able to keep accounts? If he will look to clause 12 and if he were a shopkeeper, he would know that what is meant by this clause is that you simply make returns in your books for the sale of goods. It is not necessary that you should put down 2 pice for *bhindi*, 2 pice for *torai*, 2 pice for *sag* and so on. Every shopkeeper, whether he is literate or illiterate, knows what amount of goods he has sold during the day and if a shopkeeper only makes one entry that the goods worth Rs. 10 are sold, that would be enough for the purpose of this clause. I do not see how my honourable friend can make this amendment, which is on the face of it ridiculous.

Sardar Sahib Sardar Santokh Singh : May I know whether the observations made by my honourable friend are his personal ones or whether they are made on behalf of the Government?

Minister for Development : So long as a true account is rendered it is immaterial whether the shopkeeper enters each and every item. "Goods worth so much sold to Chhotu Ram and goods worth so much sold to Pohop Singh" are not required.

Sardar Sahib Sardar Santokh Singh : If at the end of the day a vendor says, "goods sold worth Rs. 9-14-0"; will that be enough?

Minister : If it is a true account, yes.

Sardar Sahib Sardar Santokh Singh : But who is to decide whether it is a true account or not? I hope these accounts will generally be accepted as correct.

Sayed Amjad Ali Shah : If the shopkeeper's system of account is what my honourable friend has stated then it would be so, but if the shopkeeper's system of account is elaborate then it would not be so.

Begum Rashida Latif Baji (Urdu) : Sir, I want to put a question to the honourable member. How will small shopkeepers be able to maintain accounts?

Sayed Amjad Ali Shah : All shopkeepers maintain accounts.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban) (*Urdu*): Sir, I do not understand why in place of the words "four thousand five hundred" the words "five thousand" are not inserted. The tax is going to be imposed on such of the shopkeepers whose annual turnover would exceed Rs. 5,000. Now if a restriction is imposed on such of the shopkeepers to maintain account who sell commodities of the value of Rs. 5,000 annually, instead of imposing such a restriction on those whose annual turnover does not exceed Rs. 4,500 in value, it will save such of the small shopkeepers whose turnover is below Rs. 5,000 in value from a lot of trouble. Why can you not accept this amendment? I request the Honourable Minister for Development to accept my suggestion. It will not make much difference. The income from this tax will not be reduced in any way. But it will save such of the shopkeepers whose daily net profits do not exceed 13 annas or 14 annas from the trouble of maintaining accounts by bearing the expenses of an accountant. Only a very few shopkeepers are literate and mostly they keep their accounts orally. How will it be possible for them to write out receipts and to maintain an account of the sales? It will be very difficult for them to keep accounts. You quote the example of Madras. In the first place people of Madras are more advanced than the people of the Punjab. And then an exemption has been given there up to turnover of Rs. 10,000. Our province is very backward. Our shopkeepers are poor and illiterate. They will not be able to maintain accounts.

Khan Bahadur Mian Mushtaq Ahmad Germani: But, Baji Sahiba, all people must maintain their accounts. It is so important. Even God will demand the production of accounts on the day of judgment!

Begum Rashida Latif Baji: On the day of judgment these Honourable Ministers shall have to render accounts.

Mian Muhammad Nurullah: With your permission I am prepared to accept the suggestion made by Begum Rashida Latif Baji.

Mr. Speaker: Up till now I have not received notice of any such amendment.

The question is—

That in the proviso to sub-clause (2), line 3, for the words "three thousand" the words "four thousand five hundred" be substituted.

The motion was carried.

Minister for Development: I propose to move a few amendments of a consequential nature.

I beg to move—

That in sub-clause (1) of clause 5, in paragraph (b) for the words "ginned and unginned" the words "whether ginned or unginned" be substituted.

The motion was carried.

Minister for Development: Sir, I beg to move—

That in sub-clause (1) of clause 5, for paragraph (d) the following paragraph be substituted:—

"(d) sale of agricultural implements, newspapers, periodicals and such holy scriptures as may be prescribed.

The motion was carried.

Minister for Development : Sir, I beg to move—

That in clause 9, lines 2-3, the words "and in such instalments, if any," be omitted.

The motion was carried.

Preamble.

Mr. Speaker : The question is—

That the Preamble be the Preamble of the Bill.

The motion was carried.

Title.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Minister for Development : Sir, I beg to move—

That the Punjab General Sales Tax Bill be passed.

Mr. Speaker : Motion moved—

That the Punjab General Sales Tax Bill be passed.

Sardar Sabib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I rise to oppose the Bill. The Bill that has been passed at the second stage by the House is the Bill that was originally introduced and as it emerged out of the select committee. No amendments of any consequence whatsoever have been allowed to be made in the Bill notwithstanding the fact that scores of amendments were sent in by both sides of the House and notwithstanding the fact that they were discussed at full length.

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

The only amendments that have been accepted by the Minister for Development are of very minor consequence and they need no special mention at the hands of anybody. Certain commodities have been exempted from the operation of this Bill and the Honourable Premier made it very clear that the Government had from the very beginning never contemplated to tax those commodities. He made this point very clear indeed so that it comes to this that as a result of discussions on the floor of this House no amendment of any consequence has been accepted by the Government though many of very great importance were moved both from this side and from the ministerial side. It, therefore, follows that all discussions have been futile and it will have to be seriously considered whether under these circumstances it is worth while, in the matter of legislation of this nature, to take up the time of the House and send in any amendments at all. Such reasonable amendments that firms and associations which do not sell goods for profit be exempted from the operation of this Bill have been summarily rejected. On the other hand, exemptions have been given on discriminatory basis to people and societies who least deserved it. Co-operative societies which were already in a very privileged position as compared with the other people with whom they have to compete in the ordinary course of their business have been given further privileges by this Bill. Zamindars, not

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only those who till their own lands, but also others who had anything to do with land as owners, as mortgagees or otherwise have been given privileges which have been denied to others. If this is not discriminatory legislation, I do not understand what else it is?

When describing the aims and objects of this legislation the Minister for Development made it clear, as indeed he has done also on many other occasions, that it was his aim to equalise the burden of urban and rural taxation. In the course of the discussion interesting points arose and my honourable friend, Dr. Sir Gokul Chand Narang, asserted, and asserted very rightly, that the land revenue was not a tax. This argument the Honourable Minister tried to refute, but not successfully. In the introductory remarks to the Punjab Settlement Manual by Sir James Douie it is very clearly laid down—

In India the State has always claimed a share of the produce of the land from the persons in whom it recognised a permanent right to occupy and till it or arrange for its tillage.

I need not read out the whole of this chapter, but I will content myself with just reading out a few relevant extracts. It is further laid down—

It is enough to note that the right of the ruler to his share and the right of the occupier to hold the land he cultivated and pass it on to his children both formed part of the ancient customary law of the country, however the latter might occasionally be denied in practice by an unjust Government.

Paragraph 2 says—

Broadly speaking, individuals exercising a permanent right of the kind described above subject only to payment of the dues of the State have been recognised by us as 'owners' or 'proprietors'.

Further down in paragraph 3 it is said—

A prudent or humane ruler forbore to make the burden too heavy to be borne.

There are several other passages too numerous to quote, but the fact is clear that land revenue which is paid is in no sense of the word a land tax. The irrigation charges that are paid by our rural brethren are the price of water they get from the Government. Consequently it has got to be very seriously considered as to what land revenue these brethren of ours are actually paying. It is a question which needs to be settled once for all by an expert committee consisting of both officials and non-officials. Assertions both for and against have been made in the past from both sides of the House. It will not do to keep on making these assertions over and over again either by one party or the other without arriving at the truth, namely, whether land revenue is a tax or not. I would, therefore, ask the Government to very seriously consider once for all the necessity of appointing a commission of officials and non-officials with experts on it to decide the most contentious matter once for all. So that the position may be made clear to everybody in this province.

Reverting to the Bill, I was saying that on the one hand privileges have been extended to classes which least deserved them. These privileges have been given to rich men who have nothing to do with the actual tilling of the land whilst on the other hand similar privileges asked for more deserving classes were arbitrarily refused. By means of an amendment privilege was asked that sales by members of the scheduled castes be exempt

ed from the operation of this Bill. That was not accepted and it was rejected even in the initial stage and no discussion was allowed on the amendment. Even books of knowledge for the exemption of which so much was pleaded by members on both sides of the House were not exempted from the payment of this tax.

There are four irksome provisions in this Bill and it is in regard to these four matters that this Bill differs from the Acts passed in other provinces. One of the salient features of the Bills passed by Bombay and the Central Provinces is that only a very few articles are taxed and that too only at one point. Our Bill will soon become an Act. It is claimed on behalf of Government that they have been very considerate in the imposition of this duty at a small rate ranging from two annas to four annas per cent on sales of every hundred. It was pointed out both in the select committee and also on the floor of this House by members who know something of business on both sides of this House, that this small sum of four annas per cent as it may outwardly look, will come in many cases to a big tax of Re. 1, Rs. 2, 3 or even Rs. 4 per hundred. The Honourable Minister of Development himself in one of his speeches did say that it might come up to Rs. 4 per hundred, but he added, what did it matter? He further said that in Bombay they were charging $6\frac{1}{2}$ per cent. I have not been able to see the rules that have been framed by the Bombay Government in pursuance of the Act that they have passed. It is laid down in the Act that the maximum will be $6\frac{1}{2}$ per cent, but if the Honourable Minister for Development knows what actually they are charging, I will be obliged if he will let the House know it. To my mind it appears that $6\frac{1}{2}$ per cent was the maximum rate which the Government had decided upon, and that in the rules they have made it lower than that, but any way I am not quite sure, as I have not been able to get those rules anywhere here. We should not, however, forget that the Bombay Act applies only to 3 articles.

The second point is that in other provinces only certain articles have been taxed. Exemptions in the case of Bengal have been on a very liberal scale. In fact in Bengal they have exempted all raw commodities. Here our Government, although in the words of the Honourable Premier, had no intention from the very beginning to tax the raw commodities which they have now declared to be tax free, did not make known their intentions in time, either in the Bill itself, or through the Government gazette or otherwise. The result is that after those exemptions were announced in this House, the other trades who feel that they are equally entitled to those exemptions, have begun sending telegrams and letters to Government. Copies of some of these telegrams I have also received, particularly those telegrams which the Honourable Minister for Development must have received yesterday and to-day, also the Premier, from the rice merchants of the various places. There is a telegram from the Rice Merchants Association, Sialkot, saying: "Pray rice being foodstuff be exempted from sale tax." Then there is one from the President, Rice Association, Amritsar, saying: "Rice being foodstuff be exempted from sales tax." Then there is a telegram from the Merchants Association, Kamoke. It says: "Merchants Association, Kamoke, strongly protest against sales tax on food products and fervently request that paddy and rice be exempted from sale tax failing whole

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rice business would be totally ruined." There is yet another one from Akalgarh, which says: "Rice also foodgrain pray for its exemption too from sale tax."

Some of the members — particularly those from the ministerialist benches, my friends Rai Bahadur Lala Sohan Lal and Sardar Bahadur Sardar Ujjal Singh — after these exemptions were announced by the Premier to the House have publicly appealed to the Government to exempt from the operations of this Bill, fuel, milk and some other commodities. If Government had taken this House into confidence from the very beginning or had revealed their intentions to the public outside, the various business associations would have by now by means of representations and otherwise convinced Government of the necessity of exemptions in their cases. Nothing of the kind was however done by Government. They persist in this taxation simply because the Resources and Retrenchment Committee recommended it. While taking the clue from the Resources and Retrenchment Committee that such a tax should be imposed, in its actual imposition they have thrown overboard all the recommendations of that committee in so far as the amount of the tax was concerned, and in so far as the question of the commodities to be taxed was concerned and the question of fixing the maximum flat rate of tax was concerned. All those recommendations have been thrown overboard arbitrarily and without in the least any enquiry having been made by the Minister of Development for its justifiableness or otherwise. The Resources and Retrenchment Committee which consisted of a great many important members of this House and was presided over by the Finance Minister himself — as I pointed out in the course of the discussion on this Bill — gave a great deal of their time and thought to the consideration of this measure and it was only after a very serious thought that they have made the recommendations which they did. They did say that the time will arrive when articles may have to be taxed at one stage, that is at the retail stage, and in the interim they recommended a measure of taxation of which they gave full details. They not only explained everything at length in their report, but went so far as to fix the amount of the tax at a flat rate which I may here repeat was not for all times but only for the interim period, so that as the committee themselves pointed out they might in the meantime gain experience and later on impose a tax *ad valorem* to meet the situation in which the Government may find themselves in later. But this Government having once taken its clue have gone the wrong way about in bodily copying the Madras Act which was a very bad measure indeed and not only have they bodily copied that Act but at every stage they have tried to make their own Bill worse than the Madras Act. They have taken no heed, they have paid no consideration to the salutary provisions in the Bombay and the Central Provinces Acts, or in the Bengal Bill which is being sponsored in that legislature. The greatest trouble with this tax is that this tax has to be imposed at various successive stages, and whether it comes in all to Rs. 2 or 4 rupees upon sales, the question for any Government, for any Development Minister would be to seriously consider as to what its effects will be on the trade and industry of the province. The Honourable Minister can not possibly believe that the profits of these industrialist

and traders are really such that they can bear the tax and will still be able to compete with people who have no such tax to pay. If that indeed was his belief, he is sadly mistaken. The facts, however, as they are and as we business people know them do not point to that. The facts are quite different. With the cut throat competition that we have in this province, there is hardly any margin left in trade and industry.

Comparisons have been made between this poor province and forty or fifty foreign countries and no consideration, not a moment's thought has been given to this fact as to what the average earning capacity per head per day of this province is as compared with those foreign countries with which these comparisons have been made. No allowance has been made for the fact that trade and industry in those foreign countries are highly organised and that the margin of profit over there is indeed very big. The trade in those countries is highly organised and the margin of profits extremely great, a feature which does not exist in this province or for the matter of that, in any other province in India. The competition here is cut-throat and the dealers are left with very little margin if any at all. I am not the only man who is saying this. I feel sure that if the Honourable Minister of Development were to take pains to study the income tax figures, he will come to the same conclusion to which we business people have already come to. After all, most of the business people who are sitting on the ministerial benches did not oppose this measure for nothing. They did not oppose it simply to embarrass the Government. They could not be expected to oppose this measure for the sake of opposition alone. They opposed it because, as they themselves had pointed out in their speeches, they felt that this measure would not lead to the prosperity of the province. They opposed it because they honestly felt that this measure would retard the progress of the province. The cumulative effect of the tax would be a crushing burden to be borne by any trade and if it falls on the consumer, as we all know it will, matters will be still worse. The standard of living in this province is already very low and this measure will reduce it still further. People will be hard put to, to get even the necessities with their very limited resources. As was very rightly pointed out by my sister, Begum Baji Sahiba, in one of her speeches, the Government's business should have been to raise the poor and not to bring down the rich to the position of the poor. But that will be the effect of this taxation. Suggestions, very many sincere and well meaning suggestions, were made to the Government in the course of the discussions, that instead of levying this tax at successive stages, a higher tax may be imposed but only at one point because in that case the trade will know exactly where everybody stood. Nothing affects trade so much as uncertainty of the situation and with the present Bill the position has been made hopelessly uncertain, so much so, that even a sincere friend of the Government, Nawab Muzaffar Khan, was yesterday compelled to say that everything was left vague in the Bill. Even in the matter of refunds, the Government would not make the position clear as it has been done by the other Governments. Even there the Government wants to retain power into its hands to make the rebate fall or in part as they may deem fit according to individual circumstances. If they had only taken the least trouble to consult the Madras Act, bad though it is, they would have found that the word used there is

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"shall" — shall refund — and as that refund concerns only the commodities which are exported outside the province, I really fail to understand what the Government would have lost in accepting the very reasonable amendment of Rai Bahadur Lala Gopal Das that the word 'may' be substituted by the word 'shall'. As has been pointed out in one of my speeches, trade should know exactly where it stands in respect of every pie that is to be paid or received by it. If the Honourable Minister of Development thinks that the refund of 4 annas to a seller who makes his sale outside the province is a very small affair, I may tell him that he is very much mistaken. The dealer, the seller, who sells his commodities outside the province finds even 4 annas per cent as a very great thing and the refund of this 4 annas may enable him to make the sale or not to make it. If he knows where he actually stands, he will be able to make up his mind one way or the other. He would know that if he sells so much he would get so much refund. This enables him to make up his mind, but in the absence of that clarity, without knowing whether or not the Government will in its wisdom make that refund, he may not be able to make up his mind and push the sales outside the province, which it is as much in the interests of the province as that of the Government, that he should do.

In the matter of accounts our Bill is stricter than any other legislation. Even the Madras Act, bad as it is, does not make it obligatory for the small man to keep accounts. There is a clear provision in that Act that if a petty trader does not keep his accounts, he will be assessed according to the whims of the assessing officer. Not only that, but there is a further provision in the Madras Act, to the effect "provided that this section shall not apply to petty dealers whose business is such as is not likely to make them liable to this tax." It is therefore clear that the provision regarding keeping of accounts does not apply in that province in the case of petty dealers. In the absence of such accounts the only risk is that they will be taxed according to the whims of the assessing authority.

In their case these fines, these obstacles, these mandatory provisions of the Bill do not exist, as they do exist in our case.

5 p. m. Bengal has very much the same provisions and the Bombay Act although it applies only to three articles has in fact the same provisions as they exist in the Madras Act or the Bengal Bill. None of these Acts makes it compulsory for petty dealers to keep their accounts as is being done in this province. Our objections to this are that by being forced to keep accounts in the manner that the Government may prescribe, these poor people may have many a time to spend much more money than the amount of the tax in the keeping of these accounts, besides having to put up with difficulties, vexations, and obstacles, at the hands of the petty officials. In this unfortunate province powers will be given also to the petty officials to go and inspect stocks of any dealer whenever they may wish it. This to my mind is not at all a healthy provision of the Bill. In the first place, nothing can be found by the examination of the stocks alone, the examination of stocks alone will lead to nothing. In the case of petty people it will lead to hardship, because they have no accounts to keep and these petty taxation officers like the police will go and harass these people by

asserting that a dealer had a stock of ten rupees while the man may say that he had a stock of only two or three rupees. In the case of a big dealer, the necessity of this provision does not at all exist. In most cases they have very regular and up-to-date accounts. The accounts are audited in most cases by chartered accountants and auditors and these accounts are believed by the Income-Tax authorities to be correct. Income-Tax people who have to deal with the income of these people have nowhere been given these powers to inspect their stocks in their godowns, in their warehouses or in other odd places where they may keep them. My first point is that nothing can be gained by the examination and inspection of these stocks. In the case of petty dealers the inspection of stock will lead nowhere, in the absence of accounts, and in other cases when the accounts are so full and above board, there is absolutely no reason why these people should be put to the humiliation and the insult of having to show their stocks. In certain cases they may be put to extra expenditure for having to weigh these stocks if kept in bulk. This amendment was moved under the hope that it would have some consideration at the hands of the authorities. Unfortunately the result was no better than others and it was turned down even without a word being said by anybody on the ministerial side in opposition to that. Do I understand that there was nothing to be said against it or was it that they wanted to treat the Opposition with contempt in a matter of this important kind affecting as it did thousands of honest merchants carrying on their trade in the province? In the matter of appeals also our Bill is very much worse than those of other provinces. Madras Bill distinctly provides that the appeal will lie to the Board of Revenue and it was admitted yesterday by none other than the Honourable Minister for Development himself that the Board of Revenue has in any case more than one member on it. In our province even that margin of safety has been denied to the people and the appeals are to go to the same officials who cannot but say ditto to the wishes of the executive government and who have besides so many multifarious duties to perform that they cannot apply their mind and give these appeals the time that will be necessary for their adjudication. In the matter of fines too the position is indeed very hopeless. For offences which they may not have desired to commit and which may be at the least only technical offences, very heavy fines and penalties have been provided for. In that respect, too, so far as I have been able to find out, our Bill is in a worse position than the Acts of other provinces. Much does, however, depend on the sympathetic or unsympathetic administration of these measures and in this matter we have no cause for hope that this unfortunate province will be dealt with in a more sympathetic manner than is the case elsewhere. We do not know what will be the agency that will be empowered to administer these laws, but if the very wholesome recommendations of the Resources Committee had been accepted no such trouble would have arisen. They suggested the collection of these fees and these charges at a flat rate through the tahsil agency. No consideration seems to have been given to the fact as to what the percentage of the collection charges will be, on the amount of tax collected. No data is forthcoming and if sub-inspectors and inspectors have got to be appointed to go into these accounts of petty dealers of every petty *ghumar* who brings his goods to the city, I feel pretty sure that the expense of collection may in some cases go to perhaps half or even a little more than the amount that may be collected. This aspect

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of the matter should have received at the hands of the Honourable Minister the consideration that it deserved and I regret very much to say that it has entirely escaped his attention. He seems to have been bent upon imposing this tax as early as possible without making the necessary verifications and without going into the various aspects of the question that are so much involved. It is all very well to say that because ours is a responsible Government, everything should be blindly left to it. The Government according to them are the best custodians of the interests of the people. If that had been really the case, there would have been no necessity for us to fight these contentious measures at all their stages and at every point. Unfortunately for us, the Honourable Minister has made no secret of the opinions that he holds about the urban people. He has times over and again told us that because our village brethren have suffered in the past, though it may be for reasons with which the urban people had nothing to do, the time has arrived according to him when by way of revenge the urban people should also be made to suffer. This should not have been the position of any responsible person, much less a Minister, and I believe if any ministry has the welfare of the province on the whole at heart, it will never make itself responsible for the statements which the Honourable Minister for Development has been making in season and out of season, both in this House and outside it.

The Bill, sir, will soon be passed, notwithstanding our opposition. The measure will become an Act after the assent of His Excellency the Governor, which is just a question of a few days only. But in making the rules, may I request the Honourable Minister, although I do feel that these requests have absolutely no meaning for him, to bear in mind the points that have been raised in the course of these discussions and to dispassionately consider them in all their bearings on the trade and industry of the Province? He should take into consideration the various aspects of the situation that have been brought to light in the course of these discussions and should not simply throw them aside without caring a two pence for them. If he does keep them in mind, and if he does try to verify the facts and figures that have been given to him on the floor of this House during the discussions on this measure, I am still not without hope that he will so frame the rules that will, to a certain extent, make this measure less irksome than what it is otherwise bound to be. With these remarks I oppose the Bill. (*Cheers*).

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban), (*Urdu*): Sir, now I do not stand in need of making a lengthy speech as most of the points which I wanted to discuss have been fully dealt with by my honourable friend Sardar Sahib Sardar Santokh Singh. Strictly speaking, I am of the opinion that he ought to have kept silent at this stage of the Bill because it is utterly useless to make speeches in view of the callous indifference of the Government. If he had done so I would certainly have followed in his footsteps. You would remember, sir, that we put forward reasonable amendments with the sole intention of improving the provisions of the Bill. We advanced cogent reasons in support of them but to no avail. All our speeches fell flat on the Government. They had absolutely no effect upon the Government because almost all our amendments were rejected unceremoniously. (*Interruption*). My honourable friends over there need

not be proud of their negative achievement. This does not do them any credit. They should not overlook the fact that they are accountable to the electorate. They have to show as to what good they have done to the province during their regime. In this connection I would like to make mention of an interesting thing and that is this. One day a few merchants came to me and enquired as to what that *Nusht* Party (*laughter*) stood for, which was out to bring about the ruin of the traders. As a matter of fact these innocent shopkeepers unwittingly unmasked the true position of the Unionist Party by wrongly pronouncing the word "Unionist" as "*Nusht*", a Punjabi word, which means "destructive." But I would sound a note of warning that if the party in power is out to destroy the trading classes, it is digging thereby its own grave and in fact it is heading for a fall. (*Hear, hear.*)

While putting forward taxation Bills it is the imperative duty of the Government to see whether adoption of such measures would not result in overburdening the already poverty-stricken masses of the province. During the consideration stage of this Bill we at every step respectfully brought this fact to the notice of the Government that the measure would adversely affect the trading classes and would also drive out industry and commerce from the province, but they turned a deaf ear to all our submissions. I fully realise that my vehement advocacy of the cause of the merchant community would prove a voice in the wilderness; but I feel duty bound to hammer this fact on the Government that the traders in general are in a miserable plight, specially in these days of a bloody world war when rising prices of articles are making life hard and difficult. Their earnings have fallen very low while their expenses have not decreased, but increased. I think imposition of this tax would break their back.

Again when a government wants to levy a tax, as a rule it places its cards on the table and clearly states the amount of money it requires and the purpose for which it intends to utilise the proceeds of the tax. But in the Punjab things go differently. The Government continue heaping taxes over taxes on the people and there is no knowing how many taxation Bills are yet in store for the people already suffering from grinding poverty. They have absolutely kept us in the dark regarding the amount of money and the contingency for which the requisite sum is needed. I fail to understand why Government fight shy of placing facts and figures before the House and stating the specific purpose which they want to achieve by imposing the tax. I appeal to them to reply to these queries. I cannot make out anything of their silence on this point. Perhaps they do not think it expedient to take the House into confidence. It is regrettable that people are by statute being forced to part with their hard-earned money without any knowledge of the use to which it would be put by the Government. I ask them in all seriousness, why are they bent upon squeezing the last pie from the pockets of the poor urban people? They hold the destinies of the province and it is their bounden duty to work for the betterment of the people and not to adopt measures calculated to do immense harm to the traders. The Ministry have not listened to our counsels and objections and the Bill is going to be passed in its most objectionable form. I would, therefore, appeal to His Excellency the Governor of the Punjab to withhold his approval to this abnoxious measure. Otherwise the poor shopkeepers will have no option but to wind up their shops and the whole trade

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and commerce would come to a standstill in the Punjab due to this General Sales Tax Bill which is a very oppressive measure. It is calculated to kill trade and industry in this province. We can do no more than appeal to the traders and merchants to stop their business altogether as a protest against this Bill. But before doing that I would respectfully appeal to His Excellency the Governor to turn down this measure for necessary modifications. If all our appeals fail we will have to advise the shopkeepers to migrate to the favoured districts of Shahpur, Attock, or Rohtak, for there will be no safety for them in other places in which the Ministry have no interest.) *Interruption by Nawab Chaudhri Fazal Ali*. Some of the shopkeepers may even go to Gujrat. (*Laughter*). Let us consider dispassionately how stringent the Bill under consideration really is. Its provisions will constitute a great hardship to the traders and industrialists. Their difficulties and worries will be multiplied. But the Government have turned a deaf ear to us. They have disregarded public opinion and have tried to ride roughshod over the sentiments of the public. I would even now at this late stage request the House to throw down this Bill and refuse to pass it. The Honourable Minister in charge should not fight shy of accepting the amendments of the independent members. That would not be a matter of shame for them. In the last resort our appeal will lie with His Excellency the Governor of the Punjab to withhold his approval when this is submitted to His Excellency for his assent.

Sayed Mohy-ud-Din Lal Badshah (Attock South, Muslim, Rural) (*Urdu*): Sir, I also want to join those who are opposed to this Bill. But my point of view is rather different from that of theirs. Most of the critics have observed that big traders would be hard hit by this measure. But I beg to differ from them. Keeping in view the present situation of the Punjab, I can safely assert that those persons will be more hard hit by this measure who are beginning to adopt the profession of trade and commerce. In fact the zamindars would suffer most. The whole of the burden of this taxation would be shifted on to the poor zamindars. As a matter of fact the traders are like the Post Office. They receive and distribute the articles of sale. Their only object is to make some profit. If the Government would impose a tax of one pice on the sale of any article, the traders would increase the price of that article by two pice and would plead that they are helpless and that the Government has imposed a heavy burden of taxes on them. Supposing a trader used to gain previously Rs. 8, he would not now gain anything less than Rs. 8. On the other hand, he would now earn Rs. 9 from the sale of the same article, because he would charge more price under the pretext of heavy taxation. They would make a profit of 6 annas against a gain of 4 annas which they used to make previously. I would rather say that if Government will impose one pice as tax, the clever traders will increase the price by two annas. This will result in shifting the entire burden of taxation on to the consumer. The consumers will be adversely affected by this measure. Moreover, I know it personally about my own *ilaga* that the zamindars were beginning to take to trade and commerce by selling their landed property and investing their capital in business. They purchased articles with that money and were selling them in the villages. Now they will be subjected to this taxation. I am afraid they

will give up the profession of trade. Several persons were inclined to start some business by selling ornaments of their womenfolk. They would not be able to keep accurate accounts. Their opponents will assert that their annual turnover is very large while in fact it may be very little. Thus this tax will be imposed on them without any justification. As a result of this hardship, they will give up the profession of trade and the village shops will be ruined altogether. I would, therefore, submit that in view of the present situation nothing good will come out of this measure. On the other hand the business of village shopkeepers will pass on into the hands of the big traders residing in towns. In view of these remarks, I oppose this measure.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural), (*Urdu*): Sir, may I enquire from Mian Sahib one question. When a zamindar who does not earn Rs. 100 in a year has to pay a land tax to the Government, why should not a shopkeeper earning a lot of profit from an annual turnover of Rs. 5,000 be made to pay the proposed tax? Why should such a shopkeeper be exempted from the payment of this tax?

Mian Abdul Aziz: Sir, I have not been able to follow what the honourable member has said. Let him say it clearly so that I may be able to give an answer.

Chaudhri Ali Akbar: Is it proper that a zamindar who does not earn more than Rs. 100 a year should be made to pay land revenue, but a shopkeeper with a turnover of Rs. 5,000 should escape payment of any tax to the Government? The honourable members opposite in their heart of hearts quite realize the propriety of this measure but to please their constituents they are opposing it.

Begum Rashida Latif Baji: Sir, the burden of this tax will not only fall on the urban people but also on the rural people. Most of the vegetables and other such foodstuffs come from the villages.

Chaudhri Ali Akbar: Perhaps you have not read in this Bill that the agricultural products have been exempted. The urban people can very easily make profits. Pressing down the scales a little on the side of weights may result in a profit of 4 annas or Re. 1. This measure will not in any way prove a hardship to them. The opposition is opposing it simply to please their voters.

Sir, an allegation has been made against us to the effect that we are with the Unionist Party for our personal ends. Lala Harnam Das made some strong remarks in this connection. I may assure you that by remaining in the Unionist Party all of us are suffering personal losses. We have joined the Unionist Party for the good of the public.

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

Chaudhri Ali Akbar: Mr. Deputy Speaker, I am only replying to the allegation made against us by the honourable member opposite. I am trying to remove his impression that we the members on this side of the House are with the Unionist Party for our personal motives.

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

Chaudhri Ali Akbar : Sir, I am stating that we are on the right and not on the side of injustice. Whenever the opposition bring in a wholesome measure we will at once join hands with them. We are the representatives of the poor and whatever is to the advantage of the poor people, we will support it.

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

Chaudhri Ali Akbar : Sir, it has been alleged that on account of our being with the Unionist Party, the Government with our votes can pass all measures. We are with the Unionist Party because this party stands for the poor and is formed for their benefit. It is a fact that a man who has never paid anything, when forced to pay, minds it very much. A donkey which has never been made to carry loads protests when it is laden for the first time and tries to escape from being laden. A zamindar possessed two donkeys. He used to make one of them carry loads and did not take any work from the other. To the one he used for carrying loads, he gave little fodder, but to the other he gave fodder as well as grain. And whatever was left by the pampered one was thrown before the other who was made to work. This latter one who was not his master's favourite ate little but rendered good service.

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

Chaudhri Ali Akbar : Once that zamindar had to take a very heavy load to some other place. He had to carry some crockery to some place. He loaded the pampered donkey with the crockery, but it started jumping and shying with the result that all the chinaware broke. A Jat was witnessing all this scene created by the donkey. He came forward and loaded it with a few maunds of sand. The donkey again started kicking and jumping but what harm could he do to the sand. When the Jat saw that it did not stop kicking and jumping he gave it a few blows with a stick. The donkey on receiving blows came to his senses and quietly submitted. The result was that the owner started taking work from both the donkeys. The same is the case of my honourable friends. The Government wants to impose a tax on the urban population and as they are not used to paying any tax to the Government they are protesting. The Government should not care for their protests. The Britishers were terrified by their protests but we are not afraid of them. If they will continue to kick and jump like the donkey in the story I have mentioned, it will force us to deliver a few blows to them and then they will become quiet.

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

Chaudhri Jalal-ud-Din Amber : Sir, we are unable to understand what the honourable member is saying.

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

Chaudhri Ali Akbar : Sir, I am speaking to the motion. The reality is that as we do not abide by the wishes of the honourable members of the Opposition, they indulge in such remarks as were made by one of

them. But we have to be true and honest. How can we discharge our obligations to our voters if we were not to do things calculated to benefit them? Whenever any Bill is introduced in this House my honourable friends opposite begin to urge upon the Government to grant remissions in land revenue and water rates to the zamindars. But it has never occurred to them that they are also getting Rs. 22 per day by way of allowances and they should make some sacrifice themselves with a view to afford some relief to the poor agriculturists. (*Mian Abdul Aziz*: We are prepared to forego them, but it is you who would not dare to do that.) Thank God that my honourable friends have after four years given expression to this thing that they are prepared to forego their allowances. Before that they never came up with such an offer.

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

Chaudhri Ali Akbar: Sir, I am replying to the points raised by my honourable friends opposite. The Bill now before the House seeks to impose a tax on those sections who have so far been not taxed at all. That is the reason why they are feeling perturbed. My submission is that if my honourable friends opposite receive a complaint from any cloth dealer or any other trader against the imposition of this tax they begin to raise a great hue and cry. After all zamindars also come to us daily and make similar complaints about the realization of land revenue and water rates. But we cannot blame our party on the complaints of a few individuals only. In fact we do not do so. I for one think that the tax that is going to be levied on the traders is just and fair because it will be imposed only on those traders whose turnover exceeds Rs. 5,000. Such traders are generally to be found in big cities like Lahore and Amritsar, and I do not think that they will find it difficult to pay this small tax. I, therefore, appeal to my honourable friends not to raise unnecessary hue and cry but to let this tax be imposed. With these words I resume my seat.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour). (*Urdu*): Sir, I rise to oppose the Punjab General Sales Tax Bill at its third reading stage. To start with, I would like to make a few observations with regard to the points urged by the Honourable Minister the other day. In the first place he pointed out that the object of levying this tax was to equalize the burden of taxation over all sections of the public, and this argument has been repeated by almost all the honourable members who supported the enactment of this measure. You will remember Sir, that exactly the same argument was advanced by the Honourable Premier while sponsoring the Punjab Urban Immovable Property Tax Act. But we have not been able to follow as to what my honourable friends really mean by urging this argument. Anyway we shall be obliged if the Honourable Minister will very kindly let us know as to how the proceeds of this will be expended by Government. (*An honourable member*: It has been explained a hundred times). No, Sir. The only argument which has so far been urged in support of this measure was that Government wanted to distribute the burden of taxation over all sections of the public equitably. But no light has been thrown on the manner in which Government wanted to expend the proceeds of this

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measure. I do not say that any relief should not be afforded to zamindars. Rather I believe that if any section of the public is heavily taxed it is the duty of the Government to lighten its burden and I shall be only too glad to lend my whole-hearted support to any such proposal sponsored by Government. But so far as the imposition of this tax is concerned Government have not made known to us as to what extent, up to 40 or 50 per cent, they want to reduce the burden of the zamindars. In fact they have not made any statement to that effect at all. The argument that the object of the proposed measure is to equalize the burden of taxation over all sections of public cannot satisfy us because we are afraid that the proceeds of this measure, the ostensible object of which is to afford relief to the poor zamindars, would be wasted and after some time Government would again come forward with another taxation measure on the old plea of affording relief to the poor and needy zamindars. It is therefore, our earnest request that Government should appoint an inquiry committee and let us know, say after 10 or 20 days or after a month, in what manner they want to make use of the proceeds of this measure so that the urban people of the Punjab should be in a position to know that the money which would be realized from them would be expended properly.

Then, sir, the Honourable Minister's second argument was that the proposed tax was being levied so that he might be able to afford some relief to the poor agriculturists. I wonder that on the one hand he says that he is levying this tax in order to equalize the burden of taxation over all sections of public, but on the other hand he is using the expression which means that it is not even certain that any relief would actually be provided to the zamindars or not. Under these circumstances if he tells us as to how the proceeds of this measure would be expended it would go a long way in dispelling some of the doubts which are lurking in the minds of the urban people.

Again, the Honourable Minister's third argument was that the proceeds of this measure would be spent on widening the scope of beneficent activities. But even in this respect he has not cared to throw any light at all. We want to know as to how much money, which would be realized from the imposition of this tax, would be earmarked for this purpose. For instance there is the Education Department. At present something like a crore and fifty lakhs of rupees are incurred on grants. I want to know how much money he wants to earmark from the proceeds of this measure for the spread of education in the province, how many new schools he wants to open and so on and so forth. In short I request him to let us know as to what percentage of the proceeds of this measure he wants to set apart for affording relief to the poor and how much he wants to incur for widening the scope of beneficent activities such as medical relief, or opening new hospitals and so on.

The fourth point raised by the Honourable Minister was that every new settlement results in a certain loss of land revenue to the Government. But these declines in revenue due to settlement operations have been taking place during the time of previous Governments also. For this the best course is to adjust such small items at the time of preparing the annual budget and not bringing forth a new taxation measure. But apart from this general remark he did not take the trouble of telling us how it is connected

with the present measure and what is the amount of loss that he wants to make up. My submission is that so long as you do not pay any heed to effecting economy in your expenditure you shall have to continue to bring forward such taxation measures. The best way out of this unpleasant situation is to appoint a committee of economists assisted by the heads of the various departments to tell you how to reduce your expenditure. The money thus saved can be utilized to finance the beneficent activities of the Government. But what are you doing at present? You have accepted all the recommendations of the Resources and Retrenchment Committee in regard to fresh taxation. You have gone even farther than those recommendations. But on the other hand all its recommendations in regard to reducing your expenditure have been scrupulously disregarded. Anyway, even now you can appoint a special committee on the lines suggested by me.

Mian Abdul Aziz : That will prove a fresh burden on the exchequer.

Rai Bahadur Lala Sohan Lal : I think not, because the heads of departments, whom this committee will consist of, are already drawing very heavy salaries and they need not be paid anything more. The little extra expenditure incurred in this connection will be nothing as compared with the savings made as the result of their recommendations.

Now, Sir, be it a Government, a company, or a private person, when the income is falling and expenditure is on the increase, the only course open to him would be that either he should devise some ways and means by which his personal income is augmented or he should reduce his expenses, but he will not fall upon his own children and suck their life blood.

Raja Ghazanfar Ali Khan : This is a measure to augment our income.

Rai Bahadur Lala Sohan Lal : No, this amounts to sucking the life-blood of your own children. My object is that finances should be improved by other means.

The fifth argument advanced by the Honourable Minister was that a large amount of money will be required to put into practice the measures like the Panchayat Act and the Primary Education Bill passed by this House and that, therefore, it is necessary to bring forward some taxation measures to raise the required sum.

Mian Abdul Aziz : The Primary Education Bill has come back for reconsideration.

Minister for Development : That is a matter of no more than half an hour.

Rai Bahadur Lala Sohan Lal : Yes, because the Opposition is not present in the House. I say, even that took three years to pass the 3 clauses of the Primary Education Bill. And it is still very doubtful whether you will be able to enforce it during your present term of office.

The Honourable Minister's sixth and last argument was that the House has passed a resolution to the effect that the Government should start State-managed industries and here again a large sum of money will be required. But my submission is that the present Bill is the last thing you should have brought forward if you really want to encourage industry in the province.

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You say, you want by this measure to raise money to help and start industries in the Punjab, but all the members who know anything about trade and industry, whether they are private members or Parliamentary Secretaries, have told you in the clearest possible terms that this measure will ruin even those industries which already exist in the province. Therefore, it does not lie in the mouth of anybody to say that the measure has been brought forward to help or develop industry.

Moreover, if you are going to run your industries just as you are running your administration you had better not start any. Industries are started to derive income and not to squander the capital, but your present policy of imposing fresh taxes to run the administration instead of effecting economy in your expenditure is a sure guarantee of all the proceeds from your new taxes invested in your industries being wasted. According to the terms of the resolution you are also to raise a loan for starting those industries. But you have not told us what industries you are going to start, how they are to be run and how much money you require for the purpose.

This much about the purposes for which you say you require money. As regards other points about this particular measure, my honourable friends Sardar Sahib Sardar Santokh Singh and Mian Abdul Aziz, have discussed them at some length and I need not repeat what they have said. I will, therefore, confine my remarks to one or two points which require particular attention of the Government. The Honourable Minister was pleased to remark that the provisions of this Bill are identical with those of the Bengal and Madras measures. But I would submit that the Bengal Government took special care to see that their Bill does not drive trade out of their province. Moreover, they have made it a one-point tax and so many commodities have been exempted by them. But your Bill is very harsh in this connection. I requested you by moving an amendment to exempt from tax the sales of goods which were to be delivered outside the Punjab, but you refused to entertain that very reasonable request. When Sir William Roberts asked whether in this respect the industry in the neighbouring province of Delhi would not be in an advantageous position as compared with that of the Punjab, the Honourable Minister had to admit that that would be the case to a certain extent. After that no more arguments should have been necessary to convince you of the desirability of acceding to my request.

Again, you have paid no consideration to the effect this tax will have on those traders who happen to derive no profit or even to sustain a loss in their transactions. Whether a certain deal brings in profit or causes a loss you must have your pound of flesh. Even if a turnover of one lakh brings in a profit of Rs. 1,000 your contention that you will charge only one-fourth of one per cent is a mere camouflage. You know that that would amount to Rs. 250, i.e. 25 per cent of the profit. So that is what your one-fourth of one per cent will come to. You will snatch away at least 25 per cent of the profit where there is any profit, and if there is no profit, you will levy and charge your tax all the same.

Now I will wind up my speech with

Raja Ghazanfar Ali Khan : Some verses.

Rai Bahadur Lala Sohan Lal : All right if you like, I will read out a few verses to oblige my friend. These verses are from the pen of Qamar Jalalabadi and they appeared in the Daily *Partap*. He says—

وقت آیا ہے کہ لگ جائے خدایات پر ٹیکس
 قلب پر روح پر افکار پر جذبات پہ ٹیکس
 دواہا سب پہ ہو جب ٹیکس ادا فرمائے
 مردہ شمشان میں جائے نو کہن نہ لے جائے
 ٹیکس ہانے پہ کوئی عمر سو کر نہ سکے
 زہر پر ٹیکس لگا دو کہ کوئی مر نہ سکے

You are going to impose a tax on the consumption of electric current. The poet wrote about it two months back—

شمع پر ٹیکس لگا دو کہ وہ جلتی کہیں ہے
 روح پروانہ کو روکو کہ مچھائی کہیں ہے
 پھول پر ٹیکس لگا دو کہ وہ خوشبو کہیں ہے
 ابر خوشبو پہ ہو محصول کہ خوشبو کہیں ہے
 عندلیبوں پہ ہو محصول قرار آئے سکے
 آغ پر ٹیکس لگا دو کہ بہار آئے سکے

Now here is the last verse—

ٹیکس د ٹیکس لگاؤ تمہاں قدر کس کا ہے
 یہ حکومت کس کی ہے مہرے جان یہ گھر کس کا ہے

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women Urban), (*Urdu*): Sir, the General Sales Tax Bill is now being read a third time and I find that not only the mem-

bers who are opposed to it but even those who have supported the measure have not cared to congratulate the Minister-in-charge on having brought forward this measure. Even some Parliamentary Secretaries have had to move some amendments to certain clauses. For instance, Sir William Roberts has besides moving certain amendments appended a note of dissent to the report of the select committee in which he remarks that this tax will stifle trade and industry in the Punjab and the Bill will drive it out of the province. Sayed Amjad Ali Shah also made a forceful speech in which he referred to his factories at Ferozepore and Delhi and told us that now he will have to shift the one at Ferozepore, which provides employment to so many people, to Delhi.

Another point which all of us have failed to understand is that while turnovers up to Rs. 5,000 have been exempted from payment of the tax, people with turnovers to that extent have not been exempted from keeping accounts of their sales. You ought to have accepted the amendments moved from both sides of the House in this connection. Another amendment was to the effect that turnovers of between 5 and 10 thousand should also be exempted from payment of the tax because the people with such turnovers are petty shopkeepers with sales amounting to Rs. 27 and some odd annas a day and you cannot describe them as big dealers. The Honourable Minister was pleased to remark that turnovers up to Rs. 5,000 have been exempted

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and that is a big amount. I submitted that a turnover of Rs. 5,000, a year means an average turnover of Rs. 13 and some annas a day. May I ask how much profit this turnover can be expected to bring to the dealer? He replied in a pompous tone, or in the words of some newspapers he gnashed his teeth while replying,—and he must do that because he is a mighty Minister.

Minister for Development : I must have assumed my roll as a jat at that time.

Begum Rashida Latif Baji : He replied that he was not responsible for preparing their budgets and, therefore, could not be expected to know what profit accrued to them. Even to-day I put a question to him as to what remedy he had under the law if the shopkeepers were to enter Re. 1 instead of Rs. 2 or Rs. 5 instead of Rs. 10 as their turnover. The only reply was a complete silence on his part.

Then I would submit that the Honourable Minister for Development does not know the budget and he being unaware of it is imposing this tax blindly. Before doing so he should have estimated the net profit on the basis of which he is proposing to levy this tax on the sales. I was surprised to see that the Parliamentary Secretary of the Honourable Minister was not attentive to the speeches made against this measure by some of the honourable members. And then, Sir, when we ask the reason for imposing the tax the Government say that money is needed. May I in this connection tell the Government that money cannot be collected by depriving the poor of their bread and by ruining them? If the Government resort to this method of collecting money I am afraid they will incur displeasure and resentment of the people. Anyhow, it is furthest from me to conceal truth and fortunately or unfortunately it is my weakness or virtue that I say what I feel. But it is very lamentable that when I speak the truth I am blamed for obstructing the so-called smooth-going proceedings of the House, by the Government. I must, however, tell them that women from inside the city come to me in batches and ask me "Baji Ji, what is this Bill?" On my telling them the *pros* and *cons* of this measure they say that they have provided capital to their unemployed husbands for starting shops by selling their ornaments so that they might be able to lead a comfortable life but the Government are not even sparing them and they further say that they will be ruined by the imposition of the tax. Further on they say that their husbands do not allow their children to come near them while calculating and they ask them not to make noise so that no mistake may occur in their calculations. When this is the condition and they find it very difficult to calculate under the most ordinary circumstances how would they be able to show complete and accurate accounts regarding sales to the officers concerned? I may also point out to the Development Minister that women in the city ask me, "Which of the Ministers is bent upon making this drastic legislation?" I tell them "Minister for Development." They give me reply by saying that he should not be regarded as Development Minister but a "Degeneration Minister" as he is going to degenerate us. In this connection I would also submit—as some of the honourable members have already submitted—that the industry of this province would

be totally ruined. It is perfectly right and I have no doubt about it. My second submission is that the Government should not have forced every shopkeeper to keep accounts, but I think it would have been proper for them if they had asked only those shopkeepers to keep accounts who have vouchers and bonds with them. Another defect which I find in this Bill is that it would lead to corruption and dishonesty as it is obvious that shopkeepers would change their sign boards. Some of them would write Teja Singh and Sons, some would write Dina Nath and Company and some would write Ahmad Din and Brothers and when the Government would ask them for the tax they could easily say that there was so much profit and we were so many partners and hence every one of us got so much share out of the whole profit. May I ask the Government if it so happens? I am sure it will so happen. Then what will the Government do in such cases? Let me again ask you, if the proceeds of a shopkeeper amounts to ten or fifteen thousand rupees and the partners have their own shares out of it where would the Government stand so far as realisation of the tax is concerned? Therefore, I make bold to say that such defects could be amended if the Bill had been circulated for eliciting public opinion thereon. But how could the Government accept this proposal as they were bent upon rushing it through blindly? In spite of our oft-repeated requests for obtaining fresh public opinion they did not accede to it.

Besides, it has been laid down in the Bill that in case any person being unable to pay the tax does not pay it or does not keep accounts of his sales he will be fined 500 rupees and if he does not pay this fine in time he will be required to pay a daily penalty of Rs. 25, no matter whether he is a butcher, or butler or is dealing in poultry. What I want to submit in this respect is that this punishment is very hard and it should be relaxed as you are aware, sir, sometimes poor shopkeepers have little money to pay tax and strictly speaking most of them are penniless because they spend all they have, in starting their business. Then it was said by an honourable member who was just speaking that fruits belonging to private gardens have been exempted from tax. May I know as to how many persons are in the province who possess private fruit gardens for home consumption only, which will be exempted from the tax? As a matter of fact much fruit comes from other provinces and it is sold in fruit shops. I am of the opinion that all fruits of this province as well as of other provinces which are sold here should be exempted. I may be permitted to say that even in this connection the amendments tabled by some of the honourable members of this House have been rejected by the Government. Not to speak of the fruits, even, the milksellers have not been spared by our Government. I would point out that milk is one of the necessities of life and God blessed the human beings with cows and buffaloes so that all of them irrespective of any distinction may use it. Who does not know that milk is a part of our diet? But this Government of to-day is depriving us of that. Now what I see is that the Development Minister, in spite of our so much opposition, is nodding his head in support of his Bill. I may again tell him that he has not taken this step after much consideration and he has made so hard provisions in the Bill as they do not exempt even petty shopkeepers and hawkers from paying this tax. May I submit to the Honourable Minister that if he did not like any suggestion emanating from the Congress Party he should at

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least have considered proposals put forward by other members not subscribing to the Congress creed? But he has given evasive replies to all of us who have criticised this measure. It is very surprising that the Honourable Minister in charge has put off the objections raised by Sir William Roberts against this Bill saying that he seems to be a capitalist. I may, however, point out to him that the honourable members who seem to be the supporters of this measure are not really in support of it, but they being compelled by their party politics are reluctantly supporting it as they are not supposed to utter a single word against the Party system. I, therefore, make bold to say that all of the members of this Party are not prepared to welcome this Bill as the interests of the poor people have not been safeguarded in it.

Sir, I may also draw your attention to the fact that the people dealing in trade have always been free and independent and I am afraid that their mentality will become slavish as a result of this measure. They will have to bow before officials and will be obliged to flatter them not to make reports and proceed against them. Is it not obvious that the result of it will be mere slavish mentality? Sir, I know that the time at my disposal is very short and when I have done with my speech what will be suggested is that the "Question may now be put" so that no other member may have the opportunity to express his feelings regarding this important matter. And before I wind up my speech I deem it my duty to warn the Honourable Minister in charge against the fate which many a ruler has met and I would ask him not to imagine that he would always occupy the seat of power. He must not consider this Ministry his jagir. He should bear in mind that every honourable member in this House has been elected by votes and even the Ministers too. When the life of this legislature comes to an end after a year and new elections are held the Honourable Minister for Development will come to know where he stands. It is, therefore, necessary for him to make legislation in the interests of the people, but he is doing otherwise and he will thus incur the displeasure and resentment and opposition of the masses. I may again warn him that this age is an age of democracy. Public opinion changes like the wind and if you lose the confidence of the public no power on the face of earth can make you sit on this seat of power. My submission, therefore, is that he should fear from revolution as many have been swept away by it in the past. He should at once exempt the poor from the proposed tax so that the trade and business may not come to a standstill and the development and progress of industry may not stop in this province. So I hope that the Honourable Minister will think twice before putting this Act into practice and under the above mentioned circumstances I am prepared to say that he should take back this Bill. But I am afraid he will not do so.

With these few remarks, Sir, I strongly oppose this Bill.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram), (*Urdu*): Sir, this is the third reading of the Punjab General Sales Tax Bill. The arguments which my honourable friends opposite have advanced at this stage, are exactly the ones which were put forward by them previously. As I have already rebutted almost all these arguments, I would

endeavour, as far as possible, to avoid repetition of my previous reply. But as the oft-repeated objections, that have been raised again, are likely to create misunderstanding, the House would excuse me if I refute some of them even at the cost of repetition.

Now let us see what is the scope of this Bill. It appears that my honourable friends over there are not quite clear about it. Besides, I conclude from their remarks that they have failed fully to realise the objects of this measure and the limits within which it is to function. So with a view to dispel the apprehension exercising their mind that the poor would be hard hit, I first refer them to the exemptions provided in the Bill. We have made a provision to the effect that "sale by a person or member of his family of agricultural or horticultural produce grown by himself or grown on any land in which he has an interest whether as an owner, usufructuary mortgagee, tenant or otherwise, should be exempted from the tax". It is crystal clear that this Bill, when enforced, will have absolutely no effect on those persons who themselves grow ordinary agricultural produce or vegetables and fruits in their own land and then put them in the market. I may add that only those people would come within the purview of this measure who deal in these articles with the sole purpose of making profits. Another very important thing, which the honourable members should bear in mind, is this. The Bill does not touch those poor shopkeepers or traders whose annual turnover does not exceed rupees five thousand. They are altogether exempt from the operation of this tax. Apart from this, a reasonable number of articles and food-stuffs in which the traders do a lot of business, have been excluded from liability to pay any tax. For instance, wheat, wheat flour, maize, maize flour, gram, gram flour, bajra, bajra flour, cotton, ginned and unginced, etc., have been exempted regardless of the fact whether a trader is engaged in their sale or a grower himself sells them. As regards the sale of finished goods manufactured in the province, Government have been empowered to remit, in their discretion, the whole or a part of the tax leviable on such articles as are intended for delivery outside the province. These provisions amply prove that neither agriculturists nor poor traders would be subjected to any hardship, if this Bill is passed into law. (*Interruptions*). My honourable friend over there is getting unnecessarily nervous. He should remember that these are days of provincial autonomy and a responsible government of the people—a government by the people and for the people—is at the helm of affairs in the Punjab. If he and his friends convince the people that we have failed to carry out the mandate of the electorate, it will be open to them to throw us out at the next general elections.

Now I would like to state briefly as to how the money to be realised through this Bill would be utilised. My honourable friend, Mian Abdul Aziz, has time and again put volleys of questions in a very pathetic tone. He asks "for Heaven's sake, tell us where this money will go. For what specific purpose is the money required? What is the pressing need at present that has necessitated the imposition of this tax?" Honourable members are aware that I have answered these queries more than once before. I would request Mian Sahib to take the trouble of sitting a little longer in the House.

Mian Abdul Aziz : I do sit for a sufficiently long time in the House.

Minister for Development : Then My honourable friend's memory must be very weak. Now I would ask him to lend me his ears so that he may not again fail to grasp the full extent of my answer to his favourite questions. My honourable friend must be aware of the fact that this House has passed the Punjab Primary Education Bill. Does he realise what amount would be required to introduce compulsory education in the province? A huge sum to the tune of 4 crores of rupees would be needed to carry out in full the provisions of this Act. Then the Panchayat Act has been brought on the statute book by this House. If panchayats of the right type in accordance with the spirit of the Act are to be set up, we shall have to provide ample grants for the proper working of these institutions. Then we have undertaken some big irrigation schemes. Others are awaiting the attention of the Government, giving effect to which means crores of rupees. As the House is aware, we have already executed the Haveli Project at the cost of nearly Rs. 5 crores. The Thal Project is under construction and is estimated to cost Rs. 7 or 8 crores to the exchequer. Again the Bhakra Dam Scheme is under consideration of the Government. It would cost, as the estimates indicate, something like Rs. 12 to Rs. 14 crores to the province. Another scheme calculated to raise the water-level in the wells of Doaba at the cost of probably Rs. 2½ crores, is under contemplation. Besides, this august House has unanimously passed a resolution recommending to the Government to establish state-aided or state-owned industries. If Government have to carry this resolution into effect, they may require annually anything from 20 to 50 lakhs of rupees for some years in succession for setting up factories. If all these amounts are added up, the total will work out to the neighbourhood of Rs. 40 crores. If interest at the rate of roughly 3½ per cent per annum is calculated on this gigantic sum, it will come up to about Rs. 1½ crores a year.

My honourable friend, Mian Abdul Aziz, to whom the correct pronunciation of the name of the Unionist Party proved so unpalatable will probably find my statement of fact to be very unwelcome. May I remind him that the Unionist party which he is inclined to ridicule is the party which secured a reduction in the Government claim of 50 per cent of the net assets of a cultivator? Now the Government can only claim 25 per cent share and not 50 per cent of the net assets as was the practice previously. According to this principle land revenue has actually been reduced in the districts where new settlement has already taken place such as Lyallpur, Montgomery, Gujranwala, Sheikhpura, etc. In other districts, too, like the districts of Gurgaon, Kangra and Rohtak, where the share taken exceeds 25 per cent, a reduction will be made as soon as fresh settlements take place. Perhaps my honourable friend, Mian Abdul Aziz, has never calculated the loss which this reduction in the land revenue will cause to the provincial exchequer. Then there is the question of providing metalled roads, hospitals, schools and other beneficent institutions in the rural areas which lack so many of the amenities enjoyed by Mian Abdul Aziz living outside the Yakki Gate in Lahore. He does not know perhaps that even drinking water is not available within miles of many villages in the province.

Mian Muhammad Nurullah : May I ask the Honourable Minister what the Government have been doing for these things during the last three or four years?

Minister for Development : We have spent lakhs of rupees in improving the water-supply in the districts of Hissar, Muzaffargarh, Jhelum and various other districts. We have improved metalled roads in the various parts of the Punjab. Besides, we have opened new schools for boys and girls where none existed before and we have also opened new dispensaries and industrial institutions in several places where they were needed most. Moreover, we have delivered the zamindars from the clutches of greedy grasping money-lenders who were sucking their blood and who had even dispossessed them of the land which was the only means of their livelihood. The Unionist Government passed the Restitution of Mortgaged Lands Act which was calculated to restore to their original owners lands burdened with a mortgage debt of 4 crores and 13 lakhs of rupees. This will afford very valuable relief to agriculturists. This Act was passed during this very period of 4 years. Again, we passed the Benami Act which by one stroke of the pen cancelled all those fraudulent transactions through which lands worth fifteen to twenty crores of rupees had passed on to non-agriculturists. Then, Sir, we passed the Marketing of Agricultural Produce Act in order to raise the income of the zamindars. This was also calculated to deliver the agriculturists from the clutches of dealers who used to impose various cuts on the price of agricultural commodities. What greater economic revolution than this can our honourable friend expect? As a result of the measures undertaken by the Unionist party, my honourable friends, Khawaja Ghulam Samad, Begum Rashida Latif Baji, Mian Abdul Aziz, Malik Barkat Ali and Mian Nurullah, have sought shelter under the wings of Dr. Sir Gokul Chand. Another effect of the revolution that we have brought about is that whereas previously the provincial exchequer used to be filled by contributions from the zamindars and the money was spent for the benefit of "Lalajis" living in cities, now the exchequer will be filled by contributions from the towns people and the money would be spent on the poverty-stricken ruralites. Henceforward, the labourers and the tillers of the soil will be allowed to keep their earnings with themselves. Their hard-earned money will no longer be snatched away from them by the clever banias. Was it not a great pity that in the past Arains and Jats used to toil and sweat only to enrich money-lenders and shopkeepers? But we have brought about a revolution now. The earnings of the poor Jats, Arains and Rajputs will no longer be spent on the streets of Lahore, Amritsar, Multan and Rawalpindi. A new order of things will come into existence now. The rich citizens will pay and the money thus collected will be spent for the benefit of poverty-stricken villages. This is true revolution. Long live revolution.

Mr. Deputy Speaker : The question is—

That the Punjab General Sales Tax Bill be passed.

The motion was carried.

PRIMARY EDUCATION BILL.

Mr. Deputy Speaker : The next item is the consideration of the amendments to the Punjab Primary Education Bill recommended by His

[Mr. Deputy Speaker.]

Excellency the Governor. The message of the Governor having been circulated to the honourable members already, it is not necessary to read it. The House will now proceed to discuss and vote upon the amendments recommended. The first amendment is—

1. In sub-clause (3) of clause 1 of the Punjab Primary Education Bill after the word "Punjab" the following words shall be added, namely:—
'except to such areas as are subject to the provisions of the Cantonments Act, 1924.'

Minister for Education (The Honourable Mian Abdul Haye): A short explanation is needed from the Government on this item. In 1938, when the Punjab Primary Education Bill was referred to the select committee, this point was raised that according to the provisions of the Government of India Act of 1935 it was not within the province of this legislature to legislate about local self-Government in cantonment areas. When the Act of 1919 was passed by the previous Legislative Council, local self-Government in the cantonment areas was a provincial subject and, therefore, in the previous Act, in the definition of local authority cantonment committees were included and they were required by the Act to provide for schools and maintain them, but according to the provisions of the Government of India Act of 1935, local self-Government in cantonment areas is a federal subject. According to item No. 2 in the Legislative List No. 1 of Seventh Schedule, this House has got no power to legislate as regards local self-Government in cantonment areas. When this point was raised in the select committee, we excluded from the definition of local authority the "cantonment committees." This Bill was passed by this House a couple of months back and it is now awaiting the assent of His Excellency the Governor. A fresh point has now been raised that clause 22 of the Bill which repeals the Act of 1919, is again *ultra vires*. Provision was made as regards cantonment areas in the previous Act, and according to the provisions of section 292 of the Government of India Act all laws that are in force before the coming into operation of part 3 of the Government of India Act of 1935 shall remain in force until they are repealed, altered or modified by competent authority or legislature, that is, the Central Legislature. So, the provisions as regards cantonments and cantonment areas that exist in the Act of 1919 cannot be repealed by this House and they will remain in force. It was pointed out by our law officers that even if His Excellency the Governor would not require this House to make the amendments which have now been suggested, the legal position would be that the old Act would remain in force in the cantonment areas. Under these circumstances having gone into this question and on the advice of our law officers we advised His Excellency the Governor to take action under the proviso to section 75 of the Government of India Act and to recommend to this House that certain amendments be made. The principal amendment which is needed is the amendment of clause 22 of the Bill. That clause, as it stands, says that the Act of 1919 is hereby repealed. We now propose to amend it in this way that it shall be repealed except in such areas as are subject to the provisions of the Cantonments Act of 1924. The other two amendments are only consequential. I think that if these amendments are made, we would be rather in an advantageous position because if we do not make these amendments and the Bill, as we have passed, receives the assent of the Governor, the effect.

would be that we shall not be able to carry on any activity as regards the spread of primary education in the cantonment areas. If these amendments are made, the result would be that the old Act would remain alive in cantonment areas and we shall be able to work it, defective as it is, and the new Act will come into force in areas other than cantonment areas. The only difference and disadvantage would be that whereas in other areas we shall enforce compulsory primary education not only as regards boys of a certain age but as regards girls also, this would not be possible in cantonment areas according to the old Act. I support this amendment.

Mian Muhammad Nurullah : On a point of information arising from the explanation just now given, may I ask two questions from the Honourable Minister of Education, firstly, whether the laws we have been passing recently are applicable to cantonment areas or not, and, secondly, how much money we are spending altogether on cantonment areas ?

Minister for Education : My honourable friend has misunderstood me. There is no bar to legislating as regards cantonment areas as such. The only handicap is that according to item No. 2 of List No. 1 of Seventh Schedule, we cannot legislate as regards local self-government in cantonment areas and according to the provisions of sections 116 and 117 of the Cantonment Act, the opening, maintenance and equipment of schools is one of the functions of the cantonment committees.

Mr. Deputy Speaker : The question is—

That in sub-clause (3) of clause I of the Punjab Primary Education Bill after the words 'Punjab' the following words shall be added, namely :—
 'except to such areas as are subject to the provisions of the 'Cantonments Act 1924'.

The motion was carried.

Mr. Deputy Speaker : The question is—

That in clause 4 of the Bill for the words 'throughout the whole or any part of the Punjab' the following words shall be substituted, namely :—
 "in all or any of the areas to which this part applies".

The Motion was carried.

Mr. Deputy Speaker : The question is—

That in clause 22 of the Bill, after the word "repealed" the following words shall be added, namely :—
 "except in such areas as are subject to the provisions of the Cantonments Act 1924".

The motion was carried.

URBAN RENT RESTRICTION BILL.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : Sir, I beg to introduce the Punjab Urban Rent Restriction Bill. I also beg to move—

That the Punjab Urban Rent Restriction Bill be referred to a select committee, that it shall consist of more than fifteen members, that the following shall constitute the select committee :—

Mian Allah Yar Khan Daulatana,
 Chaudhri Abdul Rahim (Gurgaon),
 Chaudhri Ghulam Rasul,
 Shaikh Faiz Muhammad,

(Minister for Public Works.)

Mr. E. Few,

Khan Sahib Shaikh Muhammad Amin,

Seth Kishan Das,

Sardar Indar Singh,

Rai Bahadur Chaudhri Het Ram,

Sardar Muhammad Azam Khan,

Sardar Jagjit Singh Man,

Rai Bahadur Lala Gopal Das,

Lala Sita Ram,

Khan Sahib Sayed Badr Mohy-ud-Din Qadiri,

and that the quorum shall be 5.

The main purposes of this Bill are explained in the statement of objects and reasons. What we want to do is to prevent the incidence of the urban property tax and house tax being passed on to the poorer class of tenants. Incidentally, it would stabilise the rents for the next 5 years and it would be a welcome measure in that respect. Such legislation is in force in a number of other countries. A similar Rent Restriction Bill was found necessary in 1918 during the last war. The present Bill is exactly on the model of the Bombay Act, XVIII of 1939, but is more liberal than that, because it gives powers to the courts in certain cases where there is general improvement of conditions in the locality and other amenities to increase the rent by 10 per cent. The principles of this measure have been before the public since September, 1939, when we first published the Bill regarding the control of rents in the Lahore Municipal area. In the present Bill we have taken the power to regulate rents wherever found necessary in the whole of the province. Generally, in practice, wherever the urban property tax is in force, I think, it will be necessary to apply the provisions of this Act also. As to the questions of detail, these should be left over to be dealt with in the select committee. I have tried to include representatives of all sections of the House in the committee. This is a measure about which, as far as I know since its publication in September last, no special criticism has been levelled against it either by the public or the press. As to this Bill even now, from the date when it appeared in revised form it has elicited universal support. I have got hundreds of letters from the poorer class of tenants saying that this protection was badly needed. The rents have been soaring very high for a very long time. As early as 1922 Lala Harkishan Lal considered it necessary to call a halt to this and came forward with a Bill in order to put the rents on economic basis. But for certain reasons this Bill was eventually not proceeded with. Now, the rents have been going up again and this is a measure that will afford real relief to the poor tenants. (An honourable member: Even to the rich?) No, I would not say that. (Interruptions.) I hope this House would accept the principle of the Bill and refer it to the select committee.

Mr. Deputy Speaker : Motion moved is—

That the Punjab Urban Rent Restriction Bill be referred to a select committee, that it shall consist of more than fifteen members, that the following shall constitute the select committee :—

Mian Allah Yar Khan Daulatana,

Chaudhri Abdul Rahim (Gurgaon).

Chandhri Ghulam Rasul,
 Shaikh Faiz Muhammad,
 Mr. E. Few,
 Khan Sahib Shaikh Muhammad Amin,
 Seth Kishan Das,
 Sardar Indar Singh,
 Rai Bahadur Chandhri Het Ram,
 Sardar Muhammad Azam Khan,
 Sardar Jagjit Singh Man,
 Rai Bahadur Lala Gopal Das,
 Lala Sita Ram,
 Khan Sahib Sayed Badr Mohy-ud-Din Qadiri;

and that the quorum shall be 5.

Mian Muhammad NurulMahr (Lyallpur, Muhammadan, Rural): Sir, I would not detain the House for more than 2 minutes. I think this is a welcome measure, though I have not, unfortunately, read it so far. But I know that already tenants are receiving notices from their landlords. A few days ago, through an advocate, I myself received a notice saying that the rent would be increased due to the urban property tax. I thought it better to reply to it after the introduction and passing of this Bill. I think people would like it.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural): Sir, I welcome the Honourable Minister for bringing in a measure by which rents should be fixed and controlled. No one can have any objection to it. But if the Honourable Minister would kindly read through the various clauses of the Bill he will find that this is not only the reason for his bringing in this Bill, but there are many other things besides fixation of rents. That is one point.

The second point that I want to urge before this House and in particular before the Honourable Minister is that although I am not sure whether this Bill, if it is applied to cantonments, will be *ultra vires*, yet there is a certain amount of doubt. I would urge on him if he would exclude cantonment areas from the application of this Bill.

The third point I want to urge is that when the Urban Property Tax Bill was being discussed, the argument trotted out in this House was that the house tax was not a tax on property, but it was a tax for services rendered. To-day I am surprised at the speech of the Honourable Minister where he said that he would not like the house-tax to be passed on to the tenant. Sir, if it was tax for services rendered, surely, services rendered are to the tenants and not to the landlords who sit far away from the houses which are occupied by tenants. I hope, the select committee would bear these three points in mind.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*): Sir, I also associate myself in congratulating the Honourable Minister for Public Works on sponsoring a measure the need of which was urgently felt by the poor people in the urban areas. But along with this I would like to make a few observations for his kind consideration. No doubt the enactment of this measure will afford much-needed relief to the poor people but my submission

(S. Ajit Singh.)

is that since the time that house owners have learnt that a rent restriction Bill was going to be introduced in the Punjab Legislative Assembly they have begun to raise the rents of their houses.

Minister for Public Works : In order to save the time of the House may I explain to the honourable member that under the provisions of the Punjab Urban Rent Restriction Bill only those rents would be considered to be standard rents which became due before the first day of January, 1939 ?

Honourable Members : Question be now put.

7 p. m.

Sardar Ajit Singh : Sir, you cannot put the question unless I finish. I have just now started.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : The question is—

That the Punjab Urban Rent Restriction Bill be referred to a select committee, that it shall consist of more than fifteen members, that the following shall constitute the select committee :—

Mian Allah Yar Khan Daulatana,
Chaudhri Abdul Rahim (Gurgaon),
Chaudhri Ghulam Rasul,
Shaikh Faiz Muhammad,
Mr. E. Few,
Khan Sahib Shaikh Muhammad Amin,
Seth Kishan Das,
Sardar Inder Singh,
Rai Bahadur Chandhri Het Ram
Sardar Muhammad Azam Khan,
Sardar Jagjit Singh Man,
Rai Bahadur Lala Gopal Das,
Lala Sita Ram,
Khan Sahib Sayed Badr Mohy-ud-Din Qadiri;

and that the quorum shall be 5.

The motion was carried.

The Assembly then adjourned till 12 noon on Tuesday, 11th February, 1941.

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 11th February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

RULES ABOUT RETIREMENT OF GOVERNMENT SERVANTS AFTER 25 YEARS' SERVICE.

***7500. Dr. Sir Gokul Chand Narang:** Will the Honourable Premier be pleased to refer to his speech on the floor of the House on 4th March, 1938, and state—

- (a) what rules have been made by Government about the retirement of Government servants after 25 years' service and whether he will be pleased to lay a copy thereof and also a copy of the instructions, if any, issued on the subject, on the table of the House;
- (b) whether it is a fact that in spite of the definite undertaking given by him in that speech that power to retire under this rule will not be given to heads of departments but will be exercised by Government alone, he has given this power to subordinate authorities, and, if so, when and why?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) A copy of Punjab Government notification No. 3506-G.-39/19742, dated the 2nd June, 1939, publishing revised article 465 of the Civil Service Regulations, together with a copy of the instructions issued is laid on the table.

(b) It is true that I stated that removal would not be made by the head of department, but I added that Government would not allow the departmental head to have the final say and that it would be for Government to see that nobody was victimised. It transpired, however, that it had been held previously that the power of compulsory retirement could be exercised by the authority empowered to order removal from service, and it also became clear that if every case had to be referred to Government before orders were passed, a great deal of additional and unnecessary work would be thrown on the Ministers. A right of appeal has been given and monthly returns have been prescribed so that action taken under this rule may be watched by Government, and finally of course, any Government servant has a right to memorialise Government which will thus have the final say.

[Mir Maqbool Mahmood.]

Notification of Punjab Government, Home Department (General), No. 3506-G.-99/19742, dated the 2nd June, 1939.

In exercise of the powers conferred by clauses (2) (b) and (3) (a) of Section 241 of the Government of India Act, 1935, read with the Government of India, Finance Department, notification No. F. 1 (12)-Ex.-1-37, dated 17th February, 1938, the Governor of the Punjab, in the exercise of his individual judgment is pleased to make the following amendments to the Civil Service Regulations in respect of Government servants under his rule-making control :—

AMENDMENTS.

(i) Delete article 465-A. and substitute the following for article 465 of the Civil Service Regulations :—

“465. (a) A retiring pension is granted to an officer who is permitted to retire after completing qualifying superior service for twenty-five years or such less time as may for any special class of officers be prescribed.

(b) A retiring pension is also granted to an officer who is required by Government to retire after completing twenty-five years' qualifying service or more.

Note 1.—Government retains an absolute right to retire any officer after he has completed twenty-five years' qualifying service without giving any reasons, and no claim to special compensation on this account will be entertained. This right will not be exercised except when it is in the public interest to dispense with the further services of an officer.

Note 2.—In the case of an officer included in Article 349-A who was in the service on or before the 15th November, 1919, and who fulfils the conditions of clause (a) of this Article, acceptance of his resignation will in no circumstances be deferred beyond a period of six months from the date on which his application to resign was submitted.”

(ii) The following amendments shall be made in Article 349-A (1) :—

“ (a) Delete the figures and letter '465-A' in line 1.

(b) Delete the figure '465' in line 2 of the sub-paragraph under this Article.

(c) Add the following note after sub-clause (b) :—

Note.—See also Article 465 as amended in respect of Government servants under the rule-making control of the Punjab Government'.

Letter from J. D. Penny, Esquire, C.S.I., C.I.E., I.C.S., Chief Secretary to Government, Punjab, to all Heads of Departments and the High Court, Commissioners of Divisions, Deputy Commissioners, and District and Sessions Judges in the Punjab, No. 2930-G.-40/36849 (H.—Gaz.), dated Lahore, the 7th September, 1940.

Subject: RETIREMENT OF GOVERNMENT SERVANTS AFTER COMPLETING 25 YEARS' QUALIFYING SERVICE.

I am directed to invite a reference to Punjab Government notification No. 3506-G.-39-19742, dated the 2nd June, 1939, copies of which were forwarded to you with Punjab Government endorsement No. 3506-G.-39-19743 of the same date. The effect of article 465 of the Civil Service Regulations, as amended by that notification, is that members of the Provincial and Subordinate Services and persons holding posts under the rule-making control of the Punjab Government can now be required to retire after completing 25 years' qualifying service. At the same time it confers on such Government servants the privilege of being able to apply for permission to retire after completing 25 years' qualifying service or more.

2. I am now to explain that the word "Government" used in amended Article 465 of the Civil Service Regulations should be interpreted to mean the authority which has the power of removing an officer under the conditions of his service framed under the Civil Services (Classification, Control and Appeal) Rules or section 241 (2) (b) of the Government of India Act, 1935. Such orders, however, should be passed only when it is in the public interest to dispense with the further services of an officer. There may be various reasons for finding that this condition is satisfied, but inefficiency or dishonesty will be the commonest. It is difficult to lay down any general standard with regard to retirement on the ground of inefficiency but one guiding principle is that if an officer's value is clearly incommensurate with the pay which he draws, there is *prima facie* reason for retiring him after he has completed 25 years' qualifying service. The rule is intended for use against an official whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency, or against one who has ceased to be fully efficient but not to such a degree as to warrant his retirement on a compassionate allowance. As for dishonesty the commonest form of this is corruption, and where corruption is clearly established, even though no specific instance is likely to be proved under rule 55 of the Civil

Services (Classification, Control and Appeal) Rules or the Punjab Subordinate Services Punishment and Appeal Rules, 1930, or the Public Service (Inquiries) Act, XXXVII of 1850, Government consider that the competent authorities would be justified in using the powers they have been given under the revised Article 465 of the Civil Service Regulations.

3. In order that in future there may be sufficient material at the disposal of competent authorities to enable them to apply these orders it is important that in preparing periodical reports on their subordinates all officers should deal fully with such evidence as is available of inefficiency or corruption or other failing which impairs an official's value. In this connection I am to draw your attention to the instructions issued with Punjab Government letter No. 955-G.-39/25359 (H.—Gaz.), dated the 1st August, 1939. Government have expressed emphatically on more than one occasion their determination to eradicate corruption and with this object in view, Heads of Departments, etc., should carefully examine the record of every Government servant, who has completed 25 years' qualifying service with particular reference to his integrity or otherwise, and if it is desirable in the public interest that he should be retired action should be taken accordingly.

4. An order under Article 465 of the Civil Service Regulations does not amount to "removal" within the meaning of clause (vi) of rule 49 of the Civil Services (Classification, Control and Appeal) Rules nor is it a disciplinary matter for the purposes of clause (c) of subsection (3) of section 266 of the Government of India Act, 1935. Previous consultation, therefore, with the Public Service Commission is not necessary. In view, however, of the provisions of section 241 (3) (b) (iii) of the Government of India Act, 1935, Government have decided that every person against whom such an order is passed shall be given a right of appeal to the authority competent to hear appeals from disciplinary orders, and provision is being made accordingly in the Punjab Civil Services (Punishment and Appeal) Rules, which will be published shortly. Such authorities are specified in the Conditions of Service Rules of the various Provincial and Subordinate Services.

5. In order to ensure the adoption of uniform standards in the application of these orders the Heads of Departments should report to Government once a month the action taken by them or the competent authorities subordinate to them under Article 465 of the Civil Service Regulations. They should also inform Government of the orders of the appellate authority where there has been an appeal against the orders of the competent authority. The report to Government should state briefly the grounds on which an official has been required to retire, and should be addressed to the Chief Secretary.

COMPULSORY RETIREMENT AND REMOVAL FROM SERVICE.

***7501. Dr. Sir Gokul Chand Narang :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that it has now been decided by Government that compulsory retirement before the superannuation age does not amount to removal from service; if so, whether before arriving at such a decision he consulted any law officer of the Government and if so, whether the decision was in accordance with the advice of that officer and if not, why not;
- (b) whether the Punjab Government consulted the Government of India in the matter and if so, whether the advice tendered by that Government was accepted;
- (c) whether the rules of the Central Government and the Punjab Government on this subject are identical in effect?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The order of compulsory retirement after 25 years' service does not amount to removal from service. The Legal Remembrancer to Government, Punjab, was consulted but his advice was not accepted, because it was not in consonance with the view held by the Government of India.

(b) The reply to both the questions is in the affirmative.

(c) The Punjab Government is not aware whether a similar rule has been framed by the Government of India or not.

PREMATURE RETIREMENTS.

***7502. Dr. Sir Gokul Chand Narang :** Will the Honourable Premier be pleased to lay on the table a statement showing—

- (a) number of officers, community-wise, who have been retired prematurely by authorities subordinate to the Punjab Government ;
- (b) reasons for such premature retirement in each case ;
- (c) number of years in the age of superannuation in each case ;
- (d) difference in full and actual pension allowed in each case ;
- (e) result of appeal in each case and the authority who passed the appellate order ;
- (f) steps, if any, taken by Government to see in each case that there was no victimisation practised ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) 20 Muslims, 19 Hindus, 2 Sikhs, and 2 Christians.

(b) Out of the number given in (a) 23 were retired for inefficiency, 9 for inefficiency and corruption ; 8 for inefficiency and bad record ; 1 for bad record ; 1 for corruption, and 1 for dishonesty, insubordination and his retention in service being contrary to the public interest.

(c) and (d) The collection of the information sought for would entail time and labour out of all proportion to the advantage to be gained therefrom. If the honourable member specifies any special case on which he desires particular information or explains the purpose of his enquiry the matter will be attended to.

(e) Ten appeals have been submitted. Four of these are under consideration and orders have been passed on the remainder as follows :—

One rejected by His Excellency (in this case original orders were passed by Punjab Government).

One rejected by Honourable Minister for Public Works.

Two rejected by Secretary, Electricity and Industries Departments.

One rejected by Chief Engineer, Public Works Department, Buildings and Roads Branch.

One accepted by Deputy Inspector-General of Police, Central Range.

(f) Monthly statements are submitted to Government to enable them to watch the action taken under this rule. A right of appeal has also been provided.

 ABSENCE OF MINISTER OF REVENUE.

***7507. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

- (a) since when has the Honourable Minister of Revenue been absent from duty due to illness ;
- (b) what arrangements have been made for carrying on his work in his absence ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) The Honourable Minister of Revenue last attended office on the 12th December, 1940.

(b) With His Excellency's approval the work of the Honourable Minister of Revenue has been temporarily divided among his colleagues.

Sardar Lal Singh: Is the Parliamentary Secretary able to state what additional cost is involved to the revenues of the province owing to the arrangements made in his absence?

Parliamentary Secretary: No additional cost, I am told, is involved due to these arrangements.

Mian Muhammad Nurullah: Will the Parliamentary Secretary give us some good news about his health?

Parliamentary Secretary: The latest news is that the Revenue Minister is definitely improving; let us hope that before long he will be with us in his glory and energy.

CLASSIFICATION OF CONVERTS TO CHRISTIANITY AS STATUTORY AGRICULTURISTS.

*6985. **Mr. Dev Raj Sethi**: Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that converts to Christianity irrespective of their previous profession, trade, or calling, are granted the status of statutory agriculturists in certain districts of the Punjab; if so, in which districts, and the reasons for this preference for a particular religion;

(b) whether it is a fact that converts to Christianity from depressed classes in certain districts are granted the status of statutory agriculturists; if so, in which districts?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) and (b) Christians are notified as an agricultural tribe in the Kotgarh ilaqa of Simla district in the main group and Indian Christians are so notified in group B in the districts of Sheikhpura, Gujranwala, Montgomery, Lyallpur, Multan (Khanewal tahsil only), and Jhang (Shorkot tahsil only). All converts to Christianity in the Kotgarh ilaqa of the Simla district are entitled to the status of statutory agriculturists provided they own land and reside in the particular ilaqa, and all Indians converted to Christianity in other areas, whether from depressed classes or not, are entitled to this status provided they own land or reside in the particular ilaqa, district or tahsil. Government issued the notifications in question in order to give protection under the Punjab Alienation of Land Act to a defined group of persons entering on or following agricultural vocation.

CONSOLIDATION OF HOLDINGS.

*6989. **Mr. Dev Raj Sethi**: Will the Honourable Minister of Revenue be pleased to state—

(a) the expenditure incurred on the work of consolidation of holdings in the province during the last three years, (i) through the Co-operative Department; (ii) through the Revenue Staff;

[Mr. Dev Raj Sethi.]

- (b) the extent of area that was consolidated by each department during these three years ;
 (c) the average cost per acre in each case ;
 (d) the portion of the cost borne by the landlord ;
 (e) the number of holdings consolidated ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) to (e) A statement is laid on the table :—

Statement giving figures regarding consolidation operations carried out by the Revenue Department, during the years 1937-38, 1938-39 and 1939-40.

Year.	(a)	(b)	(c)	(d)	(e)
	Expenditure.	Area consolidated.	Cost per acre.	Portion of cost borne by the landlord.	Number of holdings consolidated.
	Rs.	Acres.	Rs. A. P.	Rs. A. P.	
1937-38 ..	51,712	18,471	2 12 10	..	Figures not available.
1938-39 ..	81,910	24,517	3 5 5	..	11,129
1939-40 ..	1,31,674	72,599	1 13 0	466 12 0	26,516

Statement showing figures regarding consolidation operations carried out by the Co-operative department.

Year.	(a)	(b)	(c)	(d)	(e)
	Expenditure.	Area consolidated.	Cost per acre.	Portion of cost borne by the landlord.	Number of holdings consolidated.
	Rs.	Acres.	Rs. A. P.	Rs.	
1937-38 ..	2,32,568	132,313	1 12 8	59,030	2,14,957
1938-39 ..	4,73,388	157,211	1 8 6	51,549	2,17,772.
1939-40 ..	Not available.	145,073	Not available.	71,472	2,05,186

STATIONERY ALLOWANCE TO PATWARIS.

*6990. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that previous to 1932 the patwaris were paid 4 annas per mensem for stationery ;

- (b) whether it is a fact that the said stationery allowance has now been stopped ;
- (c) if so, why, and what other arrangements have been made by Government for the supply of stationery to patwaris ?

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

(c) It was stopped with a view to effect economy. Government expects patwaris to meet the cost of stationery from their share of the fees they realise in connection with the records in their custody.

DAMAGE TO CROPS IN THE PROVINCE.

***7188. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the cultivated and cultivable areas in the province which came under floods during the last rainy season ;
- (b) the extent of damage done to each case ;
- (c) the relief afforded by the Government for the damage done to crops by floods in respect of areas mentioned in (a) above ;
- (d) the areas in the province where damage has been done to the crops by the recent storm of locusts and the extent of relief afforded by the Government to those who have suffered thereby ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Damage by floods was done in the Ambala, Hoshiarpur, Ludhiana, Amritsar, Sheikhpura, and Jhelum Districts. Complete information in regard to the area affected is not yet available but on the whole the damage was not abnormal.

(c) Suspensions and remissions of land revenue will be granted in due course according to rules. *Tacavi* loans have been advanced in village Dhian Singhpura in the Amritsar district.

(d) Except in some squares of Chaks Nos. 404 and 406, in the Shorkot tahsil of the Jhang District, locusts have not caused appreciable damage in any district of the province. Remissions of land revenue and abiana in the affected area of the Jhang district will be granted in due course according to rules.

BENAMI TRANSACTIONS.

***7219. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of *benami* transactions decided by the officers specially appointed for the purpose annually since 1st January, 1937, in the districts of Rohtak, Gurgaon, Hissar and Karnal, respectively ;
- (b) the land and amount involved in the cases ;
- (c) the number separately of cases out of these which were accepted and which were rejected ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): It is understood that the question relates only to cases decided by officers specially appointed or empowered under the Punjab Alienation of Land (Second Amendment) Act, 1938, and not to cases decided by Deputy Commissioners. Such special officers decided cases in the districts of Rohtak and Gurgaon during the year 1940 only. A statement showing the work done by them is laid on the table.

Statement.

(a)		(b)		(c)	
District.	Number of <i>benami</i> cases decided by special officers.	Area of land involved in the cases.	Amount involved in the cases.	Number of cases.	
				Accepted.	Rejected.
			Rs.		
Hissar ..	<i>Nil</i>	..	..	<i>Nil</i>	<i>Nil</i> .
Rohtak ..	2	13 bighas 4 biswas.	2,300	2	<i>Nil</i> .
Gurgaon ..	13	56 bighas 19 biswas.	5,068	<i>Nil</i>	12 (one case filed on being compromised).
Karnal ..	<i>Nil</i>	..	..	<i>Nil</i>	<i>Nil</i> .

EXCESS PAYMENT OF REVENUE BY NIJABAT ALI, EX-SARBARAH LAMBARDAR, KHARKHAUDA, ROHTAK TAHSIL.

*7223. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that one Nijabat Ali, ex-Sarbarah Lambardar of Kharkhauda, district Rohtak, sometime ago complained in writing to the Deputy Commissioner, Rohtak, that he was compelled by Tahsildar at Rohtak on 11th September, 1938, to pay Rs. 80-10-9 more than what was due from him on account of the land revenue collected by him as it is clear from the revenue records; if so, the action taken thereon?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): *Part one.*—The facts as ascertained are that Nijabat Ali, ex-Sarbarah Lambardar of village Kharkhauda did not apply in time for the issue of writs of demand against his *assamis* who had failed to pay the land revenue, and consequently a sum of Rs. 80-10-9, which was due from him as Sarbrah Lambardar, was recovered.

Part two.—No action is called for.

DROUGHT IN VILLAGE CHAOKE, DISTRICT LUDHIANA.

***7497. Sardar Lal Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total rainfall in or around village Chaoke, thana Shaina, district Ludhiana, during the years 1938, 1939 and 1940 ;
- (b) if the Government has no means of gauging the rainfall there, whether reports of revenue patwaris show any rainfall in that village during the last three years ;
- (c) whether it is not a fact that *barani* crops in that village have been total failures because there was no rain during these three years ; and, if so, whether Government is prepared to take into consideration the plight of the villagers and grant suitable remission in revenue ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) There is no rain-gauge at or near the village of Chaoke.

(b) No reports are made by the patwaris.

(c) It is a fact that *barani* crops suffered owing to scanty rainfall but the failure was not such as to warrant any remission of revenue. The demand for rabi 1940 was suspended and it has been decided to postpone collections of the suspended amount for this harvest.

APPOINTMENT OF ASSISTANT THROUGH COMPETITIVE EXAMINATION IN
THE FINANCIAL COMMISSIONERS' OFFICE.

***7499. Rai Bahadar Lala Gopal Das :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that some of the clerks of the Financial Commissioners' office represented that the promotion to the post of an Assistant should not be given according to the competitive examination (which is not recognised by the rules) but it should be given according to seniority as is done in other secretariats of the Punjab Government ;

(b) what decision was made by the Government on these representations ;

(c) whether he is prepared to lay on the table of the House a copy of the representation dated the 5th December, 1940 together with decision made thereon ?

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

(b) Appointment to the post of Assistant has hitherto been made and in future will continue to be made by selection in accordance with the rules 7 (1) and 7 (3) of the Financial Commissioners' (Punjab) Subordinate Service Rules, 1937.

(c) No. It will not be in the public interest to lay the papers on the table of the house.

Rai Bahadur Lala Gopal Das : Do I understand that this examination is not standing in the way of their appointment ?

Parliamentary Secretary : I am afraid I have not followed the honourable member.

Rai Bahadur Lala Gopal Das : In part (a) I have enquired whether these Assistants are promoted according to some examination held by the department. You say that certain service rules apply to these appointments. I ask whether this examination stands in their way at all or not.

Parliamentary Secretary : A qualifying examination is held but the officer making the selection to the posts of Assistant is not bound by the result of that examination. Assistants are appointed by selection and the officer is at full liberty to select any person irrespective of whether he has appeared in that examination or not.

DEBT CONCILIATION BOARD, KARNAL.

***7493. Sufi Abdul Hamid Khan :** Will the Honourable Minister of Development be pleased to state—

(a) whether it is a fact that the Karnal Debt Conciliation Board was reconstituted in July, 1940, and the whole personnel of the Board was changed ;

(b) whether it is also a fact that the member representing the interest of the creditors on the Board was replaced by another gentleman of the same class after 5 months ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) Yes.

(b) Yes, after six months.

Sufi Abdul Hamid Khan : May I know the reason for the same ?

Parliamentary Secretary : I require fresh notice.

LATHI CHARGE ON SIKH PROCESSIONISTS AT SARGODHA.

***7495. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) whether on the occasion of Guru Gobind Singh's last birthday celebrations at Sargodha the Sikh processionists were *lathi*-charged by the police ; and, if so, in what circumstances ;

(b) the number of the injured in this connection ;

(c) whether any prosecutions have been launched as a consequence of this incident ; if so, how many ;

(d) whether the Government has held any inquiry into the matter ; if so, the evidence and the result thereof ?

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

(b) Does not arise.

(c) No prosecutions have been made as a result of the alleged *lathi* charge. But 26 persons have been proceeded against for offences committed by them on the occasion.

(d) No. But the facts will of course be in the issue in the magisterial proceedings.

Sardar Lal Singh : Is it a fact that the Government now in its repression is going to depart from the *status quo* as regards the processions at Sargodha ?

Parliamentary Secretary : I would like notice of that question.

REPRESENTATION OF HINDUS ON THE MUNICIPAL COMMITTEE, KASUR.

***7503. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that hitherto there have been 2 nominated members on the Municipal Committee of Kasur, one Hindu and one Muslim ;
- (b) whether it is a fact that in the notification of the last municipal elections to the said committee, both the nominated seats have been given to Muslims ; if so, the reasons for reducing the Hindu minority still further in the committee ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) Yes. The Hindus are not entitled to any seat by nomination in accordance with the recognised formula of population-cum-voting strength.

Rai Bahadur Lala Sohan Lal : May I know whether this proportion of seats community-wise can be revised at any time, or only at the time when census takes place ?

Minister : The figures are taken from the census and naturally they go on to the next census and the voting strength is taken up to the time when the voting list is next revised.

Rai Bahadur Lala Sohan Lal : Some voters do not get their names entered in the electoral rolls and therefore there is a world of difference between a voting list and the census report. Do you take into consideration the voting list or the population of a community as revealed by the census report ?

Minister : If people do not get themselves registered, it is their lookout. Nobody can compel them.

Rai Bahadur Lala Sohan Lal : Are you going to take into consideration only the voting list in future and not pay any heed to the population strength of a community ?

Minister : I have stated that the formula is voting strength-cum-population. The mean of the two is taken and then the share of each community is worked out.

Sardar Sahib Sardar Santokh Singh : May I know whether it was worked out in the case of this municipal committee when the census was taken ten years ago ? Has this formula been worked out for the first time in the case of this local body ?

Minister : If you want any information about a particular municipality, then you will have to give notice of the question.

Rai Bahadur Lala Sohan Lal : The question is about a particular local body.

Minister : It means that when they worked out this formula, the last census was the criterion as far as the population went and the last voting list was the list from which the voting strength was calculated.

Rai Bahadur Lala Sohan Lal : Was this the very first election that took place at Kasur after the last census ?

Minister : That is not asked in the original question. For that you will have to give a further notice.

Rai Bahadur Lala Gopal Das : May I ask the Honourable Minister whether the principle of nomination is meant to balance communal inequalities, and whether in this case the Muhammadans have increased and the Hindus decreased in population and in their elective strength ?

Minister : It is stated in the reply that a particular community was not entitled to a seat.

Rai Bahadur Lala Gopal Das : Why were the Hindus entitled to two nominated seats in the previous nominations ?

Minister : For that you will have to give a fresh notice.

Rai Bahadur Lala Gopal Das : May I know when this formula was introduced ?

Minister : It was adopted long before we came into office. The previous Government had worked it out with the consent of all concerned, including the Council of those days.

Rai Bahadur Lala Gopal Das : Is this the first election during the life time of this Government which has taken place in the Kasur Municipality ? If elections have taken place during the time of the present Ministry and if nominations had been made during the previous elections, why had no seats been allotted to the Hindus during the last municipal elections ?

Minister : The election took place in 1940. The formula started working many years ago. I cannot say whether this is or is not the first election that has been held since the formula has been adopted. If the honourable member gives specific notice of that question, I will find out.

IMPROVEMENT IN THE POLICE UNIFORM.

*7511. **Khan Sahib Khawaja Ghulam Samad :** With reference to the answer to starred question No. 6492¹ asked on 15th April, 1940, will the Honourable Minister of Public Works be pleased to state whether the small committee of police officers said to have been appointed to consider the possibility of improving police uniform has so far made any proposals ; and if so, whether he will be able to lay a copy of these proposals on the table of the House ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh)
The committee appointed to report on the possible improvements in articles of uniform prescribed for the Punjab Police has submitted its recommendations for alterations and additions to the uniform of the police as follows :

I.—Lower Subordinates uniform.—(a) The committee recommends the retention of the present type of pantaloons for cold weather wear and for all ceremonial purposes. It should not be worn more than 4 months in the year,

namely from the beginning of November to the end of February except on ceremonial occasions. For the remainder of the year the committee is of opinion that tunic or shirts should be worn with shorts, footless hose of the same colour as khaki drill, socks and *chaplis*. The committee suggests the free issue of *chaplis* instead of *gurgabi* shoes to lower subordinates from the Clothing and Equipment Fund and recommends that lower subordinates should be provided with an initial issue of two pairs of footless hose, two pairs of socks, two pairs of half *pattis* and one pair of *chaplis* at the expense of the Clothing and Equipment Funds. It further proposes that half *pattis* and footless hose should be replaced after two years and that the life of the full *pattis* should be extended to 4 years.

(b) *Uniform safas*.—The committee recommends that a finer and lighter quality of blue cloth should be issued instead of the existing coarse cloth which is heavy.

(c) *Great coats*.—The committee considers that the life of great coats should be reduced from 8 to 6 years.

II.—*Upper Subordinates*.—(a) The committee proposes that Upper Subordinates should be provided with two pairs of socks, two pairs of footless hose and one pair of *chaplis* as an initial issue. Those working in the Prosecuting Branch should wear shorts, shirts, stockings and shoes during the hot weather and belted tunic with slacks of the same material during the cold weather.

(b) *Belts*.—The committee considers that the present type of belt should be replaced by a plain black belt of the "Sambrown" type.

(c) *Tunics*.—The committee after considering various designs came to the conclusion that the present tunics should be retained.

(d) *Badges of rank*.—After due consideration the committee recommends that the following badges of rank should be adopted.

Inspectors.—Inspectors should wear on the left sleeve of their shirts or tunics a metal badge consisting of a crown surrounded by a laurel wreath.

Sub-Inspectors.—Sub-Inspectors should wear 4 stars two on each side of their collars, such as Inspectors now wear.

Assistant Sub-Inspectors.—Assistant Sub-Inspectors should wear two stars one on each side of their collar as Sub-Inspectors now wear.

(e) *European Inspectors*.—*Sergeant helmets*.—The committee recommends that the army pattern helmet costing about Re. 1-8-0 should be adopted as the standard helmet for European Inspectors and Sergeants instead of the present standard type of the helmet used by them which costs Rs. 17-8-0 and is reported to be very heavy and uncomfortable to wear.

These recommendations are now under examination.

SCHOLARSHIPS FOR DEPRESSED CLASS STUDENTS.

*7494. **Chaudhri Jugal Kishore** : Will the Honourable Minister of Education be pleased to state—

(a) whether a sum of rupees ten thousand was ear-marked in the last year's budget for distribution, in the shape of scholarships,

[Ch. Jugal Kishore.]

among the depressed class students studying in the middle schools, high schools and colleges in the province; if so, how much of it has been spent so far on scholarships given to depressed class students, together with the names of the students and the classes in which they have been awarded the scholarships;

(b) the number and names separately of the depressed class students reading in the high schools in the Punjab who are at present in receipt of scholarships to the value of Rs. 6-8-0 each and also the number and names of depressed class students reading in the Intermediate and B.A. classes who are getting a scholarship, together with the value of each such scholarship;

(c) whether any depressed class students reading in the Central Training College, Lahore, have also been awarded any scholarships; if so, their names, together with the value of each such scholarship?

The Honourable Mian Abdul Haye : I regret I am unable to answer this question as the time and labour involved in collecting the information will not be commensurate with any possible benefit to be obtained.

Lala Harnam Das : May I know whether these scholarships amounting to Rs. 10,000 will be granted to Addharmis alone?

Minister : They will be granted to members of the depressed classes.

Sardar Moola Singh : The question is whether these scholarships are to be given to Addharmis alone or all the 27 tribes of the depressed classes?

Minister : They are meant for all depressed classes.

Lala Harnam Das : May I know if a circular was issued to the effect that these scholarships should be awarded only to those scholars of the depressed classes who profess the Hindu religion?

Minister : I have no knowledge of any such circular.

Chaudhri Jalal-ud-Din Amber : Will the Honourable Minister please state as to what classes are included among the depressed classes?

Minister : It is a very long list and I can only say that it includes neither Hindus nor Muslims.

Chaudhri Jalal-ud-Din Amber : Nor Christians?

Minister : No, Sir. (*Laughter.*)

Rai Bahadur Lala Gopal Das : May I know whether the money that is not utilised during a certain year will be available for the next year?

Minister : The money not utilised during a whole financial year lapses and therefore cannot be utilised next year.

Chaudhri Jalal-ud-Din Amber : Is the Government prepared to consider the question of defining the qualifications which entitle a person to be included among the depressed classes?

Mr. Speaker : Disallowed.

Sardar Moola Singh : Will the Honourable Minister please state as to how much of that sum of Rs. 10,000 has not been utilised as yet ?

Minister : Unless the financial year ends nothing can be definitely stated.

Chaudhri Jalal-ud-Din Amber : Will the Government consider the question of substituting the term 'backward classes' for 'depressed classes'?

PRIMARY EDUCATION BILL AND THE MEDIUM OF INSTRUCTION.

*7545. **Rai Bahadur Lala Sohan Lal :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware that strong agitation is going on among all the sections of Hindu and Sikh communities ever since the Primary Education Bill has been passed by the Punjab Legislative Assembly ; if so, the action taken or intended to be taken in the matter ;
- (b) whether it is a fact that no arrangement is intended to be made for the teaching of Hindi and Gurmukhi to pupils in schools when compulsion is introduced under the new Primary Education Bill even if the number of pupils in a school reading Hindi and Gurmukhi were to exceed 10 ;
- (c) whether by the statement given by the Honourable Premier to the representative of a local newspaper and published by that paper in its issue of the 15th of January, 1941, it is intended that Government would maintain *status quo* in the matter of the medium of instruction in the Punjab ;
- (d) if not, what is the purport of the word "*status quo*";
- (e) whether it is a fact that at present arrangement exists in schools for teaching any of the three languages (Hindi, Gurmukhi and Urdu) according to the requirements of the students ; and if so, whether this arrangement will continue to exist even after the new Primary Education Bill has been enforced ?

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

SHORT NOTICE QUESTION AND ANSWER.

CENSUS AND ENUMERATION OF SOLDIERS.

Nawab Sir Shah Nawaz Khan : Will the Honourable the Minister for Education be pleased to state whether any arrangements have been made with the authorities concerned for the enumeration, for the purpose of census, of the Punjabi soldiers who are at present serving outside the Punjab in India and outside India ?

The Honourable Mian Abdul Hays : The Census Commissioner for the British India, in collaboration with the Army Headquarters, has made necessary arrangements for the enumeration of the Punjabi soldiers stationed in India. As regards Punjabi soldiers serving beyond the frontier or in areas in which no census is being taken, the Officer Commanding

[Minister for Education.]

the Units will be asked to make a return of all such persons. A mention of the Punjabi soldiers serving in India will be made in the Census Report, but they shall not be included in the total population of the province. For obvious reasons no arrangements have been made for the enumeration of the Punjabi soldiers serving out of India.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION AMONG VETERINARY DOCTORS EMPLOYED BY DISTRICT BOARD, AMRITSAR.

1352. Khan Sahib Chaudhri Fazal Din : Will the Honourable Minister of Development be pleased to state—

- (a) the total number of the veterinary doctors, community-wise, employed under the Amritsar District Board ;
- (b) the names of the various stations under the said district board to which they have been posted, together with the period for which they have remained posted to those places ;
- (c) the proportion in which each community is represented among these veterinary doctors and the reasons why the Muslims are under-represented ?

The Honourable Chaudhri Sir Chhotu Ram : (a) There are no veterinary doctors employed by the District Board, Amritsar. They are, however, the employees of the Punjab Government. Their number is—

Hindus	..	..	..	..	5
Sikhs ..	..	..	..	..	9
Muslims	..	..	..	..	4
					—
			Total	..	18
					—

- (b) *Name of station.* *Period for which attached.*

Hindus.

1 at Amritsar	..	..	..	4 years.
1 at Amritsar	..	..	..	1 month.
1 at Beas	..	..	..	5 years.
1 at Kathunangal	..	..	..	5 years.
1 at Chogawan	..	..	..	10 months.

Sikhs.

1 at Amritsar	..	..	..	1 month.
1 at Amritsar	..	..	..	1 month.
1 at Chatiwind	..	..	..	10 months.
1 at Jandiala	..	..	..	1 month.
1 at Tarsika	..	..	..	4 years.
1 at Tarn Taran	..	..	..	1 year, 5 months.
1 at Fatehabad	..	..	..	1 month.
1 at Attari	..	..	..	17 years.
1 at Raja Sansi	..	..	..	2 years.

Name of station.		Period for which attached.
<i>Muslims.</i>		
1 at Chola Sahib .. .. .	.. .. .	.. 2 years, 6 months.
1 at Kasail .. .. .	.. .. .	.. 1 month.
1 at Ajnala .. .. .	.. .. .	.. 1 month.
1 at Ramdas .. .. .	.. .. .	.. 1 year, 6 months.
<i>Per cent.</i>		
(c) Hindus .. .. .	.. .. .	.. 27·8
Sikhs .. .. .	.. .. .	.. 50·0
Muslims .. .. .	.. .. .	.. 22·2

These posts are borne on a provincial cadre and so it is not possible to maintain the communal proportion in a particular district.

DEPRESSED CLASS PERSONS IN THE SUBORDINATE EDUCATIONAL SERVICE.

1353. Chaudhri Jugal Kishore : Will the Honourable Minister of Education be pleased to state the number and names of the persons belonging to the depressed classes who are working at present in the Subordinate Educational Service?

The Honourable Mian Abdul Haye : The requisite information is given below—

- (1) Mr. Lachhman Singh, Vernacular teacher, Government High School, Palwal.
- (2) Bhagat Ghasita Das, Vernacular Teacher, Government High School, Akalgarh.
- (3) M. Tara Singh, Vernacular Teacher, Government Normal School, Karnal.
- (4) Mr. Rattan Singh Kalota, English Master, Government High School, Garhshankar.
- (5) Chaudhri Bhagat Ram, English Master, Government High School, Hamirpur.
- (6) Lala Vir Bhan Ruqwal, English Master, Government High School, Akalgarh.
- (7) Chaudhri Behari Lal, English Master, Government High School, Sirsa.
- (8) Mr. Bhola Singh, Assistant District Inspector of Schools, Ambala.
- (9) B. Sadhu Singh, Vernacular Teacher, Government High School, Pakpattan.

PERMISSION TO FEMALE TEACHERS TO APPEAR AS PRIVATE STUDENTS
IN UNIVERSITY EXAMINATIONS.

1354. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Education be pleased to state—

- (a) the number of female teachers employed in Government educational institutions, community-wise, who applied for permission to appear as private students in University examinations of the Punjab University and the number of such teachers, who were permitted to appear in such examinations held in the years 1938, 1939 and 1940 ;
- (b) whether it is a fact that the Punjab University ordinarily allows every teacher male or female to appear privately in the University examinations and that the Deputy Directress of Public Instruction has placed some restrictions on such permission being granted to female teachers ; if so, why ?

The Honourable Mian Abdul Haye : (a) A statement is attached.

(b) Yes, the Punjab University ordinarily allows teachers teaching in recognised schools to appear privately in University examinations, but the permission to women teachers, serving in Government institutions, to study for examinations was regulated by the Director of Public Instruction after careful consideration of the matter. Permission to study for and take the examination could not be freely given, in the case of women teachers, in the interest of their own health, and in the best interests of the schools in which they were serving.

Statement showing community-wise the numbers of women teachers in Government Educational Institutions who applied for permission to appear as private candidates in the examinations conducted by the Punjab University and the numbers of such teachers who were permitted to appear in such examinations held in the years 1938, 1939 and 1940 :—

Year.		Hindus.	Muslims.	Sikhs.	Christians.	Total.
1938.						
Numbers who applied	..	18	22	11	7	58
Numbers permitted	..	2	8	3	2	15
1939.						
Numbers who applied	..	12	22	9	14	57
Numbers permitted	..	4	5	2	4	15
1940.						
Numbers who applied	..	26	38	13	13	90
Numbers permitted	..	2	9	5	7	23

REPRESENTATION OF MUSLIMS IN THE SUBORDINATE (FEMALE) EDUCATION SERVICE OF THE ANGLO-VERNAICULAR BRANCH.

1355. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Education be pleased to state—

- (a) how many members of the Subordinate (Female) Education Service of the Anglo-Vernacular Branch are posted in different Government Women Colleges and Schools at Lahore ;
- (b) out of the above number how many are Muslims ;
- (c) how many Muslim teachers (females) of the above-mentioned service have applied for their transfer to Lahore during the last 4 years and how many of them have been so far transferred during the current and past three financial years, respectively ?

The Honourable Mian Abdul Haye : (a) 51.

(b) 4 substantive and 1 officiating.

(c) Ten teachers applied for transfers and two transfers were effected. In a third case transfer orders issued but the teacher changed her mind and preferred to remain where she was.

PANCHAYAT OFFICERS.

1356. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Public Works be pleased to lay on the table of the House a statement giving the number and names of the Panchayat, Assistant Panchayat and Divisional Panchayat Officers appointed so far and the district to which each of them belongs ?

The Honourable Malik Khizar Hayat Tiwana : A statement¹ giving the required information is laid on the table.

VOTERS IN BHIWANI MUNICIPAL COMMITTEE.

1357. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of Hindu voters including *Achhuts* entitled to vote in election of Bhiwani Municipal Committee election according to recently prepared electoral rolls ;
- (b) the number of *Achhut* voters there ;
- (c) the number of Muslim voters ?

The Honourable Malik Khizar Hayat Tiwana.

- | | |
|-----------|-----------------------------------------------------------------------------------------------------------------------|
| (a) 6,384 | } These are preliminary figures and are liable to alteration at the time of final preparation of the electoral rolls. |
| (b) 550 | |
| (c) 1,936 | |

APPLICATIONS FOR LEAVE OF ABSENCE OF MAULVI MAZHAR ALI AZHAR AND CAPTAIN DINA NATH.

Mr. Speaker : I have to read out to the Assembly the following applications received from two members of the Assembly, for permission to be absent from the Assembly.

[Mr. Speaker.]

The applications read as follows :—

MAULVI MAZHAR ALI AZHAR writes : I, having been convicted under section 124-A and 153-A, Indian Penal Code, am undergoing imprisonment in this jail and so cannot attend any Assembly session. Therefore, I make request that the Assembly may be pleased to grant me leave of absence from its sittings until the period of my incarceration ends.

CAPTAIN DINA NATH writes : Owing to the military services I am unable to attend the present session of the Assembly. Therefore permission for absence may kindly be granted to me under Rule 33, Chapter VI of the Rules of Procedure.

The question is—

That the permission asked for by the honourable members be granted.

The motion was carried.

VICTORY AT BENGHAZI.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, before we begin the business of the day, I think I should take this opportunity of recording the opinion of this House with regard to the brilliant victory at Benghazi. As you are aware, Benghazi was captured by our troops after a brilliant march of over 130 miles in about 30 hours and the event is of such great strategic importance (I believe unparalleled in history) that it sent a wave of joy throughout the province and amongst those who are watching the success of our troops in the Middle East. General Wavell who is responsible for these victories and who is in command of the Forces of the Nile, is one of those brilliant generals and leaders of army, whose name will go down to history as the biggest Army leader of his day. I think that the House would like me as representatives of the people of this province, to send a formal message of congratulation to General Wavell (*hear, hear*) and to our troops and also to re-assure them that so far as this province is concerned—and I hope the rest of India also—our good wishes will always be with them and that we will continue to help them with men and material in order to achieve final victory and it is to that end that I beg to move this resolution which, I hope, truly voices the feelings of the people of this province: I move—

The Punjab Legislative Assembly sends its warmest congratulations to General Sir Archibald Wavell and the Army of the Nile and its sister services on the magnificent victory at Benghazi and on the brilliant achievements in Cyrenaica, Eritrea, Abyssinia and Italian Somaliland; and sends its cordial good wishes for further successes, and reiterates its assurance that the Punjab will continue to give of its best in men and material towards the achievement of final victory.

This is the resolution, and I hope that the House will unanimously endorse it and then allow me to send it to the Commander-in-Chief with a view to its communication to Sir Archibald Wavell and our comrades in the Middle East. (*Hear, hear and applause.*)

Mr. Speaker : Motion moved.

The Punjab Legislative Assembly sends its warmest congratulations to General Sir Archibald Wavell and the Army of the Nile and its sister services on the magnificent victory at Benghazi and on the brilliant achievements in Cyrenaica, Eritrea, Abyssinia and Italian Somaliland, and sends its cordial good wishes for further successes, and reiterates its assurance that the Punjab will continue to give of its best in men and material towards the achievement of final victory.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I rise to support the motion that has been moved by the Honourable Premier (*hear, hear and applause*). I am one of those who believe that the battle for India is being fought in the Mediterranean. (*Hear, hear.*) Our party is one of those who believe that unless Nazism and Facism are destroyed, there can be no peace in the world. (*Hear, hear.*) All honour to our Indian soldiers who have given such a splendid proof of their valour and have thereby raised the head of India amongst the nations of the world (*Hear, hear and applause*). I am one of those who believe that every possible assistance should be given to the British Government in the prosecution of this War. (*Hear, hear.*)

Whilst on this subject, I cannot help remarking that the liberty for which this war is being fought has not been given in full to India. There is a state of war at the moment between the Congress and the British Government and I would appeal to the Honourable Premier who has undoubted influence with the Government of India that he may please do his level best to bring about an honourable settlement between the Congress and the Government of India. The sacrifices which the Congress is making in the interests of India cannot go in vain.

Sayed Mohy-ud-Din Lal Badshah (Attock South, Muhammadan, Rural) : Sir, I welcome this resolution and I lend my wholehearted support to it.

Mr. Speaker : Question is—

The Punjab Legislative Assembly sends its warmest congratulations to General Sir Archibald Wavell and the Army of the Nile and its sister services on the magnificent victory at Benghazi and on the brilliant achievements in Cyrenaica, Eritrea, Abyssinia and Italian Somaliland, and sends its cordial good wishes for further successes, and reiterates its assurance that the Punjab will continue to give of its best in men and material towards the achievement of final victory.

The motion was carried unanimously.

MEETING ON WEDNESDAY, 12TH FEBRUARY, 1941.

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

That the Assembly shall meet on Wednesday, the 12th February, 1941, at 12 noon, and that the Speaker shall adjourn the Assembly without question put at 4.30 p. m. on that day.

There is one other matter which is germane to this motion which I should like to mention to-day—not for any final decision but merely as a suggestion. It was suggested to me by several members of this House that instead of sitting for four days in the week with a break in between, we should sit for four days continuously, Monday to Thursday and then break for Friday, Saturday and Sunday, so that members who want to leave Lahore may find it more convenient. This is a suggestion and I shall make a formal motion to that effect later on.

Mr. Speaker : Question is—

That the Assembly shall meet on Wednesday, the 12th February, 1941, 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.

JAGIRS BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I beg to present the Report of the select committee on the Punjab Jagirs Bill.

ENTERTAINMENTS DUTY (AMENDMENT) BILL.

Minister for Finance (The Honourable Sir Manohar Lal): Sir, I beg to introduce the Punjab Entertainments Duty (Amendment) Bill.

Minister: I beg to move—

That the Punjab Entertainments Duty (Amendment) Bill be taken into consideration at once.

The motion was carried.

Clause 1.

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

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker: Clause 2.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (*Urdu*): Sir, I wish to make an observation with regard to clause 2 of this Bill. According to this new proviso a duty will be imposed even on those complimentary tickets which may be issued to the landlords and owners of the various cinemas. That is not proper. The landlords and owners of the cinema houses should be permitted to enjoy exemption from this duty as was originally proposed in the Punjab Entertainments Duty Act, 1936. It may be urged by the Government that the landlords and owners of the various cinema houses are rich people and can easily afford to pay for their amusement. But it does not seem to be proper and reasonable that these landlords should be required to pay for visiting their own cinemas. This does not look decent and proper. At least a limited number of such tickets should be exempted, say 15 or 16 tickets. I hope the Government would reflect over this aspect of the question and reconsider its decision. But if the Government is adamant, I do not want to press this point any further.

Mr. Speaker: Question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Mr. Speaker : Question is—

That clause 3 stand part of the Bill.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That in the proposed section 6-A (1), line 7, for the words 'five hundred' the words 'two hundred and fifty' be substituted.

Sir, keeping in view the definition of the word "entertainment", it does not look proper to impose any fine for an offence against the payment of entertainment duty. If a fine is to be imposed at all, the amount of fine should be very small. After actually seeing the income from this source, a proper rate of fine may be fixed on the basis of actual collections. The Punjab Entertainment Duty Act was passed in 1936 and the definition of "Entertainment" given in that Act runs as under :—

"Entertainment" includes any (exhibition, performance, amusement, game or sport to which persons are admitted on payment.

It means, therefore, that even sport is to be taxed. It is not in the fitness of things to impose any duty on sport. In view of these remarks, I would appeal to the Government to reduce the amount of fine from Rs. 500 to Rs. 250 only as penalty for an offence of that sort.

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

That in the proposed section 6-A (1), line 7, for the words 'five hundred' the words 'two hundred and fifty' be substituted.

Minister for Finance : I think it is a penal clause. I am, therefore, prepared to accept this amendment.

Mr. Speaker : Question is—

That in the proposed section 6-A (1), line 7, for the words 'five hundred', the words 'two hundred and fifty' be substituted.

The motion was carried.

Mr. Speaker : Question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : Question is—

That the opening words of the Bill, 'it is hereby enacted' stand part of the Bill.

The motion was carried.

Mr. Speaker : Question is—

That the Title be the title of the Bill.

The motion was carried.

Minister for Finance : I beg to move—

That the Punjab Entertainments Duty (Amendment) Bill as amended be passed.

The motion was carried.

THE CITY OF LAHORE CORPORATION BILL.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): Sir, I beg to move—

That the City of Lahore Corporation Bill as reported by the select committee be taken into consideration.

Mr. Speaker: Motion is—

That the City of Lahore Corporation Bill as reported by the select committee be taken into consideration.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, it was in 1939 that the City of Lahore Corporation Bill was introduced for the first time. Now it is 1941. The Honourable Minister has moved that this Bill as reported by the select committee be taken into consideration. It has 414 clauses, that is, one clause less than 415 which number represents that section in the Indian Penal Code which deals with the crime of cheating. (*Laughter.*) (*Minister of Public Works*: You may propose an additional clause so that the suggested deficiency may be made up.) (*Laughter.*) If the Honourable Minister would accept my amendments, I will move several of them. But I am afraid he will not accept any of them. Well, sir, this is a very important Bill. As it relates to the scheme of raising Lahore to a Corporation, I am not opposed to it. I rather welcome the principle. But as the Government has been sleeping over this measure for 1½ years, there would have been no harm if it had been further delayed for some time in order to elicit public opinion thereon by circulating it up to 31st of March. It may be urged on behalf of the Government that this Bill concerns the citizens of Lahore only and that there will be no use in circulating it for eliciting public opinion thereon. You have not circulated it for eliciting public opinion even in Lahore. Leaving aside the people who live within the extended municipal limits of Lahore there are about 5 lakhs of persons residing within the old limits of Lahore and very few of them know anything about the real object of this Bill and its effects.

Sir, at the time when this Bill was introduced in this House for the first time, the members of the opposition requested the Government to include eight members from the opposition on the select committee and also stated the names of those members whom they wanted to represent them on that committee. The underlying idea of the aforesaid request was that at least there should be one-third of such members on the select committee who might be conversant with the conditions obtaining in Lahore. But the Government did not accede to this request of the opposition. Those six members whom the Government included in the select committee from the opposition were obliged to refuse to work on the select committee and withdrew their names on principle. The result was that the people of Lahore to whom this Bill relates most intimately were not represented on the select committee. Mr. S. P. Singha has stated in his note of dissent that if those members of the opposition who were proposed by the Government to work on the select committee had not refused to work on it, the complexion of the Bill would have been abso.

lutely changed. He has regretted the inability of those members to serve on the select committee. I may assure him that the honourable members of the opposition had refused to serve on the select committee only on principle. Then there is the note of dissent by Lala Sohan Lal. Lala Sohan Lal has raised only three points in his note of dissent. He has mentioned those points very briefly and has not clearly stated therein all the things which he had submitted before the select committee. I wish he had included in his note of dissent all those things which he stated before the select committee.

I have studied this Bill as it has emerged from the select committee. I do not find any important change in it. The select committee has here and there changed a comma or a full stop or put in a word in place of another. They have not amended the Bill in any important respect. Amendments which were required to be made in this Bill have not been made. I have great regard for the ability of the honourable members who were on the select committee but unfortunately only three of them were such who knew the conditions obtaining in Lahore. Those three members were Begum Shab Nawaz, Syed Afzaal Ali Hasnie and Lala Sohan Lal. Only these three members were acquainted with the city of Lahore and its needs. The other members knew little of Lahore and its affairs. They never had the opportunity of acquainting themselves with the Lahore affairs whether in the capacity of a member of the superseded Lahore Municipal Committee or in some other capacity. I sent a brief note about this Bill to "the Civil and Military Gazette" and "the Tribune" dealing with this Bill generally. I understand from my honourable friend Sardar Santokh Singh that that note has been published in to-day's "Tribune". I do not know whether the Honourable Minister has seen it or not. I do not think he has. In that note I have dealt with a few basic principles of such an institution. As the Honourable Minister has not seen that note I will briefly mention them. *(Interruption.)* I will mention them without waiting for a request from you. Another honourable friend from that side of the House made some remarks about my memory. I will deal with him also later on. Well, Sir, I was saying that for the benefit of the Honourable Minister, I will briefly mention the principles which ought to be made the basis of any such institution. The first principle is the same on which the constitution of this Assembly has been based. We know that so far as this House is concerned the principle of nomination has been abolished. Out of 175 members of this House not a single one is nominated. It would have been much better if, so far as the Lahore Corporation is concerned, there had been no provision for the nominated element among its members in this Bill. I am told that this Bill was drafted by the previous Administrator of the Lahore Municipality. He spent many months in Simla on drafting it. He prepared it on the lines of the various other Corporation Acts. I understand, he studied the Madras and Karachi Corporation Acts and prepared this Bill on their lines. Unfortunately he did not follow those Acts in a sound manner. In no such Act is there any provision regarding 25 per cent nominated element among the members of a Corporation. In some the nominated element does not exceed 10 per cent, while in others there is a provision for two or three nominated members at the most. There are corporations where there are no nominated members, but so far as the

[Mian Abdul Aziz.]

Lahore Corporation is concerned it is proposed to have 25 per cent nominated members on it. Unfortunately the Government has been formed by the Unionists who are reactionaries and they cannot get rid of the principle of nomination which has been discarded everywhere. It has been discarded even in the 1935 Act according to which this Assembly has been formed. It was not proper for the Government to maintain the principle of nomination so far as the Lahore Corporation Bill is concerned. To make a provision to introduce 25 per cent nominated element in the proposed Lahore Corporation is most improper and unjust.

Sir, there was a time when belief was widely held that so far as municipal bodies are concerned they should be vested with complete self-governing powers and that Government should have no hand in their administration whatsoever. I wonder what new thing has happened that my friends want to take us back to the old bureaucratic days when nominations were the order of the day. To me it seems that the alleged mal-administration of the Lahore Municipal Committee is the main reason why Government have deemed it proper to reserve to themselves the right of nominating one-fourth of the entire members of the Corporation. If that is the thing which has led them to make a provision to this effect, I may tell them that they are misguided in taking this step. The inability of any particular local body is no valid excuse for depriving the electors of their right of electing their representatives. I ask, if under the same plea nomination were to be made to the Punjab Legislative Assembly would my honourable friends relish the idea? If they do not like it for themselves, why do they inflict nominations on a municipal body and why should they debar the inhabitants of Lahore from the right of electing their own representatives?

Now, Sir, you are aware of the fact that since the supersession of the Lahore Municipal Committee the inhabitants of Lahore have been very much agitated. Time and again they have held public meetings to voice their feelings on the point and passed resolutions urging upon the Government to reinstate the old Municipal Committee. That was not all. Even on the floor of this House we have more than once urged upon the Government to rid the people of Lahore of the thralldom of the Administrator. But it is a matter of great regret that the Government have not budged an inch from the position which was taken up by their predecessors. Rather they consider it absolutely essential to uphold the Administrator over the heads of the inhabitants of Lahore against their express wishes. My submission is that if there was any defect in the procedure of the Municipal Committee or in the conduct of any member Government could have taken steps to remove that defect rather than take the extreme step of superseding it once for all as was done by the preceding Government. But the pity is that my honourable friends are still maintaining that position. As a matter of fact they have given very extensive powers to the Administrator. He is in sole charge of the affairs of the Lahore Municipal Committee. To say nothing of his extensive powers even the Bill now before the House has been drafted by him *in toto*. Anyway I think the best course for the Government would be to fill all the seats by election. If, however they have any objection against any particular member they can unsat

him under section 16 of the existing Municipal Act or under the provisions of the Corporation Bill itself. Besides, they can also lay down educational or property qualifications for the members to be elected to the Lahore Municipal Committee. For instance, they can provide that only those persons would be eligible for election who have educational qualifications up to the standard of Matric., F.A. or B.A.; also for the representation of minorities. Similarly they can lay down property qualifications as well. In fact all these courses are open to them. If they find that any member is not doing his duty they can remove him. But it is in no way justified for Government to take away the right of the inhabitants of Lahore to elect their own representatives. We all know how nominations are made. In fact, this is nothing new to us and I need not waste the time of the House by dilating on this point. Suffice it to say that the nominated members will only be the "yes men" of Government and their only duty will be to dance to the tune of Government. Consequently it is no use keeping this nominated element in the Corporation or municipal body. If the Government are very much enamoured of reserving this power of nominations let them make a provision for nominating only two or three members and not 17 or 25 per cent of the entire members of the Corporation. It is a curious thing that when provincial autonomy has been given to provinces, my honourable friends are preventing the citizens of Lahore from governing their own affairs. We cannot tolerate that Government should in any way interfere in matters which are entirely our own concern.

Then we find that the Chief Executive Officer who will step in the shoes of the Administrator, has been given very extensive powers. What is more, the Corporation shall have no right to appoint him. It will rest with Government to make his appointment as well as that of some other servants of Corporation. (*Interruptions.*) Anyhow I think all such rights should be vested in the Corporation itself and Government should reserve to themselves the power of approval only. This is another matter to which careful consideration should be given by Government.

On the one hand, the Unionist Ministry is never tired of declaring from house-tops that the Punjab is enjoying unadulterated self-government because the head of the Province, i.e., His Excellency the Governor never interferes with the decisions taken by the Ministry in respect of day to day administration, and on the other hand, they are trying to reduce to mockery all democracy and self-government by vesting all the powers of the Corporation in the Chief Executive Officer appointed not by the Corporation but by the Unionist Government themselves. When the Executive Officers' Bill came up for discussion in the old Legislative Council those opposed to it withdrew from the House after expressing their opposition in general terms. If they had remained in the House and taken part in the discussion, I am sure the Act would have been much better than it is. It is a pity that the honourable member who now sits on my left (Dr. Sir Gokul Chand Narang) did not pay any heed to the principles of democracy and thrust that unwelcome and unwholesome measure on our Municipalities. Had he been here to-day, I would have said to him :

اے ہاں صبا! بن ہمہ آرد کہ نیست

[Mian Abdul Aziz.]

But I would request the Government not to repeat the same mistake so that we may not have to say the same thing to them. The late lamented Nawab Ahmad Yar Khan Daulatana, a very important member of your party as well as of the present Government, bitterly opposed the Executive Officers' Bill in the Council. I wish he were with us to-day to express the same views with regard to this provision about the Chief Executive Officer.

I do not want to enter into a detailed discussion of any clause at this stage, but as regards this handing over full powers to a single officer appointed by you, I must draw your attention to what has happened in Lahore under the regime of your Administrator. There are so many judicial decisions which show what the people of Lahore have had to endure during the last five years. As an instance let me refer you to the judgment of a Division Bench of the High Court in Civil Second Appeal No. 500 of 1938 and in which you find expressions like 'wanton, unreasonable, abuse of powers, arbitrary, capricious negligence' and I make bold to say that all these expressions apply equally well to this Bill of yours. You have given much wider powers to the Chief Executive Officer. My honourable friend Mian Mushtaq Ahmad Gurmani is not here, but I will read out just a few words from one of his speeches in the old Council. He said :

"It is only right that we may extend to our local bodies the same spirit of responsibility and advancement.....If we are unfit to control or manage our local bodies it does not lie in our mouth to ask for self-government, responsibility at the centre or Provincial Autonomy".

These first and last sentences as well as the context make it as plain as anything that in his opinion you have no right to demand provincial autonomy or responsibility at the Centre unless you give self-government to your local bodies. The Honourable Minister should know that even at the very inception of local self-government in this country the Governor-General declared that local bodies must be self-governing bodies. Again, you must have read the report of the Simon Commission.

Minister of Public Works : They met with cries of 'go back'.

Mian Abdul Aziz : So you are afraid of a quotation from the report of those very people who were the first to do the spade-work for the introduction of new reforms and who are responsible for your being where you are.

Minister : I was only talking of the Simon Report.

Mian Abdul Aziz : That is what I am referring to. Do you agree with those cries ?

Minister : If you want you can quote it.

Mian Abdul Aziz : Of course, it will have no effect. It is like pouring water on duck's back, and since you appear so perturbed about it, I will not inflict it on you.

Mir Maqbool Mahmood : No, no. Go on.

جو دوستوں نے سلام کیا تو خنجر اڑا دیا

Mian Abdul Aziz : That can be said more appropriately about you and not about an ugly old man like me.

Mr. Speaker : No remarks, please.

Minister : The debate was getting dull.

Mian Abdul Aziz : I apologise, sir, and I am very grateful for the compliment which has been paid to me that the debate was becoming dull, because the Minister could not follow my arguments. In other words, he has no desire to follow me. Anyway, without quoting the actual words I may say that the Simon Commission laid great stress on internal freedom of action to the local bodies. But here we find that even the freedom already enjoyed by them is being taken away. The appointment of the Chief Executive Officer by the Government and giving him so wide powers will result in the same state of affairs to which a very able Accountant-General has referred with regard to the regime of the Administrator of Lahore in the report for 1935-36 and 1936-37. He described this regime as very faulty and worthless and declared that if the Committee were in existence the money squandered and wasted could be very easily recovered from the members as surcharge. What action has the Government taken in his case? Nothing. And still they want us to agree to giving the widest possible powers to the Chief Executive Officer.

Now that the Municipal area has increased by the inclusion in it of 6 *thanas* comprising about 92 villages there will be so many layout plans, water-works schemes, drainage schemes, etc., which the Chief Executive Officer will have to attend to. Do you think that he will be able to give personal attention to all of them? He will certainly have to depend on the report of his subordinates who are sure to become as corrupt as they have been under the Administrator. I can give you examples of corruption in the matter of building plans and so many cases are pending in the courts in this connection. If a councillor were to co-operate with the Chief Executive Officer he would do his utmost to acquaint him with actual facts about the schemes and plans concerning his ward but if you leave every thing to the latter he will have to depend on his subordinates with the result stated above.

In view of these facts I would request the Government to pause and consider the situation they are going to create by this measure. The members of the Corporation can pass a vote of censure or no-confidence against the Chief Executive Officer but they cannot dispense with his services because you have fixed a majority of 5/8ths for that purpose. Now look at the constitution of the Corporation and see whether the power you have given to the Corporation is a real one. Out of 68 councillors 17 will be nominated and 6 more will come from special constituencies. That means that 23 councillors will be at your beck and call and, therefore, there can never be a majority of 5/8ths against the Chief Executive Officer unless the Government so desires, because there must be at least 4 or 5 elected members of your own party who will always vote under your orders. The representatives of Railway employees, the Senate and the District Board will be under your thumb. And may I know what interest the district board has in the Lahore Municipality so that you must give it a seat on the Corporation? Have you given a seat to the Corporation on the District Board? (*A voice :* It will be given.) That is said in so many cases but we know what value to attach to such promises.

[Mian Abdul Aziz.]

Then, sir, as my honourable friend Malik Barkat Ali pointed out at the time of the introduction of this Bill no councillor will be able to examine a file unless he has the permission of His Majesty the Chief Executive Officer. Is this the extent of trust they repose in the councillors who are not entitled even to send for a file from the Chief Executive Officer? Sir, I have placed a few instances for the purpose of elucidating my point.

(At this stage the Minister in charge of the Bill went out leaving the Treasury Benches empty.)

I think it is the duty of the Honourable Minister in charge to remain in his seat while his Bill is under discussion in this House. But it is a pity that neither the Minister in charge of the Bill nor any one of his Parliamentary Secretaries is present in the House, not even any other Minister.

Mr. Speaker : The Honourable Ministers presumably know their duty.

Mian Abdul Aziz : Even the Parliamentary Secretary to the Honourable Minister is not here.

Mr. Speaker : The Honourable Mir Maqbool Mahmood has informed the House that he is taking notes for the Honourable Minister.

Mian Abdul Aziz : But if the Honourable Minister and his Parliamentary Secretary have to do much more important work outside this House they should not have moved this Bill.

Mr. Speaker : Please proceed with your speech.

Mian Abdul Aziz : Sir, I was submitting that the Government would, with 17 nominated members and 6 special constituency seats, make it impossible for the Corporation to have 5/8ths majority at any time even if the Corporation wanted to remove the Chief Executive Officer. In this connection, I would like to quote the words which the Parliamentary Secretary of the Minister in charge uttered during his speech and which I have mentioned in an article that has been published in to-day's "Tribune." He said : " I see no reason why the opinion of a bare majority should not prevail and instead opinion of 3/8ths majority should retain ". All that I want to submit is that by playing these tactics, the Government is taking unlimited powers in its hands. And it is unjust and unfair on the part of the Government to do so. Moreover it is fundamentally a moral sin to usurp the rights of people which the Government is doing.

I may further point out that the Bill is more or less the same as introduced first in this House. No substantial change has been made in it by the select committee. I would like to read out a few amendments that have been made in the Bill by the select committee. Now please listen what amendments have been made by the honourable members of the select committee who have signed the report in a way as if they have put in much labour in revising the Bill. It is given on page 1—

The word "with" wherever it occurs, should be omitted.

Then there is another amendment which says ;

After the words "entered into" wherever they occur, the word "with" should be inserted.

Further on if you go through this report you will find in the beginning in the body and in the last sections that the select committee at the time of considering this important measure has made such nominal and most ordinary changes as I have just pointed out by way of example. In fact the select committee has made no change in the Bill except putting a comma here and a semi-colon there or substituting "with" in place of "or" and so on and so forth. So far as I have studied the report I have not found any important change in the Bill as introduced in this House. The report of the select committee has shocked me and I have come to this conclusion that the Bill has not been considered as carefully and minutely by the select committee as it should have been. The Honourable Minister in charge may get up and say that six members of the Opposition were nominated by him on the select committee and if they refused to serve on the committee the fault did not lie with the Government and he may consider himself justified in saying so.

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

Perhaps some of my honourable friends have forgotten that it was due to the pressure of the Opposition that the number of their nominees had been increased from 6 to 8. But what could eight members out of a total of 24 or 25 do? They were still in a hopeless minority and the Government would have not suffered, if one or two more members from the opposite Benches were added. It was gratifying to note there were two lady members in that committee. One of them is very rich in experience. The other is thoroughly conversant with the true state of affairs prevailing in the city of Lahore, although she is not so rich in experience as the former. But I was sorry to learn that a note of dissent has not been signed by the latter. I hope my honourable sister Begum Rashida Latif Baji will throw some light on this point as to why she could not add a note of dissent to this report. Perhaps she thought that no one would listen to her cry in the wilderness. After all, of what avail are tears shed on sand? So she must have made up her mind to give up the hopeless task of trying to persuade the majority bent on a certain line of action. I do not want to say much on this point. I hope I will get several other opportunities to express my views with regard to the various clauses of this Bill. At the present stage it would be sufficient to point out that three members of the Unionist Party have also appended their notes of dissent to the report of the select committee. This is really a very significant and outstanding fact with regard to the report under consideration. This is a clear proof of the fact that the Bill in its present form is very defective. It is not worth consideration of the House. We are, therefore, justified in saying that whereas the Bill has been hanging fire for the last 1½ years and whereas the Government has been sitting tight over it for such a long time, there will be no harm if it is circulated for eliciting public opinion thereon by the 31st of March, 1941. The Bill will not be unduly postponed. At least no untoward result will ensue. Even if the Bill is passed in the present session, it will take a long time to enforce it as His Excellency's approval will have to be taken and various other formalities will have to be gone through before a Corporation is actually formulated or inaugurated in Lahore. The area of the Corporation will be well nigh 116 square miles

[Mian Abdul Aziz.]

and it will take 1½ years to really set up a Corporation in Lahore. Moreover, most of the honourable members of the Opposition who would have tried to modify or improve the Bill are unfortunately absent. As many as 80 honourable members of the Opposition are absent from the House. It goes without saying that they would have thrown a flood of light on the provisions of the present Bill and we would have profited by their wise counsels and useful suggestions. Their deliberations were certainly expected to improve the Bill. If they had been here in the House they would have certainly moved numerous amendments with a view to removing various defects of the Bill. The Government would have largely improved it by accepting their amendments. But now we on the Opposition benches are too few to be of much use, as the Punjabi saying has it :

ای سوئی ٹوڑے کورا کنروال

It means that one swallow does not make a summer. In fact there is no effective Opposition in the House. But this Bill is very important and the public must be taken into confidence with regard to it. I would submit that the Government should agree to circulate it for eliciting public opinion thereon. We should not rush through this measure. After all a Corporation is to be set up in a big city like Lahore and the public must know all the pros and cons of the provisions of this Bill. They must be given time to consider its advantages and disadvantages. They must be given an opportunity to express their views about it. When I say that the Congress party is absent in the pursuit of its high ideals and principles, some one may retort by saying that there is no knowing when the members of the Congress party will return or whether they will not resign. So either the Government will have to wait indefinitely or wait for a party which does not intend to return at all. That will not be a sound policy. (*Interruptions.*) Why should the Government give up its duty? I will reply to this argument. You may not wait for the return of the Congress party. At least do wait till the public is consulted with regard to this Bill. Let us agree to the circulation motion and when the public opinion has been elicited, the Government may forthwith proceed with the consideration of the Bill. The Bill may be circulated in Lahore at least. It is a very populous city. The inhabitants of Lahore should be afforded an opportunity to express their views on it. Moreover, the Assembly will be still in session if the Bill is circulated till 31st of March. As soon as public opinion is elicited, the Bill may be put before the House for its consideration. May be the Budget session comes to an end sooner than is usually expected by applying the guillotine. In that case the Lahore Corporation Bill may be taken up at once. With these words, I move—

That the City of Lahore Corporation Bill as reported by select committee be circulated for eliciting public opinion thereon by 31st March, 1941.

Mr. Deputy Speaker : Motion under consideration, amendment moved is :

That the City of Lahore Corporation Bill as reported by select committee be circulated for eliciting public opinion thereon by 31st March, 1941.

Mrs. J. A. Shah Nawaz (Outer Lahore, Muhammadan, Women, Urban) (*Urdu*) : Mr. Deputy Speaker, while the member from Lahore (Mian Abdul Aziz) was speaking, I was repeatedly reminded of the deputation which approached me on behalf of the citizens of Lahore only the other day.

They requested me to convey to the Honourable Premier their keen desire to see the Lahore Corporation constituted at as early a date as possible. They also stated that while the Lahore Municipal Committee was superseded a couple of months before the present Government came into power, it had not been reinstated during the past four years of the present Ministry in spite of the promise held out by them to reinstate it at an early date. I, therefore, naturally expected that honourable Mian Abdul Aziz would urge the necessity of passing the Lahore Corporation Bill into law very soon, so that the Lahore Corporation could be constituted at as early a date as practicable. But I was disappointed to find that instead of urging the necessity of expediting the passage of this Bill he emphasised the necessity of circulating it for eliciting public opinion thereon. I do not think there is any need for it. This Bill was published in the Gazette for the first time on March 15, 1940. The Report of the select committee was published in October, 1940. Nearly a year and two months have passed since its introduction in this House. Therefore the public has had sufficient time to consider this Bill and to express their views on it. As a matter of fact we know that various organisations have given it their full consideration and have expressed their opinion regarding it. We also know that almost all the newspapers have discussed it in their columns. In the various public meetings held to discuss this Bill, important public leaders have given expression to their views. There is, therefore, no further necessity to elicit public opinion on it. It is not proper to say that the residents of Lahore have not been given sufficient time to form an opinion about it. I request the honourable mover to withdraw his motion.

I have been a member of the Lahore Municipal Committee for three years when the honourable Mian Abdul Aziz was its President, and again for a further period of one and a half year. Thus on account of my four and a half years' experience as a member of the Lahore Municipal Committee I was sufficiently acquainted with its affairs. The report of the Dobson Enquiry Committee as well as the supersession of the last Municipality of Lahore are a clear proof of the state of affairs in the Lahore Committee. I am not here to discuss whether the report of the aforesaid enquiry committee was right or wrong but the alleged mal-administration on the part of the Lahore Municipal Committee was a blot on the fair name of this municipal committee. It was, therefore, necessary to replace that body by another efficient one.

Besides, the honourable member Mian Abdul Aziz, as is clear from his speech, considers this Bill as very important. If it is so, may I enquire from him why he refused to work on the select committee which was appointed to consider it? It would have been much better if he had agreed to work on the select committee especially when the Congress members were not there to place their views regarding it before the Government. If the honourable member can attend the meetings of this House when the other members of the opposition have absented themselves, why could he not work on this all-important committee? During the two months that the select committee considered this Bill, various difficulties presented themselves. If Mian Sahib had been there his valuable advice would have been of great help to the members of the select committee. I would say that by non-co-operating with the select committee he has

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failed to discharge an important duty to his constituency (*Interruption*). I request honourable members not to interrupt me as I do not interrupt them when they are speaking.

Now I would like to make a few submissions regarding the work of the select committee. Mian Sahib has remarked that the select committee has not done more than to change a comma here or a full stop there and that the Bill has emerged from the select committee almost without any important change in it. I am constrained to say that he has not studied the Bill as it has emerged out of the select committee. Let him study it first and he will then be able to appreciate the work of the select committee and the important changes which they have made in this Bill.

Next I come to the question of the principle of nomination. Like the honourable member himself I am also opposed to this on principle. But unfortunately when the conditions obtaining in a country are such that they do not allow representation of some particular interests, the principle of nomination has to be resorted to. Here in this country there are some sections of the people who cannot get representation by election in the local bodies and to give representation to them the nominated element has to be introduced. Similarly in the case of the city of Lahore, there are some sections of the people who cannot get representation in the corporation through election. For example certain sections of the women of Lahore cannot get proper representation on the Lahore Corporation through election. I would do well to acquaint this Honourable House with the views of women of Lahore in this matter. Some time back a meeting was held and some ladies drew the attention of the audience to the Lahore Corporation Bill and the necessity of their representation on the proposed corporation. A certain section of the ladies who attended that meeting were of the opinion that by election they could not hope to get any representation and that under the circumstances it would be advisable to demand four seats out of which two should be filled by election and two by nomination. There are similar other sections of the Lahore population who cannot get representation on the proposed corporation by election only. It is, therefore, necessary to retain the principle of nomination so far as the Lahore Corporation is concerned.

Then an objection has been raised on the ground that one-fourth of the total number of seats of the Lahore Corporation will be filled by nomination. My reply to this is that under the Bill, if it is passed into law, the Government will have power to reduce the number of nominated members. Another fact for which it is necessary to retain the principle of nomination is that the people of this country still lack political training. It is necessary that our young men should start their political career in the local bodies. There are many highly qualified young men belonging to rich families who have started their political career by becoming members of the local legislature, Central Legislature or the Council of State. I know at least half a dozen of such young men. They ought to have started their political careers in the local bodies. This is one of the reasons why we do not get proper persons to become members of the local bodies. The local bodies on account of some inefficient people who become their members are proving a failure. It is, therefore, necessary that the Government should have

powers to nominate the right type of men to local bodies. Several persons with whom I had to work in the Lahore Municipal Committee did not even know the alphabet of municipal administration. In view of these submissions I feel that in the beginning at least provision must be made for nominations.

Again the honourable Mian Abdul Aziz was pleased to observe that all the powers which were previously vested in the old Lahore Municipal Committee and which were taken away from it would now be conferred on the Chief Executive Officer by virtue of this measure. Let me tell him that the Bill as it stands contemplates setting up a municipal body which would be entirely different from the old Municipal Committee. As I have already submitted on some previous occasion, our Municipal Committee belonged to an old type of municipalities wherein the deliberative and the administrative functions were vested in one and the same body. The result was that if the city fathers disagreed in regard to any matter it remained in abeyance for years to come. If fortunately they agreed on a point, then there was no proper authority to give effect to that decision. It was with a view to remove this defect in the municipal administration that the Executive Officers Act was passed by the old Legislative Council in regard to which the honourable Mian Sahib has remarked that it was opposed tooth and nail by the late Chief Whip of the Unionist Party as well as by Khan Bahadur Mian Mushtaq Ahmed Gurmani. True, they opposed it. But the reason for it was somewhat different to what the honourable member has given out to be. They were opposed to particular clauses of that Act. They opposed it because Sir Gokul Chand proposed it. They felt that certain clauses were incorporated in it in order to make the position of the Executive Officer that he was going to appoint so very secure that the municipal committees would not be in a position to remove him even if he proved inefficient. That was the main reason why the Act was vehemently opposed by them and to which objection was taken by almost all the Muslim members of the Council. Now the corporation which we propose to set up will consist of a Corporation, a Standing Committee and a Chief Executive Officer. The Corporation will be the deliberative body which will make rules and frame the policy of the Corporation and the Standing Committee and the Chief Executive Officer will have to carry on the day to day administration. If we take into consideration different Corporations that exist in India we would find that the Corporation which we intend to set up here in Lahore would be more on the lines of the Karachi model. I do not say that we have not profited by the other Corporation Acts. As a matter of fact, acting on the old principle "discard the dross and accept the gold" we have adopted good points from them as well. But it is no denying the fact that mostly our Bill is based on the lines of the Karachi Corporation Act. That Corporation also consists of a corporation, a standing committee and a chief executive officer. The reason why we have followed the Karachi model is that it is a corporation which is working so successfully. Besides, Karachi is the cleanest city in the whole of India and I remember that reference to it was made even in the Joint Select Committee of the Round Table Conference. This speaks volumes for the efficient management of that corporation. In view of all these considerations we have modelled our Corporation Bill on the lines of the Karachi Corporation Act.

Rai Bahadur Lala Gopal Das : Are Government prepared to withdraw this Bill and introduce an exact prototype of the Karachi Corporation Act here in the Punjab ?

Mrs. J. A. Shah Nawaz : I have pointed out before that conditions in every province, every city and every place are different from each other. The reason why we cannot follow the Karachi Corporation Act word for word is that there are many features in Karachi which Lahore is lacking in. For instance, Karachi is a port and Lahore is an inland town. Similarly, there are many other things due to which we are unable to copy that Act *in toto*. At the time of framing the laws we have to give due consideration to the local circumstances as well. Anyhow we have based our Bill on the model of the Karachi Corporation Act.

Sardar Sahib Sardar Santokh Singh : May I ask a question of the lady member ? Could she please tell us the percentage of nominated element in the Karachi Corporation ?

Mrs. J. A. Shah Nawaz : I may inform the honourable member that in the beginning provision was made for nominating eight members to the Karachi Corporation and it was only two years back that the nominated element has been abolished *in toto* there. At present we are also making a provision for nominating one-fourth of the members and if at any time in the future Government deem it fit they can reduce this number without being called upon to amend the Corporation Act itself. The nominated element has been provided in the measure, as I have already pointed out, because certain very important interests will not be able to get any representation on the corporation through election. It is with a view to give them representation that Government are reserving to themselves the power to nominate members to the Lahore Corporation. Now adverting to the subject proper, I may point out that in Bombay there is a corporation, a standing committee and a municipal commissioner. Similarly in Madras there is a corporation, a standing committee and a municipal commissioner. In short, we find that in all the corporations there are standing committees as well as chief executive officers. I hope that while levelling criticism on Government, the honourable members would bear these things in mind.

I think the honourable members over there would agree with me that so far as the carrying on of the administration is concerned, a small council can manage the affairs in a much better manner than an unwieldy one. Take, for instance, our Cabinet. At present there are six Ministers and if their number were to increase to a great extent would it make the administration better ? I for one think that a standing committee of 12 Councillors which will be appointed under the present Bill will be an unwieldy body and I think that its number should be reduced to six. A small executive is more convenient for the purposes of carrying on the administration efficiently. The bigger the Committee the more will be the danger of dissensions and other evils cropping up. Even in the case of very big *angumans* we see that the functions of administration are entrusted to only a small body. It is, therefore, necessary that the business of carrying on the administration should be entrusted to a small committee.

Then, sir, a great deal of criticism has been levelled on the question of the appointment of a chief executive officer. The honourable members are

aware of the fact that our women who have to manage homes always like to have a complete control over them. Women are in a way the chief executive officers of their household affairs. Every department, be it the home department or finance or social department, is entrusted to their care. If, however, this responsibility for managing the household affairs were to be divided, it would only result in chaos in the household affairs. Divided responsibility is nobody's responsibility. It is for the good of management itself, that the sphere of interests should be separated so that there should not be a conflict of duties. It is in view of this thing that the standing committee has been empowered to help the Chief Executive Officer to carry on the day to day administration but his is to be the sole authority. Now there should be some one to give effect to all the rules and by-laws made by the corporation. For this purpose the Chief Executive Officer will be appointed who will have to carry on the day to day administration of the Corporation. This is in a nutshell the outline of our corporation and I think under the present circumstances a better corporation than this could not be conceived of. Let me point out that I am one of those who have felt and are at present feeling that the appointment of the Chief Executive Officer should be left to the corporation and Government should reserve to themselves the power of approval only. But in view of the past bitter experience of the administration of the Lahore Municipal Committee, Government have done well to keep this authority to themselves.

First of all, I would take the case of the Executive Officer. When the Executive Officers' Bill was introduced in the Council the provincial legislature left the selection of the Executive Officer in the hands of the municipality. It was provided that if a two-thirds majority of the Committee approved, the appointment could be made.

2 p. m.

Mian Abdul Aziz : Five-eighths.

Mrs. J. A. Shah Nawaz : Sorry. Yes, it was $\frac{4}{8}$ ths majority. My honourable brother was the President and meetings of the Committee were held under his chairmanship. He is very well aware of the fact that the meetings proved abortive and we failed to agree on the appointment of an Executive Officer. Ultimately we appointed one by a majority of one vote only. Not to speak of $\frac{4}{8}$ ths of the members giving their consent to this appointment, we were unable even to secure a reasonable majority. The Government refused to give their sanction and appointed a person of their own choice as Executive Officer. Again we were asked to select two members for the Improvement Trust. Three meetings were held and such a row was created over the selection that I had to get up and appeal to the members not to make it the arena. We failed to arrive at an agreement and once again the Government had to make their own selection. In view of the past bitter experience it seems proper that the selection of a good Executive Officer should be left in the hands of the Government and when, by and by the members realise their responsibility this power should be conferred upon them.

My honourable brother is a learned lawyer and I expected that he would make a careful perusal of the Bill before expressing his view about it. But

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it seems that his study was not so thorough as I had expected. He has overlooked certain points. For instance, he stated that the honourable Malik Barkat Ali had said that according to this Bill the councillors would not be able to get a file for inspection, if they so wished. I would like to draw the attention of my honourable brother to clause 52 of the Bill. So far as the ordinary files are concerned they are always welcome to have an access to them but if in the opinion of the Executive Officer a file is of a secret nature then, of course, all the councillors cannot examine it. In this connection it is provided that a committee consisting of a councillor, one member of the standing committee and the Mayor will be formed for the purpose of examining such files. Can every councillor have free access to all files? Before demanding that, we had better ask the Government to give this Assembly free access to the secret Police files of the Honourable Premier. Here I would remind my honourable brother that during the life time of the Lahore Municipality when I went to his place for having a look at the record of the proceedings of a certain meeting, I found the file missing and it could not be traced anywhere. The record was either destroyed or concealed by some interested party. It is, therefore, necessary that some such method, as has been laid down in this Bill, be adopted to put important papers out of the reach of unscrupulous persons. This is the reason for having such a provision and in doing so the Government have copied this clause word by word from the Karachi Corporation Act. I am confident that my honourable brother will modify some of his ideas in the light of my submissions.

Mian Abdul Aziz : Provided you also make a reciprocal change in yours.

Mrs. J. A. Shah Nawaz : A few days back I saw some amendments in the name of my honourable brother Rai Bahadur Lala Sohan Lal, and it surprised me that a prominent and responsible member like him should move such amendments. But to-day my honourable brother representing Lahore has also followed in his footsteps. He finds fault with the Government for providing six seats to such important interests as Commerce, University, District Board, etc. I do not see any reason why the Chamber of Commerce should not have two seats on the Corporation. When I saw this Bill I was astonished that in spite of the fact that there are nearly ten thousand railway workers in Lahore, no seat has been set apart for labour while in my humble opinion they should have been given at least two seats. I did not move in the matter because I thought someone of the Labour members would naturally point this out to the Government, but so far not a single honourable member has made any reference to it. Again, objection has been taken to the inclusion of a member of the District Board in Lahore Corporation. Sir, during my membership of the Lahore Municipality I often felt that there should be at least one member of the District Board among us, because time and again it was complained that the Municipality had not taken the interests of the district into consideration. There was a general complaint of overlapping. It is very essential, therefore, that a member of the District Board should be given a seat in the Corporation. Then, the third seat has been given to the Senate. In view of the fact that

primary and secondary education are in the hands of the local bodies and the University is concerned with the College education, there seems to be no reason why the Senate should not send one of their representatives to the Corporation, because it is very necessary for them to be in touch with the measures adopted by the Corporation. Now turning to the nomination of a member from among the members of the Improvement Trust to the Corporation, I beg to submit that there ought to have been two members from that body instead of one that has been proposed in the Bill. They would have helped by suggesting improvements in the existing condition of the city, and would also have been a check on such activities of the Corporation as would have retarded the steps that are being taken towards the creation of a better Lahore. I would even go so far as to suggest that when a member of the Trust is given a seat on the Corporation a member of councillors should also be taken on the Improvement Trust. If all these facts are taken into consideration, I do not see how anyone can say that it was not at all necessary to give representation to these six interests. Again the Labour should likewise be represented on the Corporation by at least two members and I hope that the Honourable Minister will consider my humble suggestion.

Now I come to the statement made by my honourable brother that barring a few changes of commas and full stops, no material change has been made in the Bill, by the Select Committee. He forgets that a considerable reduction has been made in the salary of the Executive Officer, and that the number of nominated members has been reduced from 17 to one-fourth of the elected element. Again the money contracts which were originally entirely in the hands of the Executive Officer have now been divided among the Standing Committee, the Corporation and the Executive Officer. Besides these, many other minor modifications have been affected by the select committee which are no less important.

I would, therefore, request my honourable brother to offer some constructive criticism and not to take up cudgels against the measure just for the sake of opposing it. There may be imperfections in the Bill and nothing in this world can claim perfection—which can be removed by his co-operation. If my honourable brothers on that side of the House make constructive suggestions, lot of improvement can be made in the Bill.

Mian Abdul Aziz : These are merely catch phrases. We are making constructive suggestions.

Mrs. J. A. Shah Nawaz : In the end I again appeal to my honourable brother to withdraw the motion for circulation because it cannot achieve anything except delaying the passage of this Bill. The people of Lahore are showing signs of impatience and many persons have asked me that as there has already been much delay the formation of the Corporation should be expedited.

Mian Abdul Aziz : I also represent Lahore, but no one has so far come to me with such a request.

Rai Bahadur Lala Sohan Lal (North Punjab, non-Union Labour Urdu) : Sir, I also rise to oppose the amendment moved by my honourable friend Mian Abdul Aziz which is to the effect that the City of Lahore Corporation Bill as it has emerged out of the select committee be circulated for

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eliciting public opinion thereon till the 31st of March, 1941. It is a matter for regret that instead of taking the Government to task for delaying the consideration of such an important Bill for about a year, a dilatory motion has been moved. It is still more regrettable that the motion comes from such a person as my honourable friend Mian Abdul Aziz who was not only a member of the Lahore Municipality but has also been its President, and God-willing he will be the Mayor of the Lahore Corporation when it comes into being.

Mian Abdul Aziz : No, thanks.

Rai Bahadur Lala Sohan Lal : Again, sir, a queer argument has been advanced in support of this motion for circulation. It is said that as this Bill so intimately concerns the people of Lahore, they should be given an opportunity to consider the amendments made by the select committee. I fail to understand that when on the occasion of its introduction two years back it was published in all the papers of the Province and when such eminent lawyers as my honourable friends Malik Barkat Ali and Mian Abdul Aziz had discussed it at length in their speeches, and articles widely published in the press by the persons taking interest in these matters, where is the necessity for circulating this Bill? This is no doubt very unfortunate that the Opposition cannot take part in its deliberations. Just as they did not take part in the discussion of the select committee when it was formed, they are again absent from this House for certain other reasons. However regrettable their absence at this juncture may be, it does not follow therefrom that the Bill should now be circulated for eliciting public opinion.

I do not propose to go into details at this stage but will leave it for the proper time when the Bill is taken up clause by clause. Before saying anything in regard to the remarks made by my honourable friends opposite, I would invite the attention of the Government to the delay that has already been made in bringing up this Bill for consideration of the House and would request them to expedite its passage.

In blowing the trumpet of the superseded Municipal Committee my honourable friend has lost sight of the fact, as my honourable sister Begum Shah Nawaz told the House, that on the eve of its supersession the condition of the Municipality was intolerably bad and the atmosphere was usually too hot to consider anything coolly and dispassionately. Now this is the opinion not of an opponent of the Municipality but of one of its own members. To end this sorry state of affairs the Government had to appoint an Administrator and this action on their part led to an agitation. But there is no denying the fact that much greater improvement could have been made under the regime of Government.

Again, it has been said that the select committee has not effected any improvement in the Bill except a change of a comma here and a colon there. In this connection, I may say that the select committee was composed of members belonging to a single party alone and the other three parties, namely, the Congress party, the Independent party, the Independent Muslims, did not serve on the committee. My honourable friends refused to serve on the select committee because the Government had not accepted the inclusion of an eighth member from the Opposition. Under the circumstances naturally it was the view point of the party which had brought

forth this measure which alone was represented on the select committee which was to prevail. As Mian Abdul Aziz has said, if they had eight members, what could they do? They could neither influence the decision of the select committee nor would they be able to get their amendments accepted in the House now being in a minority. I think instead of a condemnation of the select committee, my honourable friend Mian Abdul Aziz should have thanked them for the improvements made in the Bill.

Moreover, there has been a lot of criticism in regard to the appointment of the Chief Executive Officer. But I fail to understand how it is possible or practicable to make every councillor in charge of different departments of the Corporation whose revenues and expenditure run to lakhs of rupees. I am afraid the Corporation cannot work for a single day if that method is adopted. However, there is one thing in the appointment of the Executive Officer upon which I cannot agree with the Government. They have kept the appointment of this officer in their own hands. In the first instance, this appointment should have been left to the Corporation and the Government could have put up a safeguard of a $\frac{2}{3}$ ths or a $\frac{3}{4}$ ths majority to ensure that there should be a substantive majority and the going over of one or two members from one side to the other may not upset the whole position. A period of one month may be fixed for appointing the Executive Officer and if the Corporation fail to do so, as Begum Sahiba told us was the case when two members for the Improvement Trust were to be selected, the Government should make the appointment themselves. In other words, the same principle should be set down here as was done in the case of filling the seat on the Improvement Trust.

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

Then it has been said by my honourable sister that one seat for the Punjab University should be reserved on the Corporation. The argument which she has advanced in support of this view is that there must be somebody to inspect the educational institutions of the Corporation in the capital of the province and therefore, it is very necessary to take one nominee from the University. I beg to differ with her in this respect. If the Government wants to allot one seat to the Punjab University for the purpose of inspection, as my honourable sister has just now remarked, then another objection can be raised, why should a Government body nominate a person? If the University being under the Government is allowed to be represented on the Corporation, the seat thus represented will be considered a Government seat. At the time of making nomination generally two objects are kept in view. First, when a community cannot find its due representation by election, a special seat is created and, secondly, when the majority of the Government people is not forthcoming, nomination is made in order to equalise the number. But I am afraid neither of the cases is applicable here as the Government have already reserved 15 seats for themselves. And furthermore it is obvious that the University has nothing to do with the Lahore Municipality affairs. Besides, the number of the fellows of the University being equally large, the corporation should be given representation on the University. But this is not the case. Now I would like to ask that if the University is to be represented on the municipality, why should not the municipality be represented on the University?

[R. B. L. Sohan Lal.]

Then it has been laid down in the Bill that one seat will be given to the district board. As a matter of fact the district board has nothing to do with the Lahore Municipality as it has almost everything different and separate from the municipality of the town. I may further point out that no nominee from a district board is taken on a municipality. I, therefore, do not join hands with the Government in holding this view.

Then, thirdly, it has been said that one councillor is to be chosen by the North-Western Railway. I fail to understand why the North-Western Railway is being unnecessarily brought into the Corporation, while as a matter of fact the Railway has always been separate from municipal affairs. Moreover, the Minister in charge is allotting one seat to a department which is not under him. If the Honourable Minister is prepared to withdraw these superfluous and unnecessary representations which I have just referred to then I do not think there will be any criticism on this point. He must be aware of the fact that to consign so many seats is almost practically impossible.

Mrs. J. A. Shah Nawaz : Sir, may I ask the honourable member whether it is a fact that the Railway administration is absolutely separate so much so that they have their own electric plant ?

Rai Bahadur Lala Sohan Lal : That is what I am driving at. I beg to submit that the argument advanced by Begum Sahiba goes against her. When the Railway administration have everything separate, what right have they to find representation on the Corporation ? In a nutshell what I want to submit is, that no seat should be given to the Railway and I may again point out that I am not at one with the Government in allotting one seat to the Punjab University and one to the district board. Sir, as I have already submitted that nowhere in the province is any district board represented on any municipal committee and the Government have been keeping up this policy in the whole of the province for long, then why this deviation from that policy ? I cannot understand this departure from the old, old policy.

The next point which I want to submit is about the trade of the province. It is a well-known fact that 90 per cent trade of the whole province is done in Lahore and therefore, it is the commercial and industrial capital of the Punjab. The traders, businessmen and industrialists of Lahore have large stakes in the city and contribute a large sum of money as municipal tax to the resources of the town. This is a most important feature of the city of Lahore and, therefore, it should be given adequate representation on the proposed Corporation. Sir, you might be aware, that it was proposed in the Bill at the time of its introduction that two seats would be allotted to Commerce as it was given in the Bill that one seat was to be elected by the Northern India Chamber of Commerce and the second by the Indian Chamber of Commerce. So when the Bill was referred to the select committee, the Honourable Minister in charge received letters and deputations from different chambers of commerce asking him to increase the representation of trade and commerce on the proposed Corporation and to give representation to other chambers not already included. In this connection, I may also point out that the Punjab Trades Association which was a body constituted of the retail businessmen and, therefore, representative of a big contributing

factor to the prosperity of the town, was not included among the bodies whose names were included in the draft of the Bill. The town has been receiving lakhs of rupees for the last so many years as income from members of these bodies. All these points were discussed in the select committee, as a result of which the select committee proposed that two councillors should be elected to represent the trade and commerce of the Punjab, instead of confining only to two Chambers. But my submission is that the representation given to commerce, industry and trade should be increased by at least one more councillor even if we have to add one more seat to the total number of councillors. These seats must be three if not four.

At this stage I do not want to go into the fixing of seats for any particular chamber. This can be gone into at the time of making rules.

Sir, I wonder when the honourable Begum Sahiba supports the representation of University in the Corporation, why she cannot see her way to support that an adequate representation should also be given to trade and commerce. They certainly deserve special seats on the Corporation. Only two seats are being offered to them. This number should be increased by the Government. I hope the Government will make this necessary change and give them at least 3 seats.

There are various other points, but I do not wish to take any more time of the House in enumerating all those points. I shall express my view at the time of consideration of the Bill clause by clause. With these few words I oppose the circulation motion moved by my honourable friend Mian Abdul Aziz.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*): Sir, I should like to throw some light on the working of the select committee which was appointed to consider the City of Lahore Corporation Bill. I want to explain further as to how I could not sign the report of this committee and why I could not write a minute of dissent. In the first place, the Opposition had asked for an increase of two members from their party to work on the select committee and after the rejection of this demand they resorted to non-co-operation and all of their members left the committee. Now I was left alone to discharge the heavy responsibilities of the Opposition. But the difficult situation could not dismay me and I joined the select committee. After attending some of its meetings I came to learn that no substantial work was being done by this committee. All it did was to make some insignificant changes. For instance, the word, "it" was replaced by the word "this" or a comma was removed from one place and a full-stop was put at some other place. All this amounted to correcting the mistakes of English in the Bill. These were the only amendments that this committee was making. Moreover, an honourable member of the House, who was not a member of that committee, attended its meeting and various decisions were arrived at according to his opinion. I objected that a non-member had no right to attend those meetings and direct their deliberations. But my reasonable objection was not accepted and the said non-member gentleman who is highly placed in life, did attend the meeting and decide the remaining important questions according to his own choice. I would, sir, tell the House without any fear or danger that the said honourable gentleman was no less a person than the Honourable Premier himself.

[Begum Rashida Latif Baji.]

I fail to understand the necessity of appointing a select committee when a non-member had the power to decide questions according to his discretion. I was disgusted with this so-called select committee and I did not think it proper to sign its report or append a minute of dissent to it.

Mr. Speaker, my honourable sister Begum Shah Nawaz has been pleased to observe that our present circumstances did not warrant a complete removal of nominations. I am sorry that such words have been uttered by a lady representative of the public of Lahore. Does she really regard the representatives of the public to be inefficient? It is a thousand pities that some of us choose to serve as the gramophone of the Government and stick to the policy of "yes-men" of the rulers.

It is rather strange that when our rural friends are regarded fit to hold the reins of Government in the Punjab as responsible Ministers, the representatives of the public of Lahore are being dubbed as incapable of managing their own affairs in the city. I fail to understand this strange logic. The object of the Government is beyond our weak comprehension. Not a single member is nominated to sit in this Assembly which is charged with the responsibility of administering the whole province of the Punjab. All communities, whether strong or weak, male or female, are represented in this House through open election. But the Government must have nomination in the Corporation of Lahore. What aggravates the whole position is the fact that nominations are to be made in such a large number. It has been contended that this Bill has been modelled on the Corporation Act of Karachi. But there is no nomination in the Corporation of Karachi. Why is this principle of nomination being introduced in this Bill?

My honourable sister Mrs. Shah Nawaz has been pleased to refer to the All-India Women's Conference. I was also present in that conference. There too I said this very thing that no woman should be nominated and no request for the nomination of women should be made by the conference.

I would urge with all the emphasis that I can command that the principle of nomination should be removed from the proposed Corporation of Lahore.

Sir, I want to make a very important submission before the House. For the Assembly elections women can vote both for male and female candidates seeking election. On the one hand, so much regard is shown for women that they are entitled to vote both for men and women candidates for the Assembly seats and, on the other, so far as elections to the proposed Lahore Corporation are concerned they are being denied the right of vote. Moreover, women candidates for the Assembly elections can oppose men candidates and can become members of the Assembly. Only recently Shrimati Shanno Devi has succeeded in an Assembly election after defeating a man candidate. When women can become members of the Assembly, what reason is there that they should be denied the right of seeking election to the proposed Lahore Corporation?

My honourable sister stated that the public are trained for self-government slowly and steadily by nominations. What is the real training? The real training is that those people who are returned to represent the masses should not be in any way made responsible to the Government but they should

always remain responsible to their constituents. They should do only those things that are beneficial for the public and not in the interests of the Government. The real training is that the representatives of the public should be made to voice the real feelings of the people both in this House as well as in local bodies for the good of the people lies therein.

Repeatedly it has been stated that this Bill has been drafted on the lines of the Karachi Corporation Act. The gentleman who drafted it was an Englishman. He was the Administrator of the Lahore Municipality and drew three or four thousand rupees a month. He has at the most changed a word here and a word there. How could he understand our conditions? Of course, if this Bill had been drafted by an Indian then certainly he would have considered our circumstances and drafted it according to our needs. How strange it is that the Administrator for the Lahore Municipality is always an Englishman! What I wanted to state about the previous Administrator I have stated. Now I will make a few submissions about the present Administrator. This gentleman prepared some by-laws and enforced them indiscriminately on all shopkeepers in the market, big or small. On behalf of those poor shopkeepers I saw the Administrator and told him that the by-laws were very stringent. For example, the licence of a shopkeeper can be confiscated if a rat is found in his shop, or if any person is found smoking a *huqa* or sleeping in the market, etc. After listening to what I told him he said "Baji Sahiba, look at my room, how clean it is. There are no rats or flies in it. If this room can be kept clean, there is no reason why the shops in the markets could not be maintained in a clean state." Sir, how ridiculous it is to compare the room of the Administrator with the shops of poor grain, fruit and vegetable sellers. An Englishman cannot understand it but our Ministers should understand it. They should realise that in view of the conditions obtaining in Lahore there should be an Indian Administrator. Similarly, Sir, they are again committing a mistake by making a provision for the nomination of members. The principle of nomination is applied when a nation freshly sets up its own state and they want to put in their own men in all the public institutions, so that they may watch their interests there and do not allow the doing of anything as may be harmful for them. At present there is no need for a nominated element. I, therefore, request them not to send women members in the Corporation by nomination. I assure you that women are not so cowardly as not to be able to oppose men candidates in elections for the proposed Corporation. They can fight elections against men. We should be given a chance to oppose men candidates in the elections for the proposed Corporation so that if possible we may succeed capturing more seats than are reserved for us.

I have often raised a voice in this House in favour of the poor. Even now I have given a notice of an amendment with the purpose of stressing the need that the House tax should not exceed Rs. 10.

Mr Speaker : Please speak to the Corporation Bill.

Begum Rashida Latif Baji : Sir, in the Corporation Bill there are provisions for the house tax also. I have given notice of an amendment in this behalf. But the Government insists on imposing house tax more than Rs. 10. I want to acquaint them with the protests of the poor people

[Begum Rashida Latif Baji.]

against it. Often poor women come to see me. One of them told me that she paid the house tax by selling cooking utensils and another informed me that in order to pay house tax she had to sell a *parat*. When I go to the Municipality to place before them complaints against house tax, in reply I am told that the Municipality has appointed experts to assess house tax and they are not inexperienced men. But notwithstanding those experts who assess the house tax, the poor people are levied the said tax. And when any man or woman files an appeal against it, the Municipality advises him or her to pay the tax forthwith and that the appeal would be considered later and that if the tax is not paid at once it would not be good for the assessee. For fear of fine the poor people with great difficulty arrange to pay the fine. You have exempted a house fetching five rupees rent a month. In the first instance, there are very few houses in Lahore which fetch a rent of Rs. 5 per month. But the actual facts are that even those houses which do not fetch Rs. 3 a month as rent are subjected to the payment of this tax. In my *mohalla* there is a mosque. For the residence of the Imam a house was rented in its close vicinity. The house consists of two small rooms and there is a little accommodation for the family of the Imam. But notwithstanding the fact that the house is very small it has been assessed to house tax. If we were not to tell the Government the loot which is carried on by their officers, how can they be enlightened about the real facts and the troubles which the people have to bear? The Honourable Minister in charge of the Bill is listening to what I am submitting, but he is trying to laugh it away.

Minister for Public Works : Others may have laughed, not I. I am listening very attentively.

Begum Rashida Latif Baji : I am not like those who raise a hue and cry over nothing. I come in contact with the poor people and know their actual circumstances. You mix with rich people. You, therefore, only keep in view the interests of the rich people. I want to acquaint you with the condition of the poor people who are made to pay this tax. (*An honourable member :* But you are not poor.) I am not poor and I have not made any personal request. I am only saying that I mix with the poor people and I know their condition better. If you were to come to my house you would find that many poor people come to see me to inform me about their condition, hoping that I would convey to you the information about them and their condition. They do so little knowing that you do not care to listen to me when I bring to your notice their pitiable plight.

You are bringing into existence the Corporation without investing it with any powers. If you do not want to give any powers to the Corporation, then what is the use of setting it up? I may tell the Government that now they cannot ignore public opinion. In spite of the fact that people are poor, they have great self-respect, and they cannot for a moment tolerate the treatment that Government is meting out to them. I am sure that if Government does not interfere in the coming general elections, then they will know as to who secure election to this House. And the people will also come to know as to who are their real representatives. Anyhow, sir, I have pointed out the reasons why I did not append my signature to the Report of the select committee on this Bill. The main reason, as I have submitted already, is that an honourable member of this House, who was

not a member of that select committee, dictated all the decisions. I for one do not like that any outsider should dictate any decisions to the members of a select committee. Granted that he is occupying the exalted position of the Premier of the province, that does not mean that the members of the select committee should not be given any freedom at all. Under these circumstances, I do not think that the report of the select committee has been prepared in a fair manner and I want that either this Bill should be recommitted to the same select committee for reconsideration or it should be circulated for the purpose of eliciting public opinion thereon. With these words, I resume my seat.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, I am sure that whatever differences may exist with regard to certain provisions of this Bill, all patriotic Punjabis must congratulate the Minister in charge and the Government for bringing forward a measure which is an attempt to pass the municipal administration of Lahore city to the elected representatives of the people or at least to the majority of the elected representatives of the people. To that extent I am sure there will not be two opinions.

The debate that we have had here on the provisions of the Bill ranged over two essential provisions. The first is the right or principle of nomination and the second is the appointment of the Chief Executive Officer. Now, with regard to the first point, let me frankly state that I am myself one of those who have been brought up in an atmosphere to look upon all nominations with a certain amount of suspicion. But, Sir, I feel that I owe it to my friends on this side and on the other side to say that it is one of the pre-requisites of democracy that when we emerge from a slave nation to the rights of an autonomous province, we must also learn to unlearn the prejudices of that slave nation. Therefore I submit, as Mr. Rajagopalachariar stated, that nomination by a representative elected Government is not the same thing as nomination by a bureaucratic government. At the same time my lawyer friends will bear me out that even in the most advanced democracy of America the judicial officers are appointed by the President whose seat is subject to the election of the people. Therefore my first submission is that nominations by themselves are not necessarily bad. Nominations are bad if they are made by a bad agency. Therefore I must say, whether you like or whether you do not like it that the honourable members who sit on this side of the House are here because they had the confidence of the voters of the Punjab more than any other galaxy of men in the province. The right of nomination in the hands of this Ministry is the right of nomination exercised by the people's chosen representatives, and, therefore, I submit that nominations by a popular Ministry are not in themselves bad, a matter of which we should be ashamed.

The second point in this connection which I wish to submit is this that I find, and here again it is a compliment to the Minister in charge and the Ministry in the Punjab to-day, that a majority of the elected presidents of the municipal committees have been nominated members, and I submit that this is a factor which again shows that the trust which the people repose in the Ministry has been very well exercised. I have had the figures checked and I now say on my own authority that the majority of the presidents of

[Mir Maqbool Mahmood.]

the municipal committees in the Punjab are nominated members, and I submit that that shows that the right of nomination in the hands of the Ministry has not been abused.

I come now to the second aspect of this question. My honourable friends on that side and this side have abused the principle of nomination, but not one of them, I am sure, will dare to challenge the proposition that in all the corporations that have worked in India there has been a very substantial element of nomination in the beginning. In the Calcutta Corporation it started with a nomination of 50 per cent of the membership. In Madras and Bombay it was 22 per cent, and here I do not know why the honourable members persist in saying that the law provides for 25 per cent nomination. The law provides in section 7 that not less than three-fourths shall be elected. The number of nominated members is not fixed. There is no bar for the Government to nominate less than one-fourth of the total number of members. I would appeal to the Honourable Minister in charge that when he comes to exercise his powers under this section, he should see that the right of nomination is exercised to the minimum extent necessary in the interest of the province.

I come to the second question and that is the appointment of a Chief Executive Officer. I am sure that here we will all agree that in principle it is unpleasant to have an outside person selected to look after the administration of a local body, and I am one of those who are anxious to see a state of affairs in this province where each municipality is able to run its administration without an executive officer. But I think that those who are here to run the administration will not be worthy of their seats if they do not do something to amend matters in the local bodies. I am sure that those of us who have knowledge of the working of the local bodies know that the executive officers with very rare exception have on the whole helped to chasten the administration of the local bodies of the province. Here what is the position? So far as I have been able to follow the speeches, nobody has stated that there should be no Chief Executive Officer. So far as the separation of the deliberation of legislation and executive conduct of the local bodies is concerned, nobody has opposed it. The question is who is to appoint the Chief Executive Officer. This question, I submit, is not one of principle. We have even to-day in Madras and Bombay executive officers who are appointed by Government. In Calcutta the executive officer is appointed by the Corporation itself, and I think this is a matter which to begin with, I submit, should be tackled cautiously and in such manner that before long it may be possible for the Honourable Minister to come forward with an amending Bill to the effect that the Chief Executive Officer may be appointed by a substantial majority of the Corporation councillors, subject to the approval of Government. I am sure that my friend Mian Abdul Aziz who has been one of the Presidents of the Municipality will realise that an executive officer, if rightly selected, will be a source of strength to those members who are elected.

There is one other point I wish to submit. At this stage I think we must concentrate on the big essentials concerning this Bill. I agree that there are various provisions which admit of improvement and when time comes

it is open to both sides of the House to bring constructive amendments, and I am sure the Honourable Minister in charge will give them the sympathetic consideration which they deserve. With these words, I beg to oppose the motion for delaying the consideration of this Bill.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I had no mind to take part in the discussion at this stage, because I know that any motion that is moved from this side of the House, and any suggestion that we make will not be accepted by the Government. But the speeches made

by some of my honourable friends who were also my colleagues in the superseded Lahore Municipality, like my honourable sister Begum Shah Nawaz and my friend Rai Bahadur Lala Sohan Lal, have compelled me to say something by way of reply. They have confined their efforts to putting the whole blame for the supersession of the committee on its members, declaring that they were inefficient. I beg to submit that the entire line of argument is based on wrong assumptions. Even if we accept this charge of inefficiency for the sake of argument, we should at least see whether this Corporation Bill has in any way removed the regrettable defects that existed in the administration of that body.

Sir, there are three main reasons, in my opinion, in the presence of which no municipality or corporation can fully discharge its functions in a proper manner. The myth of the inefficiency of members has nothing to do with the sad condition of municipal affairs. The first reason is the existence of separate electorate which forces us to elect our representatives on communal basis. The second is the extension in the area of the Lahore Municipality. The revenues are not increasing with the same speed with which the municipal limits are being extended, and it is becoming increasingly difficult to provide the newly added areas with such amenities as proper drainage, good roads and lights within more or less the same amount of income.

Mrs. J. A. Shah Nawaz: May I ask a question? If elections are held to-morrow how many non-Congress members can be expected to be elected from your community?

Mr. Speaker: Please do not answer that question.

Lala Sita Ram: All right, sir. Anyhow, I was submitting that it is not possible for any local body, be it a municipality or a corporation to manage its affairs efficiently in a greatly increased area with its limited income. Even during the life time of the Lahore Municipal Committee as many as 22 new *abadis* were added to Lahore and time and again the attention of the committee was drawn to the lack of sanitation and proper roads in those *abadis*. Every member wished to do something for his own particular *abadi* and it was their duty to do so. But in spite of the fact that their demands were quite reasonable, nothing could be done because of the paucity of funds. The allegation that the meetings of the Municipal Committee were sometimes so noisy and disorderly that they looked more like a wrestlers' arena than a council of city-fathers is correct only to this extent that sometimes the members in their zeal laid too much stress on their demands and on occasions it came to hot words, but there was no ill-feeling behind on any personal grounds. Again, we were not blind to this shortcoming of ours. We mended this evil and formed certain formulas by which we could achieve the smooth running of our affairs. A progressive party consisting of 84

[L. Sita Ram.]
 out of 47 members was formed on non-communal lines. The party was running the affairs of the Committee as ably as it could, but the provincial Government did not allow us to do so. Probably it was because they dared not remove the President of the Committee who was one of the prominent members of the then Unionist Party in the last council. Notwithstanding the fact that there is a provision in the Municipal Act that if 3rd members of the Municipality wish to call a meeting the president was obliged to call it, he intentionally avoided it. There the word "shall" is used, but we cried in the wilderness and despite every effort on our part the Government did supersede the municipality.

Mrs. J. A. Shah Nawaz : Who was responsible for that?

Lala Sita Ram : I think my honourable sister herself knows better. However I have no hesitation in saying that Dr. Sir Gokul Chand Narang was the Minister-in-charge then, and this act of his was not commendable, but even he was not the only and wholly responsible person for the actual supersession of the Municipality. At that time too, the final say in the matter rested with the Council of which besides the Honourable Premier, you, Mr. Speaker, were also a member.

Mr. Speaker : Which Council?

Lala Sita Ram : I mean the Council of Ministers of His Excellency the Governor, which gave the final decision in regard to the supersession of the Municipality.

Mr. Speaker : The honourable member is referring to me when I was a minister.

Lala Sita Ram : Yes, Sir, it is not the person or the agency responsible whether it was Dr. Narang or the Executive Council that we are concerned with. It is the policy underlying such actions of Government that we object to. The reason for the supersession of the Municipality was not the inefficiency of its members or the noisy nature of its meetings as some honourable members on the Government benches would have us believe, but it resulted from those basic defects to which I have referred already. And even such things are not rare in this Assembly although the Opposition is in an insignificant minority here. So much so that the Government had to get the Sergeant-at-Arms Bill enacted in order to remedy occasional passages-at-arms. The conditions in municipal meetings were no worse than they have been here.

The real reason for doing away with the Municipal Committee was that the representatives of the public did not like the imposition of house tax on the lines suggested by the Government. It was for this very reason that the President invited the attention of the members time and again to what the will of the Government was.

I remember it well that Begum Shah Nawaz, Dr. Mrs. Shave and Mrs. Nanak Chand moved that the sanitary conditions of the area within municipal limits be improved and it was in connection with this demand for the improvement of sanitation that a question of lack of funds was raised. Many taxes were proposed and one of the members suggested the imposing of a house-tax. Whether it was just an accident that this suggestion was made or whether it was made at the instance of the Government, the fact remains

that its discussion was treated as a side talk, because no special meeting had been called for this item. This talk, therefore, cannot be quoted as a justification for the levying of this tax, as referred to by the Administrator so many times. These were some of the things which stood in the way and hampered the smooth working of the Municipality. If a solution to these difficulties has been found and is incorporated in the Corporation Bill, it is well and good. But if the solution is this that all the powers have been vested in the Chief Executive Officer and no effort has been made to put up a constructive scheme, let me assure the Government in that case that neither the appointment of an Administrator nor that of a Chief Executive Officer will be of any use. It is not an assumption but I am speaking from personal experience. It is said that during the life-time of the Municipal Committee there were dissensions and bickerings among the members, but now that a single person is at the head of the Municipality and can do whatever he likes with an income of 24 lakhs, why is it that in the three years that he has held office, he has not been able to set aright the affairs of the municipality? What are his achievements? What improvements have resulted from his administration when so huge a sum of Rs. 24 lakhs is placed at the disposal of a single brain? So long as the basic defects are extant, Sir, there can be no hope of an improvement, nor can there be a solution of the municipal tangle.

My honourable friend Lalp Sohan Lal remarked that the conditions prevailing in the city demanded an immediate setting up of the Corporation. I do not oppose it, if it is a corporation in the real sense, but I do not understand how the conditions of the city can improve if all the powers are vested in a single person, the number of nominated members is increased and the area under the municipality is extended. I want to draw the attention of the House to the fact that when so many villages are brought within the municipal limits, and the income is not in proportion, how will the Chief Executive Officer manage the municipal affairs? Naturally the representatives from the newly included areas would demand amenities for their respective *Waqas* and I fail to understand how the officials would meet these demands with a limited income.

While replying to the objections raised by some of my honourable friends on this side of the House with regard to the provision of an increased nominated element in the corporation, the honourable Parliamentary Secretary laid a great emphasis on the fact that nomination was bad when it was made by a bureaucratic Government, but not so if it was made by a representative Government. What is the real object underlying the principle of nomination? The object of making nominations in my opinion, is to safeguard the interest which cannot otherwise be represented by elections. For instance, the interests of a minority or trade and commerce, etc., can be safeguarded by nomination. But when no confidence can be placed in the nominations made by a party Government, how would the people believe that such nominated members will safeguard the interest of the people? Before the coming into force of the present reforms, nominations were made to the Punjab Legislative Council, but now we have no nominated member in our midst. Similarly, why should you insist on thrusting it in local bodies which should be entirely democratic? Let me make it plain that the urban minority has no confidence in the present Government and therefore, they must look askance at these nominations.

[L. Sita Ram.]

If these clauses are studied carefully, it will be found that a new nominated element has been very cleverly introduced in the case of a certain elective seat also. Election from among the-nominated element is no election. I am referring, of course, to the seats allotted to special interests. Let me be exact by furnishing examples. The Honourable Minister in charge has resorted to nomination with such a trick that elections have paled into insignificance. In the Bill he says: "One chosen by the Trustees of the Lahore Improvement Trust." How clever! May I ask who will elect that councillor from the Improvement Trust? None but the Government itself. It has been made clear that the number of nominated councillors will be seventeen. As the Government wanted to have one more nominee on their side, they adopted this tactic and said that one councillor would be elected by the Trustees of the Lahore Improvement Trust which is a nominated body and enjoys no confidence of the people. Obviously it seems to be an election or choice of the Trustees, but in reality it is no less than nomination. In this way, Sir, the Government have tried to throw dust into the eyes of people.

Then they have given one seat to the District Board, saying that it would prove beneficial for the betterment of the municipal affairs and no personal motive is underlying it. I think my honourable friend Lala Sohan Lall is perfectly right in saying that the representative of the District Board cannot be of any use on the Corporation, except that he would be in a position to vote with the Government on any occasion. Otherwise, I do not think there is any need of giving one seat to the District Board which knows nothing as far as municipal affairs of Lahore proper are concerned. It is therefore quite clear that the Government have resorted to this kind of nomination with a view to increase the votes on their own side. Unfortunately it does not end here. Another seat is given to the Railway, and a railway officer would be returned to say "Aye" with the Government. Let me point out another defect, by saying a word with regard to industry and trade. As you are aware, Sir, two seats have been given to trade and commerce. I am sure these two seats would be usurped by the Trade Associations of the civil station, and the city traders would go unrepresented. In my opinion, a third seat should go to city proper. I admit, Sir, that every Government has some defects at the beginning, but it does not mean that they should be allowed to remain there in spite of the inauguration of democracy. The first thing which a sensible Government should do with the democracy being set in, is to make attempts for the removal of those defects. But how regrettable it is that the present Government instead of doing so is ignoring a principle which has taken its roots for long! And unfortunately they have made the claims of that body null and void in this Bill. I, therefore, humbly submit that the Government should not have usurped the rights of such a public body which has been having representation for the last so many years. To ignore the claims of such a body is all the more regrettable, when seats on the Corporation have been reserved for bodies like the Lahore District Board and the North-Western Railway which have no interests of importance to represent. I may also point out that it has been admitted on both sides of the House that unlimited and dictatorial powers have been delegated to the Chief Executive Officer and his salary.

is also too much. I am sure that these dictatorial powers and the way in which they will be executed will lead to corruption. Just imagine that nobody can go direct to see the Administrator or the Chief Executive Officer as one has to tip before having access to him. This is nothing but corruption, and it will remain there in case of Corporation too.

Then this point was raised by my honourable friend Lala Sohan Lal as to why the select committee was not attended to by the members of the Opposition. I need not say much on this point, as it was a thing of principle and we did not want to go against that principle. The House is well aware of the fact that we did not co-operate with the Government. On the question of percentage given to us on the select committee we asked for one more member to work on it, and we were given a flat refusal. The Independent members, therefore, decided not to participate in this connection. I think it would have been wise on the part of the Government to include every member belonging to Lahore in the select committee irrespective of party to which he belonged. They could carry the day even then because of their overwhelming majority, but we were not shown the courtesy. We, therefore, had to stick to our principle. For these obvious reasons we declined to serve on the select committee. But so far as the Bill, amended by the select committee, is concerned, I would like to say a word before I resume my seat. The Bill is more or less the same as it was introduced first in the House. No substantial change has been made in it by the select committee.

With these few remarks, Sir, I lend my whole-hearted support to the motion put before the House.

Mr. E. Few (Anglo-Indian): Sir, I have not stood up to oppose the consideration of this Bill, but I would like to clear some misunderstanding that my honourable friend Lala Sita Ram, sitting on the other side, has created regarding the supersession of the Municipality. I was one of the members of the committee when it was superseded. The Committee was not superseded on account of the malpractices of the President or of the Municipal Committee. The only fault of the President was that he tried to improve the committee, and that he would not become a tool in the hands of the Executive Officer, a relation of the then Honourable Minister of Local Self-Government. The result was that everything not approved by the Executive Officer was damned.

Now so far as the no-confidence motion was concerned, it is claimed that 34 members signed it. Was there any honesty in the signatures that were appended? The people went from house to house and put their *pagris* on the feet of other members and obtained the signatures, but there were others who declined to join the conspiracy. In addition to this members were carried to the house of the then Honourable Minister of Local Self-Government and received advice from the Honourable Minister. There were only three or four of us who practically refused to append signatures to this conspiracy to oust the President, whose only crime was an effort to improve the condition of the municipality and who was trying to do his best.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I rise to support the amendment of Mian Abdul Aziz and I am going to prove from the contents of this book that the acceptance of that amendment

[Mian Muhammad Nurullah.]

would not make any difference in the operation or the working of the Corporation as proposed. I think the argument advanced by Begum Sahiba or Bai Bahadur Lala Sohan Lal that this is an amendment which should not have been put in by Mian Sahib is absolutely fallacious. I think Mian Sahib is the proper person to put this amendment. I would like to draw your attention to clause 15 of Chapter III on page 18 of the Report of the select committee on the City of Lahore Corporation Bill. It is as follows :—

15. (1) The first meeting of the corporation after general election shall be held as early as conveniently may be in the month of May next following such election on a day and at a time and place to be fixed by the Chief Executive Officer, or if not held on that day to be fixed by the Chief Executive Officer.

Here I am sure the Bill is not going to be amended. I have sent in an amendment that the word " may " may be deleted but the intention of the Government seems to be that the word " may " will stand and stand it will because they have got a majority and they are bound to carry it and they are not going to change this provision. What will be the result if this provision is passed? The result will be that the Corporation will not be inaugurated till the month of May, 1942. I cannot understand the reasons, therefore, for not waiting for two months more for the purpose of getting public opinion in favour of or against the Bill. I say, why are you shy, why are you nervous about getting public opinion on this Bill? You are shy because this is a reactionary Bill and because this is a very derogatory Bill. I think it is as reactionary as the party sponsoring it. I am going to refer to certain provisions which have been pointed out already. I did not take much interest in it because I was not a local man. I have become a member of the Municipal Committee of Lyallpur and since the last year that I have been a member of that committee I have come to know how local Self-Government is being brought to a standstill and is being nullified by the policy of this reactionary Unionist Party. I am going to give instances. Since I was not keen about this amendment, I did not send it in my name. Yesterday I sat down and read up to page 21, that is, the first three chapters only. I was able to find out many mistakes or omissions and commissions. After going through these three chapters, I found that I had drafted about sixty amendments. A person like myself not connected with these things and finding occasion for so many amendments on the first reading shows that this is very defective and nothing has been done to get the views that the public should express and no further steps, that one should take, have been taken. The amendments are too detailed and I would not like to go into them at this stage. A few provisions in the Bill are certainly very obnoxious and they have been mostly pointed out by Mian Sahib. Mian Sahib was quite justified in not attending the meetings of the select committee because he honestly felt that being all alone in a majority of so many he could not do anything. It was pointed out by certain Unionist members on the floor of the House that we who are in the Opposition could not do anything here. With the clear position that nothing will happen and knowing that even the most reasonable and sane suggestion would not be accepted, why should Mian Sahib, under those circumstances, have gone to attend the meetings when other members of the Opposition,

when he thought to be capable of pressing progressive point of view, were not there? I think Mian Sahib was quite right in adopting this attitude. He, being an independent member has either to vote with the Unionist when they are doing something right or with the Opposition or the Congressmen when he thinks that they are doing the right thing. He cannot be cowed down by pressure other than feelings of his own. He is the person who is very greatly in touch with the public of Lahore. He represents Lahore and every day people are coming to him and I do not know why people have been going to Begum Sahiba in the form of deputations with the requests that the Bill should be hurried through when Begum Sahiba, as a member of the select committee, did not take interest to have this provision deleted. I find that this provision about "May next" has been incorporated by the select committee and it was not there before. Let us see what the actual effect of this provision will be. I say even now you can arrange things from May, 1942, backwards so that you give time for eliciting opinion of the public and then arrange elections in such a way that the inauguration will take place at the same time at which it is now intended. I know that if the Government want to do a thing, they can do so like a miracle. When the Government wanted to inaugurate reforms in the North-West Frontier Province, Nawab Muzaffar Khan was sent there and within a few months he arranged everything that the Round Table Conference had formulated in years. It took him very little time. Even now, if the Government want to see this Corporation working by May next, they can very well do so. They should not be afraid of the public opinion. The question of nominations has been dealt with by many members from both sides of the House. I think it is time when the Government of this province is being run by our own people, that we should allow small bodies to carry on in their own way and try to put them on the right path without any blocks of nominations. Nominations are needed where experts are not present and they are necessarily to be represented. I feel that the Government never cares, at the time of nominations, to select the right persons who should be experts in certain matters or who should represent certain interests. Such a provision can even now be incorporated in this Bill. A provision with regard to nomination of members of scheduled castes is necessary and in this respect nothing has been done. They can make provision for any other expert if they like. As was pointed out by Lala Sita Ram you are bringing in nominated members through election. The Improvement Trust should have one or two members, not through elections but through nominations only. They would be useful. I, moreover, feel that no representation has been given to women by election. There should be at least two women elected by the women-folk of Lahore and it is only then that they can have their say properly as Begum Rashida Latif Baji is already doing on behalf of the poorer classes and women-folk of Lahore. I may point out that no representation has been given to people whose lands have been included within the Lahore Corporation during the last few years without any application from them or without consulting them or without their expressing any opinion. Very large areas have been brought in and it was only proper that they should have been given two or three seats by election to have their say. It was only right to have included them.

Mrs. J. A. Shah Nawaz : What does the honourable member mean by the people whose lands have been included? I have not been able to understand his point at all.

Mian Muhammad Nurullah : I had just remarked that being a member of a municipal committee I have had certain experiences and one of them is personal experience. I have certain lands included in the municipal limits by special request to the Deputy Commissioner. Now, when I go in for town planning schemes, some excuse or the other is made and the matter is put off. I, therefore, feel that those people whose lands have come in and who are going to develop suburbs of the towns, should have a special say in the matter because total price of these lands would be worth crores of rupees and their representation on the Corporation would be very necessary. In fact when I stood from my own ward, strings were pulled by the Unionists' head and other persons because they did not want to see me as a representative in the committee and what they have been doing since then I need not go into. Let me however give you my experience in connection with the appointment of the Executive Officer by the Government. The Municipal Committee of Lyallpur, after their election, had a majority and they wanted to oppose the Unionists. They are in an absolute majority there. There was the Congress bloc and a few independents like myself. I was free to vote with any side and I always have been supporting the progressive side and often am ready to bring about collaboration for the sake of smooth working of the committee. What was the result of the efforts of the Government? The Committee was constituted of 26 members. Twenty-one were elected while up to one-fourth were to be nominated. The voters elected 21 members. About 16 or 17 of them were on the opposition side. They were to form a bloc and they were to elect their own executive officer. The Government did not notify one of the elected members. And this is my greatest objection that to do small things, the Government sometimes take strange steps. It is horrible to know that the man whose record was excellent and who did useful work as a member of the Committee was not notified. Probably he was the only member of the Lyallpur Municipal Committee who had got the commendation certificate from the Commissioner for having done good work in the Municipality. The official bloc that was being run by the Unionists was opposed to him because he did not yield to their wishes, still he got the majority of votes and became a member. Then something, which had happened more than two years ago was raked up against him. The election took place on the 17th January and then on the complaint of some fictitious person an enquiry was held against him and the Government did not notify that member. The majority were against the Unionists and wanted to elect one of their members as Executive Officer; but due to an elected member not being notified, they could not get the five-eighths majority hence they could not elect their own Executive Officer. It may be strange but that is what actually happened. What did the Opposition party do? They wanted their own member to become the Executive Officer. There were only 16 members left, because the Government did not notify one of the members. The number of members constituting the Committee was 25 only and according to law 16 was five-eighths of the properly constituted committee of 25. Probably when the Government consulted the legal advisers, they also gave this opinion that the Committee

had got the requisite number of members and that they could appoint their own nominee as the Executive Officer. Then we picked up another man from Amritsar (*Interruptions*), but he was sent to jail and we were left helpless. I was an independent member and just as I do here, I was free to vote either on this side or that side. I am not bound by any party politics. We were able to get 16 members, which was the requisite majority; but the Government did not approve that name and sent another Executive Officer. He was unpopular, as he could not dare to stand in the election, but he was appointed as the Executive Officer of the Committee. With what result? The Committee on the one side passed a resolution that they did not want to pay him. (*An honourable member: Why not five-eighths?*) Yes, have it. When all of you were in the last Council, you were opposing the majority and the nominated bloc on this point, as was pointed out by my honourable friend, Mian Abdul Aziz, by quoting Mian Mushtaq Ahmad Gurmami's speech. My friend, Shaikh Muhammad Sadiq, who was then our spokesman said a lot on this point of five-eighths. You used to vote against the nominated block or the Government bloc and you voted that five-eighths should not be taken and that it should be scrapped out. But unfortunately, Dr. Sir Gokul Chand Narang was under pressure of the bureaucratic government and he could not resist their pressure. Therefore, that provision was put in there. My point is only this that by thrusting people, who are not willing to co-operate or who cannot go about with the same ideas as that of the opposition or the majority in certain committees or corporation, you are putting a deadlock, you are putting brakes to the working of those bodies. I am sure if you appoint the right sort of man, things would go much better and there would be no fuss, as Begum Sahiba pointed out, that sometime Committees become *akharas* of *pahlwans*. Begum Sahiba then raised the question of a file missing or a certain member having taken the file. I submit that it is not a good reflection on the members of the Committee, but it happens even in Government offices. Does it mean that you should never trust them and not give them files and not allow them to learn the first lesson of a democratic institution? They should be allowed to read and write and write until they become good writers. I think you should have no suspicion about these things. You should allow a free hand to your members. Let them learn every thing and be useful to you in democratic institutions like the Assembly. The honourable Parliamentary Secretary pointed out that one day he would like to see the Honourable Minister bringing in a provision by which he would allow the corporation to appoint its own Executive Officer. You are suspecting your men two years ahead. You have your own people, experienced hands, aged persons, who you think would not be able to run the corporation with the help of the executive officer appointed by you. I think they would like to have an executive officer appointed by themselves and then pull on with him nicely so that the real and right model of local-self institution may work in the centre of the province. (*An honourable member: Will they be able to appoint?*) Why not if you remove this five-eighths majority. Even the majority of one means the Government. If you remove the five-eighths majority, then you will see the best type of corporation working in the province. You are following the example of Karachi. There are good provisions as well as obnoxious provisions. But it is no consolation for any one of us here. The real corporation working in Lahore should be

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for the interest of the public and with the vote of the public. What would this Executive Officer do? In Lyallpur, it is neither this way nor that way. So many faults would be found and the municipality would be suspended due to this reason or that reason. In spite of the rules and the Executive Officers Act and the provisions therein, you have even refused to approve a person unanimously appointed by the municipality of Gujranwala (*Interruptions*). In the face of these facts how can you say on the floor of the House whether they would be able to elect or not? If you scrap out that provision, the Lahore Corporation would be working as nicely as this Assembly or even better. There are so many objectionable provisions in this Bill, but I would not like to go into their details at this stage. I would only point out that by accepting this amendment or sending the Bill for circulation for two months to the public outside, the public of Lahore, you will not be delaying the corporation at all. It would not make the least difference in getting the corporation in full swing by the date you propose to do so now. I, therefore, support the motion.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, the basic principle of this legislation should have been to give more power to the local body, to make it autonomous, self-governing, and independent. Now what do we find? The Bill, as it has been framed, takes away even the small power that the municipal committee had before this measure was brought in this House. Something has already been said as to the nominations. My learned sister Begum Shah Nawaz gave only a qualified support to the nominations. She said, personally she would prefer to see the day come very early, when these nominations could be done away with. I cannot, however, agree with the reasons that the learned lady gave for the retention of the element of nomination. Her argument was that because the Congress will be able to return so many candidates to the exclusion of other sections, nominations must be retained, to play their part.

Mrs. J. A. Shah Nawaz : I did not say that. I would like to correct my honourable friend. What I said was that certain sections of the public which could not be represented through election may have representation through nomination. I did not mean only the Congress. I only gave an instance.

Sardar Sahib Sardar Santokh Singh : I will remind my learned sister of what she said when she made an interruption at the time when Lala Sita Ram was speaking. She said in effect, that because the Congress will be able to return so many candidates, to the exclusion of others, nominations must be retained. Did she or did she not say so?

Mrs. J. A. Shah Nawaz : I said other sections of the public.

Sardar Sahib Sardar Santokh Singh : The position in regard to nominations is that the Government is not satisfied even with the nomination of as many as 25 per cent in the municipal committee. By underhand and backdoor methods they want to take in their own hands the nomination of 8 more seats out of those reserved for election. What are those 8 seats? One of them is to be chosen by the trustees of the Lahore Improvement Trust. Now these gentlemen who form the Lahore Improvement Trust

are the Government's own nominees. Are they or are they not? They are, and it is out of those people that they have to choose a man and send him to the Lahore Corporation. If this is not nomination, I really wonder what else it is? Next there is a seat to be chosen by the Senate of the Punjab University. Even here election is not provided for. Government have made a distinction between "choose" and "elect". So far as the trade and commerce of the Punjab is concerned they have to return a candidate by election. In the case of the Punjab Senate they have to choose a candidate from amongst its members. This will be done through the influence of the Chancellor or anyone else in authority. The man so chosen will be by a process of nomination for a seat on the Lahore Corporation. Why not say if the Government means election, that the Senate of the Punjab University will elect a man. The Senators represent the intelligentsia. I agree they must be given a seat on the Lahore Corporation but by pure election. I think the Minister will throw some light as to why he has preferred to use the word "choose" instead of "elect".

Minister for Public Works : "Chosen" means "elected".

Sardar Sahib Sardar Santokh Singh : Why are you making a distinction, in one case he may be elected and in the other case that he may be chosen? If it does not make any difference in the meaning why employ different phrases?

Minister : In one case there is only one body and in the other there are quite a number of bodies.

Sardar Sahib Sardar Santokh Singh : Do I take it that "choose" and "elect" is the same thing in his dictionary? To my mind these are two different things. If he tells me that choose and elect is the same thing and he means election wherever the word "choose" is employed in the Bill I will not discuss the matter any further. I will leave it at that.

Minister : The difference is in the form of election.

Sardar Sahib Sardar Santokh Singh : So many distinctions and divisions have been made that it makes the confusion worse confounded. Anyway we come next to the man to be chosen by the Railway Administration. Can anybody for a minute expect that labour can come in by means of that representation? Not at all. It will be some high paid official whom the Railway may deem fit to nominate. The Minister says, that difference is only in form of election. To my mind it will be nomination by the authorities, pure and simple.

Minister : The Senate can be entrusted with this.

Sardar Sahib Sardar Santokh Singh : What is the use of bringing forward this evasive Bill? Why not clarify the situation and define things and tell us what is up your sleeves? Of the remaining councillors four shall be women and they shall be appointed by the provincial Government. Even here the Government does not want to leave it to the public or to the women of Lahore to elect their representatives to the Corporation. They want to retain this power for themselves, power to nominate lady members to the Lahore Corporation. That is most objectionable and nothing short of unveiled despotism. Considering all the facts and figures which one finds in clause 7, the nominated element on the Corporation will come to

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37 per cent. I put it now to the Minister for Public Works whether or not this nominated element on the Corporation will come up to 37 per cent? Now, Sir, if it does come to that percentage, and nobody can refute these figures, supported as they are by facts and figures which I have given from clause 7 as incorporated in the Bill, I fail to see really why the Punjab should be treated in such a peculiar manner. Formerly according to the Municipal Act of 1911, the Government had the power only to nominate up to a maximum of 25 per cent. Now they want to retain in their hands the power to nominate as many as 37 per cent of the total strength of the Lahore Corporation. If by so doing they think they will make this Corporation independent I think they are sadly mistaken. I have nothing to say against the nominated members as such, but is it or is it not a fact that they represent nobody but themselves on the municipal committees? Is it or is it not a fact that they represent simply the will of the Deputy Commissioners on the committee? Is it or is it not a fact that they dance attendance day in and day out on the Deputy Commissioners, anticipate their wishes and try to out-herod Herod by acting in the manner that the Deputy Commissioners may wish them to. These nominated members are only puppets in the hands of Deputy Commissioners. I have been in the Amritsar Municipal Committee for a fairly long time.

Mir Maqbool Mahmood : I rise on a point of order. The nominated members are not here to defend themselves and it is not therefore for a distinguished member like my friend to tar all nominated members with the same brush. Among nominated members there are many who are entitled to greater respect than the elected members.

Sardar Sahib Sardar Santokh Singh : I am attacking the principle of nomination. I am not attacking anybody by name. On the contrary I have said that I have nothing to say against nominated members as such. Most of them are amiable and good people. But what I do say is that because they get into these local bodies by the backdoor of nomination they cannot but act as they are doing to keep their masters in good humour, in order to secure their nominations over again. They do not represent anybody but the Deputy Commissioners on these committees and I repeat that, with all the emphasis at my command, and that too as a result of my personal experience about the working of a first class municipality extending over eighteen years and of which I have been the president for over six years.

My honourable friend, Mir Maqbool Mahmood made capital out of the fact that because ours is now a responsible Government therefore, we should repose more confidence in them than we used to, in the case of their predecessors. But even he had to admit that he was not in favour of nominations in the time of the old bureaucratic Government. However, I may tell him that because ours is a party Government therefore, the power of nomination should not at all be in their hands, because the Government will in these matters act purely from party point of view. This is quite patent and I do not need any argument to refute the suggestion that was made by my honourable friend Mir Maqbool Mahmood that because there was a duly elected Government therefore, more confidence should be reposed

in it. Is it not a fact that all nominations that it makes are made from party point of view? Can it point out one single instance where it nominated to any local body, or for the matter of that on any advisory board or on any district board, members of the Opposition? (*An honourable member*: Never.) I am sure that not one single instance can be cited. The Government nominate to these bodies people who are either their own kith and kin or those who seek their favours. I do not blame them for that. Nothing else could be expected of a party Government. Then, why lay so much emphasis on the out-of-date method of nomination? Formerly the white-bureaucratic Government was content with nominated members up to 25 per cent. Now, the present brown bureaucracy, as I have pointed out just now, is not satisfied even with that, and wants to raise that figure to 37 per cent by means fair or foul. It was said that women should be given a place on the Corporation. By all means let them come into the Corporation. But why should they not come there by election? Here in this House we have five ladies duly returned by election. Similarly why should not ladies be returned to the Corporation by election? Why should you want to retain in your hands the power of nominating lady members to the Corporation? Is it because you want the lady members holding reactionary views to be sent to the Corporation? Otherwise I cannot understand the necessity of nominating lady members to the Corporation. So far as I understand, ladies have been holding meetings and demanding to be returned to the corporation by election. In democracy nominations should find no place. Is this House any the poorer because of the elimination of nominated element? Why, for goodness sake, should you nominate anybody? Already elections here are run not on joint electorates. Every community is sending its own representatives. Elections are run on communal basis. Hindus, Muhammadans and Sikhs elect their representatives as such. What interests are left behind which should be provided for by nomination? What justification then can you have for nomination unless you want to put in men who are of your party or those who would do propaganda for you? Simply because such people cannot dare stand for election, simply because they do not have any chance of being elected, you want to retain in your hands power to nominate them. Mir Maqbool Mahmood with great pride pointed out that at the present moment most of the presidents of municipal committees were nominated members. That is certainly not a thing to be proud of. If what he says is correct, it only shows to what length our public life has been corrupted, that even nominated members have succeeded to the presidentship of these committees. In democratic institutions this is not a matter to be proud of. Leave the committees to manage their own affairs in their own way. Make them autonomous. This must be the basic principle of this legislation. Unfortunately this Bill is just the other way about.

Coming to other provinces, what do we find? The Honourable Minister for Local Self-Government was pleased just now to tell me in a private conversation that other Governments have done away with the element of nomination altogether. (*An honourable member*: Not all.) That is, at any rate, what he said. My learned sister cited the Karachi Corporation as a model. Can she point out if there is any nomination to that corporation? There used to be before. But for the past two years nominated element

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has been entirely eliminated from the Karachi Corporation. Is not that corporation now working satisfactorily? If it is working satisfactorily, why should it be necessary for the Punjab Government to provide for nomination on such an unprecedented scale, as much as 87 per cent—because the eight seats as I have already pointed out will be entirely in the hands of the Government nominees and they cannot therefore by any stretch of imagination be called elective seats. Still they are to be taken out of the seats reserved for election. If the Government had provided for these interests from out of the nominated seats which they had in their power there would be no objection. If the Government want to give certain seats to people who hold certain views, let them do so by all means, but it must be from the seats reserved by Government for nomination. Do not go the other way about. They are practically nominated seats and still you reckon those seats as elected seats in order to be able to show to the world that the elected element on the Lahore Corporation will be at least three-fourths. Actually it is not that. My point is that you are using the backdoor method, in that the Government are taking 12 per cent seats into their own hands instead of leaving them open to election, and still they call them elected seats.

In Bombay out of 117 members there are only 3 ex-officio members who are nominated. All others are elected. That is to say, out of 117 members 114 are duly elected members. In Calcutta out of 98 only 8 are nominated members, but I understand that even out of these 8 nominated seats 4 have since been abolished, that is to say now only 4 nominated members remain on the Calcutta Corporation. Why here of all provinces in India should you have such a big percentage of nomination as 87 per cent? (*An honourable member*: How did they start?) We are all living in the twentieth century. Why go back? Why should nominations be necessary in the Punjab alone? What are the peculiar conditions prevailing here that make this necessary? Punjab should not lead in this retrograde and reactionary step. When my honourable friend moved his motion for circulation, the Honourable Minister for Public Works interjected and said, "well the whole of Lahore knows all about this Bill, are we to circulate it amongst the villagers?" The Honourable Minister forgot at the time that when appointing his select committee most of the people nominated to serve on the select committee were villagers. They had very little to do with city life. Why did he nominate them? Why did he appoint them on the select committee? And why should he oppose the circulation of this Bill simply because Lahore knows?

Then my honourable friend asked a question as to why we refused to co-operate on the select committee. There were very good reasons for that. We wanted representations according to our numbers. We did not claim any weightage. We said that there are so many members on the Opposition benches and according to these numbers we are entitled to so many seats on the select committee. Even that was refused. As a matter of fact, the weightage is being claimed here by the majority. They were already in a big majority and still they wanted more seats on the select committee. We said, if you refuse to give us due representation which our numbers on the Opposition benches entitled us to, we shall refuse to serve on the select committee. Government would not listen. They did not agree. Then we made another proposal which my sister perhaps does not know. We

said, let all the Lahore members go to the select committee, irrespective of the fact whether they belong to the Ministerial benches or whether they belong to the Opposition. Even that proposal was turned down, and in these circumstances we had no honest course left to us but to refuse to serve on the select committee. And I am not ashamed of that, under the circumstances.

This Bill, voluminous though it is, is only a half measure, for in spite of the fact that there are 414 clauses in it, the principal thing that requires adjudication has been left out for the rules. Nowhere has it been decided, how these various elected seats and by which communities they are to be filled and whether the electorate is to be joint or whether it is to be separate. That matter has not been touched at all. The fact as to who are to fill these seats is left to the rule-making power of Government—a thing which we of the Opposition with any regard for the interests of those whom we represent cannot subscribe to. This should have been embodied in the Bill itself. It is a matter which should be decided on the floor of this House and not left to the rule-making power of Government. This is the essence of the whole matter. Any disagreement on that vital point may necessitate one community or the other boycotting the Corporation altogether. This is a very important point, and I really fail to see why it should have been left to the rule-making power of Government to decide. Was this aspect of the question ever brought to the notice of the select committee? And why did you shelve it? For how long can it be shelved? What is after all the Opposition asking? It is asking for only 1½ months for the circulation of this Bill. According to your own saying you cannot enforce this Bill before May, 1942. What will happen if you were to accede to the reasonable demand that the Bill be circulated for eliciting opinion thereon by the 31st of March? You will be the gainer in getting every information from the public. You will lose nothing. After all you have wasted so many years in bringing forward this Bill. What harm will be done if you wait for another 1½ months? You will be well advised to accept the proposal. Why not accept the proposal to send the Bill for circulation, and then on the 1st of April take it up and pass it? But no, this is a thing which will perhaps never appeal to this Government. They want to do things according to the behests of their party. They would not accept any proposal or any amendment, however reasonable it might be, if brought by the Opposition. Otherwise I fail to see why such an innocent proposal that the Bill be circulated for eliciting public opinion by 31st March should not be accepted by Government.

In other provinces the question of the representation of various communities on their corporations was not left for the rule-making power of Government. Let us not forget again, that under the Karachi Act which is taken by our Government as their model, in that province now joint electorates have been introduced. Have they paid any attention to that? Have they considered that question at all? And why not? Sind is a neighbouring province of ours. Conditions there and conditions here are about the same. And if joint electorates with reservation of seats can work there all right notwithstanding obstacles sought to be created by an outside agency, there is absolutely no reason why this same thing should not prove successful over here. Has any attention been paid to that point? I do

[S. S. Santokh Singh.]

not think so. Had the members of the Opposition been on the select committee, they would have pressed this point and secured for it the most earnest consideration. We of the Opposition sincerely and honestly believe that the cause of all the trouble in this province is this communal electorate. If communal electorates are done away with, if people come here as Indians and not as Hindus, Sikhs and Muhammadans, most of our troubles will be over. I have not seen anywhere a majority claiming reservation of seats. In this province unfortunately they are clamouring for it and for separate electorates. If anybody has to be afraid of the joint electorates it is the minority communities who should be afraid of them, but the Sikhs have made their position so many times clear, that whatever might happen, they are, in the interests of India prepared to accept joint electorates as their goal, be it with reservation of seats, or otherwise. This important point has absolutely been ignored by this Government. It has not been thought of at the time the Bill was introduced in this House, nor was it thought of at the time it was sent to the select committee. They want to reserve all powers in their own hands in the shape of rule-making powers. To bring such important matters under rule-making powers, is an unheard of thing. My learned sister further pointed out that Lahore municipality had to be superseded because majority of the members there did not know A B C of municipal politics. (*Mrs. J. A. Shah Nawaz* : I said 'several' of them ; I did not say 'majority'). Very well. Let it be that several of them did not understand A B C of municipal politics. May I put it in all seriousness, how many members here cannot even follow intelligently the proceedings of this House and would you on that account supersede this House and bring in all nominated members ? How can that argument stand a moment's scrutiny or a moment's test ? You superseded the municipality not because some people did not understand A B C of municipal politics but, as my honourable friends on this side have pointed out, for reasons of your own. (*Mrs. J. A. Shah Nawaz* : I wish Sardar Sahib had been there at that time.) Though not here, I was at the time president of the sister municipality of Amritsar and during my term of presidentship there were two occasions to elect the Executive Officer and on both occasions we elected him unanimously.

Another reason that was given was that because Lahore would not agree in the matter of the appointment of an Executive Officer, all this misery, all this agony had to fall on this municipality, namely the supersession of the municipality and the Government not having brought in this measure for a number of years. If that is the criterion, why have not the other municipalities been similarly dealt with ? According to a list that was supplied only a short time ago, I find that in 13 municipalities Government had to nominate the Executive Officer, either because the committee would not agree among themselves or because the Government could not approve of the appointment made by the municipality. The same thing could have been done in the case of Lahore too. But in any case, in this 20th century, in this democratic age, because a few members, even assuming for the sake of argument though not admitting it—had done a grievous wrong, is it a reason why the municipality should have been superseded without being reinstated for so many years ? The Government has wasted all the time in not bringing forward this measure earlier and it has kept even now most important points

to be dealt with under its rule-making power. We, therefore, ask them and make a request to them that this measure should be circulated for eliciting public opinion for 1½ months and even such a proposal is not accepted.

Coming now to the appointment of the Chief Executive Officer, formerly it was the municipality which had the right to appoint him. He was an officer of about the same rank as is now proposed. Most of the powers of administration have already been given to him under the Executive Officers Act. Municipalities have been reduced more or less to the position of deliberative bodies only. It is the Executive Officers in those municipalities who make appointments and although certain limitations have been placed on their powers, namely, in the case of Lahore and Amritsar, to servants carrying a salary up to Rs. 45 and Rs. 25, respectively, the fact that most of the people in those municipalities start from the lowest rung of the ladder amounts in actual practice to this that all these appointments are already made only by the Executive Officer and not the municipalities. They have the power not only of making appointments but of dismissing them. They have the right to incur certain expenditure according to the limits fixed by each municipality. The powers that the Executive Officers have are quite substantial. All building applications are sanctioned or rejected only by the Executive Officer. They never go to the municipality. As a matter of fact, so far as the administration of the municipalities is concerned, the power of administration is mostly, if not entirely, in the hands of the Executive Officers. Then there is a lot of interference by the Commissioners and Deputy Commissioners. Those who have been in these municipalities do know that in most cases there is so much of this unnecessary interference even in matters of detail that it makes smooth working impossible and with all that interference, we still expect the municipalities to function properly and with no power in their hands. The municipalities have only to decide on lines of policy. Have you heard of any case where institutions are able to work successfully without any powers being given to them? Power is the essence of the whole problem. If the Ministry was to be interfered with at every stage by some higher power, will it be able to do even what little it has done? It is the power that makes the man. You put the municipalities in a very awkward position. You have taken away all powers from their hands. You have put in Executive Officers who have been more or less nominated by the Government, to control the affairs of the municipalities and what right have you then got to say that the members have been doing this and have been doing that? This has been the position of all the municipalities and I for one feel sure that if they had been left with a free hand, if they had been given powers to conduct their affairs in their own way, the situation would not have been as bad as we find it to-day. Having said this the question of questions is whether this Bill as it has been put before us will in any manner improve matters in so far as the administration of the municipality is concerned or will it simply take away what little power the municipality had so far?

At this stage the Assembly adjourned till 12 noon on Wednesday, 12th February, 1941.

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PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 12th February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

HON'BLE PREMIER'S VISIT TO EGYPT.

*7508. **Sardar Lal Singh** : Will the Hon'ble Premier be pleased to state—

(a) for how long he was absent from the Punjab while on his visit to Egypt ;

(b) whether he was on leave during the absence ;

(c) who, if any was acting as Premier in his place ;

(d) whether any part of the expenses of the tour was met from the Punjab Provincial Revenue ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) The Honourable the Premier left Lahore on the 15th December, 1940, and returned to Lahore on the 11th January, 1941.

(b) No.

(c) No one was formally acting as Premier, but his urgent work was distributed among his colleagues for disposal.

(d) None beyond the railway accommodation requisitioned to and from Karachi.

Sardar Lal Singh : May I know whether his colleagues were consulted before he took this step ?

Parliamentary Private Secretary : What step ?

Sardar Lal Singh : Did he take the other Ministers into confidence and consult them about his visit to Egypt ?

Parliamentary Private Secretary : Yes.

Mr. Speaker : Proceedings of the Cabinet are confidential.

Sardar Lal Singh : I am not asking what transpired at the meeting.

Mr. Speaker : The mere fact that the honourable member has not used the expression " meeting of the Cabinet " does not entitle him to ask a question which strictly speaking relates to the proceedings of the cabinet.

Sardar Lal Singh : Did the Honourable Premier have any mandate from his colleagues about any political views that he expressed to the Egyptian Government ?

Mr. Speaker : Disallowed.

CONSTRUCTION OF THAL PROJECT.

***7051. Mr. Dev Raj Sethi :** Will the Hon'ble Minister of Revenue be pleased to state—

- (a) the date on which the construction of the Thal Project was taken in hand ;
- (b) the progress made so far in the said project ;
- (c) the present and future plans of action in respect of this project ;
- (d) the amount spent on it so far ;
- (e) whether it is a fact that certain contractors who started work there but had later to discontinue it due to a change in the Government programme, have suffered losses ; if so, whether the Government intend to compensate them, if not, the reasons for the same ;
- (f) the number of such contractors who had their contracts thus cancelled ;
- (g) when the Government intend to complete the Thal Project according to the present plans ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) May, 1939.

(b) The Headworks is about half completed and the Main Line Upper has been excavated.

(c) To complete the Headworks except the road bridge and the erection of gates and gearing.

	Rs.
(d) 1939-40	55,83,382
1940-41 (upto 31st October, 1940) ..	33,19,552
Total ..	89,02,884

(e) No compensation is due to the contractors under the terms of the agreement as the work was stopped after giving due notice.

(f) Seventeen.

(g) It is not possible to give definite date for completion under present war conditions, but it is the intention of Government to complete it without avoidable delay.

—————
LOCUST.

***7249. Pandit Shri Ram Sharma :** Will the Hon'ble Minister of Development be pleased to state—

- (a) the districts and particular areas which have been affected by the locust swarms, so far ;
- (b) the preventive steps the Government have taken or intend to take to combat this menace to the poor zamindars ?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) Locust swarms have been reported so far from the districts of Multan, Montgomery, Lyallpur, Jhang, Mianwali, Shahpur, Muzaffargarh, Dera Ghazi Khan, Ferozepore, Hissar, Rohtak, Gurgaon and Karnal.

(b) The public have been advised and are being advised that when locusts appear they should be frightened off by beating drums and empty tins, waiving of white cloth and such other methods as will prevent them from alighting. When they have alighted the public are being advised to crush or burn them, particularly in the early hours of the morning when the locusts are benumbed by the cold. The egg laying season for locusts is from February to April or May and again from July to September, and at these times campaigns will if necessary be undertaken for destroying the locusts while mating, and for destroying the eggs when laid. When the hoppers hatch out they will be destroyed by the various methods already known and practised here and elsewhere, such as poisoning them with poison baits and digging trenches into which the hoppers are driven and buried. It is proposed to hold almost immediately classes for instructing revenue and agricultural officials in the methods of locust destruction. Arrangements are also in progress to ensure the prompt supply of reports from patwaris when locusts appear. Stocks of Sodium Fluosilicate for poisoning purposes are also available.

ECONOMY MEASURES.

*7195. **Pandit Shri Ram Sharma**: Will the Hon'ble Minister of Finance be pleased to state—

- (a) the economy measures which the Government have adopted since the outbreak of war ;
- (b) the saving made through economy so far ;
- (c) whether this policy of economy is intended to be continued ; if so, how and in what manner ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) : (a) It is not clear whether the honourable member has in mind economy measures which became necessary as a result of the outbreak of war. During the financial year 1939-40 (it must be remembered that war between Germany and England broke out only in September 1939) much economy became necessary because of severe famine conditions prevailing in a part of the province. During this year hardly any economy was effected due to war. In the year 1940-41, and particularly during the last few months, war has led directly to some expenditure, and famine conditions have also continued to prevail. In consequence certain measures of economy such as :—

- (i) Postponement of certain proposals entered in the Schedule of New Expenditure ;
- (ii) Slowing down progress on major works, and reduction of expenditure on repairs to the absolute minimum ;
- (iii) Curtailment of expenditure on contingencies ;
- (iv) Restrictions on touring and transfers ; and

(R. S. Thakur Ripudaman Singh.)

(a) Restrictions on the grant of loans and advances, had to be adopted. This economy has depended mainly on the postponement of expenditure rather than of cutting down expenditure in the ordinary sense ;

(b) The savings that have had to be effected are :—

		1939-40.	Rs.
Revenue account	32 lakhs.
Capital account	70 lakhs.
1940-41.			
Revenue account	14 lakhs.
Capital account	1,48 lakhs.

There is here no question of any policy of economy. As I said already, certain savings became necessary to avoid serious disparity between revenue and capital expenditure. The course of expenditure in relation to revenue budgeted in any year has to be carefully watched and if expenditure during any year shows signs of large excess over revenue, savings have to be effected during the year ;

(c) It all depends upon the financial circumstances of each year.

Sardar Sahib Sardar Santokh Singh : May I know whether any retrenchment has been effected as a result of the recommendations of the Retrenchment Committee ?

Parliamentary Secretary : That does not arise out of this question.

COMPLAINTS AGAINST ASSESSMENT OF HAI SIYAT TAX.

*7085. **Mr. Dev Raj Sethi :** Will the Hon'ble Minister of Public Works be pleased to state whether any complaints have been received by the Government from the assesses of Haisiyat Tax of Jhang and Lyallpur districts regarding arbitrary methods of assessments resulting in gross injustice during the last 3 years ; if so, whether any enquiry has been made ; if so, with what result ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The District Board, Lyallpur, levies profession tax and not Haisiyat tax. Government have received no specific complaints regarding the alleged arbitrary assessment of the tax by the Lyallpur and Jhang District Boards.

CONVICTED POLICEMEN OF KARNAL.

*7095. **Pandit Shri Ram Sharma :** Will the Hon'ble Minister for Public Works be pleased to state—

(a) whether he is aware of the fact that the Additional District Magistrate has recently fined a head constable and two constables in cross cases some of which were started last year by the police and others by the zamindars of village Alhar, district Karnal, against the police ;

(b) the action, if any, intended to be taken departmentally against the policemen found guilty by the court ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
 (a) Government have seen the police report about the conviction of a head constable and a constable under section 329, Indian Penal Code, by the Additional District Magistrate, Karnal, in case F. I. R. No. 2, dated the 9th January 1940, under section 342/358, Indian Penal Code, Police Station Radaur, of which the preliminary proceedings were explained in answer to starred question No. 6359¹ asked by the honourable member, Lala Duni Chand, in the Spring Session of the Assembly ;

(b) The action to be taken will depend on whether the court's order is upheld on appeal. The case must still be considered *sub-judice*.

INVESTMENT OF EMPLOYEES' PROVIDENT FUND BY DISTRICT BOARD,
 LAHORE, IN INDIA INTEREST FREE LOANS.

*7130. **Mr. Dev Raj Sethi** : Will the Hon'ble Minister for Public Works be pleased to state whether the District Board, Lahore, has invested some amount out of the employees' Provident Fund in the Government of India Interest Free Loans ; if so, how much ?

† **Parliamentary Secretary** (Sardar Bahadur Sardar Ujjal Singh) :
 No.

APPOINTMENT OF CH. PRABHU LAL GODARA AS EXECUTIVE OFFICER
 OF THE BHIWANI MUNICIPAL COMMITTEE.

*7504. **Sardar Lal Singh** : Will the Hon'ble Minister for Public Works be pleased to state—

(a) whether it is a fact that the Bhiwani Municipal Committee in its meeting, dated 2nd November, 1940, had appointed one Ch. Prabhulal Godara as its Executive Officer for a period of three years while the appointment was to be made for five years as required by section 3 (1) of the Punjab Municipal Executive Officer's Act ;

(b) whether the Government is aware that L. Manohar Lal, a member of this Committee, has petitioned to the Deputy Commissioner, Hissar, under sections 282/286 of the Punjab Municipal Act, against the appointment of the said Ch. Prabhulal to the post of the Executive Officer pointing out several gross irregularities and illegalities of this resolution including the fact that the said resolution was not supported by the 5/8th majority ;

(c) what action the Government proposes to take in the matter ?

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

(b) and (c) It is not known to Government whether the Deputy Commissioner has received a representation.

ABUSE OF POWERS BY THE PRESIDENT, MUNICIPAL COMMITTEE, BHIWANI.

*7505. **Sardar Lal Singh** : Will the Hon'ble Minister for Public Works be pleased to state—

- (a) whether he has recently received a representation from L. Manohar Lal and other Municipal Commissioners of Bhiwani against the President, Municipal Committee, Bhiwani, for his abuse of powers in forging and altering the contents of the minutes of the meeting held on 30th November, 1940 ; if so, the action taken thereon ;
- (b) whether he will be pleased to lay on the table of the House a copy of the representation mentioned above ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- (a) Yes ; the matter is being looked into.
- (b) A copy is laid on the table.

Representation of Lala Manohar Lal and other Municipal Commissioners of Bhiwani, to the Honourable Minister of Local Self-Government, Punjab, Lahore, dated Bhiwani, 1st December 1940.

Subject :—MEETING OF THE MUNICIPAL COMMITTEE, BHIWANI, REGARDING APPOINTMENT OF THE EXECUTIVE OFFICER.

We have the honour to bring to your kind notice the following facts for favour of your information and necessary action.

1. That the meeting convened for the 30th November, 1940, and held on that date was *ultra-vires* in view of the facts stated below :—

- (a) The meeting was convened under section 3 (2) of the Punjab Municipal Executive Officers Act II of 1931 which could not have been called under the section when the committee had already held two meetings one on the 8th October 1940, and the other on 2nd November, 1940. A meeting could only be called within fourteen days of the first meeting and within three months as provided for by section 3 (2) of the said Executive Officers Act. This meeting was the third after the first held on 8th October, 1940.
- (b) Grave irregularities apart from the *ultra vires* nature of the meeting were committed at the time of meeting was held and after.
- (i) The time of the meeting was fixed at 8-30 p. m. Almost at 9 p. m. the quorum was not present and the President left in a tonga along with Chaudhri Parbhu Lal Goda, p. B.A., LL.B., the present Secretary and a candidate for the post of the Executive Officer, with a view to secure the presence of ten members to form the five-eighth majority of the members as required by law while (1) B. Ram Dev Saxena, (2) Lala Banwari Lal, (3) Lala Shital Prasad, (4) Lala Hanuman Das, (5) Shaikh Abdul Gafoor, (6) Khan Mohammad Mafuz Khan, (7) Thakur Chhaju Singh members of the committee sat in the Municipal Office. At 9-15 p. m., the President and the candidate Chaudhri Parbhu Lal returned and the quorum was secured and the proceedings of the meeting commenced at that time. It was incumbent upon the President to postpone the meeting when no quorum was present and there is no rule or regulation which provides for the President leaving the meeting and run about in a tonga with a candidate whose case has to be considered by the committee in search for members to make up the quorum.
- (ii) Immediately after the meeting commenced its business a resolution was written in the proceedings book approving the proposal given in the requisition by the members concerned.
- (iii) Immediately after the members had left the President in the company of Chaudhri Parbhu Lal candidate made considerable additions in the Minutes Book to suit his purpose thus committing a gross misabuse of his powers and for the matter of that fabrications. It is nowhere provided that the President could in any way alter or add to the contents of the Minutes Book after it has been closed.
- (iv) The meeting was commenced after 9-15 p.m., while it was fixed for 8-30 p.m. The President had no business and right to show in the Proceedings Book that the meeting was commenced at 8-30 p.m., and thus make a fictitious entry in the Minutes Book.

We have the honour, therefore, to request your honour to institute an enquiry and take whatever steps you may be pleased to deem proper.

CITY OF LAHORE CORPORATION BILL.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): In connection with the motion for circulation of the Bill for eliciting public opinion, I was submitting yesterday, when the House rose for the day, that in the appointment of Chief Executive Officer, even the small powers which the Municipality enjoyed so far have been taken away. Henceforward the Chief Executive Officer will be appointed by the Government and the Government alone. Not only that, even in small matters like the leave of the Chief Executive Officer, he will have to get it only from the Government. In other words, the Chief Executive Officer will not be an officer subordinate to the Corporation, but to the Government. It follows then that with the bigger name of Corporation, the municipal powers, which the Committee enjoyed before this, will be immensely curtailed.

As to the nominations, no Government, which has any regard for public opinion, will make itself responsible for nominating as many as 25 councillor out of 68. It is doubtful however whether any consideration will be paid by this Government to the requests that have been made to them on the floor of this House and by people outside, in regard to this particular matter.

I will now take the House to the minutes of dissent that have been appended to the report of the select committee by two members of the Unionist Party. In the minute of dissent of Rai Bahadur Lala Sohan Lal, he has laid great emphasis on the fact that the trade and industry of the province will be very poorly represented on the Corporation, if the Bill was passed in the form in which it has been brought before the House. I will draw the attention of the Government to the Madras Corporation Act, where one finds that out of 50 councillors as many as 9 seats have been given to the Trade and Commerce of that city. Three of these councillors are to be elected by the Madras Chamber of Commerce; another 3 are to be elected by the Madras Trades Association; another 2 are to be elected by the South Indian Chamber of Commerce; and another 2 are to be elected or appointed by such other associations or corporate bodies as the Governor in Council may by notification direct. Here in this province of ours and in its capital only 2 seats are to be given to the trade and commerce out of 68 seats.

Then there is another very unsatisfactory aspect of the question and I do hope the Government will give its careful consideration to the just complaint that has been made in this regard. Rai Bahadur Lala Sohan Lal has pointed out in his minute of dissent that the constituencies which the Government will have to make for the return of councillors to the Corporation should be decided on the floor of this House and should not be left to the rule-making power of the Government. The question of joint *versus* separate electorates should also be dealt with on the floor of this House. But it appears that no attention whatsoever is being paid to this just grievance.

Mr. S. P. Singha, a very important member of the Ministerial Party in his minute of dissent, says:

Though I have signed the Report, I cannot help feeling that the Bill would have been different in many details had the Opposition not non-co-operated.

(S. S. Santokh Singh).

Under these circumstances, I think, the Government and also the province stand to gain, if a small time was given for getting public opinion before Government proceeds with this Bill. With these remarks, Sir, I support the motion for circulation.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (*Urdu*): Sir, since so many arguments have already been advanced from both sides of the House I need not take much time in pointing out the defects of this Bill in detail. Briefly, the retention of the nominated element, the power of the Government to appoint the Chief Executive Officer and many such provisions are considered objectionable because they militate against the principles of democracy. From among the members who tried to refute such arguments yesterday, my honourable sister Mrs. Shah Nawaz was pleased to remark that the present conditions necessitated such reactionary provisions in the Bill. Is it not strange that while the British Government have introduced new reforms and given us provincial autonomy, the present Government thinks that during its regime the conditions have deteriorated to such an extent that they are compelled to revert to laws and methods which may very well be called primitive now? I really fail to understand why the Government insists on such a high proportion of nominated element and retaining in its own hand the appointment of the Chief Executive Officer. My honourable friend, Mir Maqbool Mahmood, remarked that this Government being a representative one there is no harm if it has the power to nominate so many members. I must submit that this is no argument. No matter whether it is the old bureaucratic Government or the present representative Government, what we want is that in order to infuse in them the true spirit of democracy the local bodies must be given freedom of action within their spheres. It makes no difference whether the Chief Executive Officer is appointed by this Government or the old bureaucracy. The question is whether he will not be able to perform his duties if he is appointed by the Corporation. Do you mean to say that he can perform his duties properly only if he is appointed by the Government? He will perform the duties of his office not on the score of his having been appointed by the Government but on the strength of the powers given to him.

Let me tell you that we do not mind if some mistakes are made in the beginning. Let the representatives of the people make mistakes and gain experience. That is the only way to make progress. It was said by Macaulay that unless you allow a boy to walk he will never learn to run. But what are you doing? While the British Government is allowing you to learn to walk and run, you are placing obstacles in the way of your countrymen. It is often said that the Punjab gives a lead to other provinces. (*A voice*: Benghazi.) I shall be only too glad if the lead given by the Punjab is similar to that in Benghazi. But, unfortunately, here we find our Government gloating over nothing but inglorious retreats. With one hand they give the people of Lahore a Corporation, while with the other they are snatching from them all the powers to manage their own affairs. If at all, nomination can be justified in this age of democracy only in the case of experts. But you are introducing the nominated element for other purposes about which the least said the better. I would, therefore, request the Government not to take a stand on such slippery ground as the

present conditions and the nomination made by a representative Government. By such reactionary measures you are doing a disservice to your country because they will be taken as a confession of inefficiency on our part. Have a Chief Executive Officer by all means. Make nominations to enlist the services of experts if you so desire. But refrain from such acts as would present the politicians and statesmen of this province not as conquerors of Benghazi but as fighters who took delight in retreat.

Chaudhri Ram Sarup (Rohtak Central, General, Rural) (*Urdu*): Sir, the greater part of the speeches made on this motion has been devoted to the need of reducing the nominated element. I am free to admit that theoretically the principle of all elections and nomination is very pleasing and appears to be quite sound. But experience shows that in certain cases nomination is absolutely necessary. For instance, in this very House we find capitalists like my honourable friends Rai Bahadur Lala Sohan Lal and Lala Sita Ram representing the poor labouring classes.

Mr. Speaker : The honourable member should not be personal.

Chaudhri Ram Sarup: Very well, Sir. As I was saying, there are cases in which nomination alone can secure representation for certain interests. I would, therefore, request the honourable members to lay stress not on the elimination of the nominated element but on changing the method of nomination. At present nominations are being made either by Commissioner and Deputy Commissioners or on their recommendation with the result that only rich and influential people are nominated. The poor people have no chance of being nominated or elected. It is only the rich who benefit by both these methods. Therefore, I would request the Honourable Minister to see that the poor down-trodden people also get a chance of being nominated.

There is no gainsaying the fact that what is most needed for the running of the municipal administration is money which can be had by taxation only. As the rich people come in by elections, they do not want that taxes should be levied on the rich. This was what happened in the Lahore Municipal Committee and this was the reason why the committee was superseded. The committee was in need of money and whenever the question of taxation came before the members, they did not want to resort to taxation because by doing so they were likely to be affected personally by the taxes. The members coming in by elections are generally rich, therefore they do not want to levy taxes on themselves and they cannot sacrifice their own interest for the sake of the town. Now I tell you how the poor people suffer at the hand of the rich. In a municipality when some of the members propose to levy a tax, for instance, house tax, some of the members who are rich, are likely to be affected by this tax. And consequently they adopt another method and that is to tax the products coming into the town, for instance milk, ghee, grain and pulses which are generally brought into the town by poorer people. This is done because the poor people have no representation on the municipality.

Rai Bahadur Lala Gopal Das : May I ask the honourable member a question. Does he mean that poor people should be brought from outside in order to nominate them on the Corporation?

Chaudhri Ram Sarup : Yes, in the interest of justice and equity I do not think there is any harm in nomination. Moreover we are to change the practice only. First representation was given to the rich through nomination and now it should be given to the poor class. May I again submit that the system of nomination is very desirable in order to give representation to interests which would never be able to get in through election? The Government should nominate poor people instead of the rich which has been the practice followed heretofore.

Then, some of the honourable members have raised an objection as to why one councillor from the district board is to be nominated on the Corporation. Do they not know that the larger amount of money comes through the octroi, and who pays it? The people from outside the city who are under the district board. When they levy tax on ghee at the rate of Rs. 4 per maund, who bears this burden? The brunt falls on the people living outside the city. And now when one seat has been reserved for the district board, much hue and cry has been raised by some of the honourable members. In the end I may once again submit that the rich only can get in through elections because they can spend any amount of money. It is therefore necessary to give representation to the poor and that can be done only through nomination.

With these few words, Sir, I resume my seat.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : Sir, I had no intention to take part in this debate but my honourable friend Chaudhri Ram Sarup's speech has created some misunderstanding and I only think that it may be removed because my friend has very little acquaintance of Lahore or the Lahore Municipal affairs. No one in this House will have any sympathy with any nomination, be it in local bodies or district boards or the highest bodies of legislature. But there are certain requirements which one has to bear in mind. Unfortunately in our country we have communities, we have sections which have to find representation on these bodies and that being the case, one has to provide for it, and the only way to provide for this is by nominations. I may here give a few instances which may clarify the position. We have in Lahore, not a very large number, but still a fairly large number of scheduled castes. It will be very difficult for any Corporation to make such wards or electoral colleges from where those friends of mine may find representation. Therefore, one will have to bring them on the Corporation only by the method of nominations. Then, my honourable friend, Mr. Few's community will also have to find representation. The nomination will be the one method by which one can bring them on this Corporation. Let us examine my honourable friend, Chaudhri Ram Sarup's proposition. He is in favour of nominations because he wants the poorer classes of people to find seats on this Corporation. I do not know what his experience is as far as Rohtak, Gurgaon and Hissar are concerned. But if I may draw his attention and if he had only taken the trouble to look at the various lists of members of the Lahore Municipality since 1900, he would have found that as the element of nomination was decreased in the Lahore Municipality, the poorer classes got representation and it was only when the nominated elements were in a majority that richer classes and the so-called titled classes found representation in the Lahore Municipality. May I ask him what machinery he wants to devise

to make this proposition of his possible? Take a man in Lahore who is selling *doodh dahi*. He is an insignificant figure; he pays a rent of Rs. 5 a month and that entitles him for a vote and he can be a voter. How would the Deputy Commissioner of Lahore be the first to propose that name and to know of this particular Peera, the *doodh dahi* seller, or how would the Honourable Minister for Public Works, sitting in his high and mighty office, know of this particular Peera who should get representation on this Corporation of Lahore? Sir, it is only those people who know the work of their comrades and colleagues who can vote for a person and send him to the municipality or Corporation. If my honourable friend had only looked at the list of those members who were elected in the last election, he would have found that there was a certain gentleman who was selling *doodh dahi* and there was also another gentleman, Isa, Jamadar of coolies. Surely, that goes to show that people, who otherwise cannot find representation, can find representation only by means of election. As a matter of fact, my honourable friend, sitting behind me, Mr. Few, when he gets up, will say that we do not get educated element in the municipalities and that we do not get people who have a stake in the towns and therefore they cannot manage the affairs of the municipalities properly. After all, democracy is only the expression of the majority and if we are going to have full democracy, then if the people chose anyone they like, why should we have any grouse or any objection to their choice? I assure my honourable friend that the moneyed classes of Lahore will never find representation if the whole body is recruited by election. They will only find representation by means of their nominations. If I contest a seat, I will have no chance whatsoever, but I may have a chance if there is nomination and if the Honourable Minister is kind to me. Then the other point which was raised by my honourable friend was with regard to district boards and he said that they must find representation.

One has no objection provided he thinks that they should have two representatives on the Corporation. But to his reasons one can have serious objection. He says because the cultivator class send in their food stuffs to the moneyed people in the city, they pay high taxes and therefore to protect the interests of the cultivator they must find representation on the Corporation. I fail to understand it. After all there are other things besides fuel, fodder, grain, pulse which come into the city. There are articles which are sent by exporters from England, Japan or China from Bombay or Calcutta. Now if all those people who send in their commodities should find representation, then we will not have the City of Lahore Corporation, but an international body having Chinese, Japanese and all sorts of people. He should understand that this municipal taxation called octroi is not passed on to the producer but it is paid by the consumer, because the moment a commodity which comes in the city is taxed, that tax is borne by the consumers themselves and the exporter has nothing to do with that form of taxation, and if my honourable friend still objects to that I am prepared to join issue with him on that score.

Mr. Speaker : The question is—

That the City of Lahore Corporation Bill as reported by the select committee be circulated for eliciting opinion thereon by the 31st March, 1941.

The motion was lost.

Mr. Speaker : The question is—

That the City of Lahore Corporation Bill as reported by the select committee be taken into consideration.

The motion was carried.

Clause 1.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): I beg to move—

That in sub-clause (3), lines 1—4, for the words "on such date.....this behalf", the words "at once" be substituted.

Sir, the object of this amendment is obvious. It seeks that no time should be lost in the enforcement of this Bill when it is passed into law. Yesterday the honourable lady member Mrs. Shah Nawaz laid particular emphasis on the fact that the Corporation should be brought into being as early as possible. As I fully associate myself with her views, I have brought forward this amendment. Besides, if you take into consideration the gigantic volume of the Bill and the huge number of sections contained in it, you would easily realise that it would not be possible to pass this Bill in ten days. Then the budget session is imminent. It will consume the whole of the next month and this Bill will have to be postponed to April or May. It is quite possible that we may not be able to bring this measure on the statute within the next few months and consequently the elections under its provisions cannot be held before 1942. Again, I object to the word "may" in sub-clause (3) because it does not give any indication as to when this Act would come into force. If this amendment is incorporated, the enforcement of this Bill would become an automatic process. We would be saved of the weary waiting for the notification which the Government is required to make in the official Gazette under this clause. I, therefore, commend my amendment to the House for acceptance.

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

That in sub-clause (3), lines 1—4, for the words "on such date.....this behalf", the words "at once" be substituted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): Sir, I am afraid I must oppose the amendment. The honourable member is unnecessarily presuming that Government would take long to constitute the Corporation. That is not the case. But it would not be possible to bring into being such a big machinery which we have to constitute all at once. Besides there are other preliminaries which have to be one through and they must take time. You cannot expect that that will be done at once. That is why we have provided—

It shall come into force on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf.

This is not the case only in this Bill, but it is done in nearly every enactment. Therefore I am afraid I must oppose the amendment. I can assure the honourable member that no unnecessary delay will take place and we are all anxious to expedite the coming into being of this Corporation. Of course certain limitations are there and we must provide for that. With these words I oppose the amendment.

Mr. Speaker : The question is—

That in sub-clause (3), lines 1-4, for the words "on such date.....this behalf", the words "at once" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (1), lines 2-3, between the words "Lahore" and "shall" the words "at present under suspension" be inserted.

This is only a formal amendment. There is no municipality now functioning as it is under suspension. Therefore there would be no harm if the words proposed are inserted.

Minister for Public Works : The municipality is there and it is functioning.

Mr. Speaker : The amendment is out of order. The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (2), line 9, between the words "imposed" and "or", the word "sanctioned" be inserted.

(Urdu) : Sir, my object in moving this amendment is only to point out that whereas it is correct to say, "a notice is issued, appointment is made, tax is imposed", it is not correct to say that a scheme is issued, made or imposed. The proper verb for this noun in the context of the clause would be "sanctioned". That is why I have proposed this amendment. The verb used in the clause are, "made, issued, imposed and given" and they cover and apply to the words, "appointment, notification, notice, tax order". But none of the above mentioned verbs apply to the word "scheme". The suitable verb for "scheme" in this connection would be "sanctioned".

Mr. Speaker : The question is—

That in sub-clause (2), line 9, between the word "imposed" and "or", the word "sanctioned" be inserted.

The motion was lost.

Sayed Amjad Ali Shah (Parliamentary Private Secretary) : I beg to move—

That in sub-clause (2), line 11, the word "repaid" be omitted.

The motion was carried.

Sayed Amjad Ali Shah : I beg to move—

That leave be granted to move the following new clause after sub-clause (2)—

"(3) every scheme drawn up and published under the provisions of subsection (4) of section 192 of the Punjab Municipal Act, 1911, shall be deemed to have been validly notified with effect from the date on which it was first published."

The motion was carried.

Sayed Amjad Ali Shah : I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Sayed Amjad Ali Shah : I beg to move—

That the new clause be adopted.

The motion was carried.

Mr. Speaker : The question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

Clause 4.

Mr. Speaker : The question is—

4 p. m.

That clause 4 stand part of the Bill.

The motion was carried.

Clause 5.

Minister for Public Works : I move—

That consideration of sub-clause (1) of clause 5 be postponed.

The motion was carried.

Mr. Speaker : Question is—

That sub-clauses (2), (3) and (4) of clause 5 stand part of the clause.

The motion was carried.

Mr. E. Few (Anglo-Indian) : I will ask the Honourable Minister to consider whether the definition of "brothel" given here is not too wide. It says "a tenement which is habitually used by more than one woman for the purpose of prostitution". At that rate ten women might take the whole of Dyal Singh Mansions, one woman taking each tenement, and turn it into a brothel. I think these words "more than one woman" may be abused. I am told this is correct replica of the Bombay Act. But surely in the Punjab we have not lost all originality.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I think the honourable member has unnecessary fears. He has himself stated that we find this definition in other Acts. The object of saying "more than one woman" was, I think, that if there is a wealthy and respectable lady living in a building, some people might try to blackmail her or create difficulties and hardship. So for a regular brothel there must be more than one woman. My honourable friend has expressed the fear that there might be different units. But I do not think that will be the case. This definition has worked satisfactorily in other places and it is to avoid hardship to innocent people that the definition has been worded in this form.

Mr. Speaker : Question is—

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

The motion was carried.

Mr. Speaker : Question is—

That sub-clause (6) stand part of the clause.

The motion was carried.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That in sub-clause (7), lines 2-3, between the words "shed" and "or" the words "cellar, shelter" be inserted.

This is only a formal amendment and I think there will be no harm in including the words "cellar" and "shelter".

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

That in sub-clause (7), lines 2-3, between the words "shed" and "or" the words "cellar, shelter" be inserted.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : Sir, one can understand the word "cellar", but I fail to understand the word "shelter". If my honourable friend would look at the sub-clause, he would find that the words used are "hut, shed", etc. So, unless my honourable friend makes his meaning clear, I am afraid his amendment cannot be accepted.

● **Mian Muhammad Nurullah :** Temporary air raid shelters.

Mrs. J. A. Shah Nawaz : I think it is superfluous.

Mr. Speaker : Question is—

That in sub-clause (7), lines 2-3, between the words "shed" and "or" the words "cellar, shelter" be inserted.

The motion was lost.

Mian Muhammad Nurullah : I beg to move—

That in line 5 of sub-clause (7), the word "walls" be omitted.

This word is redundant.

The motion was carried.

Mr. Speaker : Question is—

That sub-clause (7) as amended stand part of the clause.

The motion was carried.

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

Mian Muhammad Nurullah : I beg to move—

That at the end of sub-clause (8), the words "except *chajjas* allowed under the by-laws" be added.

I do not know what the real meaning of the Government is. If they really mean that *chajjas* are really excluded, then I would not press this amendment.

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

That at the end of sub-clause (8), the words "except *chajjas* allowed under the by-laws" be added.

Mrs. J. A. Shah Nawaz : Anything allowed under the by-laws will be excluded. I do not think there is any need for it.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I must oppose this amendment. The definition is on the lines of the Punjab Act 3 (2) (a) and Karachi 5 (7) and by practice it has been found that this is as good a definition as we can devise. Some of the *chajjas* may have been there for a long time and justified and others may not be. It is a question of fact and I do not think we can exempt a type of building. That should be left over to the corporation or the courts. All the rights will be properly adjudicated upon there. We cannot in a definition exempt a class or type of projection.

Mian Muhammad Nurullah: I beg leave to withdraw the amendment.

The motion was by leave withdrawn.

Mr. Deputy Speaker: Question is—

That sub-clause (8) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker: Question is—

That sub-clause (9) stand part of the clause.

The motion was carried.

Mian Muhammad Nurullah: I beg to move—

That in sub-clause (10), line 5, between the words "other" and "area" the word "contiguous" be inserted.

It may not be possible to take areas after making certain areas in between. It is only to improve the thing in a way that areas are always contiguous that I move this amendment.

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

That in sub-clause (10), line 5, between the words "other" and "area" the word "contiguous" be inserted.

Minister: I must confess I have not exactly followed the difficulty that the honourable member thinks would come about, if the boundaries are extended. He perhaps apprehends that the provincial Government will leave islands in between. You must credit the provincial Government with a little sense. They are the representatives of the people. Why do you suppose they will do such a thing? If boundary is to be extended it will be extended on some reasonable basis. This definition is identical with Calcutta 3 (11) and Karachi 5 (9) and it has been found to be satisfactory elsewhere and I do not think the honourable member need have these fears about the provincial Government. What can be the object of creating islands?

Mian Muhammad Nurullah: You might take up certain area beyond the cantonment.

Minister: We have no power to include cantonment. This is beyond the pale of the provincial legislation. If the extension is in other directions, there can be no two opinions about the advisability of those extensions and we will see that no islands are left. Why should we do otherwise? The thing is quite clear and I do not think the honourable member need press his amendment.

Mr. Deputy Speaker : Question is that—

In sub-clause (10), line 5, between the words "other" and "area", the word "contiguous" be inserted.

The amendment was lost.

Mr. Deputy Speaker : Question is—

That sub-clause (10) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : Question is—

* That sub-clause (11) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : Question is—

That sub-clause (12) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : Question is—

That sub-clause (13) stand part of the clause.

The motion was carried.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (14), lines 4-5, between the words "other" and "disease", the word "infectious" be inserted.

I think the word "infectious" is necessary. It is only infectious diseases that are dangerous.

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

That in sub-clause (14), lines 4-5, between the words "other" and "disease", the word "infectious" be inserted.

Minister : I would again say that the honourable member need not press this. If he would read the definition which is sufficiently comprehensive, he will find that we have tried to include all diseases that we know of, but there might be diseases that are not known to us and the Corporation has been given the power to declare these diseases as infectious and I think the Corporation should be trusted to this extent.

Mian Muhammad Nurullah : I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. Deputy Speaker : Question is—

That sub-clause (14) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clause (15) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clauses (16) and (17) stand part of the clause.

The motion was carried.

Mian Muhammad Nurullah : Sir, I beg to move—

That in sub-clause (18) (d), line 3, between the words "greater" and "number" the words "or smaller" be inserted.

(Urdu): Sir, if some smaller houses can be converted into a single big house, the reverse, that is, dividing a big house into many small places is also possible. To make the purport of my amendment more clear, I would read out the sub-clause which is to the effect—

(d) the structural conversion of two or more places of human habitation into a greater number of such places;

I simply want that after the word "greater" the words "or smaller" be inserted. This change would make the sub-clause more clear. Evidently these words have unwittingly been left out. I hope there will be no objection to making this correction.

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

That in sub-clause (18) (d), line 3, between the words "greater" and "number" the words "or smaller" be inserted.

The Honourable Malik Khizar Hayat Tiwana : Sir, I oppose the amendment. It is not necessary.

Mr. Deputy Speaker : The question is—

That in sub-clause (18) (d), line 3, between the words "greater" and "number" the words "or smaller" be inserted.

The motion was lost.

Mr. Deputy Speaker : The question is—

That sub-clause (18) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clauses (19) to (31) stand part of the clause.

The motion was carried.

Mian Muhammad Nurullah : Sir, I beg to move—

That in sub-clause (32), line 1, the word "nazul" after the word "mean" be omitted.

Sir, here the word "nazul" is quite redundant. There is no need of this word "nazul" there.

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

That in sub-clause (32), line 1, the word "nazul" after the word "mean" be omitted.

Minister for Public Works : Sir, I do not see any harm in this additional word. It rather makes the thing perfectly clear. I do not understand what is the real object of my honourable friend in moving this amendment. Nazul land is one kind of land. There are other types of lands also.

Mian Muhammad Nurullah : I beg to ask for leave of the House to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. Deputy Speaker : The question is—

That sub-clause (32) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clauses (33) to (37) stand part of the clause.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh : Sir, I beg to move—

That sub-clause (38) be omitted.

Mr. Deputy Speaker : The question is—

That sub-clause (38) stand part of the clause.

The motion was lost.

Mr. Deputy Speaker : The question is—

That sub-clauses (39) to (41) stand part of the clause.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh : Sir, I beg to move—

That in sub-clause (42), line 1, after the word " means " the words " any street be inserted.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh : Sir, I beg to move—

That part (a) of sub-clause (42) be omitted.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh : Sir, I beg to move—

That parts (b) and (c) of sub-clause (42) be relettered respectively as sub-paragraphs (a) and (b).

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clause (42), as amended, stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clauses (43) and (44) stand part of the clause.

The motion was carried.

Mian Muhammad Nurullah : I move—

That in sub-clause (45), line 1, between the words " dust " and " ashes ", the word " dung " be inserted.

This word seems to be missing and I feel that it should be included.

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

That in sub-clause (45), line 1, between the words "dust" and "ashes", the word "dung" be inserted.

Minister of Public Works : Sir, the definition is as good as can possibly be. I am sure the word 'rubbish' will cover it and, therefore, I do not think that it would serve any purpose if this word "dung" were added. The other words used are so wide that they would cover this article as well. By the addition of this word the definition would become cumbersome.

Mian Muhammad Nurullah : I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. Deputy Speaker : The question is—

That sub-clause (45) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clauses (46) to (52) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clause (53) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clauses (54) to (56) stand part of the clause.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh : I beg to move—

That in sub-clause (1) of clause 5 for the words "Lahore Municipality" the words "Lahore Municipal Committee" be substituted.

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

That in sub-clause (1) of clause 5 for the words "Lahore Municipality" the words "Lahore Municipal Committee" be substituted.

Chaudhri Jalal-ud-Din Amber : I want to know from the Honourable Minister of Public Works whether he is pre-supposing the suspension of this Corporation even.

Minister of Public Works : In the new Corporation certain acts of the Administrator have got to be validated and the changeover has got to be regularised. Since the word "Administrator" occurs, we have got to define it.

Mr. Deputy Speaker : The question is—

That in sub-clause (1) of clause 5, for the words "Lahore Municipality" the words "Lahore Municipal Committee" be substituted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clause (1) of clause 5, as amended, stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That the whole of clause 5, as amended, stand part of the Bill.

The motion was carried.

Clause 6.

Mr. Deputy Speaker : The question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clauses 7—9.

Minister of Public Works : Clause 7, as it stands, is the very life of the Bill. There are certain differences of opinion between ourselves and the honourable members opposite. In order to accommodate them, I am prepared to have the discussion on this clause postponed for the time being, so that I may be able to have the benefit of their advice and instead of putting up the various points of view here on the floor of the House we can perhaps come to a better understanding by some mutual arrangement. This would facilitate the passage of the Bill and would give us time to consult the honourable members sitting opposite. Therefore, I would request that consideration of clause 7 be postponed for the time being. If the honourable members opposite are prepared to co-operate with me, I am prepared to have the consideration of clauses 7, 8 and 9 postponed. The rest of the Bill is non-controversial. It is a huge piece of work, but it is word for word either the Punjab Municipal Act or the Karachi Act and if the honourable members think that there is any controversial sub-clause, I am prepared to accommodate them in that respect. That will save the time of the House. So, I am prepared to get clauses 7, 8 and 9 postponed for the time being if that be the wish of the honourable members opposite. (*Voices from the Opposition benches: We agree.*) Then I move—

That the consideration of clauses 7, 8 and 9 be postponed.

The motion was carried.

(*At this stage Mr. Speaker resumed the chair.*)

Clause 10.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour)

(*Urdu*): I beg to move—

That in line 8, for the word "three", the word "five" be substituted.

You will observe, Sir, that this clause makes it obligatory that the term of office of the councillors shall expire three years after they have taken office. But the amendment put forward by me seeks to raise this term from 3 to 5 years. Honourable members are fully aware of the fact that fighting of elections always proves a very costly proposition. It involves immense expenditure in various forms. If my amendment is accepted by the Government, lakhs of rupees which are recklessly and needlessly wasted in this way, would be saved to the great benefit of the people. Another cogent reason which would appeal to the fair sense of my honourable friends is this

(R. B. L. Sohan Lal).

No party in power would be able to give full effect to their beneficent schemes in a short period of three years. They would not be able to devote their undivided attention to such schemes because after working them only for two years they would be faced with the anxiety of new elections in the third year which would divert their energy in other channels. Consequently their beneficent activities would be hampered and the useful work started by them would remain incomplete. Besides, the Karachi Act from which my honourable friends over there profess to derive their inspiration lays down that the term of office shall be five and not three years, as has been provided in the Lahore Bill. Yesterday the honourable lady member, Begum Shah Nawaz, was very keen in stating that the Bill under consideration was a replica of the Karachi Act. May I ask how she would reconcile the disparity in the period of membership? Here is a serious lacuna which can be made up only by raising the term of office to five years. I am, therefore, of the opinion that if the Honourable Minister sees his way to incorporate this amendment in the Bill, much good would accrue to the public as well as the Government. With these words I commend my amendment to the House for acceptance.

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

That in line 8, for the word " three ", the word " five " be substituted.

Minister for Public Works : Sir, I would like to explain the position. As you are aware, there are two schools of thought or two opinions on this subject. There are people who contend that three years is the best period for the life of a local body and there are others who say that it should be five years. In this connection I would like to say that we cannot isolate the Corporation of Lahore from other local bodies and I think this House would be well advised to follow a universal policy as regards this question. At present, under the Municipal Act, the life of local bodies is three years and that is why I have provided three years in this case also. The question is one that, I think, should not be sidetracked in this way. I can assure the honourable members here that if any time they come to the decision that the life of local bodies should be 5 years, I will be only too glad to amend this section and bring it into line with other local bodies. Unless we come to that decision, it would be better to leave it at three years because it is one and the same question and it cannot be separated from the general decision. If we have to discuss the merits of three and five years' periods it is better to do it in a more informal way. I would say that for the time being this may be left at three years with this understanding that if the life of local bodies is changed to five years and the life of district boards is also changed to five years, then it should be extended in this case also. I hope the honourable member would not press his amendment.

Mr. Speaker : The question is—

That in line 8, for the word " three, " the word " five " be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 10 stand part of the Bill.

The motion was carried.

Clauses 11 and 12.

Mr. Speaker : The question is—

That clauses 11 and 12 stand part of the Bill.

The motion was carried.

Clause 13.

Rai Bahadur Lala Sohan Lal : Sir, I beg to move—

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

That after sub-clause (1), the following new sub-clause be added :—

“(2) The election of the Mayor and Deputy Mayor shall be held simultaneously and the candidate receiving the highest number of votes at the election be the Mayor and the candidate receiving the next highest number be the Deputy Mayor.”

The motion was lost.

Mr. Speaker : The question is—

That clause 13 stand part of the Bill.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour) (*Urdu*): Sir, I rise to oppose this clause in order to explain my point of view regarding the amendment for which the leave sought to move it was refused by the House. It is a matter of common knowledge that in all local bodies, whether municipal committees, district boards, etc., it is the majority party that gets its own nominee elected as the President of that body. In other words it is the party in power which controls the affairs of that local body. Now my submission is that when election of a Mayor and a Deputy Mayor takes place in the proposed Lahore Corporation, both the offices should not be captured by one single party. I want that the Opposition party in the Corporation, regardless of the fact that it consists of Hindus, Muslims or Sikhs, should also be allowed to secure the election of its own party man, so that both sides may be represented. I remember that during the life of the defunct Lahore Municipality the Hindu group collaborated with a Muslim group and they succeeded in getting their own man elected as President. As a matter of fact the amendment proposed by me was of a very salutary nature. Its object was to secure representation to both the party-in-power and the Opposition in the matter of direction of municipal affairs. If it had been accepted, it would have removed the danger of all the offices being seized by one party only. Thus no party would have been able to tyrannise over the other. If the Honourable Minister in charge would think over this point dispassionately, he would find that the amendment suggested by me was definitely in the best interests of all the parties in the Corporation. With these words, I strongly oppose the clause now before the House.

Minister for Public Works : Sir, as far as I think the honourable member is worried over the question of plural and single voting. Elections in all other municipalities are carried out under the rules. That is a matter that we cannot here decide. It will be provided under the rules, and that has always been done in the past. Rules are revised from time to time in accordance with circumstances. I do not think the honourable member should worry about it.

Mr. Speaker : The question is—

That clause 13 stand part of the B II.

The motion was carried.

—————
Clauses 14 to 23.

Mr. Speaker : The question is—

That clauses 14 to 23 stand part of the Bill.

The motion was carried.

—————
Clause 24.

Rai Bahadur Lala Sohan Lal (Urdu) : I beg to move—

That in line 2, for the word "twelve" the word "sixteen" be substituted.

Sir, this clause relates to the constitution of the standing committee of the Lahore Corporation and it goes without saying that the standing committee will be the most important authority that will be set up by this enactment. The clause under consideration says that the standing committee shall consist of twelve councillors. What I propose is that the number of councillors should be 16 instead of 12. If the number remains 12, some important interests may go unrepresented on account of the lack of seat on the standing committee. I want that all the interests should be adequately represented in this committee which will be the real authority to carry on the day-to-day administration of the affairs of the Lahore Corporation. I am afraid that 12 seats will not be enough for this purpose. The number of members of the standing committee should be increased from 12 to 16. However, if the Government is unable to accept my proposal in its entirety, I will be satisfied with its partial acceptance. Let the Government agree to any figure less than 16 and more than 12. It may fix the number at 15 or 14 or whatever they like in the light of my remarks.

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

That in line 2 for the word "twelve" the word "sixteen" be substituted.

Minister for Public Works : Sir, the standing committee, according to the plan of the Act, is to be in many matters an executive body vested with particular powers, and as it is well known it is one of the essentials of an executive body that it should not be bulky or cumbersome, otherwise it results in lack of efficiency and lack of business output. There were in the Select Committee a number of members who considered that 12 was a very large number and that it should be 6, 7 or something even less, but in order not to go beyond the limit fixed for Karachi we fixed it at 12. I believe that 12 is as large a number for an executive body as we can possibly accommodate. All those interests in the Corporation worthy of being represented in an executive body will be included in this number and I do not think it is necessary to increase it. I do not think the honourable member need press the amendment.

Mian Muhammad Nurullah : Sir, I rise on a point of order. I gave notice of many amendments yesterday in connexion with clauses 24, 25 and many others. Unfortunately due to the dropping of clauses 7, 8 and 9, which we thought would take three days, they might be considered to be out of order. I would like to say certain things on those amendments for I know what the amendments are. If you will allow me I may move those amendments.

Minister for Public Works : I would request that the honourable member may be allowed to move those amendments.

Mr. Speaker : Had the honourable member given notice of his amendments earlier, I could have arranged them in the order in which they could be considered ; and then there would have been no difficulty in their being moved. However, I would have allowed them to be moved in any case to-day, but they have not come to me yet ; and unless I see them how can I allow them to be moved ? The House has postponed the consideration of some clauses. If the honourable member wishes and the House agrees, his amendments also may be postponed or the House may be adjourned.

Minister for Public Works : Sir, the object of this arrangement, which I tried to arrive at with my honourable friend opposite, was that the controversial clauses, over which they wanted to say something and I wanted to have the benefit of their advice, might be postponed. So I suggest that much valuable time and the tax payers' money would be wasted if you will adjourn the House. In two hours lot of business could be transacted. So I would request you to allow the honourable member to move those amendments. I have no objection. If you will adjourn the House the result will be that lot of business which is non-controversial will not be got through, which with the co-operation of my honourable friends opposite we can finish to-day. It shall be in the best interest of all to do so. I have no objection if those amendments are allowed to be moved without notice : we will be able to discuss them in a businesslike way and thus would save the time of the House.

Rai Bahadur Lala Gopal Das : Sir, would it not be desirable if we meet earlier to-morrow, in order to tide over the difficulty pointed out by the Minister ? These two hours can be utilized by members in studying the amendments and the office will have time to supply copies of amendments to members.

Mr. Speaker : The Honourable Minister in charge of the Bill is inclined to proceed and I have no objection.

Rai Bahadur Lala Sohan Lal (Urdu) : Sir, I wish to reply to the argument that has been advanced by the Honourable Minister against my amendment. His objection was that the standing committee of 16 members would be very bulky for the executive job which it will have to tackle. I feel that a committee which will have to decide several cases of outstanding importance should be fully representative of the various interests. All the communal, economic, civic and commercial interest should be thoroughly represented on this committee. Without this representation the standing committee would not enjoy the complete confidence of the inhabitants of Lahore. (A voice : Look to the Cabinet of the

(R. B. L. Sohan Lal).

Punjab Government). Besides the example of the Cabinet of the Punjab Government there are other provinces where the Congress Governments had as many as 10 Ministers in their respective Ministries. Why not follow their good example? The more representative the standing committee is, the more confidence of the people will it enjoy. This is a very important matter and I appeal to the Government to very kindly accept my amendment.

Mr. Speaker: The question is—

That in line 2, for the word "twelve", the word "sixteen" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 24 stand part of the Bill.

The motion was carried.

—————
Clause 25.

Mian Muhammad Nurullah : I beg to move—

That in line 3, between the words "elect" and "twelve" the words "by single transferable vote" be inserted.

(Urdu) : Sir, the object of this amendment is to secure representation on the standing committee of all sections of the people. There are three executive authorities to be constituted under this Bill when passed into an Act—the standing committee, the Chief Executive Officer and the Mayor. Of all these three executive authorities, the standing committee is expected to do its duty more efficiently and also to have the confidence of the public. Regarding the Chief Executive Officer it is possible that it may be said that he is appointed by the Government and has to carry out the policy of the Government. The Mayor will have little time to devote to the executive duties. The only executive authority which is expected to devote proper attention and sufficient time to the performance of the executive duties is the standing committee which will consist of 12 members. It is, therefore, very necessary that on the standing committee there should be representatives of all sections of the people. This end can only be secured by electing the members of the standing committee by the method of a single transferable vote. In case of certain sections not getting representation on the standing committee, it is possible that their representatives in the Corporation may resort to obstructionist tactics. It is, therefore, advisable that this amendment may be accepted.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 3, between the words "elect" and "twelve" the words "by single transferable vote" be inserted.

Minister for Public Works : I do not see any necessity for inserting these words. The mode of election can be left to be decided by Government under the rule-making powers. That is the case even under the present Municipal Act. In deciding the mode of election Government will take care to see that all just interests are represented on the committees. I am, therefore, opposed to the amendment.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I rise to support the amendment moved by my friend Mian Muhammad Nurullah. It is a very important amendment. Standing committee of the Corporation will practically have to do most of the administrative work and it is but proper that it should represent all the different sections of the Corporation. At present the elections to such committees are made by plural voting with the result that the majority party finds its place exclusively on them. I do not see why this matter should be left to Government to be decided under the rule-making powers. This system is followed by the Shromani Gurdwara Parbandhak Committee when members are elected to the executive committee. This system ensures that all sections, people holding different views, do come on the committee. The result is that there is not much of grumbling and the work goes on smoothly. I do not see why the same principle should not be followed in the Corporation. As I have already pointed out this standing committee of the Corporation will be of the greatest importance. As a matter of fact the Corporation will be only a deliberative body. It will only lay down the lines of administration. The administration will have to be carried on by the executive officer and by the standing committee. It is, therefore, but fair that all interests should find a place on that committee. In these circumstances, it is not fair that the mode of election should be left to Government to be prescribed under its rule-making powers. Let the Government face the situation squarely. The amendment moved by my honourable friend will ensure that all interests are represented on the standing committee. I really see no reason why the Honourable Minister should try to shelve the question and not have it decided by the House now. I believe that in a matter of this importance wiser counsels will prevail and that the very reasonable amendment of my honourable friend will be accepted by Government.

Mr. Speaker : Question is—

That in line 3, between the words "elect" and "twelve" the words "by single transferable vote" be inserted.

The Assembly divided, Ayes 11, Noes 54.

AYES.

Barkat Ali, Malik.
 Faqir Chand, Chaudhri.
 Gopal Das, Rai Bahadur Lala.
 Harnam Das, Lala.
 Jugal Kishore, Chaudhri.
 Lal Singh, Sardar.

Muhammad Nurullah, Mian.
 Mula Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar.
 Sohan Lal, Rai Bahadur Lala.
 Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Rab, Mian.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.

Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faqir Hussain Khan, Chaudhri.

Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazal Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Rasul, Chaudhri.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Tiwana, The Honourable Malik.
 Kishan Das, Seth.
 Muhammad Azam Khan, Sardar.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Prem Singh, Mahant.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roshan Din, Chaudhri.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Suraj Mal, Rai Sahib Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural)
 (Urdu) : Sir, I beg to move—

That in lines 2-3, the words "in the month of May," be omitted.

All of us want the Corporation to begin to function as early as possible. Then why should the Government insist on the standing committee being elected in the month of May? Supposing the Corporation comes into existence in October next. Do you want it to work without the standing committee for 7 or 8 months? What you want is that the standing committee should be elected every year. Then if this committee is elected say in the month of October the next election can be held in the same month next year. Thus there is no reasonable ground for this insistence on the committee being elected in the month of May alone. Hence this amendment.

Mr. Speaker : Question is—

That in lines 2-3, the words "in the month of May", be omitted.

The motion was lost.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu) : I beg to move—

That in the second paragraph lines 1-2, for the words " who ceases Committee", the following be substituted:—
"Whose term as a member of the standing committee expires".

There are certain cases in which a member ceases to be a member on account of some legal disqualification. Now the clause says that a councillor who ceases to be a member of the standing committee shall be eligible for re-election. My object in moving this amendment is that a member should in such a case be eligible only after his term as member expires.

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

That in the second paragraph, lines 1-2, for the words "who ceases Committee", the following be substituted:—
"Whose term as a member of the standing committee expires".

Minister of Public Works (The Honourable Malik Khizar Hayat Tiwana) : Sir, I do not see any difference between the wording in the Bill and the wording suggested by the honourable member. This is just a battle of words. The present wording has been taken from an Act which has been in force for some time and it is a better wording. I don't think we need change the language of the clause.

Rai Bahadur Lala Sohan Lal : I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. Speaker : Question is—

That clause 25 stand part of the Bill.

The motion was carried.

Clause 26.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (Urdu) : Sir, I beg to move—

That in sub-clause (1), lines 2-3, between the words "elect" and "one", the words "by ballot" be inserted.

Sir, the election of the Mayor and the chairman of the standing committee is the most important of all the elections to be held under this Act. Under the system of party-Government there is always the likelihood of wire-pulling and other interference in order to influence these elections. Let me quote an example from a recent occurrence of this nature in the Lyallpur District Board, where a rule was framed that the Vice-chairman should hold office for 3 years. Certain members of the district board wanted to change to rule so that election of the Vice-chairman be held every year. But as the Government officials were interested in the matter, they played a trick which resulted in stultifying the actual decision. The votes were to be counted not by ballot but by a show of hands, and that was why the officials got a chance of playing the said trick. The actual number of votes in favour of the proposition was 23 but the chairman declared it to be 22.

(Mian Muhammad Nurullah).

Now when the time for counting the votes against the proposition came delay was caused and then members were asked to vote against it. During this delay they thought of a plan to have their way. There were two officials sitting there who were not members but belonged to the staff of the district board. They asked whether they had a right to vote and somebody replied in the affirmative. The result was that they also put up their hands and thus the votes against the proposition rose from 21 to 24 including the vote of one who had voted previously. Now while the actual result was that the proposition should have been carried by 23 votes against 21, it was declared to have been lost by 24 to 22 votes. Out of the 47 members present in the meeting three remained neutral and still the result shows that 46 members had voted. I am sure that something unpleasant would be witnessed in the next meeting, when this result comes up for confirmation. And since such happenings are not rare nowadays I want that the election of the chairman of the standing committee should be free from them. Hence this amendment asking for the votes being recorded by ballot.

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

That in sub-clause (1), lines 2-3, between the words "elect" and "one", the words "by ballot" be inserted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): If the honourable member would just refer to the relevant section of other Corporation Acts, he will find that these details are no where given in the Act and for that reason we should also not do that in this Act. The mode of election is always left over to rule-making power and that is the best thing to do, because times change and with that certain changes are necessitated. If you incorporate details of that kind in a statute, it has to be amended every time a change is necessary. The honourable member was referring to certain irregularities, perhaps committed by the district board of which he is a member. As he would admit, the District Board Act is an old Act. At one time under that Act the election of office bearers used to be by show of hands, but it has been changed to ballot now. If the honourable member has any particular grievance on the subject, the remedy is, instead of voicing that grievance here on the floor of the Assembly, to put in an election petition in that case. However, now we are not concerned with that.

Mian Muhammad Nurullah : It was not about an election, but about the change of a rule.

Minister : Then the district board is competent and you can thrash out the matter there. But it is not necessary to add anything of the sort here and I am sure due care would be taken when rules are framed by the Government so that good elections take place and that no defects destroy their purity.

Mr. Speaker : Question is—

That in sub-clause (1), lines 2-3, between the words "elect" and "one", the words "by ballot" be inserted.

The motion was lost.

Mian Muhammad Nurullah (Urdu) : I beg to move—

That in sub-clause (1), line 3, for the word " number ", the words " elected members " be substituted.

If this amendment is made there will be no likelihood of a nominated member becoming a chairman of the standing committee. Honourable Malik Barkat Ali told us that in England too chairman of the Public Accounts Committee is elected from the opposition. I think we must adopt this very wholesome principle and elect chairman of the standing committee from elected members only. The Parliamentary Secretary was pleased to remark that there are so many chairmen of local bodies chosen from among the nominated members. The reason is not far to seek. We know that in many cases the wire-pulling on the part of the party in power results in a nominated member becoming the chairman of a local body. This must be known to the Honourable Minister also, and it is to end this sort of underhand methods that I have moved this amendment so that it may be settled once for all that the chairman will be an elected member.

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

That in sub-clause (1), line 3, for the word " number " the words " elected members " be substituted.

Minister : It is essential that the person elected as the chairman of the standing committee should have the confidence of his electors. That he will have. But to exclude a particular class of persons at this stage, I think, is not called for. I would not like to start here the controversy about elected members versus nominated members. That we are leaving over because a particular clause has been postponed. Suppose we come to the conclusion that nomination is necessary for safeguarding the interests of scheduled classes or certain other minorities and then suppose that a member of that particular class or community commands the confidence of other members, should we by statute say that that gentleman should not be elected as chairman? Would it be wise for this House to enact a statute of that sort? I think we should leave it open and if there is a nominated member who can command the confidence of other members, he should be allowed to be elected. If he is such a good fellow that he can command the confidence of others why should we debar him from being elected? This restriction is not desirable because he will be selected to represent a certain class or community and the manner of his appointment to the Corporation should not stand in his way to be elected as chairman. I therefore think the honourable member need not press his amendment.

Mian Muhammad Nurullah : I beg to ask for leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. Speaker : Question is—

That clause 28 stand part of the Bill.

The motion was carried.

Clause 27.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour)
(Urdu) : Sir, I beg to move—

That in line 5, for the word " two " the word " three " be substituted.

(R. B. L. Sohan Lal).

The clause as it stands means that if a member remains absent from the meetings of the standing committee for two consecutive months he will automatically cease to be a member. I want this period to be three instead of two months. Members may have to attend to their business outside the province or they may fall ill. In view of these considerations such drastic provisions are not desirable. Therefore, if you must have some such provision you should at least agree to accept this amendment.

Mr. Speaker : Clause under consideration amendment moved is—

That in line 5, for the word "two", the word "three" be substituted.

Minister : It is only natural that the honourable member should feel that the period of absence should be less, because honourable members like him with vast interests generally travel all over the country and go away to hill stations. In the case of the Corporation, we have allowed three months, but in the case of the standing committee we have put down only two months. We are following Karachi in this respect. The standing committee is to be the executive body and in the case of the executive body we only want people who have a sense of civic responsibility in them and who as city fathers stay at the place where they have been elected and do not remain absent for a very long period. If there is a genuine case, there is a proviso that such a man might be eligible for re-election and if he has the confidence of the electors, he can be re-elected. We do not want people who do not take any interest in the matter. This is all the more necessary because we are discussing the case of a town where the municipality was superseded for lack of interest on the part of its members. I do not think the House will be well advised in altering it to three months, though personally I have not made up my mind strongly one way or the other.

Rai Bahadur Lala Sohan Lal : If a person is in prison ?

Rai Bahadur Lala Gopal Das : Or if a person is absent on a account of illness, as is the case with our Honourable Revenue Minister ?

Minister : He will be eligible for re-election, for sickness is not lack of interest.

Mr. Speaker : Question is—

That in line 5, for the word "two", the word "three" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 27 stand part of the Bill.

The motion was carried.

Clauses 28 and 29.

Mr. Speaker : The question is—

That clauses 28 and 29 stand part of the Bill.

The motion was carried.

Clause 30.

Rai Bahadur Lala Sohan Lal : Sir, I beg to move—

That leave be given to move—

That after part (b), the following be added:—

- (c) an "Education Committee" to which may be referred for inquiry and report or for opinion any matter connected with education under control of the Corporation.
- (d) a "Finance Committee" to which may be referred for inquiry and report or for opinion any matter connected with finances of the Corporation:

Provided that these committees shall elect their own Chairman who will hold office for one year.

The motion was lost.

Mr. Speaker: The question is—

That clause 30 stand part of the Bill.

Lala Sita Ram (Trade Union, Labour), (*Urdu*): Sir, I rise to oppose clause 30 as a whole. The question before the House was that besides the public health and public works special consultative committees, an education committee and a financial consultative committee should also be provided. This submission, Sir, is not without its wisdom and logic. These four consultative committees existed in the Lahore Municipal Committee as they exist also in various other municipalities, and were found very useful for its smooth working. These four consultative committees have stood the test of time and have proved beneficial for both the public and the municipalities themselves, because they are based upon the sound principle of division of labour. Health, public works, education, and finance are the four main pillars of every efficient institution of this kind. All these four subjects are the most general and the most important ones and we cannot ignore any one of them.

Another reason for providing these four important committees, besides the major standing committee, is that every one of the members of the Corporation can serve on one or another committee according to his taste and ability for the particular subject he is competent to discuss.

Sir, one reason more and I have done. Let me tell you from my personal experience that every elected member of a municipality or a Corporation is zealous enough to work on one consultative committee or the other, for that would make his record of public service. Every member wishes to take part in the serious deliberations of such bodies. They dislike being simply the "aye"-saying or "no"-saying members. Now, as the Bill stands, there is provision only for three committees. The standing committees shall consist of 12 members, and the two other consultative committees shall consist of nine members each. This gives us 30 members in all. Now I ask, where do the remaining 38 members come in? If more than half of the members are not to serve anywhere actively, it would lead to party factions. The election to these standing committees will become a hot bed for corruption, propaganda, charges and counter-charges and so many other evils. This is a serious difficulty to which I want to draw the attention of the Minister in charge. Had the Government increased the number of these consultative committees, these remaining members which I have referred to would have had chance to work for the good of the public. Again, Sir, education is no less important a subject. It needs all our attention and sympathy. Finance is perhaps, the most important of all the subjects. It requires the meeting of special heads to discuss its intricate problems. But you have provided for no consultative committee for Finance where

(L. Sita Ram.)

important money matters should first be thrashed out fully, before they are put at the mercy of the votes of all the 68 members, the majority of whom might not be competent enough to think over its pros and cons. Hence the need of a separate standing Finance Committee.

With these few remarks, Sir, I oppose this clause as a whole.

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

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour),
3 p. m. (Urdu): Sir, I would like to draw the pointed attention of the Honourable Minister in charge to one or two important matters. If we peruse clause 30 we find that a definite provision has been made for the election of two committees, namely—

- (a) a "public works committee" to which may be referred for inquiry and report, or for opinion any matter connected with roads, buildings, lighting, water-supply, drains and public parks and gardens, and
- (b) a "public health and markets committee" to which may be referred for inquiry and report, or for opinion, any matter connected with public health and safety, health of animals in the City, sanitation; markets, slaughter-houses, vaccination, the disposal of rubbish and offensive matter, and the regulation of dangerous and offensive trades.

It is really very strange that the Government have deemed it fit to set up less important committees like the public works committee and the public health and markets committee, while they have totally ignored the vital importance of the appointment of education and finance committees. I remember yesterday a prominent member on the ministerial benches was pleased to remark that the University had been allotted one seat in the Corporation because an educationist member would prove immensely helpful in matters relating to education under the control of that body. The honourable member laid great stress on the countless educational activities of the Corporation. But it is a thousand pities that no attention has been paid by the Government to the absolute necessity of an education committee. The Bill is quite silent about this subject. Besides, the finances are the pivot around which the multifarious activities, nay the whole structure of the Corporation revolves, but nothing has been done in the Bill to ensure the appointment or election of a finance committee which would supervise the finances of the Corporation. I wonder how the Honourable Minister has overlooked such important things when he was careful to make a provision for the appointment of committees to look after the slaughter-houses, health of animals, etc. Perhaps education and finance appear to be of no significance to him. The Honourable Minister has referred us to the section relating to special committees which is as follows:—

The Corporation may also elect from time to time and for such periods as they may think fit, Special Committees, not exceeding seven in number and consisting of such number of Councillors as they may think fit, and may refer to such committees for inquiry and report, or for opinion, any matter relating to the purposes of this Act.

I am of the opinion that it would be much better if the number of such special committees is reduced from 7 to 5 and a provision for the election of finance and education committees is definitely made in the Bill. Besides, these special committees are not going to be permanent. Their life would be short and apart from that no special powers are going to be vested

in them except that matters are to be referred to them for inquiry and report or opinion. I, therefore, see no harm if a provision is made for the election of education and finance committees. With these words I close my remarks.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I also oppose this clause, because the provisions made thereunder are made in a very half-hearted manner and they do not go far enough. The Honourable Minister of Public Works is very fond of quoting Acts of other provinces on the floor of this House. I will just let him know what is provided for in the Madras Act. In Madras there are four standing committees, that is to say, taxation and finance, public works, health and education. These are the four standing committees that they have in Madras and they have got the statutory powers which are very wide. It is provided that the taxation and standing finance committee, in addition to powers and duties assigned under such regulations, shall supervise the budget grants, shall have access to the accounts of the Corporation and may require the Commissioner to furnish any explanation which it considers necessary as to the receipts and expenditure of the municipal funds. It is further provided that it may conduct the monthly audit of the municipal accounts and it shall be bound to check the monthly abstract of receipts and disbursements of the preceding month as furnished by the Commissioner and may write off sums due to the Corporation as appear to the committee to be irrecoverable. Thus it will be seen that not only there are four standing committees in Madras, but the powers assigned to them are very large. There are four standing committees in Madras instead of one proposed to be set up here. The powers of the standing committees, especially of the taxation and finance standing committee, are very wide indeed. Here even the two additional committees, that are proposed to be set up, are not given any powers. Certain matters may only be referred to them for their advice and enquiry and as such I really fail to see what harm would occur if the Honourable Minister had accepted the amendment moved by my honourable friend Rai Bahadur Lala Sohan Lal which only provides that two more committees may be constituted and certain matters for enquiry and report be referred to them in the same way as they will be referred to the public works committee and the public health and markets committee. This is quite a salutary provision and I do not think, the administration stands to lose anything by making provision for these two standing committees. I hope, it is not too late yet and the Honourable Minister of Public Works may still see his way to accept the proposal that has been made by my friend.

Minister of Public Works : I want to say just a few words. We have inserted exactly what the Karachi Act has laid down and that is the reason why we have put in these two committees. Towards the end of this very clause extensive powers have been given to the Corporation to appoint as many committees as it may deem necessary. I think there is a certain amount of confusion. Some of the honourable members who have been pressing the amendment just now are old municipal commissioners and they are still, I feel, thinking of the old Municipal Act. Here three separate statutory bodies are being set up and one of them is the standing committee. The standing committee will have the power to deal with finance questions and all other matters subject to the provisions of this Act.

(Minister for Public Works.)

When there is that committee, I do not see any necessity for any statutory provision for other committees. As a matter of fact I was doubtful as to whether we should have even these two committees—there was no necessity for them. But as the Karachi Act had got this provision, we thought that there might be some purpose of its being there and that is why we have included it. I will also explain why I am fond of the Karachi Act. On paper all these Corporation Acts look alike. Perhaps the Madras Act is more bulky and it might be the reason why it is thought that the Madras Corporation is a very good corporation. My prejudice in favour of Karachi and against the other corporations is because of their working. If the honourable members over there will go round, they will find that the working of the Karachi Municipal Corporation is, I should say, the best in this country. We have therefore, tried, as far as possible, either to follow our own Act or the Karachi Act and if here and there we have found a useful provision in the other Acts, we have not hesitated to take advantage of it. But this certainly is not the case where we must follow the Madras Act. We have provided two consultative committees and further the Corporation is given the powers to add any other consultative committee. I feel that there is no purpose in insisting that total number of committees be put in the Statute. I am told that Bombay and some other Acts have got an improvement committee, but that is not necessary here because we have the Improvement Trust working separately and that provision is not needed here. Honourable members might remember that there was the Standing Finance Committee in the old Legislative Council, but it is not there now. Why not? Because you have now a different system. So, I do not think that these committees will have much to say and that glamour of being on the committee, which the honourable member representing labour referred to, would not be there when the executive power is not with the members. That power will be either with the Standing Committee or the Executive Officer so that the attractiveness of these committees will go. These will be just consultative committees. I think that with this explanation before him the honourable member would not now press his objection to the clause.

Mr. Deputy Speaker : The question is—

That clause 30 stand part of the Bill.

The motion was carried.

—
Clauses 31 to 33.

Mr. Deputy Speaker : The question is—

That clauses 31 to 33 stand part of the Bill.

The motion was carried.

—
Clause 34.

Rai Bahadur Lala Sohan Lal (Urdu) : Sir, I beg to move—

That in sub-clause (1), line 7, between the words "entered" and "in", the words "by any officer of the Corporation whom the person presiding over the meeting may direct" be inserted.

Sir, you will find the following words in this clause :—

- (1) Minutes, in which shall be recorded the names of the members present at, and the proceedings of each meeting of the Corporation, and of every standing or special committee, respectively, shall be drawn up and entered in a book to be

kept for the purpose and shall, when confirmed, be signed at the same or next ensuing meeting of the corporation or committee.....

Now I want that between the words, "entered" and "in," the words, "by any officer of the Corporation whom the person presiding over the meeting may direct" be inserted. This is an essential amendment. If we recall the days when the Municipal Committee of Lahore was superseded we will recollect how hours and hours used to be wasted in discussing insignificant matters and meetings used to be adjourned for nothing. The Honourable Minister may reply by saying that he will look up to this matter at the time of making bye-laws. But I would say that if this amendment is made just now the purpose would be served.

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

That in sub-clause (1), line 7, between the words "entered" and "in," the words "by any officer of the Corporation whom the person presiding over the meeting may direct", be inserted.

Minister for Public Works : Sir, the honourable member very ably anticipated my reply and that is my reply. All these things would be done according to bye-laws. But why is my honourable friend presuming that somebody else will be called from the street to record the proceedings? That man must be subordinate to the presiding authority. Under the Government of India Act, where is it laid down that the proceedings of this House shall be recorded by a stenographer of a particular type? These are things that can well be left to the discretion of the presiding authority. The honourable member should not insist upon it.

Rai Bahadur Lala Sohan Lal (Urdu) : Sir, I do not wish to insist on this amendment. But I would submit that the solution offered by me was quite simple. Had the Honourable Minister viewed the matter in the light of the experience of the past municipal committee of Lahore, he would have certainly accepted my amendment. But as it is, I do not want to press it.

Minister for Public Works : I am trying to set up the Lahore Corporation and not reviving the old municipality.

The amendment was by leave withdrawn.

Mr. Deputy Speaker : The question is—

That clause 34 stand part of the Bill.

The motion was carried.

Clause 35.

Rai Bahadur Lala Gopal Das : Sir, may I request the Honourable Minister to defer consideration of this clause for some time so that we may have an opportunity to discuss with him certain points relating to it?

Minister for Public Works : As we have not been able to have the benefit of the views of my honourable friends opposite in the select committee, I agree with them and have no objection to postponing this clause so that we can hear their point of view also. So this clause may be postponed. I accordingly move—

That consideration of clause 35 be postponed.

The motion was carried.

Clause 36.

Mr. Deputy Speaker : The question is—

That clause 36 stand part of the Bill.

The motion was carried.

Clauses 37-38.

Rai Bahadur Lala Sohan Lal (Urdu) : Sir, as the consideration of clause 35 has been postponed it would be better if we postpone the consideration of clauses 37 and 38 as well. They relate to the same matter that has been dropped for the time being.

Minister for Public Works : Sir, may I say a word with regard to clause 38 ? It is a well recognised principle that leave is to be granted by the authority appointing a person and if the House comes to one or the other conclusion over clause 35, this clause can be amended accordingly. It would be a consequential amendment and the drafting committee can do it. Let this clause, as it stands, be carried. If there is any amendment to clause 35, naturally, we will have to amend this clause also.

Rai Bahadur Lala Sohan Lal (Urdu) : Sir, I would like to draw the attention of the Honourable Minister to the wording of clause 38 which goes to prove that this clause also relates to the same matter which is dealt under clause 35. Anyway both of them are interdependent. Let us, for instance, take the case of the grant of leave to the Chief Executive Officer. Unless we have decided the question of his appointment we cannot adequately discuss the question of his leave. I would, therefore, urge the postponement of the consideration of this clause as well.

Minister for Public Works : I am agreeable to the proposal of the honourable member. I beg to move—

That the consideration of clauses 37 and 38 be postponed.

The motion was carried.

Clause 39.

Sayed Amjad Ali Shah : Sir, I beg to move—

That in sub-clause (1), line 5, between the words "Chief Engineer" and "Medical" the words "Town Planner," be inserted.

I do not think the Minister will object to it.

Minister : I do object.

Sayed Amjad Ali Shah : Sir, I thought that the Honourable Minister for Public Works would accept this amendment because the Town Planner is as important a person for a Corporation as a Medical Officer of Health or the Chief Engineer. I am surprised to hear that he is not prepared to accept this amendment. I do not know the reason. If it is to be said that the Town Planner is the provincial Town Planner then I am afraid I do not agree with him for the simple reason that the limits of Lahore have now been fixed 10 miles each way with an area roughly of a hundred square miles. Surely to plan a town like Lahore with an area of a hundred square miles there should be a whole time Town Planner who may not have any other

duties to do. The difficulty which we find at the present moment is that we have a Town Planner who is also the provincial Town Planner, and as there are many other important cities like Amritsar, Rawalpindi, Sialkot and Gujranwala, he has to keep on moving to those various towns of the Punjab and the Town Planning of Lahore suffers as the builder who wants to build cannot take building in hand at once because they have to wait for the decision of the Town Planner. His duties, as already stated, are multifarious and he cannot pay as much attention as he would otherwise do if he had been the Town Planner of Lahore. I would once again appeal to my honourable friend the Minister for Public Works, to consider this question, because after all the town of Lahore has become a very important city: it has an area of about a hundred square miles and we must have a whole time Town Planner for Lahore.

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

That in sub-clause (1), line 5, between the words "Chief Engineer" and "Medical", the words "Town Planner" be inserted.

Minister for Public Works : I think there seems to be some misunderstanding on the point. In this section we are laying down two things. Certain officers, whom it will be the statutory duty of the Corporation to employ, must be employed. There will be others whom the Corporation may employ, and yet there are other categories, which we cannot anticipate, that the Corporation may have to employ, but they can always do so. Of course if they want to employ an officer with a salary above Rs. 500, he will be employed with the concurrence of the Local Government. They can have one, two or three Town Planners. At the present moment there is one Town Planner for the City of Lahore Improvement Trust and he is also the provincial Town Planner on behalf of Government. We cannot provide a statutory obligation on Corporation. That I think is not necessary. The discretion should be left to the Corporation to employ another man. Amritsar has a Town Planner of its own. Therefore I do not think it is necessary to have a provision. In view of this explanation I hope the honourable member would withdraw his amendment.

Sayed Amjad Ali Shah : Before I withdraw my amendment I would like to ask the Minister whether the Town Planner who would be posted would be subordinate to the provincial Town Planner and take his dictates or he would carry out the orders of the Corporation.

Minister for Public Works : He will be just as good a Town Planner as the Town Planner of any municipal committee. He cannot have the powers which the statute does not give to the Corporation. He will be a Town Planner of the Corporation subject to the provisions of the law which we are enacting and as it would emerge from the House, and subject to other laws for the time being in force. No one can confer any more power on him.

Sayed Amjad Ali Shah : I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mian Muhammad Nurullah : Sir, I beg to move—

That the first proviso to clause 39 be deleted.

[Mian Muhammad Nurullah.]

The proviso reads thus—

Provided that the appointment, salary, allowances and conditions of service of the Chief Engineer, Medical Officer of Health, Chief Accountant and Secretary and any action taken by the Corporation with a view to the termination of their appointment shall be subject to the approval of the Provincial Government.

This is a very serious infringement of the rights of the Corporation and I do not know why Government want to keep this power with them. The power should be with the authority that appoints the officer and there is no need for Government to take this power from the Corporation. I think the working of the Corporation would be very efficient and certainly it would work smoothly if all these powers are retained by the Corporation and Government do not come in at all. There should be no need for the approval of the Government as required by the proviso.

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

That the first proviso to clause 39 be deleted.

Minister for Public Works : I have got to oppose this amendment. It is based on the assumption that the provincial Government would be inclined to interfere with the doings of the Corporation. That is not the intention of the Government. The object of this proviso is only to safeguard that properly qualified people are employed ; and I think it is essential that the provincial Government, which is responsible for the efficient and proper working of the Corporation, should have this power. Similar powers are at present exercised by other provincial Governments in the case of employees of municipalities and I do not see why this should be done away with in the case of the Corporation.

As regards the second proviso to which also the honourable member seems to take objection, I should like to say that there is a lot of uneasiness prevailing among the employees of local bodies for lack of security of their employment. It is essential that these municipal officers should have some security of tenure and should not be sacked because of change of parties in the local bodies or because of their whims. If the career of these employees is to be terminated it should be done after proper enquiry and on equitable grounds. I do not think that this proviso is such that any serious objection should be taken to it.

Sardar Sahib Sardar Santokh Singh : Is there a corresponding provision in the Karachi Corporation ?

Minister : There is a corresponding provision in the Calcutta Corporation Act, but not in the Karachi Corporation Act. While no doubt our Bill is based on the lines of the Karachi Corporation Act I do not say that it is identical with it. We have made this a comprehensive Bill borrowing all the good provisions from wherever we have been able to get them.

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

Mr. Speaker : The question is—

That the first proviso to clause 39 (2) be omitted.

The motion was lost.

Mian Muhammad Nurullah (Urdu): I beg to move—

That in the second proviso to sub-clause (2), line 6, for the words "not less than two-thirds" the word "a majority" be substituted.

In order to impress upon the House the importance of my amendment I will read out the proviso as it stands. It is as follows:—

Provided also that each of the officers mentioned in subsection (1) shall be removable from office at any time for misconduct or for neglect of or incapacity for the duties of the office, if at a meeting of the Corporation not less than two-thirds of the total number of Councillors constituting the Corporation for the time being shall vote in favour of a proposition in that behalf.

Now Sir, with the exception of the Chief Executive Officer whose appointment will be made by Government under section 35 in regard to which discussion has been postponed the Corporation has been empowered to appoint Chief Engineer, Medical Officer of Health, Chief Accountant, Secretary and also Chief Medical Officer of Health, Engineers in charge of separate departments of municipal works, Assistant Engineers and an Assessor. But so far as their dismissal is concerned that has been placed beyond its purview. For instance if the work of any one of these officers is unsatisfactory or if he neglects to do his duty or is guilty of misconduct, he can be removed only if two-thirds of the total number of Councillors constituting the Corporation for the time being vote for his dismissal. In my opinion this is a very dangerous provision and it is practically a negation of local self-Government. Sir, you must be aware of the fact that at the time of the enactment of the Executive Officers Act when the question of "five-eighths" majority was being debated upon, the members of the Unionist party with one voice condemned it as highly dangerous and anti-democratic. They pointed out that it was a very drastic clause and it amounted to killing local self-Government in municipal areas. The Honourable Chaudhri Sir Chhotu Ram, Khan Bahadur Mian Mushtaq Ahmed Gurmani, Sardar Bahadur Sardar Ujjal Singh and the late lamented Khan Bahadur Mian Ahmad Yar Khan Daultana who was then the Chief whip of the Unionist party, vehemently opposed that clause. They asked the Government not to destroy local self-Government by carrying out that particular amendment. I will read out a few quotations from the speech of the Honourable Chaudhri Sir Chhotu Ram which he delivered on 7th May, 1931, so that honourable members may be in a position to know as to what was the opinion of the Unionist party at that time and what they propose to do now; simply because they have an overwhelming majority at their back. Here is what Sir Chhottu Ram said—

He is killing local self-Government in municipal areas by a single stroke of the pen—

At the time Dr. Sir Gokul Chand Narang was the Minister-in-charge^o and the Hindu Sabha Party led by Raja Narendra Nath was supporting him. Those were the days of dyarchy and Dr. Sir Gokul Chand Narang was only doing what the bureaucratic Government wanted him to do. The result was that instead of providing the words "a bare majority" as is the principle in democratic institutions he suggested that the words "five-eighths" majority be substituted. Now my honourable friends over there have gone a step further. They want to provide two-thirds majority for removing a servant of the Corporation. This clause is even more dangerous than the one providing for five-eighths majority. When the Honourable Chaudhri

[Mian Muhammad Nurullah.]

Sir Chhotu Ram was sitting on the opposition benches he accused Dr. Narang that he was killing local self-Government in municipal areas with one stroke of the pen. I do not know what he will say now. Surely the same charge can be brought against this Government as well because they are making a provision for two-thirds majority for the removal of a servant of the Corporation which is much more dangerous than the clause providing for five-eighths majority only. If this clause is carried it will mean that Corporation may appoint its servants but it will not be able to remove them even though they be incapable of performing their duties efficiently. As discussion with regard to clause 7 which relates to constitution of the Corporation has been postponed I cannot give exact figures as to whether the Corporation would be in a position to secure two-thirds votes of the total number of Councillors constituting the Corporation for the time being or not. But I take it that as Government have an overwhelming majority at their back so they would get it passed as well. In that case it would be very difficult for the Corporation to secure two-thirds votes of the councillors for removing their servants. According to clause 7 the Corporation shall consist of 68 members. Out of them 17 will be nominated. Out of the remaining, six councillors though formally elected would in a way be nominated ones. Thus the total number of nominated councillors would come to 23. The remaining councillors will come to 45 only. Now two-thirds of 68 comes to 45½. For two-thirds votes at least there should be 46 councillors. Thus 46 votes will be required for the purpose, which means that it will be impossible for the Corporation to remove any official and only the Government will be in a position to do so. You will have 17 nominated councillors and 6 representatives of special interests at your beck and call. Then you may have some three or four elected members belonging to your party. That shows that the two-thirds majority will never be forthcoming unless you so desire. The case will be similar to that of Lyallpur where the Government officials were interested in the matter and thrust on the people an Executive Officer of their own choice. You want to make this Corporation a model of self-Government in the province but at the same time insist on this retrograde step. In the old Legislative Council the Honourable Sir Chhotu Ram speaking from the Opposition benches objected even to a majority of five-eighths while you are providing here for a larger majority of two-thirds and thus making this measure much more stiff and undemocratic. Sir Chhotu Ram was pleased to say about the then Minister of Local Self-Government—

He is killing local self-Government in municipal areas by a single stroke of the pen. As against all these things the Minister probably has the satisfaction of the feeling that the official legions are behind him. What does he care for the opinion of the Unionists ?

You are doing the same thing now. You have a majority and you think you are justified in killing local self-Government by this Bill which is as retrograde as your party.

Then he said—

Does he not realize that these official legions are helping him to march not to temple of glory but to his grave, to the grave of his better political self, to the grave of his moral entity and moral existence ?

How aptly all these remarks apply to the present Unionist Government.
Again—

He may be a Minister for two years. He may be a Minister for seven years. But he has to go back to his country-men and he has to assume again the roll of a private man. He has wiped himself out by passing this measure from the field of public life. What I mean to say is that Dr. Narang had dug a grave of his own political life by passing this measure. He will not have the courage to show his face to his old fellows who co-operated with him in the field of political activities.

May I ask the Government to pay heed to these words of one of their own colleagues and desist from acts which will make it impossible for them to show their face to the public of Lahore? You are virtually depriving the representatives of the people even of the right of dispensing with the services of a corrupt or inefficient official. Whenever they want to remove such an official the story of Lyallpur will be repeated. We had a majority of 66 per cent among the elected members and if the Government officials had not interfered we would have passed the resolution regarding the term of office of the Vice-Chairman by a majority of double the votes on the other side. Even after having voted once the officials and nominated bloc, by what I might call a civilised way of threat or coercion, found that they could not have their way and they stooped to wrong counting and declaration in regard to the number of votes cast on both sides. The same may happen here. Anyway, if this provision of two-thirds majority is retained it will be absolutely impossible for the Corporation to turn out even the most corrupt or negligent official. I think you will meet the same fate in the matter of getting some members of your party elected to the Corporation as you met at Lyallpur, where the congressites inflicted a crushing defeat on you, but if you get even three or four men of your own choice elected the Corporation will be absolutely helpless. Here again, I would draw your attention to the words uttered by Sir Chhotu Ram in the old Council. In this speech referred to above he said—

It is the executive officer who has been placed there who will rule roost. The municipality counts for nothing.

Let the Government not commit the same blunder. They should allow the Corporation to remove any of its employees by bare majority. With these words I request the House to accept this amendment.

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

That in the second proviso to sub-clause (2), line 6, for the words "not less than two-thirds" the words "a majority" be substituted.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, it appears that the Government has not given that thought to the details of this legislation which its importance requires. The question of the appointment or dismissal of officers is not of any consequence to the citizen except so far as it may go to ensure efficiency and honest service by those officers, and therefore if any safeguards are laid down in this Act or elsewhere to secure that honesty and efficiency, I for one would not oppose it, but let us see whether judged from that standard Government has not laid in fact a premium on misconduct, dishonesty and inefficiency. I wish to draw the attention of Government and more particularly of the Parliamentary Secretary who may be watching the progress of the Bill on behalf of the Government, to the proposals enacted in section 39. Clause 39 (2)

[Rai Bahadur Mukand Lal Puri.]

gives the power of appointment for such periods as they think fit of officers like a Chief Medical Officer, Additional and Assistant Medical Officers of Health, Engineers in charge of separate departments of municipal works, Assistant Engineers and Assessors to the Corporation itself. But the appointment, salary, allowances and conditions of service of the Chief Engineer, Medical Officer of Health, and all the subordinate officers are subject to the approval of the Government, so that if the Corporation has passed a resolution dismissing any of its employees, the Assistant Secretary or the Superintendent, Water Works, he shall not leave its service until the Government has given its approval. There may be two opinions on this point whether the Government should exercise the power of veto. But if the Government thinks that it is wiser than the committee and would like to intervene in cases where it is established to its satisfaction that the officer concerned has not been treated fairly by the committee, then let it take that power if it pleases.

Sardar Bahadur Sardar Ujjal Singh : On a point of order. The honourable member is speaking on the proviso which has been disposed of.

Rai Bahadur Mukand Lal Puri : I am confining my attention to proviso (2). I was only pointing out that although the safeguard laid down in proviso (1) can legitimately be objected to on the ground of lack of faith in the machinery of local self-government which is being set up in this province, yet those people who support you can say that the power to scrutinise whether the committee has properly acted or not can legitimately be vested in the provincial government and I take it that the House has passed that proviso. Now I am dealing with proviso (2) which has neither meaning nor sense. Is there any member in this House who would not like to dismiss a man who has been found guilty of misconduct? Now what does this clause lay down? Supposing an officer, may be an Assistant Secretary or an Assistant Medical Officer, has been found guilty of misconduct and a report is made to the committee that this person should be dismissed, this proviso lays down that that man cannot be dismissed unless there are two things, first, a finding about his misconduct, inefficiency and neglect and second, two-thirds majority of the members constituting the entire committee voting for his dismissal. Now the Government has no power of dismissing the man. It has only got the power of withholding its approval. Now what are the consequences of such a proviso? The man has been found, after due enquiry, guilty of misconduct and flouting the committee. Now if he can secure the good offices of 15 or 16 dishonest men out of a committee of 68, he can go on flouting the president and the committee. Is that the position to which the Punjab Government wishes to reduce local self-government in this province? I wish to place this matter before the Honourable Minister. Supposing an officer has misconducted himself, who is the person authorised to dismiss him? The Government has no power to dismiss him. But the Government is making it impossible for the municipal committee to control its employees. In addition to a finding of misconduct it insists on two-thirds majority, not two-thirds majority of members present at any time, but two-thirds of the entire committee, to vote for his dismissal. A meeting is convened. One time one member is absent and another time another member is absent. The poor Secretary or the poor President who is responsible for the efficient administration of the

municipal committee, says, "I know the man is dishonest." The deputy commissioner says that he is thoroughly corrupt. But they have not been able to get the two-thirds majority. In a House of 68 members how many members do you think would attend the meeting on an average? He has only to persuade his friends to absent themselves and go on misbehaving by securing a small microscopic minority of members on his side and he can go on defying the President, defying the Secretary and defying the whole Corporation. So, how is this proviso in the interests of good and sound municipal administration? How is this proviso calculated to check, as it is called, the vagaries or inefficient conduct of municipal councillors who are unfortunately the subject of unnecessary and unjust attack from a section of the House? I, therefore, submit that there is neither reason nor any justification for this second proviso and in accepting the amendment of Mian Muhammad Nurullah, you will only be mitigating, and mitigating only to a slight extent, the evil which will be perpetrated by the enactment of this proviso.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I rise to support the amendment under consideration. If it were a question of creating or abolishing any one of these posts you could have some justification for requiring so high a majority for the purpose, but here the question is of removing a certain official "for misconduct or for neglect of, or incapacity for the duties of his office," and common-sense demands that such an official should be removable by bare majority. If you retain this provision of the majority of two-thirds of the total strength, it will be impossible to remove any official, howsoever corrupt he may be. The consideration of clause 7 has been postponed, but for argument's sake we can base our calculations on the assumption that the Corporation will consist of 68 members. This means that 46 votes (two-thirds of 68 members) will be required to remove a corrupt or inefficient official. My own experience is that it is very rare that two-thirds of the members even attend a meeting, not to speak of their voting on one side. Again, difficulties will creep in and underhand means will be employed. Some members may be absent on account of illness or some urgent work. More often than not the official concerned may go to some members and make a request that if they cannot vote for him they may at least absent themselves from the meeting and thus make it impossible to have the requisite majority for satisfying this provision.

I am sorry to say that the Government refuse to pay serious thought to the practical working of their high-sounding principles. Had it been two-thirds of the members present the provision would be more logical, but by making it two-thirds of the total strength, a very high hurdle to jump over is placed in the way. It means that as many as even 44 members of the Corporation cannot do away with any of their dishonest and inefficient paid servants. I would submit that this restriction will prove too lenient to stop corruption and misconduct in the proposed Corporation. I think it must be the duty of every councillor to see that every officer appointed by the Corporation works honestly in the Corporation and does not indulge in corruption. Therefore, the Government should not hesitate to accept this amendment. But if it is not accepted by the Government we will understand that the Government do not want to punish them but want unreasonably to protect them from being removed from their offices.

4 p. m.

[Lala Sita Ram.]

In connection with the speech made by my honourable friend Muhammad Nurallah, I would like to say only this that he is perfectly right in saying that views of big persons also change with the chair in which they sit. For instance, the Honourable Sir Chhotu Ram used to say different things as compared with his utterances of to-day and we can quote chapter and verse from his hundred and one speeches delivered in the last Legislative Council a few years ago. Of course, we have no power to prevent the weather-cock from obeying the urge of the wind, but I would submit that every word uttered by an honourable person must be based on justice, equity and principle. I would further submit that principle ought to be one and not many. I assert that there must be some immediate check upon corruption. I am afraid the Government by rejecting this amendment would be doing nothing but depriving the councillors of the Corporation of a reasonable power which ought to have been placed in their hands. All that I want to submit is that if any appointed officer is found to be corrupt, unfit for his duties or guilty of misconduct, it must be open to the councillors to remove him from his office as early as possible. Only by doing so, I think, corruption will come to an end. I, therefore, appeal to the Honourable Minister in charge that the Corporation should have the right to remove such persons by bare majority, not a particular majority, from office at any time for their misconduct or for negligence of duties.

With these few words, Sir, I close my remarks and support the amendment which is before the House.

Raja Ghazanfar Ali Khan (Parliamentary Secretary): I rise to oppose the amendment moved by my honourable friend Mian Nurallah. You will be pleased to observe that the experience of the last few years has unfortunately convinced us that there has been a considerable maladministration in the local bodies particularly in the municipalities, and if you were to trace the history of the maladministration of each local body, I am sure, you will agree with me that in a very large number of cases, it is due to the controversy over the dismissal and appointment of the employees of the local bodies. It is most unfortunate that there is a good deal of party faction in the local bodies and unfortunately the majority party always tries to see that the persons who owe loyalty to that particular party should remain in office. It is very seldom that the municipal commissioners look to the merits of each particular individual. They are generally swayed by party feelings. As a matter of principle the Government should have no hesitation in giving the fullest authority to the local bodies to deal with their own employees, but there are certain posts, certain important posts in the municipal bodies for which, I think, we require persons of a particular type and qualities and I am afraid persons of requisite qualifications will not be forthcoming to serve in the local bodies, unless they find that there is a certain amount of security so far as the tenure of service is concerned. You will be pleased to notice that the appointments included in this clause are those of the Chief Medical Officer of Health, Additional and Assistant Medical Officers of Health, Engineers in charge of separate departments of municipal works, Assistant Engineers and Assessors, but so far as this proviso is concerned it is confined merely to four posts. What are these posts? Chief Engineer, Medical Officer of Health, Chief Accountant and Secretary.

Except these four posts, the Corporation will be at perfect liberty to dismiss their servants or to employ them by a sheer majority of votes. Why these four posts have been given extra protection is due to the fact that these posts are very important and unless it is known to its incumbents that their dismissal does not depend merely on the vote of the bare majority, people with necessary qualifications will not be forthcoming. I personally think that Government will be doing a great service to the Lahore Corporation, if they were to put as many restrictions as they can possibly do on the powers of the Corporation in appointing its officers or in dismissing them (*hear, hear*). I would humbly submit that the mere use of a certain word does not change the character of its members, whether it is a corporation, municipality, district board or notified area. I would ask the honourable members sitting in this House for their own personal experience of local bodies. I know of a committee where at one sitting the members passed a resolution appointing a headmaster of a particular school as a teacher to teach the lower primary classes and appointed a juniormost teacher as the headmaster. Who would like that such a thing should be repeated in such a respectable body as the Lahore Corporation? These members are to be elected, I think, on the basis of a very wide franchise. It is most unfortunate that great pressure is invariably brought to bear upon some members which they find impossible to resist when the question of making an appointment or dismissal comes. More than 90 per cent of the services of the municipality are filled in by persons who belong to the town itself. Some of their relations, very dear relations, are members of the committee. Some are very well connected gentlemen and wield considerable influence in their constituencies which in the case of the municipalities are very small, practically a mohalla or a street constituting a ward and returning one member. Human nature being what it is I must confess that quite a number of us have that weakness that when a man is nailed up for misconduct, the *safarish* campaign at once starts and influential persons come forward to protect the individual concerned. I personally think that it is impossible to expect that everybody will be able to resist that pressure. It is, therefore, a very wholesome principle that the services and particularly those services of the municipality which by virtue of their office have to undertake such high responsibility should not be left entirely to the mercy of a majority of votes.

After having said this, there is one very important matter, which I would like the Honourable Minister in charge of the Bill to kindly consider favourably. That is this. As pointed out by my honourable friend, Mian Nurullah, if three-fourths of the total members are to be taken, then their number will never exceed 51. What I mean to say is, that if all the nominated members were to vote on one side, then the entire bloc of elected members will not be able to dismiss an officer for misconduct or for neglect of duty or incompetency in performing the duties of his office. I think this proportion seems to be rather high and I would request the Honourable Minister to consider this. The majority of three-fourths should be further reduced so that it could be made possible for the elected members without the assistance of nominated bloc to take action when the question of removal of any servant comes. I am sure the Honourable Minister will consider this point favourably. At the same time let me assure my honourable friends that there is a wrong notion, entirely erroneous notion and some people are under

[Raja Ghazantar Ali Khan.]

a great misapprehension, that once a person is nominated to a certain local body, he becomes a slave of Government and that he has no conscience. I can assure my honourable friends that nominated members are as independent as elected members. I can say with my personal experience of about 7 or 8 years, as President of a municipal committee, though a small committee, that nominated members prove often more useful than the elected members. The Government do not expect that any gentleman, whom they nominate on a committee or a corporation, should come to the Government every time when the voting is to take place for advice. As a matter of fact if the nominated members behave differently from the elected members, it might be only on questions political or high questions of policy and not on the question of taking action against a Medical Officer or an Engineer. I can assure the Lady member that if dismissals, appointments and suspensions of every officer in the province are left to us, then God help this province. As a matter of fact, Sir, I have never heard anywhere that a body of 68 persons should be sitting in a room and deciding that this servant should be dismissed or that that servant should be suspended. It is either left to one man, who may be responsible to the Corporation itself, or to a limited number of people. I assure the honourable members that if the officer is really incompetent or neglects his duties, I see no reason, why nominated and elected members should not vote together so far as the removal of that officer is concerned.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I rise to support the amendment that has been moved by my honourable friend Mian Nurullah. Very cogent reasons have been advanced on behalf of the opposition as to the absurdity of the retention of this condition of two-thirds majority in order to dismiss any of these four servants of the Corporation. Let us not forget that when making appointments of these officers no such restriction is placed. When the appointments of these officers can be made by a bare majority, I really do not see why their dismissal should not be liable to the same rule. In making appointments, it has been nowhere laid down that appointments of these officers are to be made by two-thirds majority. Why, then, insist that dismissal and removal of these servants be made with two-thirds majority only? After all my honourable friends on the ministerial benches do not realize that certain rules governing dismissals will have to be made by the Government. The rules, as are in force now, do require that a municipality must frame a charge against an offending servant and give him an opportunity of defence, and only after that, they can dismiss him. I do feel sure that the Corporation or the Government shall make rules governing the dismissal and removal of these servants and under those rules it will no doubt be provided that a charge will have to be framed against an offending officer and that he will be given an opportunity to defend himself; and only after that the Corporation will be competent to dismiss him. This proviso moreover covers only dismissal or removal of an officer on account of misconduct or neglect of duty. Why should we suppose that out of 68 members, that will constitute this Corporation, 35 members, that will be necessary for the removal of an officer, will lose their heads or will become mad and would vote for the removal of the officer concerned without rhyme or reason? I feel sure that unless very cogent reasons for the removal of an officer exist,

he need not fear removal or dismissal. Let us not forget that most of these officers are either Hindus, Muslims or Sikhs, and those of us who have some experience of the working of these institutions, do know how these officers, exploit their co-religionists for their own purposes. If a Hindu is about to suffer, he goes to his Hindu co-religionists and tells them all sorts of stories that he is going to be victimized at the hands of Muslims and Sikhs. A Muhammadan and a Sikh do likewise. This is happening every day. To dismiss or remove an offending officer by mere majority even is very difficult. This two-thirds majority for dismissal or removal will be absolutely impracticable and unworkable. No action could ever be taken against an officer, however corrupt he may be, however incapable or negligent of his duty he may be, for the simple reason that he will have just a few friends to back him, who will use their influence towards his rescue, so that a majority of two-thirds will not at all be forthcoming to take action against him and he will be retained in service much to the detriment of the morale of other servants. Government should not be led astray by the false cry of security of services. After all there will be 68 councillors, who will be respectable and responsible people. Why should they be expected to lose their heads without any rhyme or reason and why not trust them? Considering the situation as it is and knowing as we do how the administration of the municipalities is run, it is very necessary that these officers should be liable to removal by a majority as has been the case so far. No case whatsoever has been made out for the retention of this condition of two-thirds majority and I would request that it should not be persisted in except of course if the Government, in its *zid*, wants that everything that is put down in the Bill has got to be carried by sheer force of the majority.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, this amendment which has been moved by my honourable friend Mian Muhammad Nurullah is on the face of it a very reasonable amendment, and I hope that the Honourable Minister of Public Works who possesses commonsense in abundance and is always inclined towards justice will surely see his way to accept it. Even on principle the proposal is very sound and reasonable. Let us study its principle. When the appointment is not subjected to a two-thirds majority why should the dismissal of the same officer be dependent on the decision of the two-thirds majority of the councillors? By removing this condition we are bringing the question of dismissal on the same level on which the question of appointment is to be decided. That is a fair and sound principle. If an officer is inefficient, incapable, negligent and corrupt, then alone will his dismissal be considered, and there is no reason why the Corporation should not be empowered to remove such an undesirable officer without the decision of the two-thirds majority of votes. This proviso will place insurmountable difficulties in the way of the Corporation when it will be sought to dismiss a corrupt and dishonest officer. As my honourable friend Mian Muhammad Nurullah has already explained, there will never be the two-thirds majority because even the total number of the non-official councillors will be less than two-thirds of the full number of councillors. There will be nominations in the Corporation for giving representation to the special interests. Moreover, there will be some official members appointed by the Government. So the total number of non-official councillors will be less than two-thirds

[K. S. Khawaja Ghulam Samad].

of the total number of all the councillors of the Corporation. Out of 68 councillors, 17, that is, one-fourth, will be nominated by the Government and 6 will be nominated by different bodies. Thus out of a total number of 68, only 45 will be truly elected by the citizens of Lahore. Now it is clear that the real representatives of the public will be already less than two-thirds. How will they ever be able to dismiss an undesirable officer whom the Government may support? If that is the case the majority of nominated members and the members returned from various Departments will hardly vote against the will of the Minister.

As to the fear expressed by some honourable members that even a good officer may be dismissed by the councillors, I may point out that this fear is not well founded. Only a corrupt and inefficient officer will be dismissed. One who is capable of discharging his duties efficiently will not be touched. Only that officer will be sought to be removed who is found to be negligent in the performance of his duties. But if such an officer knows that he cannot be removed except by the two-thirds majority of votes, he will be encouraged to carry on his nefarious activities and practices. In this way the Chief Executive Officer will never bother for the opinion of the non-official councillors so long as the Government wants to keep him in office. It is against this tyranny that we want to protest. That is why I support this amendment. The present provision is impracticable and unworkable. It is mere eyewash. In fact the chosen representatives of the people will never be able to get rid of an inefficient Chief Executive Officer so long as he remains in the good books of the Government. It is a matter of common knowledge that favouritism is often practised with regard to the appointments that are made from time to time, and if a certain favourite of the Government gets appointed as the Chief Executive Officer, it will not be possible for the Corporation to get rid of him. What I want to suggest is that a bare majority should be sufficient for the dismissal of an undesirable Chief Executive Officer. The decision of the Corporation should be final even though it has been arrived at by the bare majority of one member only.

I wonder how my honourable friend Raja Ghazanfar Ali Khan says that there will be the three-fourths majority of the non-official councillors. In fact he has overlooked one important point. It is this. As many as six councillors out of 51 elected councillors will be the representatives of special interests such as the District Board of Lahore, Lahore Improvement Trust, North-Western Railway and the Punjab University. Now it goes without saying that the nominees of these institutions will side with the Government on almost all important occasions. More often than not, they are the favourites of the Government. In such circumstances there will not be any effective majority of non-official members. In any case they will never form two-third of the total number. Nominated members will dance to the tune of the Government (*Raja Ghazanfar Ali Khan*: And if you are nominated?) Let the Government nominate me, then I will prove my integrity and honesty. There are always exceptions to the general rules and even this rule of nominated member being corrupt is not without an exception. I strongly support the amendment moved by my honourable friend Mian Muhammad Nurullah.

At this stage the Assembly adjourned till 12 noon on Thursday, 18th February, 1941.

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 13th February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

CIVIC GUARDS.

*7513. **Khan Muhammad Yusuf Khan:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of persons so far enlisted for the Civic Guards;
- (b) the number of persons required to be enlisted in each district of the province for the Civic Guards;
- (c) the total amount of money spent so far on Civic Guards, district-wise;
- (d) the number, separately, of persons from rural and urban areas enlisted up to date for the Civic Guards?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):
 (a) 13,272 up to the 31st January, 1941.

(b) and (c) A statement is laid on the table.

(d) Rural 6,659.

Urban 6,613.

Statement showing the quota of Civic Guards to be enlisted in each district and the total amount spent up to 31st January, 1941.

Name of district.	Quota of Civic Guards to be enlisted in each district.	Total amount spent on Civic Guards in each district up to 31st January, 1941.	
		Rs.	A. P.
1 Rohtak	1,000	20,503	2 0
2 Montgomery	800	7,439	5 9
3 Kangra	400	2,007	7 6
4 Gurdaspur	1,000	3,938	14 9

[S. B. S. Ujjal Singh.]

Name of district.	Quota of Civic Guards to be enlisted in each district.	Total amount spent on Civic Guards in each district up to 31st January, 1941.
		Rs. A. P.
5 Gujranwala	1,000	5,706 3 3
6 Hissar	1,000	4,082 5 6
7 Ludhiana	1,000	11,244 14 6
8 Gujrat	1,000	6,958 9 0
9 Sheikhpura	1,000	10,822 8 0
10 Ferozepore	1,100	4,073 2 0
11 Mianwali	1,000	8,638 5 9
12 Gurgaon	900	1,681 11 6
13 Hoshiarpur	800	1,076 4 0
14 Muzaffargarh	700	6,243 9 3
15 Simla	100	..
16 Lyallpur	1,000	11,469 8 0
17 Amritsar	1,500	21,324 4 0
18 Sialkot	1,000	5,401 6 6
19 Campbellpore	1,000	10,977 7 0
20 Jhang	800	4,016 15 0
21 Sargodha	1,000	11,540 11 0
22 Karnal	1,000	3,729 4 0
23 Jhelum	800	10,059 4 0
24 Multan	900	5,439 7 6
25 Jullundur	1,000	3,529 13 6
26 Ambala	1,000	10,844 11 0
27 Lahore	2,600	31,594 9 0
28 Dera Ghazi Khan	1,000	11,402 1 0
29 Rawalpindi	1,200	9,238 0 0
Total	28,500	2,45,193 13 0

Khan Muhammad Yusuf Khan : May I know whether it is a fact that the amount so far spent in different districts is different although the quota for each district is not the same? It is either small or large. May I know the reasons?

Parliamentary Secretary : I require notice.

Khan Muhammad Yusuf Khan : It is no question of requiring notice. The statement is there, the figures are given. I want to know the reason why there is a disparity in figures as regards different districts in the province.

Parliamentary Secretary : When the honourable member knows the reason he need not put the question. The figures given about the number of Civic Guards are the totals for various districts to be enlisted while the figures for expenditure represent the amount spent so far in various districts.

Khan Muhammad Yusuf Khan : May I know whether this statement is given without assigning any reasons and that the Government is not responsible for these reasons ?

Parliamentary Secretary : The honourable member wanted certain information and that information is supplied to him with regard to the quota of Civic Guards in various districts and the amount so far spent. If my honourable friend wants to know why more money has been spent in a particular district and why less money has been spent in another district, then he will kindly give me notice and I shall collect the information and give him the detailed reasons.

Sardar Lal Singh : Does the Parliamentary Secretary admit that in some districts more money has been spent than in others ?

Parliamentary Secretary : Yes, that is apparent from the figures supplied.

Mian Muhammad Nurullah : May I know if there are definite instructions about rural and urban areas or is it a mere coincidence that the number of Civic Guards is half and half, that is, rural 6,659 and urban 6,618 ?

Parliamentary Secretary : I think it is a mere coincidence, but quotas are allotted to urban and rural areas.

Khan Muhammad Yusuf Khan : May I know whether when this scheme was started the Government was to enlist the services of peoples only from urban areas ?

Parliamentary Secretary : No, I do not think it was so.

Khan Muhammad Yusuf Khan : May I know if the Civic Guards are meant to serve in urban areas and not in rural areas in time of need ?

Parliamentary Secretary : They are meant to assist the police in urban areas primarily, but if the police require their assistance in rural areas they will be sent there.

ARRANGEMENTS FOR THE CARRYING OF WORK IN THE ABSENCE
OF THE HONOURABLE MINISTER OF REVENUE.

*7514. **Khan Muhammad Yusuf Khan :** Will the Honourable Premier be pleased to state—

(a) since when the Honourable Minister of Revenue has been unable to carry on his duties due to his illness ;

(b) whether the portfolio entrusted to the Honourable Minister of Revenue has been entrusted to some other member of the cabinet ; if not, the name and designation of the person carrying on the work in his place ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : Attention is invited to the reply given to Assembly Question No. 7507¹ starred asked by Sardar Lal Singh on the 11th February, 1941.

Sardar Lal Singh : Is the Government aware of the fact that there is a general impression that the interests of the community, to which the Honourable Minister for Revenue belongs, are going by default ?

Parliamentary Private Secretary : I am not aware of such impression.

Sardar Lal Singh : Will the Parliamentary Private Secretary please let us know who is consulted when communal matters are discussed ?

Parliamentary Private Secretary : The honourable member should be aware that the Honourable Premier is responsible to take into account the communal representation of all communities concerned. Therefore the question does not arise whether a particular Minister safeguards the interests of a particular community.

Sardar Lal Singh : Which body or which person is being consulted on matters where communal matters are concerned ?

Parliamentary Private Secretary : Would the honourable member define 'communal matters' ? I have not understood him.

Mian Abdul Rab : May I know whether it is a fact that every Minister is responsible for safeguarding the interests of every community ?

Parliamentary Private Secretary : Yes.

Sardar Lal Singh : If that is so, how does the Government explain the absence of a certain Minister for such a long time from the seat of his duty ?

Parliamentary Private Secretary : The explanation is clear. The Minister is not well.

Sardar Lal Singh : Yes, but does it not occur to the Government that it should make arrangements to see that the interests of our community are not going by default ?

Mr. Speaker : The next question.

**RELIEF FOR DAMAGE TO CROPS BY LOCUSTS IN MUZAFFARGARH,
LYALLPUR AND JHANG DISTRICTS.**

*7276. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Development be pleased to state—

- (a) whether there has been a serious damage to crops by recent locust storms in the districts of Muzaffargarh, Lyallpur and Jhang ; if so, the estimated loss so suffered by the areas affected in the said districts ;
- (b) whether the Government has made any surveys and proposed to adopt any relief measures for the sufferers in this connection ;

- (c) whether the Government intends to take steps comprehensive enough to destroy in future the locust pest on its first invasion into the Punjab?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) No serious damage to crops has been reported from any of the districts mentioned. A few locust swarms have appeared in them. In some cases they merely passed over the locality; in a few other cases they alighted and spent the night. Any damage done by them was only on the latter occasions and from no place has it been reported to be serious.

- (b) No special relief measures are necessary in the circumstances.

(c) All possible steps are being taken at present and will be taken in future to deal with locust swarms as and when they appear. At present, whilst locusts are in the flying stage, little can be done to exterminate them except where they alight for the night. The main damage, if locusts continue to appear, is to be apprehended from February onwards when they begin to lay eggs. Some staff of the Revenue and Agricultural Departments have already received special training in methods of controlling locusts at that stage and arrangements are being made to train further staff in similar measures. This staff when trained will act as the nucleus in each district for training more staff and organising control measures in all districts.

APPLICATIONS BY DEBTORS AND CREDITORS TO DEBT CONCILIATION BOARD IN ROHTAK DISTRICT.

*7517. **Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Development be pleased to state—

- (a) the number of applications received by the Debt Conciliation Board in district Rohtak, from (i) the debtors, (ii) the creditors, separately, from 1st April, 1938, up to date and the total amount of debts involved in such applications;
- (b) the number of applications disposed of by the Board in the above-mentioned period;
- (c) the total amount of debt involved in the applications disposed of by the above-mentioned Debt Conciliation Board in the same period;
- (d) the total amount of debt allowed to the creditors by the above Debt Conciliation Board in the same period?

Parliamentary Secretary (Chaudhri Tikka Ram):—

	Applications.	Amount.
		Rs.
(a) By Debtors	1,992	19,62,015 11 6
By Creditors	845	2,99,295 5 3
(b) 2,572 applications.		
(c) Rs. 24,11,216.		
(d) Rs. 5,47,601.		

SUITS FOR THE RECOVERY OF DEBTS FILED IN COURTS IN JHANG DISTRICT.

***6962. Mr. Dev Raj Sethi:** Will the Honourable Finance Minister be pleased to state—

- (a) the number of suits for the recovery of debts filed in the civil courts of the Jhang district during the 12 months ending on 31st March, 1940, in which the whole of the interest was omitted in the claim by plaintiffs of their own accord;
- (b) the number of suits in which plaintiffs omitted in their claims a portion exceeding (i) 25 per cent, (ii) 40 per cent, and (iii) exceeding 50 per cent of the amount due on the dates of their suits?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh): I regret that the labour and expenditure involved in collecting this information is not justified by the possible results.

SEATING ARRANGEMENTS IN THE COURT COMPOUNDS FOR LITIGANTS OF LYALLPUR AND JHANG DISTRICTS.

***6965. Mr. Dev Raj Sethi:** Will the Honourable Minister of Finance be pleased to state—

- (a) whether any seating arrangements (i) inside, and (ii) outside the courts are provided for the litigants and their witnesses in the district courts of Lyallpur and Jhang districts;
- (b) if not, does the Government feel the necessity of providing such elementary needs;
- (c) if the answer is in the affirmative, what steps the Government intends to take in the matter?
- (d) whether any such facilities are provided in any courts at other places in the Punjab?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh):

(a) Yes.

(b) and (c) Do not arise.

(d) Seating arrangements in the form of suitor's sheds and benches in the compound of courts for litigants do exist generally in the civil and criminal courts in the Punjab. Where there are no such sheds or benches at present, steps are being taken to have them constructed.

CANDIDATES FOR APPOINTMENT OF PUBLIC PROSECUTORS AND CROWN AND DEFENCE COUNSELS.

***7515. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Finance be pleased to state—

- (a) the name of the department in which the list of candidates for appointment as Public Prosecutors is maintained;
- (b) whether there are separate lists maintained of candidates for appointment as (i) Crown, and (ii) defence counsel;
- (c) how many years' practice is required for being qualified to work as Crown or defence counsel?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh)

(a) and (b) According to rule 4-7 of the Punjab Law Department Manual

(1938 edition) public prosecutors are ordinarily engaged either from the persons already in the list of persons considered suitable for Crown work or from amongst the persons who are already working as public prosecutors in other districts. Government, however, have reserved to themselves the right of appointing the person best qualified to discharge the duties of the particular appointment.

The list of counsels considered suitable for being given Crown work is maintained by the Advocate-General for the High Court and by the deputy commissioners concerned for other courts,—*vide* rules 1·21, 1·22 and 1·23 of the Punjab Law Department Manual. A consolidated list for all the courts in the province (excluding the High Court) is maintained in the office of the Legal Remembrancer. Lists of candidates suitable for appointment as defence counsel are maintained by the Honourable Judges for the High Court and by the sessions judges for the courts of sessions.

(c) Rules do not prescribe any period for which a lawyer should have practised before he can be qualified to work as a Crown or a defence counsel.

Khan Sahib Chaudhri Sahib Dad Khan : Is there any period fixed for a public prosecutor being attached to a certain district ?

Parliamentary Secretary : No period is fixed.

Khan Sahib Khawaja Ghulam Samad : May I know whether any Public Prosecutor can act as a defence counsel in his own district as well ?

Parliamentary Secretary : There is no bar.

PROVINCIALISATION OF ROADS.

*7516. **Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to lay on the table of the House a list showing, district-wise in the Punjab—

- (a) the number of roads provincialised during the year 1940-41 ;
- (b) the number of I class, II class and III class roads in the province at present ;
- (c) the amount sanctioned for repairs of roads in 1940-41 ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Presumably by 'number' the honourable member means "mileage". If so,

(a) The mileage provincialised during 1940-41 is as under :—

Name of District.	Metalled.	Unmetalled.	Total.
Rohtak	30·23	..	30·23
Amritsar	6·63	..	6·63
Hoshiarpur	1·76	17·0	18·76
Lyalpur .. .. .	..	8·25	8·25
Jhang .. .. .	..	8·07	8·07
Shahpur	5·6	..	5·6
Ambala	1·5	..	1·5
Jhelum .. .. .	..	16·75	16·75
Gurdaspur	2·0	16·0	18·0
Total	47·72	66·07	113·79

[S. B. S. Ujjal Singh.]

(b) The mileage according to classes of road is as follows :—

Class of road.	LENGTH IN MILES.	
	Metalled.	Unmetalled.
I	3,028·325	1,280·44
II*	1,472·550	7,475·85
III†	154	1,980

*Includes the mileage of roads in charge of District Boards.

†The figure is approximate as this type of road is not in charge of the Government in the Public Works Department and the time and trouble involved in collecting the exact figures will not be commensurate with any possible benefit to be obtained.

(c) Rupees forty lakhs.

Chaudhri Jalal-ud-Din Amber : Is the Government aware that the Pasrur-Narowal road has not been repaired for the last 8 years ?

Minister for Public Works : Does it arise out of this question ?

COMPOUNDERS POSTED TO DISPENSARIES IN ROHTAK, GURGAON,
HISSAR AND KARNAL DISTRICTS.

*6942. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state the number of compounders, district-wise, at present posted in the civil dispensaries of the Haryana district of Rohtak, Gurgaon, Hissar and Karnal and the number of compounders among them who have spent their whole service at one place and also the number of those among them who have continued to be in service even after the age of 55 years and after completing 30 years' service ?

The Honourable Mian Abdul Haye : A statement is laid on the table.

Statement showing the number of compounders in the districts of Rohtak, Gurgaon and Hissar.

District.	Number of compounders employed in Haryana Tract.	Number of compounders who have spent their service at one place.	Number of compounders who have continued to be in service even after the age of 55 years and after completing 30 years service.
Rohtak	42	2	Nil
Gurgaon	49	Nil	Nil
Hissar	22	Nil	Nil

The Haryana Tract, as it is generally known, does not include the Karnal district.

CIVIL HOSPITAL, BERI.

*7094. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that four or five quarters were built in the compound of the Civil Hospital, Beri, district Rohtak, by private donors on condition that no rent be charged from the patients occupying those quarters;
- (b) whether it is also a fact that the Government has recently fixed a rent of annas 8 per day for each of these quarters; if so, whether this has been done with the consultation of the donors concerned;
- (c) whether the Government is aware of the fact that the donors resent this imposition of rent and the action which Government intend taking in the matter?

The Honourable Mian Abdul Haye : (a) There are four such quarters.

(b) and (c) The hospital is now provincialised, and it has come to the notice of Government that rent is charged for all quarters in accordance with the general orders applicable to all Government hospitals. One of the donors asked that the wards donated by him should continue to be occupied free of charge. The matter will be investigated further.

COMPOUNDERS IN HISSAR.

*7097. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Education be pleased to state—

- (a) the number of compounders serving in the Government and local bodies hospitals in the district of Hissar and the number of those among them who have been serving in the various hospitals at Hissar, Sirsa, Bhiwani and Hansi for the last ten years or more;
- (b) the principle on which the transfers of these compounders are made particularly from a big to a small station or vice versa;
- (c) whether seniority in service is considered while transfers and promotions are effected in the cadre of the compounders mentioned in (a) above?

The Honourable Mian Abdul Haye : (a) In the Hissar district 5 dispensers are employed in Government hospitals and 20 in hospitals maintained by local bodies. Two dispensers at Hissar and one at Sirsa have been serving there for the last ten years. There is no such dispenser either at Bhiwani or at Hansi.

(b) Transfers are made as exigencies of service demand.

[Education Minister.]

(c) In matters of transfer seniority is not the only criterion ; but it is taken into consideration. Promotion depends upon seniority and passing the professional grade examination.

Sardar Lal Singh : Is it not a fact that the two compounders are there continuously for the last 10 years ?

Minister : Two dispensers at Hissar and one at Sirsa have been serving there for the last ten years.

CHRISTIAN WOMEN'S MEDICAL COLLEGE, LUDHIANA.

*7496. **Sardar Lal Singh :** Will the Honourable Minister of Education be pleased to state whether the Christian Women's Medical College at Ludhiana has been disaffiliated ; if so, for what reasons ?

The Honourable Mian Abdul Haye : The Senate of the Punjab University has recommended the withdrawal of affiliation from the Women's Christian Medical College, Ludhiana, for the First Professional Examination of M.B., B.S. degree, but the case has not yet been referred to Government, as the University has been asked by the Director of Public Instruction to specify definitely the reasons for the proposed disaffiliation.

INTRODUCTION OF HINDI AND GURMUKHI AS THE MEDIUM OF INSTRUCTION IN PRIMARY SCHOOLS.

*7506. **Sardar Lal Singh :** Will the Honourable Minister of Education be pleased to state—

(a) how many protests and representations he or the Government has received against the provisions of the Primary Education Bill about the introduction of Hindi and Gurmukhi also as media of instruction ;

(b) the action that Government proposes to take on these representations ?

The Honourable Mian Abdul Haye : (a) A number of protests which are apparently based on misunderstanding have been received. The Primary Education Bill does not deal with the medium of instruction and contains no provisions connected therewith.

(b) Does not arise.

Sardar Lal Singh : Is the Honourable Minister prepared to make a statement to clear up the whole misunderstanding with regard to this Gurmukhi and Hindi agitation ?

Minister : The honourable member has put this question in connection with the Punjab Primary Education Bill and I have made the position clear in my answer.

Sardar Lal Singh : Is it not a fact that the Minister made a statement on the floor of this House that the medium of instruction would be Urdu ?

Minister : I did say that Urdu was the main medium for boys.

Sardar Lal Singh : Are the public warranted to take it that in future the medium of instruction will not be either Hindi or Gurmukhi ?

Minister : I may inform the honourable member that the Premier and myself are receiving two deputations this afternoon and in view of that I will not anticipate the discussion that will take place.

NON-OFFICIAL MEMBERS OF THE SIKH GURDWARA JUDICIAL COMMISSION.

***7509. Sardar Lal Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the ages of the two non-official members of the Sikh Gurdwara Judicial Commission ;
- (b) for what period these two members have been appointed ;
- (c) when they are due to retire ?

The Honourable Mian Abdul Haye : (a) The age of the two non-official members of the Commission on the 1st February, 1941, would be as follows :—

Sardar Man Singh 53 years, 2 months, 24 days.

Malik Mukhbain Singh .. 56 years, 11 months, 26 days.

(b) No period of appointment has been fixed. Sanction for the existence of the Judicial Commission is accorded for one financial year at a time.

(c) Does not arise. Attention is invited to sections 71 and 79 of the Sikh Gurdwaras Act, 1925.

TAKING OF UNIVERSITY EXAMINATIONS BY FEMALE TEACHERS.

***7512. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the female candidates in the Punjab are allowed, under the existing rules, to take all University examinations, including those of science, medical and law faculties, privately without attending any recognised college and even without being employed in any recognised school or college ;
- (b) whether it is also a fact that standing orders have been issued by the Director of Public Instruction or the Deputy Directress of Public Instruction prohibiting the female teachers of the Punjab Education Department to avail themselves of the concessions mentioned in (a) without the previous sanction of the Department and that in some cases the necessary permission has not been granted ;

Ch. Sumer Singh.]

- (c) if the answer to part (b) be in the affirmative, the number of female teachers who applied for such permission during the current and past three financial years and the number of those among them who were permitted to take the University examinations as private candidates ;
- (d) whether it is a fact that the female teachers who are allowed to take University examinations as private candidates are compelled to proceed on leave for six months or so without pay for necessary preparation before the examinations ;
- (e) if the answer to part (d) be in the affirmative, whether the male teachers are also required to take compulsorily long leave without pay before taking the University examinations in such circumstances ;
- (f) the number of male teachers who showed their desire to take such examinations privately and the number of such teachers who were permitted to take examinations and also the number of those who were compelled to take long leave without pay during the past three years ;
- (g) whether the Government has received representation for cancellation of the standing orders issued by the Director of Public Instruction referred to above and to allow in future all female teachers to take any University examination they want to take as private candidates without compulsorily proceeding on long leave without pay ; if so, the action which Government propose to take in the matter ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Yes. The permission to women teachers serving in Government institutions, to study for examinations was regulated by Director of Public Instruction after careful consideration of the matter. Permission to study for and take the examination could not be freely given in the case of women teachers, in the interest of their own health and in the best interests of the schools in which they are serving.

(c) A statement is attached.

(d) Yes. The teachers who are permitted to study for an examination are required to take leave of whichever kind is admissible to them under the rules in force.

(e) No.

(f) No record of this is maintained in the office of Director of Public Instruction.

(g) No.

Statement.

Year.	1937-38.	1938-39.	1939-40.	1940-41.
Numbers who applied	58	57	90	85
Numbers permitted	15	15	23	29

UNSTARRED QUESTIONS AND ANSWERS.

PREFERENTIAL TREATMENT TO EX-MILITARY MEN IN SERVICES
UNDER GOVERNMENT.

1358. Chaudhri Jalal-ud-Din Amber : Will the Honourable Premier be pleased to lay on the table of the House a copy of the existing instructions in regard to the preferential treatment in recruitment to services under the Government to be accorded to ex-military men and also a list showing the number of persons recruited since 1935 for the posts of E.A.C.s, Sub-Judges, D.S.P., Tahsildars, Naib-Tahsildars, Excise and Police Inspectors and Inspectors of Co-operative Societies, and Fisheries, Marketing Officers and Factories Inspectors indicating the number of posts allotted to ex-military men in each cadre respectively ?

The Honourable Major Sir Sikander Hyat-Khan : Copies of the instructions issued in 1927, 1934 and 1940 are laid on the table.¹

The posts mentioned by the honourable member are not covered by the orders of 1927 and 1934, while those of 1940 are too recent to have had any effect.

M. B. HIGH SCHOOL, BHIWANI.

1359. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Education be pleased to state the date by which the reply to unstarred question No. 1316² asked on 21st January, 1941, will be ready ?

The Honourable Mian Abdul Haye : The final reply to unstarred question No. 1316 asked on the 21st January, 1941, has since been issued.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG
EXAMINERS OF THE PUNJAB UNIVERSITY.

1360. Chaudhri Sumer Singh : With reference to the answer to part (a) of unstarred question No. 1183³, asked by Captain Sodhi Harnam Singh, M.L.A., will the Honourable Minister of Education be pleased to state the number of Hindu statutory agriculturists among them ?

The Honourable Mian Abdul Haye : The information required by the honourable member is not readily available and will have to be collected from the individual examiners numbering 2,405. The expense and labour involved in its collection will be incommensurate with the benefit to be derived therefrom.

¹Kept in the Assembly Library.²Page XV, 40 *ante*.³Volume XIV, page 74.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG OFFICERS OF THE FOREST DEPARTMENT.

1361. Chaudhri Sumer Singh : With reference to the answer to unstarred question No. 1186¹, asked by Captain Sodhi Harnam Singh in this session of the Assembly, will the Honourable Minister of Development be pleased to state the number of posts held by the Hindu statutory agriculturists ?

The Honourable Chaudhri Sir Chhotu Ram : One. In accordance with the accepted formula, another Hindu agriculturist has been recruited to Punjab Forest Service, Class I, which has replaced the Indian Forest Service.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG OFFICERS AND CLERKS EMPLOYED IN GOVERNMENT PRINTING, PUNJAB.

1362. Chaudhri Sumer Singh : With reference to answer to unstarred question No. 1189², asked by Captain Sodhi Harnam Singh during the current session of the Assembly, will the Honourable Minister of Development be pleased to state the number of posts held by the Hindu statutory agriculturists ?

The Honourable Chaudhri Sir Chhotu Ram : A statement is laid on the table—

Establishment.	Present strength.	Number of posts held by the Hindu statutory agriculturists.
Clerical	45	4
Technical	389	16
Inferior	126	10
Total	560	30

NOTE.—Figures relate to the Government Printing Press, Lahore, and not to the Government Printing Department as a whole. The establishment of the Government Book Depot and the Provincial Stationery Office which are treated integral parts of the Government Printing Press have been included while the establishment of the Central Jail and the Borstal Institution Presses have been excluded.

¹Volume XIV, page 76.

²Volume XIV, page 77.

REPRESENTATION OF HINDU STATUTORY AGRICULTURISTS AMONG CIVIL SURGEONS AND OTHER OFFICERS OF THE MEDICAL DEPARTMENT.

1363. **Chaudhri Sumer Singh** : With reference to the answer to unstarred question No. 1190¹, asked by Captain Sodhi Harnam Singh during the current session of the Assembly, will the Honourable Minister of Education be pleased to state the number of posts held by Hindu statutory agriculturists ?

The Honourable Mian Abdul Haye : A statement giving the required information is enclosed.

Statement.

Serial No.	Nature of post.	Number of posts held by Hindu statutory agriculturists.
1	Civil Surgeons	1
2	Civil Assistant Surgeons (men)	9
3	Sub-Assistant Surgeons (men)	23
4	Dispensers (men)	28
5	Dispensers (women)	1
6	Laboratory Assistants and Attendants	7
7	Attendants	30
8	Superintendents and Head Clerks	3

ALLOTMENTS TO MODEL SCHOOLS IN AMBALA DIVISION.

1364. **Chaudhri Sumer Singh** : Will the Honourable Minister of Education be pleased to state the amount allotted yearly to each of the model schools in the Ambala division since the commencement of this scheme, the reasons for the variation from the allotment, district-wise, to the allotment school-wise, and also the principles which are followed in the distribution of such allotments ?

The Honourable Mian Abdul Haye : The honourable member's attention is invited to the reply to his question No. 7459¹ (starred).

PAUCITY OF HINDU AGRICULTURISTS AMONG HEADMASTERS OF GOVERNMENT SCHOOLS IN AMBALA DIVISION.

1365. Chaudhri Sumer Singh : Will the Honourable Minister of Education be pleased to state (a) the number, community-wise, of the headmasters of the Government schools in the Ambala division with the pay, scale of pay, the qualifications and length of service of each of them and further (b) whether it is a fact that none of these headmasters is a Hindu agriculturist, and if so, (c) the action he has taken so far or intends taking to remove this long standing grievance of the Hindu agriculturists ?

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

(b) Yes.

(c) The policy of Government in the matter of communal representation in the services is well known, and it is not intended to depart therefrom.

Statement.

Serial No.	Designation.	Scale of pay.		Present pay.	Qualifications.	Length of service up to 1st February, 1941.
		Rs.	Rs.			
1	Headmaster, Government High School, Jagadhri. (H.) (O.).	200—15—275/ 15—470/15— 500—20— 600.		335	M. A., B. T. ..	19 10 0
2	Headmaster, Government High School, Karnal. (M.).	200—15—275/ 15—470/15— 500—20—600.		421	B. A. ..	17 1 0
3	Headmaster, Government High School, Hisar. (M.).	200—15—275/ 5—470/15— 500—20— 600.		290	B. A., B. T. ..	18 4 0
4	Headmaster, Government High School, Gurgaon. (H.) (N.Z.).	200—10—250		250	B.A., B.T., S.A.-V.	29 7 0
5	Headmaster, Government High School, Kaithal. (M.).	200—10—250		250	B. A., B.T. ..	20 2 0
6	Headmaster, Government High School, Hansi. (H.) (N.Z.).	200—10—250		250	B.A. (Hons.), B.T., S. A.-V.	28 2 14

Serial No.	Designation.	Scale of pay.	Present pay.	Qualifications.	Length of service upto 1st February, 1941.
		Rs.	Rs.		Y. M. D.
7	Headmaster, Government High School, Rewari. (M.).	200—10—250	250	B.A., B.T., S.A.-V.	25 11 21
	Officiating as Headmaster, Government High School, Ludhiana, in Punjab Educational Service (Class II). Pir Misbah-ud-Din, B.A., B.T., officiating at Rewari.				
8	Headmaster, Government High School, Simla. (H.) (N.-Z.).	200—10—250	250	B.Sc. (Hons.), B.T., S.A.-V.	17 1 0
9	Headmaster, Government High School, Bhiwani. (S.) (N.-Z.).	200—10—250	240	B.A., B.T., S.A.-V.	16 1 0
10	Headmaster, Government High School, Bahadurgarh. (S.).	200—10—250	220	M.A. (Pol. Sc. & Economics), B.T., LL. B.	19 6 23
11	Headmaster, Government High School, Naraingarh.	200—10—250 (Provisional).	210	B.A., B.T., S.A.-V.	26 10 2
12	Headmaster, Government High School, Shahabad. (M.).	140—10—190	190	B.A., B.T. ..	23 7 5
13	Headmaster, Normal School, Karnal. (H.) (N.-Z.)	140—10—190	190	F.A., S.A.-V. (Pb.), M.A. (U.S.A.) (Offg.).	14 4 0
14	Headmaster, Government Middle School, Rohtak. (M.).	140—10—190	190	B.A., B.T., S.A.-V., LL.B.	14 1 0
15	Headmaster, Government High School, Rupa. (M.).	140—10—190	190	B.A., B.T., S.A.-V.	17 2 11
16	Headmaster, Government High School, Jhajjar. (M.).	140—10—190	190	B.A., S.A.-V. ..	16 0 22
17	Headmaster, Government High School, Gohana. (M.).	140—10—190	190	M.A. (Philosophy), B.T.	21 8 0
18	Headmaster, Government High School, Palwal. (H.) (N.-Z.).	140—10—190	180	M.A. (Hist.), B.T., S.A.-V.	16 9 0
19	Headmaster, Government High School, Sirsa. (S.).	140—10—190	180	M.A. (Eng.), S.A.-V.	13 7 19
20	Headmaster, Government High School, Kot Khai. (H.) (N.-Z.).	140—10—190	170	M.A. (Hist.), S.A.-V.	14 4 0

THE CITY OF LAHORE CORPORATION BILL.

Clause 39.

Mr. Speaker : The Assembly will now resume consideration of clause 39.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muslim, Urban) (*Urdu*): Sir, when the House adjourned yesterday I was submitting that the Honourable Minister would do well to accept the amendment¹ moved by my honourable friend, Mian Muhammad Nurullah, as it would be helpful in eradicating the evil of corruption in so far as the affairs of the Corporation are concerned. Since the time that this Government has come into power they are doing all that they can to combat the evil of corruption. With this end in view they have set up a separate department under the charge of a scrupulously honest non-communal and pious officer, which has done much to bring the wrong-doers to book and can be said to have succeeded to a very great extent. Still it cannot be urged that the evil has wholly been eradicated from the province. In view of this it is very essential that there should be some check embodied in this Bill to enable the body, which will be self-governing only in name, to effectively deal with a case of this nature among their own servants. Under clause 39, where mention of certain posts has been made, it is provided that these persons can be removed for misconduct or incapacity to work if two-thirds of the total number of councillors constituting the Corporation at that time vote in favour of that proposition. This condition of two-thirds of members agreeing upon the dismissal of a corrupt official will only embolden the miscreants who can very easily manage to win over 25 members of the Corporation to their side, thus making it impossible at any time for the Corporation to have the requisite majority for their removal.

In view of what I submitted yesterday I would request the Government to accept this amendment but if for some reason they are not prepared to do that, the proposal put forward by Raja Ghazanfar Ali Khan who exercises vast influence in the cabinet that some margin may be allowed in this respect may be accepted even though the Raja Sahib has not told us what that margin should be. I have considered this question and have come to the conclusion that three-fifths of the votes should suffice to remove a corrupt officer. That would be a *via media* which will enable the Corporation to exercise the power to remove its undesirable employees, because in that case only 27 votes will be in favour of the misdoer and 41 against him and thus the required purpose could be achieved. I hope the Honourable Minister will accept this suggestion which has the blessings of good-heartedness, broad-mindedness and generosity. If he wants the amendment to be moved formally I am prepared to do that. It is here with me in black and white.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I have heard the speeches of the honourable members both yesterday and to-day on this subject and I think there is a considerable misunderstanding about the matter. I cannot understand the criticism

¹That in the second proviso to sub clause (2) line 6, in place of the words "not less than two-thirds," the words "a majority" be substituted.

that any provincial Government, be it of this party or of any other, would like to keep corrupt or inefficient officers. In this connection I would refer the House, and in particular the honourable member who has just spoken, to clause 383 (a) of the Bill. In that clause we are taking power, as a matter of fact, to remove such officers even if the Corporation does not wish to do so. That clause is similar to section 41 of the Punjab Municipal Act. I may also point out that it is not infrequently that we take action under this provision. Only recently we had to take action in Amritsar. So, no Government would like to retain a corrupt officer at public expense. At the same time, I must point out that there is a certain amount of insecurity in the services which does not lead to efficient working. It is there that we want to give this protection by insisting that a little more than a bare majority of the members should vote for the removal of a responsible officer. I may also point out that this is not an altogether new provision. This principle has been recognised in the Punjab Municipal Executive Officers Act. Further, if you study the Karachi and Bombay Acts you will find similar protection given therein. Besides, this provision does not extend to all employees, but only to important and responsible officers referred to in the clause. Some honourable members asked yesterday, 'why worry about these officers? They will be looked after by the members in the Corporation representing the communities to which they belong.' That mentality, I say, is quite wrong. We want to safeguard the interests of those officers who do not cater for the whims and fancies of any community but who perform their duty according to their conscience. We want to safeguard such officers from the powerful and influential groups of Corporation members. It is for this reason that this provision has been put in. If an officer belongs to a minority community in the Corporation and if he is somebody who is not a *persona grata* of the majority community, he should not be made a victim of a bare majority. He should not be thrown out of office by a snap vote. There must be some security of service given to him.

I am not particularly wedded to any percentage or figure and if the honourable members and the House think that two-thirds is too high a figure, then I am prepared to reduce it to the figure followed in the case of Executive Officers Act which is five-eighths. I did not follow the figure put forward by the last speaker, but I hope he will not insist on it. If it is the wish of the House to reduce it to five-eighths, then I am prepared to do it.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): In my absence when I was out of Lahore, it seems a reference was made to me in connection with the Executive Officers Act by some member and it was said that this Act was a curse and that it was placed before the House under bureaucratic pressure, and that this majority of five-eighths was also fixed perhaps under the same pressure. I think it is necessary to say a few words to clear up this point. The honourable members of this House who were not members of the old House probably do not know the history of that Act. When Sir Firoz Khan Noon was Minister in charge of Local Self-Government, he had introduced that Bill. But it seems that the Hindu members if not all non-Muslim members, may be Hindus and Sikhs both, had opposed that Bill and as he found that he

[Dr. Sir Gokul Chand Narang.]

could not carry the Bill through the House, he dropped it. I am not disclosing any secret when I tell this House that when I was put in charge of Local Self-Government portfolio of this province, Sir Firoz Khan Noon was the first person to approach me and ask me to take up that Bill and introduce it in the Council. I considered it a useful measure, and I introduced it in the House. Sir Firoz Khan Noon had provided a three-fourth majority for the dismissal of the executive officer. As some objection was raised against that, the majority was reduced to five-eighths. So far as that Act is concerned, I still think that it is a useful one. It all depends upon how it is worked. I did not know that my successors would abuse that Act, as it is being abused now. We had taken great care that the posts of executive officers should be evenly distributed among all communities, so that no community might have any grievance. But the case is, I am very sorry to say, just the reverse at present. If I am not entirely mistaken, the majority of the executive officers have been recruited from one community only, not a majority only but almost the entire cadre has been recruited from one single community. I am not sure if out of the 22 or 20, there are even two Hindus. Perhaps there is none. There may be one somewhere, but I am not sure. In any case there are not more than one or two. In my time there were 50 per cent. Muslims and 50 per cent non-Muslims. If Lahore went to a Hindu, Amritsar went to a Muslim. If one place went to a non-Muslim, the other went to a Muslim, and the proportion was strictly and scrupulously kept at fifty-fifty. But now perhaps the proportion is 90—10, if it is not cent per cent on one side. As I said, the utility of a measure lies in the way in which it is worked and even the best measure can be abused as this Act is being abused now by the present Government which was expected to act more honestly. But unfortunately it has not maintained that standard of justice and fairness and that is why that Act has now incurred a great odium. At that time perhaps the Muslim members thought that it would not be worked properly and they opposed it, while in Sir Firoz Khan Noon's time it was the non-Muslims who opposed it as they thought that he would perhaps not work it justly. Whatever it was, it is a fact which no one can controvert that while it was being worked in my time the proportion was 50 : 50 and now the proportion is absolutely unfair, and I want to give this opportunity to the Honourable Minister to remove this misunderstanding if it is a misunderstanding, so far as the proportion of the various officers appointed under this Act is concerned. He should take this opportunity and take the House into confidence and tell us what the proportion of the various communities in this cadre is. Many people have been thinking of putting a question but as this Government has adopted a system intended to get them out of difficult positions by urging that the question is of a communal nature, no question has been put on this point. In fact on another very important matter information was asked for and it took Government nearly six months to supply me that information. That was with respect to panchayat officers, out of 105 or 110 of whom there is not one non-agriculturist except one member of the depressed class, if the information conveyed to me is correct. This is the way in which these Acts are being worked, and as reference was made to me, I thought I might clear up the position on this subject, and also bring it to the notice of the Honourable Minister in charge of this Bill how sorely grieved the

Hindus feel on this point and he would do well in his own interest to clear the position on the floor of the House to-day. So far as this matter itself is concerned, I am entirely at one with the Honourable Minister that some safeguard is absolutely necessary for the protection of the executive officer. I know how these local bodies are worked, and if it is left to the members there may be every day cases of executive officers being taken by the ear and thrown out of office by the Corporation or out of the municipal committees. That might happen, but I think although a safeguard is necessary, it should not be made impossible for a local body to dismiss an executive officer who is found to be inefficient or dishonest as Khawaja Sahib has pointed out. My own experience is that even under this five-eighths majority only one or two municipalities found it possible to make their own appointments.

There were not many executive officers and in the rest of the cases the appointment had to be made by the Government and the same difficulty is being felt by the members on this side. I think some compromise may be arrived at on this point, between bare majority and the majority which has been provided in this Bill. If five-eighths is not suitable to the honourable members on this side, the Honourable Minister might perhaps climb down and satisfy the honourable members.

Mian Muhammad Nurullah : Without giving up the principle I think it would do some good if five-eighths is accepted. I moved the amendment from a different point of view altogether, from the general local self-government point of view. It is a negation of local self-government. But if I am helpless and cannot get anything better, I should for the present be content with the proposal of the Minister. I, therefore, beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I move—

That in the second proviso, for the words "two-thirds" the words "five-eighths" be substituted.

I am afraid it is not possible to go below this figure. As Dr. Sir Gokul Chand Narang has observed, some sort of protection is necessary. With regard to the other point raised by Doctor Sahib I do not want that the debate on clause 39 should be turned into a debate on the working of the Municipal Executive Officers Act. I think there will be plenty of occasions either during the general discussion on the budget or during the discussion of some other clause, for us to go into that question and I will only be too glad to give my views on that subject. But it will be side-tracking the present debate if I take up that point now.

Mr. Speaker : Question is—

That in the second proviso, for the words "two-thirds" the words "five-eighths" be substituted.

The motion was carried.

Mr. Speaker : Question is—

That clause 39 as amended stand part of the Bill.

The motion was carried.

Clause 40.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That in part (2) of the proviso, line 5, for the word "two", the word "one" be substituted.

The clause as it is empowers the executive officer to appoint officers under Rs. 200 and I object to it. I want that if at all the executive officer is going to appoint anybody it should be employees below Rs. 100. Otherwise it creates friction between the powers of the President, the standing committee and the executive officer and this will lead to inefficiency and troubles.

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

That in part (2) of the proviso, line 5, for the word "two" the word "one" be substituted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : This is at present the case in Karachi and I am afraid I am not prepared to accept the amendment. The idea is, if I have understood the honourable member rightly, that at present the powers of appointment vest in these local bodies. It is essential that in appointing municipal staff political considerations should not come in. There are a number of local bodies in which we find that they are overstaffed. The reason is not far to seek. What happens is—I am not imputing motives—that after elections people who are supporters ask for jobs and under this pressure unnecessary jobs are created. The result is obvious. It is to avoid such things the Public Service Commission is appointed in the case of the Provincial Government. In other corporations too certain powers of appointing subordinate officials are vested in the Chief Executive Officer. He will make the appointments under the by-laws framed by the Corporation. We can leave it to the Corporation to frame the by-laws in such a way that this power is not abused by the Chief Executive Officer.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : It is a matter of regret that such an innocent amendment has not been accepted by the Honourable Minister. The question is whether the Chief Executive Officer should make the appointments carrying salaries between Rs. 100 and Rs. 200 or the standing committee. It is better to leave it to the standing committee which is a body consisting of 12 members, rather than to one individual. I am afraid there has been some misunderstanding on the part of the Minister. At present the municipalities are not creating posts. It is the executive officers that are creating posts according to the orders of the Government and if the Honourable Minister were to consult his own files he will find that the Government has given definite instructions to the municipalities that it is the executive officers who alone are to create posts and not the municipalities. The question to be considered at this stage is whether the appointments carrying a salary of Rs. 100 to Rs. 200 should be filled in by the executive officer or by the standing committee and I believe it would be in the interests of all concerned if we leave such appointments to the standing committee instead of to one individual. I still hope that the Honourable Minister will consider over the matter dispassionately and accept the amendment proposed.

Mr. Speaker : Question is—

That in part (2) of the proviso, line 5, for the word "two" the word "one" be substituted.

The motion was lost.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) :
I beg to move—

That leave be given to move—

That at the end, the following further proviso be added :

" Provided further that special rules shall be framed by the Chief Executive Officer governing the appointment of the above staff and will provide for their recruitment by means of competitive examinations."

The motion was lost.

Mr. Speaker : Question is—

That clause 40 stand part of the Bill.

The motion was carried.

Clause 41.

Mr. Speaker : Question is—

That clause 41 stand part of the Bill.

The motion was carried.

Clause 42.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I
move—

That in sub-clause (1) (b), line 1, the words "has acted or" be deleted.

My intention is to save those people who are good citizens and public men willing to work and want to become councillors. Why should they be debarred because sometime ago they have acted as lawyers or in other capacity? Their previous acts of commission and omission should not stand in their way. These words may therefore be deleted.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1) (b), line 1, the words "has acted or" be deleted.

Minister for Public Works : I oppose the amendment. The clause as it stands is word for word the same as it is in the Karachi Act. I think we should be very strict in this regard, because we know that a lot of trouble has arisen in many cases by the municipal officers or servants being interested in contracts, etc. It does not apply to other professional work and I think we will be well advised to keep it as it is.

Mr. Speaker : Question is—

That in sub-clause (1) (b), line 1, the words "has acted or" be deleted.

The motion was lost.

Mr. Speaker : Question is—

That clause 42 stand part of the Bill.

The motion was carried.

Clause 43.

Rai Bahadur Lala Sohan Lal : I beg leave to move the following—

That at the end of sub-clause (1), the following proviso be added—

Provided that abolition or creation of a new post shall be subject to the approval of two-thirds majority of the Councillors.

The motion was lost.

Rai Bahadur Lala Sohan Lal : I beg to move—

That leave be given to move—

That after part (vii) of sub-clause (2), the following proviso be added:—

' Provided that reasons shall be duly recorded at the time of imposing any of the above penalties.'

The motion was lost.

Mr. Speaker : Question is—

That clause 43 stand part of the Bill.

The motion was carried.

Clause 44.

Mr. Speaker : Question is—

That clause 44 stand part of the Bill.

The motion was carried.

Clause 45.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (1), line 4, after the word 'offence' the words, 'other than a political offence' be added.

Clause 45 reads—

" Any municipal officer or servant who has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months shall, if such sentence is not set aside or reversed in appeal or revision, and if such officer or servant shall not have been dismissed, cease to be a municipal officer or servant on the expiry of such sentence, and the Corporation shall not re-instate or re-employ any such officer or servant without the previous sanction of the Provincial Government."

I want to add after the word 'offence' the words 'other than a political offence'. During the last appointment of an executive officer at Lyallpur the majority party in the committee found that they could not appoint any one of their own members, but they hit upon a very useful person, a Congressman from Amritsar, Sikander Khizar by name. I did not know him personally though, and thought that he would be very useful and cheap, for he was to get only Rs. 100 plus allowances. But soon after, that person was under arrest and is now probably in jail. Now what is his fault? If he comes back after six months and the committee want to appoint him, why should the committee be deprived of the services of such a cheap and efficient person? Besides, there is a general question also, for sometimes persons qualified and capable of carrying out the policy of their party just as my friends of the Congress are at present doing, have to court imprisonment. They want certain changes in the constitution and for that, they

go to jail in pursuance of the orders of their dictator ; why should they be stopped from being employed in the committee, if they go to jail for six months ? Why should the Corporation or for the matter of that any other committee be deprived of the benefit of their services ? On principle I want these words to be added.

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

That in sub-clause (1), line 4, after the word ' offence ' the words ' other than a political offence ' be added.

Dr. Sir Gokul Chand Narang : I personally would support Rai Bahadur Sohan Lal's amendment which is to the effect that the words ' involving moral turpitude ' should be added, because when an offence does not involve a moral turpitude, then it does not leave any stain on a person's character. Supposing somebody has insulted somebody's lady relations. He gives a blow to the man who has been rude to his female relations. And suppose he knocks out the teeth of the offender, who was rude to a lady friend or a lady relation, and some court sentences this man under the Indian Penal Code for causing grievous hurt to imprisonment for more than six months. I would rather give a prize to that man instead of depriving him of a chance of employment in a municipal committee. Therefore, I think it fair that a person to be deprived of a chance of municipal employment, must be guilty of an offence which involves moral turpitude and may be punishable for more than six months and so on. There are various acts and offences punishable for more than six months which will not involve moral turpitude at all. These offences should not disqualify any person, even from Government service, not to speak of municipal service. I, therefore, support the amendment of which Rai Bahadur Lala Sohan Lal has given notice.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, this clause, as it stands, penalizes political opinions, which is neither just nor fair. Some of the most esteemable and respectable people at the present moment are courting arrests for their political convictions. If to-morrow anyone of them volunteers to be taken in municipal service, as matters stand, he will not be eligible for that service. I do not think it is fair that we should be deprived of the services of such esteemable people, if eventually they do so desire to come. I believe the Corporation will not be loser by the acceptance of this amendment, and I hope that the Honourable Minister will find it possible to accept the amendment that has been given notice of by my honourable friend Lala Sohan Lal, when he moves it. Corporation administration stands to gain by the inclusion of such gentlemen in its service.

Minister for Public Works : Sir, as far as this clause goes, it is a word for word copy of the Karachi Act, and if it has not been misused there, and there have been no complaints in Karachi, I do not know why there should be any complaints here. It is not with any political intention that we have put in this clause. We do not want to keep out any class of persons from the Corporation employment. It is not the purpose of the clause but at the same time we do not want that the Corporation servants should be recruited from that class of persons who have been convicted. To-day

[Minister for Public Works.]

one party is in power, to-morrow tables may be reversed and another party may be in power. We do not say that this party is right and that party is wrong. We want in the Corporation service those persons, who take interest in civic life, who are not law-breakers and who have unblemished character and have nothing to do with this party or that party. I may again assure the honourable members that there is no political motive behind this clause. We have copied this clause word for word from the Karachi Act.

Rai Bahadur Lala Sohan Lal (Urdu): Sir, I only wish to urge one or two points, and do not want to take much time of the House. The Honourable Minister has observed that the Lahore Corporation Bill has been modelled according to the similar Acts of Karachi and Bombay. On this basis he is prepared to support whatever obnoxious features of those Acts might have crept into the Lahore Corporation Bill. May I ask if it would be a crime to improve our Bill and make it better than similar Acts of Bombay and Karachi? Is it forbidden for us to make any improvement over the defective measures of other Governments? I for one cannot subscribe to this view.

My honourable friend, Dr. Sir Gokul Chand Narang, has very ably supported the substance of my amendment and I entirely endorse his views with regard to this point. But I would like to say one word more and it is this. If the present Government will include political offenders under the clause in question, then it will afford an additional reason for the Congress Government that may at any time come into power in this province to turn things topsyturvy on the ground that the previous Government had been actuated by political motives in excluding patriots from the fields of the Corporation. I would, therefore, appeal to the Government to accept my amendment. Only those persons should be disqualified who might have been punished for moral turpitude, such as cheating, etc. With these few words, Sir, I commend my amendment for the acceptance of the House.

Mr. Speaker: Question is—

That in sub-clause (1), line 4, after the word 'offence', the words "other than a political offence" be added.

The motion was lost.

Rai Bahadur Lala Sohan Lal: Sir, I beg to move—

That in sub-clause (1), lines 4-5, between the words 'offence' and 'punishable' the words "involving moral turpitude and" be inserted.

The Assembly divided: Ayes 16, Noes 42.

AYES.

Ajit Singh, Sardar.
Faqir Chand, Chaudhri.
Gopal Das, Rai Bahadur Lala.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Lal Singh, Sardar.
Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Hussain, Sardar.
Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Rashida Latif Baji, Begum.
Santokh Singh, Sardar Sahib Sardar.
Sita Ram, Lala.
Sohan Lal, Rai Bahadur Lala.
Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Fazal Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Gopal Singh (American), Sardar.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Hans Raj, Bhagat.
 Het Ram, Rai Bahadur Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Tiwana, The Honour-
 able Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Sir.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.

Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Prem Singh, Mahant.
 Pritam Singh Siddhu, Sardar.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Roshan Din, Chaudhri.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sumer Singh, Chaudhri.
 Suraj Mal, Rai Sahib Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mian Muhammad Nurullah : I beg to move—

That sub-clause (2) be deleted.

Sub-clause (2) of clause 45 reads—

The Corporation shall not pay any salary or any other allowance to any such municipal officer or servant during or on account of the period of his imprisonment.

And the proviso is—

Provided that the Corporation may, with the previous sanction of the Provincial Government, grant a subsistence allowance to any such officer or servant during or on account of the said period.

The present Government wants to keep certain powers which it does not like to give to the Corporation and this differentiation is derogatory and detrimental to the advancement of local self-government in this province as intended by the reformers or the authors of the reforms. The intention was to part with as much power and *jamadari* as possible. I only want by deleting this part that the Government should not keep this *jamadari* to itself at all. They should allow the local bodies to work as honestly and independently as they like. If you would allow me to give you an idea of

[M. Muhammad Nurullah.]

the intentions of the authors of the reforms on which we are acting, I might read to you that in the report, paragraph 189, pages 122-23, the authors of the reforms said :—

If our reasoning is sound this can be done only by giving from the outset some measure of responsibility to representatives chosen by an electorate. There are obviously three levels at which it is possible to give it—in the sphere of local bodies, in the provinces, and in the Government of India. Of certain other levels which have been suggested, intermediate between the first and second of these, we shall speak in due course. Also since no man can serve two masters, in proportion as control by an electorate is admitted at each level, control by superior authority must be simultaneously relaxed.

You are not relaxing this control and hence this amendment. They go on further and say :—

If our plans are to be soundly laid, they must take account of actual conditions. It follows that the process cannot go on at one and the same pace on all levels. The Secretary of State's relaxation of control over the Government of India will be retarded, if for no other reason, by the paramount need for securing Imperial interests.

I may tell you that there are no Imperial interests involved in this if the Government relaxes control. Then it is said :—

The Government of India have the fundamental duty to discharge of maintaining India's defence; the basic obligation of provincial Governments is to secure law and order.

So this is what primarily the provinces keep to themselves and on which control should not be relaxed. They go on and say :—

As we go upwards the importance of the retarding factors increases; and it follows that popular growth must be more rapid and extensive in the lower level than in the higher.

This last sentence is the crux of the whole problem. When at the lowest level you can easily part with power without infringing on any question of law and order, why should you stick to it? Therefore, I want that the Government should not maintain any differentiation. If they want to have any powers themselves, they should also part with some of them and give them to the Corporation, so that the Corporation may flourish and the councillors, as the Begum Sabiba pointed out, may have training and feel responsible as soon as they can. Therefore, it is only in the interest of the progress of self-government that I want you to delete sub-clause (2).

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

That sub-clause (2) of clause 45 be deleted.

Minister for Public Works : Sir, I must oppose this amendment. I think the honourable member has tried to put a meaning into this innocent provision which does not exist there. First he said that it is a power that the provincial Government is trying to keep to itself. As I read the proviso, it is the Corporation that will take the initiative and if the Corporation is of that view, then it will seek the approval of the local Government and if the local Government gives the approval then well and good. Where is it that the Government is keeping any power to itself? The initiative is not left with the local Government. It is only the supervisory power that the local Government is keeping. No provincial Government can entirely divest itself of the controlling power. It will not be provincial Government fit to remain if it allowed the local bodies to run as

they like and to go on inefficiently and see public interest suffer and sit idle. That cannot be done. That is the case everywhere in every civilised country and such powers for supervision are kept by the local Government. The honourable member then quoted from a certain report pertaining to law and order. I do not criticise that principle, but as far as that report is concerned, I think it need not have been quoted. Those remarks are concerning law and order and relate to division of functions between popular representatives of people and the Foreign Secretary of State. It does not apply to a government that has been elected by the people themselves. So this has entirely got nothing to do with this clause or its principle. I think, this proviso is essential. It would be applied in exceptional cases where the Corporation might be inclined to take a compassionate view and it can do so with the approval of the Provincial Government.

Mr. Speaker : Question is—

That sub-clause (2) of clause 45 be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 45 stand part of the Bill.

The motion was carried.

Clause 46.

Mr. Speaker : The question is—

That clause 46 stand part of the Bill.

The motion was carried.

Clause 47.

Mian Muhammad Nurullah : Sir, I beg to move—

That in part (2), line 2, between the words "situations" and "on", the words "in each ward" be inserted.

Sir, part 2 of this clause reads as follows :—

The Corporation shall make adequate provision, by any means or measures which it is lawfully competent for it to use or take, for each of the following matters, namely :—

- (2) the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals and other conveniences for the public and the maintenance and cleansing of the same.

I want that these things should be constructed in each ward, not that they should be constructed in one corner of the city and then five miles away so that people might feel discomfort as they always feel in Lahore. They should erect these things as extensively as possible.

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

That in part (2), line 2, between the words "situations" and "on", the words "in each ward" be inserted.

Minister for Public Works : I think the amendment moved by the honourable member—though I entirely agree in principle—is unnecessary. The wording is quite clear that these closets, urinals, etc., will be provided in convenient situations on municipal land. It will be left to the executive to find out where they should be placed. The honourable member seems to presume that perhaps some wards would not have them. They would be provided in a large number of wards. How can you lay down a strict rule? It all depends upon the sites on municipal land or nazul land. It will be for the executive officer to find out proper sites. I do not think the Legislature should fix the sites for urinals, closets, etc. They should consider more important clauses of this Bill.

Mian Muhammad Nurullah : Sir, I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. Speaker : The question is—

That clause 47 stand part of the Bill.

The motion was carried.

Clause. 48.

Mr. Speaker : Clause 48.

Mian Muhammad Nurullah : Sir, I oppose the clause. It says—

The Corporation shall set apart and apply out of the municipal fund such sum as the Corporation may be required by the Provincial Government to contribute towards the maintenance of pauper lunatics and pauper lepers sent from any place in the Province to mental hospitals or public asylums whether inside or outside the Province.

I think this authority of the provincial government is not desirable. The Corporation should be allowed to send lunatics and lepers to any place which they deem necessary. Therefore I oppose the clause.

Rai Bahadur Lala Gopal Das : Sir, I have another proposition to put forward before the House. In this clause we find in line 7 “any place in the province” which means that anybody can come from the whole of the province to Lahore and be looked after in Lahore at the expense of the Lahore tax-payer. I think it is highly objectionable that the Lahore tax-payer should be burdened with the expenses of the asylums in which the lepers from all over the province are living. If those patients come from Lahore proper, things would be different. When the Lahore Municipal Committee does not have adequate funds to run its own administration I cannot understand how it can afford to pay for people coming from outside.

Minister for Public Works : I think there is some misunderstanding about this clause. The position is this that at present we are maintaining, as you know, a lunatic asylum and certain asylums for lepers. The previous arrangement was that the money for their upkeep had to be realised from the local bodies to which these persons belonged. There are lepers and lunatics who roam about. To-day they are here and

to-morrow they are in Amritsar. Who is going to trace them? It is difficult to find out as to who should pay. The provincial government is running, out of its funds, a lunatic asylum and receives contributions on the basis of population. Each place is called upon to pay its share under this clause. Whatever is the proportion of Lahore in the entire population of the province that proportion the local body of Lahore will be called upon to pay on the presumption that the incidence of lunatics and lepers is no more in Lahore than elsewhere in the province. In order to keep the system working I think it is fair that the Corporation should pay its share. There is nothing new in it. Therefore we cannot lay down a rule. The proportion is fixed by the provincial Government according to the formula under which each local body is called upon to pay for lepers and lunatics. The Corporation will not be well advised to run its own lunatic asylum unless the honourable member is assured that there is a large number of people of this category in this town, which is not fortunately the case.

Rai Bahadur Lala Sohan Lal (*Urdu*): May I seek some information from the Honourable Minister, whether the contributions that would come from the municipalities would go to the municipal fund or to the fund of the provincial Government?

Minister for Public Works: The honourable member has not followed the point. There is a lunatic asylum and a leper asylum maintained by Government; expenditure incurred on it is distributed among local bodies in proportion to their population. How can we say that the local body concerned should pay according to the number of its patients? Lepers and lunatics roam about all over the province: we cannot find out which local body should be called upon to pay for a particular patient. This is an innocent sort of provision. The Corporation will pay its due share and no more.

Mr. Speaker: The question is—

That clause 48 stand part of the Bill.

The motion was carried.

Clause 49.

Mian Muhammad Nurullah: Sir, I beg to move—

That at the end, the following new part be added:—

“the provision of air-raid shelters in time of war”

Sir, I am told that this is covered by sub-clause (25) of clause 49 which says—

Any other matter likely to promote the public health, safety, or convenience for the carrying out of the provisions of this Act.

I think this should be done. If all this could be covered by sub-clause (25) there is no need to discuss it. But this is a most important thing that should be specifically stated in the Act.

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

That at the end, the following new part be added:—

“the provision of air-raid shelters in time of war”.

Minister for Public Works : I have heard the arguments put forward by the honourable member and I have to say that the amendment which he has moved is entirely unnecessary. As you will see, various things that the Corporation may do are mentioned in clause 49. The purpose of this is to draw pointedly the attention of the members of the Corporation as to what are their duties in this regard and then there is a general clause at the end that they might do anything else likely to promote the public health, safety or convenience or for carrying out the provisions of this Act. There is a wide power. There is no need to mention in the Act air-raid shelters. It is a recent thing which has come into prominence. Besides we do not cater for war only. War is an abnormal state of affairs. No legislation can be based on war conditions. Does the honourable member assume that Lahore will always live under danger and that there will be aeroplanes attacking us? In this war fortunately we have not so far been subjected to any such attack and I do not think a time will come when the residents may have to seek protection under air-raid shelters.

I do not think that it will be necessary for the elected representatives to exercise the power sought in the amendment and even if such a necessity arises they have ample powers under item (25) of the clause. They have got ample emergency powers and I do not believe that the members will be so callous-minded as to leave the people to be hit by air bombs and not provide shelters.

Mian Muhammad Nurullah : In view of the remarks of the Honourable Minister, I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Begum Rashida Latif Baji (Inner Lahore, Muslim Women, Urban)
(Urdu) : I beg to move—

That leave be given to move—

That at the end of sub-clause (3) (b) the following be added :—

“(c) a hall exclusively for the use of women.”

The motion was lost.

Mr. Speaker : The question is—

That clause 49 stand part of the Bill.

The motion was carried.

Clause 50.

Rai Bahadur Lala Sohan Lal : I beg to move—

That leave be granted to move the following—

That at the end of sub-clause (4), the following proviso be added—

“Provided that the delegation of its powers by the Chief Executive Officers shall be subject to the approval of the Committee, the Mayor or the Corporation as the Corporation may decide.”

The motion was lost.

Mr. Speaker : The question is—

That clause 50 stand part of the Bill.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Lahore) (*Urdu*): Sir, I rise to oppose clause 50 as a whole, because sub-clause (4) for the deletion of which I had given notice of an amendment is objectionable and unacceptable. I need not read the whole clause but would refer you to its marginal heading which reads:—

Municipal officers may be empowered to exercise the powers of Chief Executive Officer.

The purport of this sub-clause is that the Chief Executive Officer will have the power to delegate all or any of his powers to any other official at his sweet will. You are setting up this Corporation to look after the interests and civic life of the people and you have conferred the powers upon the Chief Executive Officer. Now he will be a very responsible officer having practically entire control of the municipal affairs. And now you want us to agree to allowing any of the subordinate officers whom the Chief Executive Officer may choose to have the same powers as the latter. The Corporation will have no say in the matter of even making a suggestion. My submission is that this will make the Corporation a mere farce. However, if you think that the Corporation will be too unwieldy to decide this matter you might very well provide that the delegation will be subject to the approval of the Mayor. If you are not prepared to do even that much, what will be the position of the Mayor who will be the first citizen of Lahore? Moreover the Mayor will be in a better position to judge the requirements of the public and, therefore, it is all the more necessary that such delegation of powers should be subject to his approval.

With these words I oppose the clause.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I also oppose this clause. First of all the Government should not have given all the powers to the Chief Executive Officer and left the Corporation a mere puppet. But now that this question has been decided and the Government has placed almost all the powers in the hands of the Chief Executive Officer, it is highly undesirable that he should also be given the unbridled right to delegate, at his sweet will, his powers to others. The best thing would have been to leave this matter in the hands of the Corporation or at least to make consultations with the Corporation obligatory, but even if that is not acceptable to the Government the mind of the Government can very well be imagined. With these words, I oppose the clause.

Minister for Public Works : I wish to say just a few words. I think the whole trouble is because honourable members mix up the plan of the Corporation Act with the Municipal Act. They presume that the Mayor is the executive authority and that, therefore, he should have a say in all such matters. The Mayor is, of course, the first citizen of the town and in that respect he is a very important person. But it must be remembered that while under the Municipal Act the executive and deliberative functions are vested in the municipal committee, here under the present measure they are separated. The members of the corporation form only a deliberative body while the executive functions are performed by the executive officer who should, therefore, have absolute discretion to decide what work he will do himself and what work he should delegate to others. I may point out

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that when the local Government delegates powers to its subordinate officers it never consults this Assembly, because this Assembly is only a deliberative body, the executive functions remaining in the hands of the Government which has got ample powers to delegate some of its functions to its subordinate officers. Similar is the case in regard to the Corporation also. Honourable members must realise the plan of this measure. It is different from the Municipal Act. This provision follows exactly the provision of the Bombay Act, section 68. So, what we propose in this clause is nothing new.

Mr. Speaker : The question is—

That clause 50 stand part of the Bill.

The motion was carried.

Clause 51.

Mr. Speaker : The question is—

That clause 51 stand part of the Bill.

The motion was carried.

Clause 52.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour) : I beg to move—

That in sub-clause (3), lines 5—15, the words “it shall Thereupon” be deleted.

(Urdu) : Sir, this is a very important clause as it relates to the right of Corporation to ask the Chief Executive Officer to produce documents. The Honourable Minister has said that so far as importance of duty is concerned Mayor would be the first citizen to work on the Corporation but strictly speaking he would hold that office without any power in his hand. And then, Sir, it has been laid down in this clause that if councillors of the Corporation along with the Mayor ask the Chief Executive Officer to produce a file before them he can refuse to show that file or document to them. In order to clarify my point I would like to read out the whole clause which runs as follows :—

52. (1) The Corporation may at any time require the Chief Executive Officer—

- (a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Chief Executive Officer, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;
- (b) to furnish any return, plan, estimate, statement, account or statistics, concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the city;
- (c) to furnish a report by himself, or to obtain from the head of a department subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act or the municipal government of the city.

(2) Every such requisition shall be complied with by the Chief Executive Officer without reasonable delay and it shall be incumbent on every municipal officer and servant to obey any order made by the Chief Executive Officer in pursuance of any such requisition.

(3) If, on any such requisition being made the Chief Executive Officer shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public—

These are the lines which I want the Government to delete—

—it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition, and it shall then still appear to the Chief Executive Officer inexpedient to comply therewith, he shall make a declaration to that effect. Thereupon—

Up to this word, sir, I want to get these lines deleted

—it shall be lawful for the Corporation to form a committee consisting of the Mayor, one councillor chosen by the Corporation and one member elected by the standing committee from among its members which shall engage to keep secret the existence and purport of all such documents and matters as may be disclosed to them except as hereinafter provided. The Chief Executive Officer shall be bound to make known and to disclose to the said committee all writings and matters within his knowledge or under his control or otherwise available to him and included within the said requisition; and the said committee having taken cognizance of the information, writings and matters so laid before it shall determine by a majority of votes, whether the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof.

Sir, now you might have understood that my amendment is for the deletion of the provision authorising the Chief Executive Officer to defer till the next meeting of the Corporation the production of any document or giving of any information to the Corporation. As it has been made clear in the clause that the meeting of the Corporation will be held once a month and if in that meeting the Chief Executive Officer has refused to produce any document the councillors will have to wait till the next meeting is held next month. I may point out that in this case, too, the clause provides that the Chief Executive Officer may defer the production of a document even when the Corporation repeats its decision at the next meeting. Not even this but the Chief Executive Officer can refuse to show any file or statement to the members of a sub-committee also. The Honourable Minister in charge says that nobody is allowed to see the C. I. D. files. I admit that. But I would like to tell him that this department is a Central Department and moreover his reference to C. I. D. has nothing to do with the Corporation which will be a separate body altogether. I am afraid if the Honourable Minister means to say that C. I. D. will be under the Corporation he should throw much light on this point.

If this sub-clause is allowed to stand as it is, the Corporation would be put to a weary waiting, because in the first instance the Chief Executive Officer can withhold the information on grounds of its being prejudicial to the public interest till the next ordinary meeting of the Corporation. But the matter does not end here. Even at the next meeting when the Corporation repeats its requisition for a certain file, the Chief Executive Officer is empowered to refuse compliance if he still considers it inexpedient to part with it. Then it is after this declaration that the Corporation is required to form a committee with a view to elicit that particular information and yet to keep the existence and the purport of the documents confidential. It is crystal clear that this method is bound to involve unnecessary and unreasonable delay in the discharge of the duties of the councillors. The object of the amendment proposed

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by me is to eliminate this dilatory element. It does not seek radical change in the sub-clause under consideration. What I want is that when the Corporation makes a requisition and the Chief Executive Officer finds it inexpedient to comply with it, the former should straightaway form the prescribed committee, get the necessary information from that particular file and carry on its business. I see no harm if this amendment is accepted by the Honourable Minister in charge of the Bill. It no longer violates the real procedure as laid down in the sub-clause except that it eliminates the wastage of time.

Besides, I fail to see the utility of the Corporation in which the accredited representatives of the citizens of the premier city of the province are not to be relied upon by a person, who is a paid servant of the Government. It is reducing self-government to a farce. Again, I am not proposing that the Mayor or any other member of that sub-committee should inspect the file against the will or without the concurrence of the Chief Executive Officer. I simply want to expedite the business of the Corporation and save them the tedium of long waiting for a certain piece of information required in the discharge of their duties. I hope the Honourable Minister would be disposed to accept this innocuous but most useful amendment.

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

- That in sub-clause (3), lines 5—15, the words "it shall..... There upon" be deleted.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I rise to lend my whole-hearted support to the amendment put forward by my honourable friend Rai Bahadur Lala Sohan Lal. I have only to say this much that we have already vested such wide powers in the Chief Executive Officer that he reigns supreme in the Corporation. It would, therefore, be most unfair, if the elected representatives of the citizens of Lahore are left to the mercy of a paid officer even in the matter of requisitioning a file for the purpose of getting some particular information required for the discharge of municipal duties. It would be a great humiliation to the councillors to be put to a weary waiting for a certain piece of information in possession of the Chief Executive Officer who, according to the sub-clause as it stands, can defer compliance of their requisition on the plausible grounds of inexpediency or its being prejudicial to public interest. I am of the opinion that the councillors should have free access to files, otherwise in the absence of proper information relating to certain municipal matters, they would be very much handicapped in arriving at right conclusions or making their recommendations about the desirability of employment or continuance of employment of certain subordinates and such allied matters falling in their purview. Besides, the councillors are to be responsible persons and they can be fully depended upon. I, therefore, urge upon the Government to accept this harmless amendment.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur North Muhammadan, Rural) (*Urdu*): Sir, I may point out at the very outset, that the Corporation Bill, which is on the legislative anvil, is even worse than the Municipal Act. But so far as the amendment under consideration is concerned, I may submit that it would be in the fitness of things if the

Government accept this amendment. Just consider, sir, if an Executive Officer is guilty of a lapse or an irregularity, how are the members of a municipal committee or the councillors of a Corporation to know it unless they inspect the files relating to a particular subject? The Executive Officers are not infallible beings. They, too, can commit mistakes. Besides, what is the good of these municipal committees if the members who are returned after spending thousands of rupees on their elections, send for a certain file and the Executive Officer should refuse to comply with the requisition? If the Government is adamant in retaining the clause as it stands, then I think it would be better if they dissolve all the municipalities in the province and appoint Executive Officers in their stead. (*Laughter.*) I am of the opinion that it is nothing short of stark injustice to make an Executive Officer all in all in a municipality. His refusal to allow the duly elected representatives of the people connotes that the latter are incapable of being relied upon. This fact is quite inconceivable to me. Then it is a pity that the elected representatives of the people in the Corporation are not considered fit to be shown even a file, while persons returned to this Assembly on popular vote can form a Ministry and even aspire to the office of a Premier. The fact of the matter is that the Government of the day always endeavours to keep others in the dark. (*Laughter.*) This is exactly what the Unionist Government is doing. Then I fail to understand as to what right the Chief Executive Officer who would be a paid servant of the Crown, has to refuse to have reliance in the councillors who would be working for the good of the public without any remuneration. I, therefore, submit that the Government would be well advised to accept this salutary amendment. With these words I whole-heartedly support the proposition now before the House.

Minister for Public Works : Sir, I think it is my lot during the discussion on this Bill to keep repeating that the plan of this Act is different from the Municipal Act, for it is there where the confusion arises each time. There is no intention of distrusting the members of the Corporation, nor is there any intention of withholding from them any information to which they are entitled. Any member of the Corporation can get any information that he wants and has access to all files except those where the Executive Officer feels that the document is of a particularly secret nature. That is no distrust against the members. It is only with their permission that a custodian of secrets is appointed and he in the public interest and in the interests of the community keeps those secrets. Such is the case in all democratic forms of Government. Every member of the Assembly has no access to all the files that are with me and I have perfect liberty on behalf of the community and country to refuse information on any point if I think it is not in public interest. Why is it done? I would illustrate why it is necessary to keep back information from the whole of the Corporation in certain cases. Recently you might remember there was certain litigation between the Lahore Electric Supply Company and the Lahore Municipal Committee. In such case a document might be worth thousands if it gives some information to the other side. If that document were brought into the Corporation, the information might leak out. Now the Executive Officer will be saving the community the loss that might occur. We have to look to the interests of the community against the interests of the individual. It is for this reason that in such

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cases we have provided that the Executive Officer should go to the Corporation and say you are masters of these secrets, but I think it is not in your interests that a particular document should be placed before the whole House. You have access to it, send your Mayor and send your two representatives, one representing the Standing Committee and the other representing the Corporation and here is the document. Three people can have access to any such document. It is only to provide against leakage of important information by which the whole community may suffer and the whole Corporation may suffer that we have made this provision. We have such instances and I would not like to give any details where particular documents have been taken away from files or whole files have been spirited away. There are sometimes powerful influences working to get information on the other side while on the side of the Corporation it is a case of nobody's child. The Executive Officer has been authorised to keep that information back in the interests of the public. There is no intention of disrespect. You will remember we held a secret session and then even we could not disclose certain documents in that session. It was in the interests of the public. If the Corporation feels that they are not of a secret nature, they will be handed over. If a particular document is such about which a litigation is going on, the executive officer will declare it secret and he will come before the meeting and say these are the reasons why I do not want to disclose the document. Quite likely the Corporation will say all right your reasons are valid. If the Corporation insist, they will appoint a committee in the second meeting and the Executive Officer will place all the documents before that committee. There is thus no intention of disrespect or not allowing them access to their own documents. It is just as appointing a custodian of certain things in public interest. He keeps certain things under your authority. You cannot say that this is in any way disrespectful to the members. Democracy will degenerate, goodness knows into what if we were to broadcast every secret that might be necessary to keep back. I think with this explanation all misunderstandings about this clause will be removed. This clause has been particularly mentioned in certain articles by a member of the House, Malik Barkat Ali who is I am afraid now absent. He will, I trust, now realize that there is no intention of showing any disrespect to anybody. This is being done in public interest. I hope with this explanation this clause will be passed.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): I am sorry I was not in the House to hear the whole of the speech of the Honourable Minister. I have heard only a part of it. But whatever reasons he has advanced, permit me to say, were very unconvincing. The question is that it is the Corporation that has to ask for the production of a certain document. It is not an individual member who may be interested one way or the other who will ask for these documents, but only the Corporation that will ask for them. There are 68 members on the Corporation. Does the Honourable Minister seriously contend that 35 of them will really go mad or will be interested in such a way as to ask for the production of a document which may have a certain bearing on a case in a court, and the production of which will be detrimental to the interests of the Corporation? And even if 35 people which will be necessary for a bare majority,

chosen by the public really go mad, there is no reason why their mandate should not be accepted. If they do ask for any document, there must be certain reasons for them to do so. We have no reason to suppose that the Corporation by majority will ask for documents which are either unnecessary or which may go to help the antagonists of the Corporation. The principle underlying this as I understand it is, whether the Corporation is to be supreme in its own house or whether the Chief Executive Officer will be its overlord. It is from this point of view that this clause has to be judged. The Corporation in its own house must be the supreme body. Its mandate, its judgment, and authority must prevail. The Chief Executive Officer if anything is a subordinate official of the Corporation, he must not be given powers to set aside the considered mandate of the Committee. And what a provision are we making? The Corporation asks for certain documents to be produced, the Chief Executive Officer is given the right to refuse their production and to say, wait till the next meeting. Then if they pass another resolution to the effect in a second meeting that these documents must be produced, even then the Chief Executive Officer has the right according to this clause to refuse their production and then a committee of three would be set up. It comes to this that the intelligence of these three members is to be considered to be better than the collective intelligence of thirty-five members of the Corporation who alone can form the bare majority. What right have we, I submit, to suppose that these 35 people will go mad and will ask for the production of the documents which are not necessary? I do know that there have been cases in the past where certain files have been missing. But it was because individual members asked for them and did not return them. I have got that experience, but when the Corporation itself asks for the production of certain documents, it will be neither fair nor just that the Chief Executive Officer should sit in judgment over them, and be given the right to refuse their production.

Production does not necessarily mean parting with the document. The Chief Executive Officer must produce the document required of him. He has to produce it in a Corporation meeting, presided over by the Mayor or the Deputy Mayor and attended by the councillors. The document after production may be taken back again. Do you think that all these people will go mad, and they will ask for documents which are either unnecessary or harmful to the interests of the Corporation? From whatever point of view we look at this thing, the question of all questions to my mind is this, whether the Chief Executive Officer is to be the supreme authority or the Corporation. To my mind the Corporation is the supreme authority and nothing should be done to impair its authority. With these few remarks I support the amendment that has been moved by my honourable friend Lala Sohan Lal.

Rai Bahadur Lala Sohan Lal (Urdu) : Sir, I will draw the attention of the Honourable Minister only to one or two points. In his reply he stated that no member of this House can see his files and, therefore, there is no justification why the councillors should have powers to see the documents the production of which may be deemed as prejudicial to the interests of the public or the Corporation by the Chief Executive Officer. I may tell him that there is no comparison between this House and the proposed Lahore Corporation. This House has vast powers. It can, if it so desires,

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change the Ministry. It can by passing a law to that effect require the Honourable Minister to produce any documents or files before the honourable members. The proposed Lahore Corporation will not have any such powers.

Then he said that the Lahore Corporation Act is different from the Municipal Act. But only yesterday when we moved an amendment to the effect that the life of the Corporation should be five years instead of three years he said that as the life of the local bodies is three years so the life of the Corporation should also be three years. But to-day he says that the constitution of the municipalities is different from the constitution of the proposed Lahore Corporation and that we should not expect it to be something on the lines of a municipal committee. This is a strange way of arguing.

I do not object to the powers of the Chief Executive Officer but so far as the procedure of requiring him to produce certain documents is concerned it should be made simpler and easier. No individual councillor will be able to see any documents. And if any councillor is desirous of seeing any documents he will have to first get a resolution passed by the Corporation to that effect and after the passage of that resolution it will be open to the Chief Executive Officer to say that it is not in public interest to produce those documents. The Corporation shall have to repeat the requisition. And again it will be open to the Chief Executive Officer to refuse to comply with the wishes of the Corporation. In case of a refusal to produce the documents the Corporation will form a committee to whom the documents will be disclosed by the Chief Executive Officer. Now, sir, is it not an unnecessarily lengthy and tedious procedure? There is no reason why the documents should not be shown to the Corporation if they so desire by passing a resolution to that effect.

Mr. Speaker : The question is—

That in sub-clause (3), lines 5—15, the words "it shall. . . . Thereupon " be deleted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): Sir I beg to move—

That sub-clause (3) be deleted.

Sir, I think the giving of so many powers to the Chief Executive Officer over the Corporation is most dangerous and is really a negation of the whole principle of local self-government. It will reduce the Corporation practically to a farce. I know when in a particular matter on a day when the members are willing to put forward their point of view and want to take action, sometimes when the matter is postponed to the next meeting, they are forced to change their mind altogether because in the meanwhile immense influences are brought to bear on them and the members are brought round to change their views. That is happening every day when the Ministerial Party in power is interested in a certain matter. Sir, giving this power under subsection (3) of section 52, to the Chief Executive Officer

as pointed out by Malik Barkat Ali, in his opening speech when the Bill was being introduced, would be most dangerous, because it would be a very reactionary step and really it would be against the famous Resolution of Lord Ripon, who inaugurated the reforms in connection with local self government. After reading this Resolution the honourable members will realize that the whole sub-clause (3) of clause 52 is most dangerous and reactionary. I will read with your permission, sir, what Lord Ripon said in his Resolution, as Governor-General of India. He says :

In advocating the extension of local self-government, and the adoption of this principle in the management of many branches of local affairs the Governor-General in Council does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the Government district officers.

Now, giving these powers to the Executive Officers is just the same. He is the same as a district officer. This subsection really contravenes the real intention of Lord Ripon, who brought in all these reforms in the very beginning. The Resolution further continues :—

It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education.

What will the members learn I ask when they are not allowed even to see the files? How can they decide, what to do and what not to do? How will they learn the principles of local self-government? You have the wrong notion that self-government is a substitute of good government. Present provision is undoubtedly a negation of local self-government. Every member should be allowed to go and see the files, so that he may get experience.

The Resolution further continues—

His Excellency in Council has himself no doubt that in course of time as local knowledge and local interest are brought to bear more freely upon local administration improved efficiency will in fact follow. But at starting, there will doubtless be many failures, calculated to discourage exaggerated hopes, and even in some case to cast apparent discredit upon the practice of self-government itself.

Some of the honourable members in this very House and even the Parliamentary Private Secretaries have been casting great reflections on the mentality of the members of the municipal committees.

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

It is always in their mind that they must do that thing which only the Government of the province or the party in power can control and not the elected members of the Corporation. The Resolution goes on—

If, however, officers of Government only set themselves, as the Governor-General in Council believes they will, to foster sedulously the small beginning of the independent political life, if they accept loyally and as their own the policy of the Government, and if they come to realize that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes, then it may be hoped that the period of failures will be short and that real and substantial progress will very soon become manifest.

The Honourable Minister in charge has not subscribed to this policy at all. He is in fact always pressing certain points which are contradictory and

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against what has been laid down in this famous resolution. He possesses the mentality of a district official as is pointed out later on in this Resolution of Lord Ripon. It says—

It is uncommonly asserted that the people of this country are themselves entirely indifferent to the principles of self-government; that they take but little interest in public matters; and that they prefer to have such affairs managed for them by Government officers. The Governor-General in Council does not attach much value to this theory. It represents no doubt the point of view which commends itself to many active and well intentioned district officers—

I think the Honourable Minister in charge of this Bill possesses the same mentality as the district officials though they probably are very well intentioned but they are very derogatory and detrimental to the progress of local self-government in the province. The Resolution goes on—

— and the people of India are, there can be equally no doubt, remarkably tolerant of existing facts. But as education advances, there is rapidly growing up all over the country an intelligent class of public-spirited men whom it is not only bad policy, but sheer waste of power, to fail to utilise.

Whom? It says that if those people, who are able, who can give time who are anxious to serve their country, who are prepared to take active interest in the affairs of the municipal committee, are given full freedom to work as they desire, then only you can push up the cause of local self-government. But is that true of our present Ministry? Have they been following those principles by the appointment of executive officers? I think they have not. Then the Resolution reads—

The task of administration is yearly becoming more onerous as the country progresses in civilisation and material prosperity. The annual reports of every Government tell of an ever-increasing burden laid upon the shoulders of the local officers. The cry is everywhere for increased establishments. The universal complaint in all departments is that of overwork.

(Interruption) I will read a few lines more and then I will ask you to seriously think over them and then frame your future policy of local self-government. The Resolution further reads—

Under these circumstances it becomes imperatively necessary to look around for some means of relief; and the Governor-General in Council has no hesitation in stating his conviction that the only reasonable plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs—

Are you inducing people to take active interest in their own affairs? I think not. The resolution further reads—

— and to develop, or create if need be, a capacity for self-help in respect of all matters that have not, for imperial reasons, to be retained in the hands of the representatives of Government.

The only exception, I may point out to the Honourable Minister, that Lord Ripon has made is the imperial interests. What imperial interests are involved in not showing certain files which the Executive Officer—I should say the dictator—in his pleasure does not like to show even in the Corporation? He is worse than a dictator that there can ever be because his powers under the Act are really supreme. I do not mind if Karachi and Bombay have adopted those things. If they have made mistakes, why should those mistakes be repeated here? The illustration that a single file of the Lahore Electric Supply Company was looked at by somebody

and some secret was given out while the Executive Officer could save the public from so much loss, was ill-placed. I ask if that Executive Officer were himself a dishonest person, then, can you stop that sort of thing happening? What would be the fate of public money then? I think with your five-eighths majority the Corporation will not be able to remove him and he will have his own way which might ruin the Corporation. I need not take you further to other parts of the Resolution. I want to press that this is a very reactionary and unnecessary provision and it reduces every Corporation to a farce. Therefore, sub-clauses (3) and (4) must be deleted.

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

That sub-clause (3) be deleted.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I would like to say a few words in support of the amendment now before the House. At the very outset I must confess that I have not been able to follow the Honourable Minister in so far as he has likened the Chief Executive Officer to the Honourable Ministers of this House. I find pole's distance between the two. Anyway the first question that arises is whether the Chief Executive Officer is subordinate to the Corporation or the Corporation is subordinate to him. If he is not subordinate to the Corporation, in that case it will be open to him to show or refuse to show any file to any councillor. But if he is the servant of the Corporation, as we believe him to be, it will simply be impudence on his part not to show any file to any councillor if he wishes to see it. I ask, if any master employs a servant and entrusts some duties to him, will it be in any way proper for the servant to tell the master that he will not show a certain file to him? Now the Honourable Minister has quoted the instance of this very House in support of his contention. I may tell him that it is not a relevant instance. For, here the Ministers are appointed by us. They are our own representatives and it is open to any Minister to say that certain file or confidential correspondence cannot be made public. But that will not be the case with the Chief Executive Officer. He will be appointed by the Government and will in no way be the representative of the citizens of Lahore. How can he enjoy as much confidence as is enjoyed by Honourable Ministers of this House? If he is appointed from amongst the councillors, then there would be some logic in his argument.

If the councillors or the Corporation as a whole is not entitled even to examine the files, then in the words of my honourable friend, Mian Muhammad Nurullah, this body will be nothing more than a farce. The result of all the labour spent on the measure and of all our deliberations will be that all the citizens of Lahore will be at the mercy of a person fallen from above and all their representatives will stand condemned as inefficient and untrustworthy. The Chief Executive Officer will consider himself to be the only person worthy of trust and the Corporation will have to be content with submitting to his orders and decisions. I submit that in these circumstances the Corporation will be as good as a dead body. If you cannot repose even this much trust and confidence in the chosen representatives of the people, why have a Corporation at all? Therefore, I cannot but oppose this sub-clause in its present form.

Mr. Deputy Speaker : The question is—

That sub-clause (3) be deleted.

The Assembly divided : Ayes 10, Noes 89.

AYES.

Barkat Ali, Malik.
 Faqir Chand, Chaudhri.
 Gopal Das, Rai Bahadur Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Lal Singh, Sardar.
 Muhammad Hussain, Sardar.

Muhammad Nurullah, Mian.
 Rashida Latif Baji, Begum.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sita Ram, Lala.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable
 Mian.
 Abdul Rab, Mian.
 Abdul Bahim, Chaudhri (Gur-
 gaon).
 Akbar Ali, Pir.
 Amjad Ali Shah, Sayed.
 Ashiq Hussain, Major.
 Badr Mohy-ud-Din Qaderi, Khan
 Sahib Sayed.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazl Din, Khan Sahib Chaudhri.
 Ghazanfar Ali Khan, Raja.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Harnam Singh, Captain Sodhi.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Tiwana, The Honour-
 able Malik.
 Mohy-ud-Din Lal Badshah, Sayed.

Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Azam Khan, Sardar.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 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, Bana.
 Nawazish Ali Shah, Sayed.
 Prem Singh, Mahant.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Roshan Din, Chaudhri.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mr. Deputy Speaker : The question is—

That clause 52 stand part of the Bill.

The motion was carried.

Clauses 53 to 56.

Mr. Deputy Speaker : The question is—

That clauses 53 to 56 stand part of the Bill.

The motion was carried.

Clause 57.

Mian Muhammad Nurullah : Sir, I beg to move—

That in sub-clause (2), line 5, between the words "paid" and "by", the words "within six months of taking once the possession of that land" be inserted.

Sir, if I am to quote instances, there are so many instances where prices of land acquired for public utility are not paid for many years even by the Government. I think the Corporation is bound to take longer in many cases. So there should be some restriction and time limit. I know from my personal experience that some land was acquired by the Hydro-Electric Department at Lyallpur, near the power house for extension of quarters for Government servants there. That was taken possession of in 1936 or 1937, but even up to this day not a penny has been paid.

If the Government fixes the price according to the market value that value should be paid at once or at least within six months, and if it is contested and the price is increased by the higher authorities then the further amount should be paid. In any case the price should be paid within six months by the Corporation.

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

That in sub-clause (2), line 5, between the words "paid" and "by", the words "within six months of taking once the possession of that land" be inserted.

Minister for Public Works : Sir, I oppose the amendment, the reason being that first of all the honourable member unnecessarily assumes that there will be delay. The wording is "be forthwith paid". I do not think that his personal experience of Lyallpur and of the Hydro-Electric Department should be imported into the discussion of this clause. If the honourable member had any difficulty then the proper course for him was to go to the civil court and ask for redress, the law of the land is there, instead of putting unnecessary additions to the clause. I oppose the amendment.

Mr. Deputy Speaker : The question is—

That in sub-clause (2), line 5, between the words "paid" and "by", the words "within six months of taking once the possession of that land" be inserted.

The motion was lost.

Mian Muhammad Nurullah : Sir, I beg to move—

That in sub-clause (3), line 7, between the word "street" and the sign ",", the words "up to a certain limit to be fixed in the rules to be made under this Act" be inserted.

Sir, the sub-clause reads as follows :—

When any land is required for a new street or for the improvement of an existing street, the Corporation may proceed to acquire in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purpose of this Act.

[Mian Muhammad Nurullah.]

This is a very wide power indeed. If any Administrator or an Executive Officer of the Corporation takes into his head to have four roads like the Mall and tries to have those roads run through the Lahore town and wants the streets to be as wide as he likes, then nobody can stop him. If there is any question of making money the Corporation by acquiring additional land along the streets is likely to make money. There seems no interpretation or intention except this behind this sub-clause. If they require 20 feet wide road they should not be allowed to go further. If they want to build houses on both sides there should be certain limit provided under the statute. I do not know if the Administrator or the Executive Officer of the Corporation wants a street 60 feet wide he should have the power to acquire land along that street about 200 or 500 yards as he likes. He may demolish the houses of the very poor people living around those streets in the suburbs of Lahore and in Lahore proper. Therefore if he wants to make along the street shops some limit should be fixed, say 20 feet. If he wants to have bungalows then the limit should be fixed of say 4 kanals, say with a width of 110 yards. In any case the limit should be fixed, otherwise it will mean a great hardship on the people who live by the sides of the streets in small houses. Of course I would like certain houses to be demolished, but at the same time I would not like any power to oust people who do not want to go, if the Corporation wants to acquire land for purposes of reselling it. In any case I want the limit to be fixed.

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

That in sub-clause (3), line 7, between the word "street" and the sign ",", the word "up to a certain limit to be fixed in the rules to be made under this Act" be inserted.

Minister for Public Works : Sir, first of all the honourable member thinks that this clause is a new one and we are taking powers which might be misused to the detriment of the general public. I would refer him to section 58 of the Municipal Act. That is exactly what we have got here word for word. Therefore it is already in the Municipal Act which has not been misused and there is no likelihood of this being misused in future. Secondly, it is almost impossible to lay down rules. Streets vary in width: certain width is necessary for one street while a longer stretch is required in another street. How can we lay down any limit by legislation. It has got to be left to the discretion of the Corporation. I think the honourable member can well be assured that the Corporation would not like unnecessarily to harass the public. In any case it is necessary to have this power as is the case under the Municipal Act to build utility works. I do not think, therefore, that the honourable member need insist on this amendment.

Mr. Deputy Speaker : The question is—

That in sub-clause (3), line 7, between the word "street" and the sign ",", the words "up to a certain limit to be fixed in the rules to be made under this Act" be inserted.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 57 stand part of the Bill.

The motion was carried.

Clauses 58 to 65.

Mr. Deputy Speaker : The question is—

That clauses 58 to 65 stand part of the Bill.

The motion was carried.

Clause 66.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (1) (b), line 1, between the words "balance" and "standing" the words "or balances including any items under suspense or transit" be inserted.

I move this amendment only with a view to elicit certain explanation,
 3 p. m. At the time this Act comes into operation and the Corporation begins to function there are bound to be certain balances to the credit of the present Administrator and there are also bound to be certain items under suspense or in transit. I should like to know what would happen to those items under suspense or in transit.

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

That in sub-clause (1) (b), line 1, between the words "balance" and "standing" the words "or balances including any items under suspense or transit" be inserted.

Minister for Public Works : I think the wording of this sub-clause is wide enough to include all moneys that may be standing to the credit of the Administrator. There is no idea of keeping any money outstanding to the credit of the Administrator from the Corporation. In fact the Corporation will be the successor *in toto* to all the assets as well as the liabilities of the present Administrator.

Mian Muhammad Nurullah : I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (2), line 4, for the words "municipality of Lahore", the words "Lahore Municipal Committee" be substituted.

The motion was carried.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (2), line 6, for the word "municipality" the words "municipal committee" be substituted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 66 as amended stand part of the Bill.

The motion was carried.

Clause 67.

Mian Muhammad Nurullah : I beg to move—

That in part (b), line 1, for the word "of" the word "for" be substituted.

The word "of" is likely to create an ambiguity. It may mean either expenses incurred by the Corporation in arranging for elections or expenses

[Mian Muhammad Nurullah.]

incurred by the candidates in election. In order to remove the ambiguity and to confine the expenses only to arrangements for election I suggest the amendment. If the intention of the Bill is to provide for the election expenses of the candidates, then everybody would like to seek election to the Corporation.

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

That in part (b), line 1, for the word 'of' the word "for" be substituted.

Minister for Public Works: There is no ambiguity as far as I can see and even if there is room for ambiguity, I think it is a matter that can well be left to the drafting committee to set the matter right. I do not think the honourable member need worry the House with this amendment. Even in the Karachi Act the same wording occurs in section 77(b) and the Karachi Corporation has not paid the expenses of individual candidates seeking election.

Mian Muhammad Nurullah: If there is no danger of ambiguity, I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mian Muhammad Nurullah: I beg to move—

That in part (c), line 7, for the words "by the provincial Government" the words "by any Government" be substituted.

The sub-clause as it stands provides for the salaries, etc., of the officers lent by the provincial Government only. It is possible that the Corporation may need the services of an expert from another provincial Government or from the Government of India. Under the sub-clause as it stands it may not be possible for the Corporation to obtain the services of experts from other provincial Governments or from the Government of India. My amendment, therefore, proposes to widen the selection of experts from outside the province also.

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

That in part (c), line 7, for the words "by the provincial Government", the words "by any Government" be substituted.

Minister for Public Works: I must confess, I do not see what difficulty the honourable member is providing for. As the provision stands at present the Corporation can have the loan from the Provincial Government of the services of the Executive Officer, or the Engineer or the Medical Officer of Health and so on, as is the case even now. Probably the honourable member thinks that the Corporation can address other provincial Governments or the Government of India directly for the loan of their officers. The Corporation is not an independent body in the sense that it can address the Government of India or other provincial Governments directly. If experts are required it will address the provincial Government and if the provincial Government cannot supply such officers from its own services, it will get them from other provincial Governments or from the Government of India. I do not see any difficulty and, therefore, I am unable to accept the amendment.

Mr. Deputy Speaker : The question is—

That in part (c), line 7, for the words "by the provincial Government", the words "by any Government" be substituted.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 67 stand part of the Bill.

The motion was carried.

—————
Clauses 68 to 73.

Mr. Deputy Speaker : The question is—

That clauses 68 to 73 stand part of the Bill.

The motion was carried.

—————
Clause 74.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (4), line 1, after the word "adopt", the words "amend or reject" be added.

The sub-clause says that "the Corporation shall finally adopt the budget estimates before the beginning of the year". It is not necessary that the Corporation should adopt the budget as placed before it by the executive officer. It is always at liberty to amend or reject the budget proposals. Even in this Assembly when the Finance Minister submits demands for grants, this House has the right to accept or reject or amend it. Similarly the Corporation also shall have the right to reject or amend the budget. That is why I have suggested the amendment giving the Corporation liberty to reject or amend the budget proposals.

Mr. Deputy Speaker : Amendment moved is—

That in sub-clause (4), line 1, after the word "adopt", the words "amend or reject" be added.

Minister for Public Works : I must say that as far this is concerned, the clause seems to be on the lines of clause 88 of the Karachi Act, and there has been no difficulty experienced there. My honourable friend is trying to read in it something which does not exist. He fears that there will be some difficulty. The Corporation shall adopt the budget before the beginning of the year and they can revise it and they can amend it. If they do not, then the proviso provides for that contingency. I think the amendment is unnecessary.

Mr. Deputy Speaker : The question is—

That in sub-clause (4), line 1, after the word "adopt", the words "amend or reject" be added.

The motion was lost.

Rai Bahadur Lala Gopal Das : I beg to move—

That leave be given to move—

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

"(5) The Corporation shall make available copies of the budget estimates as finally approved to the public at a reasonable price."

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 74 stand part of the Bill.

The motion was carried.

—————
Clauses 75—77.

Mr. Deputy Speaker : The question is—

That clauses 76—77 stand part of the Bill.

The motion was carried.

—————
Clause 78.

Mian Muhammad Nurullah : I beg to move—

That in proviso (i) to sub-clause (1), lines 7-8, for the words "over a term of years," the words "at least over ten years" be substituted.

Proviso (1) reads :

No loan shall be raised for the construction of any work other than a permanent work which expression shall include any work of which the cost should, in the opinion of the Provincial Government be spread over a term of years.

It is possible that it might even include works the cost of which will be spread only over three or four years. I want that it should be at least over 10 years. That should be the least life of any permanent thing. Therefore I think there should be a limitation of at least ten years.

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

That in proviso (i) to sub-clause (1), lines 7-8, for the words "over a term of years" the words "at least over ten years" be substituted.

Minister for Public Works : I do not think there is any necessity to provide a statutory limitation in this case. The object is that the Corporation may not go and borrow money for ordinary current expenditure. It should only be done in those cases where it is essential that the liability should be met by means of a loan, and the limitation, you will see, shall in no case exceed fifty years. So this will be fixed mutually between the Corporation and the Government.

Mian Muhammad Nurullah : I beg for leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. Deputy Speaker : The question is—

That clause 78 stand part of the Bill.

The motion was carried.

—————
Clauses 79—101.

Mr. Deputy Speaker : The question is—

That clauses 79—101 stand part of the Bill.

The motion was carried.

—————
Clause 102.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour) (Urdu) : Sir, I beg to move—

That in sub-clause (1), line 2 for the word 'shall', the word 'may' be substituted.

Before I proceed with my speech I would like to refer the honourable members to the clause as it stands :

(1) For the purposes of this Act, the Corporation shall impose a tax on lands and buildings to be called 'the Property Tax'.

You will observe, Sir, that the word 'shall' connotes compulsion on the part of the Corporation to impose property tax while the object of my amendment is to leave the matter to the discretion of this body. I fail to understand why Government are bent upon tying the hands of the Corporation that they must levy this tax. When we are already vesting powers in the Corporation for imposing taxes, where is the necessity or justification in forcing them to levy the property tax? I would, therefore, urge upon the Government the desirability of substituting the word 'may' for the word 'shall'. I need not dilate upon this subject as the justification for the incorporation of this amendment is quite apparent. I am sure the Government would be disposed to accept it.

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

That in sub-clause (1), line 2, for the word "shall", the word "may" be substituted.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*): Sir, I have also given notice of a similar amendment and it runs as follows:—

That in sub-clause (1), lines 2—5, for the words "shall impose tax", the words "may impose a property tax" be substituted.

Sir, the object of my amendment is that the Government should not compel the Corporation to impose a tax without fail. What I want is that the Corporation may be empowered to use its own discretion in imposing or not imposing a tax. The Government should not say that the Corporation shall impose this tax. It appears that the Government intends to reduce the councillors to mere puppets by reserving all powers in its own hands. After all, what is the justification for treating the representatives of the public so shabbily? It will reduce the Corporation to a mere toy. Its councillors will have absolutely no powers in their hands, and will be there merely to obey the instructions of the Government. The Honourable Minister keeps repeating that this Bill has been modelled on the Corporation Acts of Bombay and Karachi, but I take it that all the defects of those Acts have been incorporated into this Bill while their good points have been discarded by its framers. A *verbatim* copy of the Corporation Act of Karachi would have been more welcome than this Bill. We would not have objected to that, although there is a great difference between the circumstances of the two cities. At any rate a copy of that Act would have been immensely better than this measure. So far as the question of taxation is concerned, I admit that after all the Corporation would need funds to carry on its duties. It will be called upon to impose some sort of taxation. The drainage scheme cannot possibly be abandoned now that its work has already been taken in hand. It will not be possible to complete it without funds. This will necessarily lead the Corporation to impose some tax. But questions such as the amount of money required, the persons upon whom the tax is to be imposed, who is to be exempted, when the tax is to be removed and how long it is to continue, must be left with the Corporation to decide. It may, however, be made

[Begum Rashida Latif Baji.]

clear that no tax is to be imposed on those lands which yield no income or which are under cultivation. The representatives of the public will be conscious of the need and the troubles of the people and they will not act blindly. On the other hand if they are compelled to impose taxes, the poor people will be hard hit by them. I will, therefore, appeal to the Honourable Minister, who, I am sorry to observe, is busy with some thing else—

Minister for Public Works: Oh, I am all ears; I am rather overawed by you.

Begum Rashida Latif Baji: You need not fear. At present there is nothing to be afraid of. Frightful things will, however, come later. (*Laughter.*) I would appeal to the Honourable Minister to leave the question of taxation to the discretion of the Corporation.

With these words, Sir, I commend my amendment for the acceptance of the House.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural): Sir, I wish that the Honourable Minister of Public Works had given some reasons for selecting this tax as one of the taxes which the Lahore Corporation must impose. Direct taxation is recognised on all hands to be least pleasant and very irksome to pay. Is it the intention of the Punjab Government that even when the Lahore Corporation let us assume, under the guidance of the Provincial Government has evolved a system of taxation which is enough to meet the needs of the town and even in circumstances where the property and house tax is not necessary, that the Corporation should continue to impose a tax on lands and buildings? When we speak of Lahore, we all know that a tax already exists and therefore, I do not see any justification for laying a compulsory obligation on the Lahore Corporation to levy a tax of this kind. Does the Honourable Minister of Public Works think that even if a well organised system of indirect tax based on an equitable distribution of the burden has been brought into existence, the Lahore Corporation must upset that equilibrium by imposing this tax? Would he not be well advised in accepting things as they exist? Would he not be well advised to leave the matter within the discretion of the Lahore Corporation? What harm would be done if this matter is left to the discretion of the Lahore Corporation? You are constituting the Lahore Corporation in such a fashion that without the approval of the Punjab Government nothing can possibly be done by it—a Corporation in which there are 17 nominated members in addition to eight who are nominated by special constituencies among whom is the Lahore Improvement Trust. Does the Honourable Minister think that this tax is going to be repealed by the Corporation which is going to be created by this Act? But if a contingency like that arises and if the Lahore Corporation is able to discharge the duties which this Act imposes on it without any resort to this taxation, why should this Government compel the Corporation to levy a tax of that kind? That is the question, I ask. Has Government considered all the various methods of taxation which have been resorted to by the municipalities in the different parts of the world and has it come to the conclusion that this is the best and most equitable form of taxation? Now, what is the reason for selecting this tax? I should

like to ask the members of the Government to explain why they have chosen this tax as a compulsory tax. Can they justify this on any rational grounds? Again, sir, the phraseology of this clause is worth noting. It says, it "shall impose a tax on lands and buildings". Now we all know very well that there is a house tax in Lahore but there is no tax on lands within the municipal area which are being cultivated and pay land revenue. Is it the intention of this legislature that the Lahore Municipal Corporation should be compelled to put a tax on lands of those agriculturists who actually cultivate lands? The area of the Lahore Municipality was sufficiently extensive even if you consider the area as it existed two years ago and there were in it agricultural lands, lands where vegetables, fodder and other crops were grown and the Lahore Municipality did not tax them. Now, is it the intention of the Honourable Minister to compel the Lahore Corporation to levy a tax on these lands? And is it its intention to levy a tax on lands which though they are not used for agricultural purposes, are not being cultivated, are not being built upon but are merely kept as urban sites, not bringing in any rent? We know that the tax is not levied on such lands now. Is it the intention of this clause that the Municipal Corporation should be compelled to levy a tax even on those lands which happily after discussion have also been excluded from the operation of the measures of the Provincial Government relating to the urban immovable property. Sir, I respectfully submit, this is again one of those instances of ill-considered legislation. It seems to have been copied from somewhere. I do not suppose that it is even copied from some reasonable legislation. It seems to have been evolved by the fertile imagination of some of the members sitting on the Government benches. I submit it is again one of those clauses which like the other clauses of this huge Bill, this big party which professes to govern this province, does not care to read, much less to scrutinize. Sir, I wish to repeat again that there is a duty cast on members of the Unionist Party especially in the absence of the official opposition. It is a matter of great regret to me that such a worthless Bill has been put before the House and I challenge the members with the exception of perhaps one or two sitting on those benches to say that they have cared to go through these clauses.

Minister for Public Works : Nor have you. You have just come from the High Court.

Rai Bahadur Mukand Lal Puri : When arguments and reason fail it is usual to fling sarcasm and abuse on others, but I have always found that this Government not only has never attempted to justify any of these measures on any reasonable or intelligible ground but has treated this House and this party with contempt, it does not even attempt, it does not even make the least effort to attempt to justify its measures which would appeal to anybody's intelligence. I ask my honourable friend of learning and ability with stake in this country, Maulvi Ghulam Mohy-ud-Din, who does not unfortunately happen to be on the ministerial benches and I do not see any reason why he should not be here, I ask Chaudhri Karamat Ali and Pir Akbar Ali and I ask the veteran member of this House, Nawab Fazl Ali who has been the President of the District Board of Gujrat for a number of years whether they do not owe this duty to this province for whose legislation they are responsible that they should at least study this measure. They

[R. B. Mukand Lal Puri.]

should not be blind. It is painful that democracy in this province has been reduced to such a farce. One can understand Hitlerism, one can understand Fascism in the hands of able people but what happens here is beyond anybody's comprehension that people come here without reading. I make bold to say without reading what they have to pass. If they had read it whatever is satisfactory for Maulvi Ghulam Mohy-ud-Din should be satisfactory for me and I would at any rate have the satisfaction that Maulvi Ghulam Mohy-ud-Din has studied this. I have studied the Bill but my study is useless because this Government proud of its tradition will not accept even the most reasonable amendment coming from the Opposition. We know it to our cost. When we have some very reasonable amendment to make we have very often prevented our friends here from suggesting it lest coming from this side of the House it might be turned down and I have taken the assistance of some of my honourable friends of the ministerial benches to see it through. This is the only way we have been able to help the administration. Therefore, I respectfully ask the Government, why should they tie the hands of a subordinate legislature like the Lahore Corporation in such a disgraceful fashion? If you must levy this tax without rhyme or reason then I submit that the clause as it stands is open to objection.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I also rise to support Rai Bahadur Mukand Lal Puri in this matter that even reasonable amendments are never cared for and we are not encouraged to give even the most reasonable amendments. There are very many members who are very keen to move certain amendments which they feel should be carried through, but their hands are tied and they cannot but sit tight. The present is an instance in point. The clause as it is is very unreasonable and nothing short of reducing local self-Government to a farce. I know that there are many zamindars whose lands have been brought within the municipal limits, the limits that would be of the Corporation later on, without their consent and without their knowledge and against their wishes. I know there are many lands which will never yield any penny, they are *kalrathi* or waterlogged and there is *shor* or something else of the sort by which the lands have degenerated into something that requires money to improve them not in hundreds but a few thousands to improve a few acres and bring them to such a stage when you can cultivate them. There are plots that do not yield any penny. I unfortunately have got a plot which I bought last year for building. But I am afraid there is the Administrator who would not sanction the plan for one reason or the other and that land is not going to yield anything to me and it would not be worthwhile during the war to spend anything on brick and mortar. To impose further taxation on lands that do not pay at all would be the last straw on the camel's back. I think these lands which are already paying 25 per cent as land revenue and in addition have to pay certain other taxes like the urban property tax would be very hard hit and the landowners would be very sorry for having come within the Corporation, for, the inclusion of these lands would be to their detriment. They would be sorry that that notification including them in the Corporation was made and this measure was passed and they will be sorry that other measures are being daily passed which they do not like. On their behalf also I raise a voice of protest and submit that this

compulsion should not be there, both from the point of view of local self-Government and from the point of view of these poor people who already pay so many taxes. They would be very hard hit. I therefore request that this amendment may be accepted and instead of the word "shall" the word "may" be substituted just as it is in sub-clause (2).

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I have risen to make a few submissions in support of the amendment now before the House. If the Government wants that the Corporation should have no powers worth the name then a proviso of this sort is quite justified. But if it is intended that the Corporation should enjoy some powers, then a provision like the one under consideration, should not be incorporated in the Bill. This clause in its present form makes it imperative on the Corporation to levy the property tax. The purpose of the amendment by substituting the word "shall" by the word "may" is to leave it to the discretion of the Corporation to levy or not to levy the property tax. Let me carry you back to the history of house-tax. The plea for the imposition of house-tax was that the drainage scheme for the city of Lahore had been undertaken and for it money was required. Now, is it necessary to continue the realization of the house-tax even after the drainage scheme has been completed? It ought to be open to the Corporation to discontinue the levy of the house-tax after the drainage scheme has been completed. But here the levying of house-tax has been made perpetual. It appears that the Government want to keep the Corporation under their control as the previous Government wanted to keep the Lahore Municipal Committee under their heavy thumb. If the Lahore Municipal Committee was superseded it was not because of the fault of the members of that committee but because the Government wanted to keep it under their control and the self-respecting members refused to be slavish in their outlook. Again we find that the Government are moved by the same desire. They want to keep the proposed Corporation under their control, first by introducing in it the nominated element to the tune of one-fourth of the total number of the councillors, and then by the aid of such provisions as the one now under consideration. It would be quite unjustified not to give power to the Corporation consisting of 68 responsible councillors to discontinue a tax in case of there being no need for it. The real thing is that the Government wants to put a Chief Executive Officer at the head of the proposed Corporation to do Government's bidding, just as an Executive Officer was placed over and above the head of the Lahore Municipal Committee. Such a Corporation will be no Corporation. With these few words, I support the amendment moved by my honourable friend.

Syed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural): I have heard very carefully the speeches made by my learned friends opposite. They without any exception have said that they would not like the provision in this Bill whereby the Corporation shall be compelled to levy a house-tax or a property tax. My honourable friend, Lala Sita Ram, who has been associated with the Municipality of Lahore and later on with the Committee which met to consider the drainage scheme knows that Government has committed itself to recover house-tax so as to pay back the loan which has been advanced to the Municipality of Lahore. Now, supposing that such a provision is not put in the Act and the members of the Corporation of Lahore come to the

[Sayed Amjad Ali Shah.]

conclusion that they do not want the house-tax, then how is Government going to recover the advances to the Lahore Municipality? Secondly, the argument of my honourable friend Lala Sita Ram is that supposing in the course of time, the money collected from the house-tax is enough or is more than the loan, then the house-tax shall be still imposed. My answer to that will be, "Yes". Unfortunately I do not see eye to eye with my honourable friend's point of view. My reason for continuing to impose the house-tax is that with this tax the Corporation will have enough money to spend on the town of Lahore. Unless you have money, you cannot have amenities. I may draw the attention of the honourable members to bigger cities of India, like New Delhi, Bombay and Calcutta. Those honourable members who have seen these cities, will agree with me that our town of Lahore, although it is bigger in population, yet we lack many of these necessary amenities.

After saying this, I want to ask one question from the Honourable Minister of Public Works. In this clause it is said that the property tax shall be levied on lands and buildings. One can understand a tax on buildings, because it is going to be provided with amenities to the tenants or to the occupants of those houses; but may I ask what amenities will be provided for land sites, which are not built upon and which are absolutely barren? Surely, the intention of the Government cannot be to make this tax a capital levy, which is left for the Provincial Government to levy. We have already passed a Bill of that kind and it has now become an Act. If you will look at clause 132, where exemptions are provided, there also I do not think the intention of the Government is to ask the Corporation to levy a tax on land, because, there exemptions have been provided for buildings which remain unoccupied for 60 days. The clause says:—

When any building or any portion of a building treated as a separate property for the purpose of assessment under any provision of this Act has been vacant and unproductive of rent for a period of at least sixty consecutive days—

You will see, that here land has been omitted and Government's intention is only to tax buildings and not lands. I do not understand what the actual intention of Government is. I would, therefore, humbly request the Honourable Minister that this tax should not be a capital levy, which I do not think is within the province of any Corporation, but a tax on buildings and not on lands.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural): Mr. Deputy Speaker, in the first place I am surprised that the speaker who has just sat down should ask, if the Corporation fails to pay loan, how will the Government recover it? He forgets that the Corporation is a successor to the Municipality of Lahore. Clause 3, which we have passed, says:—

"All debts and obligations incurred, all contracts entered into with and all matter⁶ and things engaged to be done by, or for, the Municipality of Lahore, or the Administrator, before this Act comes into force shall be deemed to have been incurred, entered into with or engaged to be done by, or for, the Corporation as constituted under this Act."

So, whatever the Municipality does, the Corporation is bound, under law, to fulfil it. There is no reason for us to say that the Corporation must not—

Minister for Public Works: From where is the money to come?

Sardar Lal Singh : The money will not come from heaven. The money will come from where it has to come. The money will not come by the word "shall" or the word "may". I think while discussing this clause, the Honourable Minister in charge of the Bill did not say, that this clause is a replica of the Karachi Act. I do not know whether the word "shall" is there or not. I do not know why this poor city of Lahore has been linked up with the city of Karachi. The city of Karachi is perhaps 60 or 80 or 100 years old. Perhaps it was a fishing village in those days when there was no maritime power, there was no trade worth the name, and the coast line was blank. There was no population worth the name. I know the city of Rangoon, which has a Corporation also and where I have spent about 10 years. This city of Rangoon used to be a small village. Now to-day it is a big town. To compare Karachi or Rangoon with Lahore is beyond the comprehension of any man. The city of Lahore is a very old, ancient town. The name of Lahore is derived from Lahu. It is an ancient historical city, filled with monuments and historical places. It is very unwise on the part of this Unionist Government, although this is not the first unwise act which they have committed since they came into power, to compare the ancient City of Lahore, with modern cities of India, like Karachi and Bombay. This Government is deaf to all advices and counsels of wisdom.

Now, coming again to this clause, the clause shows that this Corporation shall levy a tax to pay the debts of the Lahore Municipality or to raise money for other projects. Is it necessary that the Corporation should be made to raise certain amount of money? Then, again, they have said that the tax shall be about 10 per cent. In the city of Lahore there are certain colonies, which are awaiting population, which are awaiting building of houses and to compare Karachi, where people are flocking and where no land is available, on harbour and on the sea port, I think, it is altogether out of proportion to compare these colonies with the land of Karachi. Then, again, there are agricultural lands, which are already paying tax. Therefore, I submit, that this word "shall" is entirely out of place here, and the word "may" should be substituted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Mr. Deputy Speaker, the question is not whether the house-tax should or should not be imposed; the question is not whether it would be appropriate or inappropriate to impose this tax, but the question is whether this legislature should or should not take it into its head to dictate to the Corporation of Lahore that they shall impose such and such a tax. That is the question which this clause involves and which the amendment seeks to set right. The councillors will be responsible people. They are to consist of sixty-eight people. Three-fourths of them are to be elected by the Lahore citizens and one-fourth to be nominated by the Government. So, in all cases a certain element of responsibility will be exercised in returning those councillors to the Lahore Corporation. We have no right to suppose that the councillors thus sent to the Corporation will not be fully alive to their responsibilities. Lahore people do know that they want amenities of life. They further know that those amenities cannot be had without money. So, we have no reason to suppose that the councillors will shirk their duty in the matter of raising taxation and I do not see what earthly reason we have got to dictate to them that they shall raise money by a certain process

[S. S. Sardar Santokh Singh.]
of taxation to which this Government is committed, and not by another. This Lahore Corporation is to be an autonomous body. It is to be self-governing. Therefore, why not leave to them the form of taxation? They will have to run the institution so that it should not be superseded over and over again. So, why not leave to them to find out the best means of taxation which they think will be most appropriate? They take all the liabilities and assets of the Municipality and the Administrator and it is they who will have to provide the citizens of Lahore with amenities of life and see the institution running. To impose such restrictions upon such an autonomous body is neither wise nor necessary. Let them learn—I would go so far—even by their mistakes. Who are we after all to dictate? We are not as much interested in Lahore as they shall be. We come from all over the province and most of us are those villagers who would even like the Mayo Hospital to be demolished if it lay in their power. Therefore, what earthly reason have we got to dictate terms to them? Are we the better people to judge the requirements of Lahore city or are we the chosen representatives of Lahore? The Corporation will be the fittest body to exercise discretion in all these matters of taxation and for the provision of all these amenities for Lahore people. So, let us not be unwise in thrusting advice over them. You not only thrust advice but you tell them, as if they were school boys, that they shall go thus far and no further. Why not leave it to them? Do you not want them to be autonomous? Otherwise, what is the use of the Corporation and the big name of "Corporation" will not mean anything tangible otherwise. We have just seen that the Corporation has been denied the opportunity of asking for files from the Chief Executive Officer. The Chief Administrative Officer, who will be appointed by the Government, will be there to guide them. Why not leave matters to his discretion, and to his good sense? He will guide the Corporation all right, and he will be a Government man. He will be in the best position to advise the Corporation how they can pay their loans and in what manner they should impose taxation? What earthly reason there is for this legislature to interfere. The Honourable Minister of Public Works is fond of quoting Acts of Madras, Bombay and Karachi. Is there any such provision in any of those Acts? If there is any, kindly do tell us?

Minister for Public Works : Let my turn come.

Mr. Deputy Speaker : Order please.

Sardar Sahib Sardar Santokh Singh : I feel sure there could be no such provision. There could be no such clause. If there is any, we have to live and learn but I believe that there is none. Nevertheless even if the other legislatures have made a mistake, in making such a provision, let us be wise, and give the fullest powers to the Corporation to go their way. If they fail, let them fail and people will know it. Under the present circumstances if anything happens to the Corporation, people shall blame the Government in turn and say that we wanted to bind their hands in this way and that. We all know that nothing can be done without money and money will have to be raised. Why should we thrust a certain form of taxation? Let it be left to the Lahore citizens. They are the best judges. If the electors of Lahore give a certain mandate to their representatives in the

Corporation that they shall impose this tax or that tax, then those electors will be quite justified in doing so. We people, who cannot be so much interested in Lahore, have really no reason to thrust that provision over them. So for goodness sake do not bind their hands. Give them freedom of action, the very essence of self-government, and I hope that everything will be all right. With these remarks I support that the word "shall" be substituted by the word "may".

Mrs. J. A. Shah Nawaz (Outer Lahore, Muhammadan, Women Urban): Mr. Deputy Speaker, I am one of those persons who believe that there have been two main causes for the failure of local self-government. One of those two causes has been that when the control of local self-government was transferred to popular hands, the Governments of different provinces did not think it worth their while to provide all the necessary things needed to bring municipal administration up to date. What happened so far as the Lahore Municipal Committee was concerned? I remember when I first entered the Lahore Committee as a member, I took a copy of the budget with me to my house and studied all the figures. I looked at the income of the Lahore Municipal Committee and then at the list of expenditure incurred annually. After that I went all over Lahore in order to find out the immediate necessities of the people. After careful consideration I came to the conclusion that we needed at least twenty to thirty lakhs—if not more—in order to have the ordinary modern conveniences for making the City of Lahore a clean town. The figures of income and expenditure revealed that while the income that year had been a little over 22 lakhs, nearly eight lakhs of rupees were being spent on education, another four lakhs was required for electricity and after excluding the expenses required for general administration, there was hardly anything left over for any improvement. I said to myself, "What can be done in order to get the lump sum which we need for different things and which we ought to have immediately." We, the three women members of the Lahore Municipal Committee, consulted among ourselves, and we came to the conclusion that a house-tax would be the only solution of our problem. We saw a large number of our men colleagues and told them that almost every other big town, especially in the presidency towns and in Delhi, had been levied a house-tax and by that means money was being realised for necessities and also for improving the administration. We asked them why it was that in Lahore alone, when the people were enjoying all the amenities, no such tax had been levied? After talking to them we came to the conclusion that as far as the men members of the Lahore Municipal Committee were concerned they were not prepared to propose any taxation because they were afraid of losing their seats. When we realised that it was not possible for us to get the male members of the Lahore Municipal Committee to propose any such taxation, we three women members decided to take up the matter in the committee, and we moved a resolution which initiated the levy of a house-tax.

Lala Sita Ram: Is it not a fact that some male members had moved the house-tax, when the question of general sanitation was moved by the honourable lady members?

Mrs. J. A. Shah Nawaz: I am sorry that the honourable member does not agree with me about facts but he knows the full history of it.

Lala Sita Ram : Who proposed the house-tax then, in that meeting ?

Minister for Public Works : We take it you did not agree at the time.

Lala Sita Ram : That is not the question, Sir.

Mrs. J. A. Shah Nawaz : Dr. Mrs. Shave did it.

Lala Sita Ram : No. Not at all.

Mrs. J. A. Shah Nawaz : And we supported her. After all how was the money to be secured ? The only thing that one could do was to mortgage the Town Hall and the nazul lands. The Government we know would not agree to raise a big loan which the Committee could not pay unless some such taxes could be levied. If it was not done, how was the money to be secured ? Broken carts driven by old oxen, refuse being

4 p.m. removed by means of such conveyances by centuries-old met hods: Other countries, even other provinces and other towns are trying to improve everything. Must Lahore remain a pre-historic town ? Ultimately we did carry that resolution unanimously, all our colleagues voting for it. But for long did that resolution unanimously carried remain only a part of the proceedings before the committee was superseded. Was any action taken ? Unfortunately, not. The Punjab Government, specially this popular Government, came to the same conclusion and at last a house-tax has been levied. When we have to repay the loan which has been advanced for the drainage system, how can my honourable friends, who are responsible members of a responsible House, say that Government should not have the word " shall " in this Act ? It has got to be there just because we know that we have given an undertaking that the loan will be repaid out of the money which will be realised from the house-tax. Of course, if my honourable friends were to say that Government should not fix any minimum or that the minimum fixed is rather high, that would be a different thing. But for them to say that we should not use the word " shall " and that it should be " may " is not right. I am sure that in their heart of hearts they all agree with me.

There is one word more which I would like to say to the Honourable Minister for Public Works. Like Sayed Amjad Ali Shah, I also feel that as far as the question of levying house-tax is concerned, we are at one with him, but the question of levying a tax on lands that are producing no income is one on which we are unable to agree with him. If any tax is to be levied on lands, it should be on lands that are giving some income and not on all lands. With these words I oppose the amendment.

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

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): Sir, I have heard the arguments advanced in favour of the amendment. The first speaker, Mr. Mukand Lal Puri, I am sorry to say, made a vehement speech. He complained that people had not read this Bill and later on he said that he himself had not read the Bill. Now, having contributed to the debate he is not here. His first complaint was, why we were going to levy a direct taxation when there was or there can be indirect taxation by which necessary funds can be provided for the Corporation. My objection to that is that indirect tax, of course, is a

very convenient sort of tax, but its levy brings hardship to the poor. Take the case of our octroi tax at present. It is at present realised mostly from eatables. The richest men more or less consume these eatables in the same proportion as ordinary poor labourers and coolies. So this levy is the same for, say Rai Bahadur Lala Gopal Das, as it is for poor labourer working in the street. That cannot be called a just taxation. If we go on levying more of that indirect taxation, the hardships will go on multiplying. It is only fair that rich people, who want all amenities, should pay something towards the cost of those amenities. The trouble, as far as I can see, is that people in the city of Lahore have seen the town grown from a village to a big modern city and they want good sanitation. They go round or hear about other places where people have got all these amenities. Sometimes they mention the cleanest cities of Karachi, or London and Paris. But when the question of taxation comes before them they keep silent. Even this innocent word "shall" they want to change into "may". Why do I say it is innocent and why is it necessary? Money is wanted for the good of the people. Indirect taxation cannot bring so much money as we require. Where is the extra money going to come from? You want a modern sewerage system and other amenities. This money has got to come from the people. It cannot come from outside. Gone are the days when it used to come from outside. This cannot be the case at present. If you want these amenities, they have got to be paid for. That was the problem with the last Municipal Committee. They started thinking about a sewerage scheme in 1905. They were still thinking about it when the Committee was superseded by the last Government in 1936. They could not levy any tax. They would not face the electorate and they would let the matter remain as it was. They levied no tax because of the fear of their not being re-elected. Why are we facing it? I confess, if I belonged to Lahore, I would not have the courage to come forward and levy this tax. The present Government and its members representing rural areas want to take the odium on their head. We have done it already and the tax is being realised without any difficulty. The representatives of the people will be able later to work and see that the town is improved and set right. If they are asked, when they go the polls, 'why do you not remit taxation,' they can reply that there is a statutory provision and we cannot remove it. Democracy is a good form of Government. But it has this defect, particularly in our country, that at the election time, the electors force the hands of the representatives not to levy taxation. Without taxation nothing can be done. It is for this reason that we have got this word "shall". It is not open for anybody now to make a promise or for the Corporation to say that they would not levy taxation. Money is badly wanted for the sewerage scheme. But I do not take my stand on that alone. Irrespective of the sewerage scheme there are other improvement schemes for which it would have been essential to levy house-tax. Up to this time the committee was merely living on indirect taxation, viz., octroi.

My honourable friend, the Leader of the Opposition asked me to quote other Acts in this respect. I can tell him that no corporation can function without direct taxation. This very clause is found in every other Act. It was put in by those Governments which were responsible at the time, and they took the odium. We here are taking the odium on our heads and

[Minister for Public Works.]

putting this Act on the Statute Book, for the benefit of the representatives of Lahore and for the good of Lahore. I would now quote those Acts which the Leader of the Opposition wanted me to quote. May I refer him to section 96 (1) of the Karachi Act, which reads :—

For the purposes of this Act, the Corporation shall impose a tax on lands and buildings to be called "the Property Tax".

The Act has also made other taxes imperative. It is not only the property tax. Percentage is of course very essential and relevant to this clause, but here we are laying down only that the property tax shall be levied. When we come to percentage later on it will be discussed then. This is not the only case where it is laid down in the statute that a tax shall be levied. Honourable members are well aware that it is not discretionary with the district boards to levy taxes: it is compulsory. I know that house-tax is levied only in a few municipalities. There are others that have not levied it. The Leader of the Opposition coming from Amritsar knows the consequence of not levying the tax. He must have moved about in Amritsar and he knows what is the condition there. There is no sewage scheme and there are no other amenities. They have not the courage to go to the electorate and propose a tax. I do not blame them for this. If they want to effect improvement then this tax should be levied. I think it is time that we should consider that the levy of this tax should be made compulsory in all local boards; of course it will be for their own benefit. The money thus collected will be spent on them. Then I was asked, why are we taxing land? As the House is aware agricultural land is already exempt. The intention is to continue to exempt agricultural lands under the Corporation Act, so that only those lands will be taxed that are not agricultural lands. These non-agricultural lands are lands which lie for two purposes: either for letting purposes or for increase in value, so that these lands should pay tax to the Corporation. On the one hand the owner does not build houses on these lands because the value is being appreciated and that appreciation is not because of his individual act but because of the action of the community, from which the whole town should benefit. In some cases he lets the lands for stalls. That land should pay the tax. I do not think any member of this House would be justified in asking us to exempt those lands. I can well feel the anxiety of those honourable members who have extensive lands and for which they will have to pay but they will benefit in the long run because these lands will improve in value. I do not think that they should grudge to pay this tax. They have got to face this tax, their is no getting away. If they do not want to face this tax they have to choose between village sanitation and that of a modern town. We have already committed ourselves to the sewage scheme and other amenities are likely to come in and it is essential that this tax should be levied. Mian Nur-ullah went on to mention the lot of villagers who have been included within the town of Lahore. He imagines they have been included against their will. I think this is not so. As far as I know no protest has been made by the villages against their inclusion. They will derive considerable benefit. The reasons are that they were paying octroi before for bringing their produce to the town. Now the octroi limit has been extended and they get protection for their produce. Secondly, they were getting only the district

board amenities before and now they will get all the amenities of a modern town. Already a water-supply scheme is under consideration to make their lot better. Therefore we are providing them with all the amenities and before long they will be greatly benefiting thereby. I have already said agricultural land would be exempt. Some other clauses are coming later on and these will reveal that there is no intention to tax those lands. With these words I say that the clause be passed.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural); May I ask the Honourable Minister if he would consider a suggestion which I would venture to make? I entirely agree with the Minister and my friend the lady member, that if you want more amenities you must pay more taxes. That is perfectly correct, but there is such a thing as over-doing a thing. I think that if the clause is allowed to stand as it is it would be tantamount to excessive solicitude for the comforts of the citizens of Lahore. It is very kind of the rural members constituting the majority in this House to have such a tender corner for the poor Lahoris just to provide for all their comforts and so on.

Minister for Public Works: We are actually doing it.

Dr. Sir Gokul Chand Narang: It is extremely kind on the part of the Minister coming from Shahpur and on the part of members who come from distant villages in Ludhiana, Amritsar and Mianwali, to provide for the comforts of Lahore! It is very good, but may I ask the Minister whether this need would continue for ever? Reference was made to the loan raised for the purpose of underground sewage by the lady member. That loan has to be certainly repaid. I think Sardar Santokh Singh was perfectly right when he said that when the Corporation comes in, it will certainly know that that loan has to be paid and it would certainly make arrangements for the payment of this loan. Unless the members of the Corporation are lunatics they can be relied upon to do their duty. Although no one feels more than perhaps I myself do that not in rare cases members of various local bodies have not risen to the standard which one might expect of them, nevertheless I am not prepared to say that they are all bad or that they do not feel for their respective towns or that all of them are not prepared to do their duty. I know some members of the local bodies who have been most honest, straightforward and upright in doing their duty towards their constituents, and I think Sardar Santokh Singh was perfectly right in saying that they can be relied upon to do their duty in spite of their defects. Now I ask the Minister whether he does not think that if the word 'shall' is allowed to remain as it is without any qualification he will not continue to impose this burden on the citizens of Lahore for ever until this Act is repealed or amended. Will it not meet his object if we were to insert a few words which I would venture to suggest? These words are—

After the word "shall" these words may be added—

"when required by the provincial Government to do so and for such period as the said government may prescribe, impose a tax."

Now my honourable friends on this side would say what does it mean? The Government will certainly say it shall impose this tax. I will tell them it is so: Government is doing so now. In spite of what all these gentlemen may say, the Government is going to pass it. I think if these words which I am suggesting are accepted they would satisfy the anxiety of the Government

[Dr. Sir Gokul Chand Narang.]

for the improvement of Lahore and would in no way make the position of the honourable members on this side worse. The advantage would be that while the Government will certainly at once ask the Corporation to impose this tax, it will fix the period for which this tax should be imposed and it will be open to the Government at any time in future without amending the Act to say now either this tax should be reduced or it may be withdrawn because the object of imposing this tax has been achieved. There has been sufficient improvement in the town and it is not necessary to keep this burden on the shoulders of the citizens of Lahore any more. This will keep a loophole for the suspension and in fact the abolition of the taxes when the purpose has been served. So far as Government is concerned, it does not lose anything. I may draw the attention of the Honourable Minister to similar provisions in the Municipal Act as it was amended in 1933. There are certain things which the municipal committees are required to do if so required by Government. For instance, the municipal committees must have fire-extinguishing apparatus if so required by Government. In the same way they are required to have poor houses and such other institutions if so required by Government.

Mrs. J. A. Shah Nawaz : May I ask one question of the honourable member? Does he not think that this tax would be needed for all time in order to keep Lahore in a clean condition?

Dr. Sir Gokul Chand Narang : It all depends upon what this tax would bring in. Here, again, the Government is in the dark as to what this tax is going to bring. So far as this tax is concerned, it is on a par with the urban immovable property tax, on a par with the tax on the sale of goods. The Government have no idea as to what the income from these taxes would be. Now, supposing you get 20 lakhs a year from this tax alone, in the course of five years you will have a crore of rupees and if that money is not put in the hands of dishonest people or in the hands of idiots, a crore of rupees will surely be ample to bring about the essential improvements that Lahore may need and of which any other town can boast. Of course, if you want to make Lahore a paradise where you will have streams of sweet water flowing in the streets, where you will have flower gardens and fruit gardens everywhere and so on, if you want to make Lahore a city flowing with milk and honey, if you want to have electric tramways, underground railways, parks for men, women and children and all those sorts of luxuries, that is a different matter. Then, no amount will be sufficient, because needs can be multiplied as money comes in. But my point is that all the necessary improvements can be effected within a certain definite amount of money. When that amount has been raised and when loans have been repaid, when the necessary improvements have been effected, improvements necessary for the comfort and convenience of the people, it may not be necessary to continue the imposition of the tax. Therefore, by the amendment I am suggesting it will be open to Government to say, "very well, now, the Lahore people have taxed themselves enough, they have improved the town, sewerage scheme has been completed, lighting and water-supply have been improved, roads have been put in good repair, education has been very much widened, therefore it is not necessary to continue this tax any longer and may be abolished." My amendment will empower the Government to decide how

long the tax should continue to be imposed and when it may cease to be imposed. It will not in any way endanger the safety or the amenities of Lahore. The Government will not lose a bit by accepting my suggestion. I have already referred to the provisions of the Municipal Act. The Government has not suffered by those provisions. Any time the Government can say, impose this tax or reduce that tax. Now, take for instance the sewerage scheme of Lahore. This House has not been so far taken into the confidence of the Government in respect of the estimated cost of the scheme. Perhaps it will cost 50 lakhs or—

Mrs. J. A. Shah Nawaz : One crore.

Dr. Sir Gokul Chand Narang : Very well. Let me accept the figure given by the honourable lady member. But she has no idea as to what this tax will bring in per annum. Let the Honourable Minister himself give the figure of anticipated income from this tax. I am prepared to give way to him now so that he may supply me the information, because if he is to supply the information after I have finished my speech I will not have another chance to comment on his information.

Minister for Public Works : When the relevant clause comes up for discussion I shall give the information.

Dr. Sir Gokul Chand Narang : I know what clause the Honourable Minister is referring to, that is, the clause relating to rates. It says not less than 10 per cent. This is in addition to the 15 per cent which the Honourable Minister in another capacity wants to take from us. Thus the Lahore people will have to pay 25 per cent tax. This is required to relieve the people outside Lahore, people living in villages, of land revenue. Lahore people should relieve the sufferings of the people in villages. Lahore people should tax themselves in order to live in comfort, to have up-to-date conveniences. Lahore people say, "for heaven's sake we do not want any more comforts than we have at present. If we want we shall provide ourselves with such comforts when we need." Why should these gentlemen from Gurgaon and Shahpur tell us, "You want this comfort and that convenience and therefore you must tax yourselves" ?

Minister for Public Works : They are your real well-wishers.

Dr. Sir Gokul Chand Narang : God save us from such well-wishers. (*Laughter.*) I would advise them to go to their own towns and improve their own areas. Let the Honourable Minister first take care of his own people. Let him go and see how they live. He will sometimes find it impossible to move outside his own house in his village because all round his house there will be open latrines. Is it not so ? If that is not the case, then his village must be an exception. The honourable lady member comes from a place which is half village and half town. I do not think she has crossed the road which connects Lahore with her village and I do not think she has observed how her people behave. Now that village is coming within Lahore area and she will, of course, have to pay for the improvement of her village. What about other villages ? What have you done for them if you are so solicitous about the sanitation and health of people here ?

At this stage the Assembly adjourned till 2-30 p. m. on Friday, 14th February, 1941.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of January 1917

John J. ...

Secretary of the Board of Education



Witness my hand and seal this 1st day of January 1917

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 14th February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

INDUSTRIAL SURVEY.

*7518. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Development be pleased to state—

- (a) the name or names of the districts in which industrial survey is being carried out now and also of the districts in the province in which this work has been completed and report of the surveyors submitted ;
- (b) the total amount of expenditure incurred on survey of these districts ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) The survey of the Ludhiana district has been completed and the report is under the examination of the Advisory Committee constituted for the purpose. The survey work is in progress in the following districts :—

Lahore,
Amritsar,
Sialkot,
Multan, and
Muzaffargarh.

(b) The expenditure incurred on these surveys is given below :

	1939-40.	1940-41 (up to December, 1940).
	Rs.	Rs.
Head Survey Officer and his staff ..	7,254	8,005
Investigation Staff	18,070	6,651

PROVINCIAL SURVEY OF OILSEED CRUSHING, TANNING AND POTTERY INDUSTRIES.

*7519. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Development be pleased to state whether the provincial

[K. S. Khawaja Ghulam Samad.]
survey of the oilseed crushing, tanning and pottery industries has now been completed ; if so, whether he will be pleased to lay the report, if ready, on the table of the House ?

Parliamentary Secretary (Chaudhri Tikka Ram) : The provincial surveys of the oilseed crushing, tanning and pottery industries have been completed. Draft reports on the first two industries have been compiled and are now under final scrutiny in the Department of Industries. The report on the pottery industry is still being drafted. The question of publishing these reports will be decided after they have been received and considered by Government.

CATTLE CENSUS IN HISSAR DISTRICT.

*7520. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Development be pleased to state whether any cattle census was held after May 1939 in the Hissar district, tahsil-wise ; if so, the number of cattle in each tahsil according to that census ?

Parliamentary Secretary (Chaudhri Tikka Ram) : Yes, the quinquennial live-stock census took place in January, 1940.

A statement is laid on the table.

Statement showing cattle census figures in January, 1940, by tahsils in the Hissar district.

Description of cattle.	Bhiwani.	Fatehabad.	Hansi.	Sirsa.	Hissar.
Bulls	230	148	231	199	236
Bullocks	5,766	9,872	19,077	6,947	15,717
Cows, including calves	18,104	7,240	14,580	11,050	14,600
	14,148	8,064	16,437	11,006	15,623
Buffaloes including calves	12,629	18,190	26,709	15,386	23,636
Total	50,877	43,514	77,034	44,583	69,812
Sheep	35,114	45,661	31,207	84,567	48,869
Goats	24,869	31,907	28,397	50,289	32,217
Total	59,983	77,568	59,604	134,856	81,086

Khan Sahib Khawaja Ghulam Samad : May I know the comparative figures for the year 1937-38 ?

Parliamentary Secretary : I require notice.

RIOTS IN THE OLD AND NEW CENTRAL JAILS, MULTAN.

*6968. **Mr. Dev Raj Sethi** : Will the Honourable Finance Minister be pleased to state how many times during the last three years riots have taken place in the old and new Central Jails, Multan; the reasons for their frequency and the special measures adopted by the Government to maintain discipline in these jails?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) : There have been no riots in the Old Central Jail, Multan, during the last three years. There has been one riot in the New Central Jail in 1940. The cases arising from this riot are at present before the criminal courts. In addition some of the jail staff and convict officials were convicted in connection with a riot in January, 1939. These two occurrences hardly justify the adjective "frequent", particularly in view of the fact that the prisoners confined in this jail include some of the most desperate long term habitual prisoners in the Punjab. Government are satisfied that the provisions of the ordinary law and the powers given to the jail staff by the Prisons Act and the rules made thereunder are sufficient and no special measures are necessary.

Khan Sahib Khawaja Ghulam Samad : May I know whether the riot referred to was due to mismanagement of the Jail authorities or something else?

Parliamentary Secretary : No, it was not due to that.

TREATMENT ACCORDED TO MUNSHI AHMAD DIN IN JAIL.

*6972. **Mr. Dev Raj Sethi** : Will the Honourable Finance Minister be pleased to state—

- (a) whether it is a fact that Munshi Ahmad Din a prominent Congress Socialist is undergoing imprisonment as a result of conviction by a Criminal Court of Sargodha;
- (b) whether it is a fact that he has been placed in the C Class;
- (c) whether it has been brought to the notice of the Government that sometime ago he was suffering from a lung disease; if so, whether this fact was taken into consideration while C Class was proposed for him;
- (d) his present weight and his weight when he was first admitted to the jail?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :

(a) Yes.

(b) Yes.

(c) I should inform the honourable member that the classification of a convict is in the first place a matter for the courts. If a convict who has been classified as a C class prisoner objects to his classification, he has a right to apply for revision to the Provincial Government. No revision application has been received in this case.

(d) His present weight is 164 pounds, his weight on admission was 170 pounds.

Khan Sahib Khawaja Ghulam Samad : May I know whether it is not the duty of the trying magistrate to see that a prisoner or convict is entitled to a higher class or not.

Parliamentary Secretary : But the convict has a right to appeal to Government for reclassification.

Khan Sahib Khawaja Ghulam Samad : But if the convict does not care to appeal, I want to know whether it is not the duty of the State to put him in the higher class, seeing his past career in political life ?

Mr. Speaker : Disallowed.

PRISONERS WHO WERE RELEASED AND WHO DIED IN JAILS.

*6980. **Mr. Dev Raj Sethi :** Will the Honourable Finance Minister be pleased to state—

- (a) the number of prisoners in the jails of the province who were released on medical grounds in 1939 ;
- (b) the number of those who died in jails in 1939 ;
- (c) the number of convicts, if any, whom the medical officers recommended for release and who died in jails in 1939 awaiting orders of the Government ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :

(a) 72.

(b) 112.

(c) To give an answer which I could guarantee to be correct would involve the examination of an enormous mass of material. From the records that are available it appears that two prisoners whose release had been recommended by the medical authorities died in 1939 before their release was carried out. In one case the prisoner died within nine days of the recommendation and in the other case within six days. I must make it plain to the honourable member that Government is under no obligation to release sick or infirm prisoners whose release has been recommended by the medical authorities. In many cases other considerations must outweigh any recommendations which have been made on compassionate grounds. I may, however, assure the honourable member that the cases recommended for release on medical grounds are always considered by me immediately on receipt and with the utmost care.

ENQUIRY AGAINST SUB-INSPECTOR, POLICE, HANSI.

*7100. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the result of the departmental enquiry made by the Deputy Superintendent, Police, Hissar, against the Sub-Inspector, Police, Hansi, in a complaint made against him in connection with a theft case by one Phool Chand Mahajan of Hansi ;
- (b) whether the allegation of corruption made against the said Sub-Inspector was found correct or not ;

(c) further action, if any, proposed to be taken in this matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) and (b) Enquiries made by the Deputy Superintendent of Police, Headquarters, Hissar, into the complaint of corruption against the Sub-Inspector, Hansi, in case First Information Report No. 1, dated the 1st January, 1940, under section 380, Indian Penal Code, showed that there was nothing wrong with the investigation already made in this case by the Station House Officer and that the allegation of corruption was baseless.

(c) No further action is proposed by Government in the matter.

APPOINTMENT OF PANCHES AND SURPANCHES IN VILLAGES JAGSI,
ASAUDAH AND OTHER VILLAGES IN ROHTAK DISTRICT.

*7121. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that the zamindars of villages Jagsi, Asaudah and other villages in the Rohtak district sometime ago complained to the Deputy Commissioner, Rohtak, that the District Panchayat Officer arbitrarily nominated panches and sarpanches without holding proper elections; if so, the action taken thereon;

(b) whether the Government and the district authorities are aware of the numerous other complaints made by the public against the said officer for acting partially and in a partisan spirit; if so, the action taken thereon?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) Zamindars of Village Asaudah and Sisana complained of some irregularities committed by the District Panchayat Officer in holding the election and by-election of their Panchayats respectively. The application of the former is under consideration and that of the latter has been found to be frivolous.

(b) Government is aware of only one other complaint which is being enquired into.

Khan Sahib Khawaja Ghulam Samad : May I know what were the irregularities or improprieties in regard to the elections in Asaudah and Sisana?

Parliamentary Secretary : I have stated in reply that the complaint regarding the election of panches in Asaudah is under consideration. With regard to Sisana the application was found to be baseless. There was no complaint in regard to Jagsi.

Khan Sahib Khawaja Ghulam Samad : May I know what were the irregularities in connection with Mauza Asaudah?

Parliamentary Secretary : I said the matter is under consideration in regard to one village and in regard to the other there was no irregularity.

PUNITIVE POLICE POST AT VILLAGE ROHAT, DISTRICT ROHTAK.

*7128. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the period for which punitive police post was to be stationed at village Rohat, district Rohtak, and whether the post remained stationed there for the scheduled period ;
- (b) the total amount of punitive tax realised from the village and the actual amount spent towards the cost of the post, and how the balance, if any, left was utilised ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) The additional police post was originally located for a period of one year with effect from the 1st January, 1940, but was withdrawn with effect from the afternoon of the 31st August, 1940.

(b) The estimated cost of the post for 8 months amounted to Rs. 3,180-5-7, out of which a sum of Rs. 5-7-9 has so far been recovered, and the balance is still recoverable. As has been explained in the replies to other questions, it is never possible to give the actual cost of a body of additional police, as it is not practicable to calculate with accuracy such charges as those due on account of superintendence, the cost of training the men employed, the armament charges of the force, and interest charges during the period of recovery. Excluding these charges the actual cost amounted to Rs. 2,951-3-0.

Sardar Lal Singh : Is not that area a famine-stricken area ?

Parliamentary Secretary : No, not to my knowledge.

Sardar Lal Singh : Is it not in the Rohtak district ?

Parliamentary Secretary : It is in the Rohtak district, but I believe the whole of that district is not considered famine-stricken.

GROSS EXPENSES OF THE SIKH GURDWARA JUDICIAL COMMISSION.

*7510. **Sardar Lal Singh** : Will the Honourable Minister of Education be pleased to state—

(a) what are the total gross expenses up-to-date or to the end of the year 1939-40 of the Sikh Gurdwaras Judicial Commission since it came into existence ;

(b) what are the net expenses of the same for the same period ?

The Honourable Mian Abdul Haye : (a) Rs. 1,67,984-12-2 to the end of the year 1939-40.

(b) Rs. 1,62,224-15-2 for the same period.

LEAVE OF ABSENCE OF MR. DUNI CHAND, M.L.A.

Mr. Speaker : I have to read out to the Assembly the following application received from Mr. Duni Chand, Barrister-at-Law, Member of the Assembly, for permission to be absent from the Assembly :—

I have the honour to request you to be kind enough to obtain the sanction of the Punjab Legislative Assembly to my absence for six months from the sittings of the Assembly as required by the Government of India Act of 1936.

The question is—

That the permission asked for be granted.

The motion was carried.

JAGIRS BILL.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Sir, I beg to move—

That the Punjab Jagirs Bill as reported by the select committee be taken into consideration.

I do not think it is necessary for me to make any very long speech in this connection. As you will be pleased to observe, this Bill was referred to a select committee and the select committee have submitted almost an unanimous report. As a matter of fact, all the clauses were unanimously approved by the members of the select committee and the one short minute of dissent that is attached to the report does not relate to any provisions of the Bill itself. It raises two points. One is whether the provincial legislature has power to enact this Bill and the second refers to the principle of the grant of jagirs. So far as the first point is concerned, you will be pleased to observe that the question was raised on the floor of the House itself, it was thoroughly discussed and the clause to which exception could be taken has been omitted by the select committee. Therefore, I do not think there is anything further to say on that point. So far as the second point is concerned, I think you will admit that when the House agrees to refer a Bill to a select committee, it accepts the principle of the Bill; therefore, so far as the principle of this Bill is concerned, namely the power of the Government to grant jagirs, it has already been accepted by the House.

Mr. Speaker: Motion moved is—

That the Punjab Jagirs 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 Jagirs Bill as reported by the select committee be circulated for eliciting public opinion thereon by the 30th of April, 1941.

The select committee on this Bill consisting of 15 members of this House included among themselves four or five jagirdars—I am not quite sure—and as such there is no ground for the Parliamentary Secretary to say that since the select committee report is almost unanimous there is not much to say. I think that the select committee was a packed committee. For the jagirdars and their colleagues to say anything adverse to the Bill was not to be expected. Again last time when this Bill was under discussion, there were some very irrelevant matters introduced by the Honourable Premier and that was one reason why this Bill has not received the consideration that it deserves. As I said, it is a very retrograde measure and it is necessary that people should have their full voice heard as regards its provisions.

Now coming to the subject matter of the Bill, it may be divided into two parts. One is the jagirs, the old historical jagirs so to say, of historical personalities and their succession. This has already been provided for in

[S. Lal Singh.]

the law that we have. Most of these jagirs have been claimed for perpetuity and perpetuity has been granted to them, if not by any enactment, by standing orders and instructions of the old Financial Commissioners and letters and so on. As regards the succession of these jagirs, how the heirs of these jagirdars will come into power and so on, this is also laid down in that Act known as the Succession of Jagirs Act or something like that. The main provisions there have been bodily taken and put into this Bill. That is one part. The second part of this Bill is the creation of new jagirs. I submit that there was no occasion at all for bringing in the provisions of the old Act relating to old jagirs into this Bill bodily without any change and calling it a new Act. The law was already there and there was no need for wasting the time of the House for taking the provisions from one Act and putting them into another. If at all there was anything more to be sought, that something more is that our Honourable Premier wants powers to create more jagirs and more jagirdars. That is the one object of this Bill—to create more jagirs and more jagirdars. It has been camouflaged by saying that the old law was not in proper form and it was insufficient. When we were discussing this Bill last time it was said that we had no powers at all to meddle with old jagirs, say of Maharaja Ranjit Singh or of the Moghuls. If the honourable members of this House study the ordinary daily papers or keep themselves in touch with the daily events, they will find that those old jagirs have been meddled with, not only meddled with, but those old jagirdars have been done away with. I refer to the Sikh Gurdwara Bill which was passed and by which those religious and charitable endowments on which the Mahants were growing fat, were interfered with by legislation. Therefore, to say that this cannot be done by legislation is wrong. Section 300 of the Government of India Act which was referred to simply says, "The executive authority of the Federation or of a province shall not be exercised, save on an order of the Governor-General or Governor, as the case may be.....so as to derogate from any grant or confirmation of title of or to land" and so on. Quite so. But does the Honourable Premier or the Parliamentary Secretary mean to say that we cannot legislate and take away these jagirs?

Premier : Yes, we cannot do so.

Sardar Lal Singh : I beg to differ. If we can take away the religious and charitable endowments and the mahants who were feeding on them can be removed we can certainly take away the jagirs of people who have no religious or moral ground to grow fat on the labours of others. Not only that, but to give an impression to the whole province that this House has got no power at all to meddle with the old jagirdars or their rights they exercise, by which they take forced labour, get their fuel, etc. is not correct.

Raja Ghazanfar Ali Khan : By legislation.

Sardar Lal Singh : Again my friends are trying to be humorous. They do not want to apply their minds to it. What I mean to say is that these jagirdars besides the revenue which they enjoy have arrogated to themselves all sorts of powers over the poor tillers of the soil. They claim all

sorts of rights. I will quote a personal example. During the last election there were several jagirdars pitted against some of the members of the Assembly and they went and preached to their kisans and tenants that they cannot go against their wishes, for if they voted against the candidate whom the jagirdars supported, they would be liable to ejection from their lands, as they were not the owners of the lands. They claimed that they had something like full ownership over those lands and the people who were tilling the soil were simply there by sufferance. They have no right except to take revenue from the treasury and they are not the owners of the land. I go further and say that this House has full powers to legislate if and when it desires if it has got the necessary majority to do away with their rights including this assignment of revenue.

Raja Ghazanfar Ali Khan : Certainly not.

Sardar Lal Singh : That is a moot point (*Interruption*). You will have your turn and then you can say all you wish. I know you can legislate about assignment of revenue ; it does not mean that you cannot take back the revenue you have alienated. Alienation means both to give and to take.

Raja Ghazanfar Ali Khan : Why do you not read section 300 ?

Sardar Lal Singh : I have read it.

Raja Ghazanfar Ali Khan : And try to understand it.

Sardar Lal Singh : Section 300 reads—

The executive authority of the Federation or of a province shall not be exercised, save on an order of the Governor-General or Governor, as the case may be, in the exercise of his individual judgment, so as to derogate from any grant or confirmation of title of or to land, or of or to any right or privilege in respect of land or land revenue, being a grant or confirmation made before the first day of January.

I go further. Supposing we have not got the power, does the Parliamentary Secretary seriously contend that once that revenue has been assigned to a man it cannot be taken back ? Supposing he becomes a rebel.

Raja Ghazanfar Ali Khan : The Assembly cannot legislate about it.

Sardar Lal Singh : Assembly cannot legislate about it ! I am astonished at my friend opposite trying to defend the title of these people and here is what a European said about these people in the year 1866. He was a Financial Commissioner. He said—

It is to be regretted that the practice of making assignments of land revenue has been perpetuated under the British Government.

He regrets it.

Premier : He regrets power being given to Indians.

Sardar Lal Singh : Imagine half a century later, Sir Sikander coming to the Assembly and giving them more jagirs.

Raja Ghazanfar Ali Khan : Because he is not a European.

Sardar Lal Singh : And you call yourselves more democratic. He says—

It is regretted that the practice of making assignments of land revenue has been perpetuated under the British Government. We are placed in the singular position of paying the whole of our own ample establishments civil and military in cash, while the servants of all kinds of the former Government and a great many other classes and the descendants of former robber chiefs fatten like drones on the honey of the busy hives.

Raja Ghazanfar Ali Khan : Who was this European ?

Sardar Lal Singh : These are compliments to the gentlemen who sat on this select committee, though I do not mean any personal reflection on any one. I submit it was not at all intended that these jagirs should be perpetuated and that they should go on enjoying these for generations. And now at this hour when the trend of affairs is to equalise and to make human beings all equals and to make no difference between man and man, not only to perpetuate these things but to create new ones of that nature is contrary to commonsense and the present modern trend of thought. Besides to perpetuate them or to give a very long lease of life to these social difficulties which are created by the existence of these jagirs will stand in the way of progress of this country. I have no personal knowledge but these jagirdars exercise all sorts of unheard of powers on their ryats and on those people who are under them. The Government itself says that they have got powers to take away these jagirs when they like for disloyalty. If a man does not behave or if a jagirdar has got two sons and one of them makes more salams than the other and the one who makes more salams than the other happens to be the second son, the Government may give the jagir to the second in preference to the first. The result will be that the two brothers will keep quarrelling all their lives and perhaps end in murder or life-long enmity.

Premier : Do you want to save jagirdars from being murdered ?

Sardar Lal Singh : I want you to save me the trouble of talking of such murders. Certainly jagirdars are a part of the society, we do not want a section of the society doing nothing and indulging in murders and litigation. That is why I say that perpetuation of these old jagirs is entirely out of date. I ask, do these jagirs fit in the new order of things that the Unionist Government have been proposing ? The new order is that every one shall work with his own hands and there would be no one who will sit on silk cushions and drive motor cars without doing work with his own hands (*Premier :* Hear, hear). What is the good of saying "hear, hear," if you are going contrary to your creed ? (*Interruption*).

Mr. Speaker : I request the honourable members not to interrupt or make comments.

Sardar Lal Singh : Now, Sir, I will leave this subject since it is very irksome to them. I will pass on to new jagirs. I have no quarrel with the Honourable Premier. Last time when we were discussing this question, 'the Honourable Premier stood up and called me one or two names. He remarked.

3 p. m.

کھدا گنجے کہ ناخن نہ دے

Premier : Not at all.

Sardar Lal Singh : You said so, but I do not mind it at all. And then in the next breath he went on to define the policy of creating new jagirs. He said that the war was going on and that the Punjabi soldiers were taking part in the war. It was therefore, necessary to create new jagirs for these soldiers. So far as the recompence to the Punjabi soldiers is concerned, I submit, there is not a single divergent voice in this House. There is no reason why the people who fight for others, by whatever name they may be called, should not be rewarded for their labours. I ask, Sir, seriously, is this war a provincial subject? Why should their reward come from the zamindars of this province? Why should not the reward come from the Central revenues? Why should the Honourable Premier say that we would reward these soldiers? Why should he not say, raise their salary and give them more comfort, let them be treated with the same respect as other colonial soldiers are treated? Why leave it to the Punjab Government, to the poor zamindars, to give the reward to those soldiers who are serving the whole of India. Why should they not take that reward from the Central Government? Why should the Punjab be made to pay that alone, why should this burden fall on the shoulders of the Honourable Premier of the Punjab to say, "Here I am going to create more jagirs for them"? These jagirs are not going to be created for the soldiers, they do not hanker for jagirs; these jagirs are going to be created for those who do not actually fight, who do not go to the battle-field, but who simply send the soldiers to the front, send them to the fighting rank, keeping themselves and their sons behind and who take sanads and certificates for sending so many soldiers. These jagirs will be given to those people who never go to the battle-field but who simply get fat on sending other people to the front, keeping themselves and their sons behind. I say that in giving the jagirs to the soldiers you must take into consideration, the spirit of honest work or the honest appreciation of their efforts to go and fight for their country. I do not defend any one. If Maharaja Ranjit Singh in creating jagirs did everything good, there were many bad things also. I do not defend certainly the modern makers of jagirs and jagirdars, who simply for a sum of two or three hundred rupees a year create these jagirs. (*Interruptions*). In the olden times, jagirs were created for this main reason that there was not enough cash to go round and therefore, the rulers of those times used to simply allot certain land to a jagirdar and the jagirdar used to collect the revenue from that land. In those days there was no sufficient cash or currency to reward a person for his services. But to-day when there is enough cash and currency, again to resort to the old and dilapidated custom of giving jagirs is nothing but a retrograde method.

Now, Sir, so much about the new jagirs. You will find that in the body of this Bill there is not a word as to these new jagirs that are going to be created, if once given how they will ever be taken away. I have read the Bill from beginning to end, from cover to cover, when a jagir is given to a person it cannot be taken back during his life time and not even during the life time of his successor. There is no condition, not even a condition of loyalty or service to the Government or public service. He may after earning a jagir do whatever he likes. He may turn a traitor. There is no provision at all in the body of the Bill to safeguard this, unless the

[S. Lal Singh.]

Honourable Premier has got executive powers to take back that jagir by his executive orders. Therefore, I submit that at present there is no reason at all for creating any new jagirs and new jagirdars. The old jagirs can take shelter behind the Punjab Laws Act. Therefore, I submit that this Bill should be circulated for eliciting public opinion.

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

That the Punjab Jagirs Bill as reported by the select committee be circulated for eliciting public opinion thereon by the 30th of April, 1941.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (*Urdu*): Sir, I support this amendment not only on the grounds mentioned by the previous speaker but also for some different reasons. My submission is that this legislation is *ultra vires* of the provincial Legislature. The provision for safeguarding old rights and privileges is contained in section 300 of the Government of India Act, but that provision does not relate to jagirs. The only words used in subsection (1) are "grant, right or privilege", while the word "pension" is contained in subsection (2). The word "jagir" does not appear anywhere. Again, these rights and privileges have been safeguarded only from executive action. I am free to admit that such old rights ought to be protected and safeguarded from executive action, but it is also clear that neither this section applies to jagirs nor was there any intention to give the provincial Legislature the power to create new rights and privileges like the jagirs by legislation. Had there been such an intention there was nothing to prevent the framers of the Government of India Act from inserting therein a provision to that effect.

Again if you turn to list No. 2 of the Seventh Schedule you find that the provincial Legislatures have been empowered to legislate in respect of "charities and charitable institutions; charitable and religious endowments" but not in respect of jagirs. This also shows that we are not entitled to legislate for the creation of new jagirs. As I have already stated, while the framers of the Government of India Act, 1935 wanted to safeguard old rights and privileges they were not in favour of allowing the legislature to create new rights or jagirs. The Government have taken their stand on item 39 in the Second list of the Seventh Schedule which gives us the power to legislate in respect of—

land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenue.

They say that since we can legislate in respect of alienation of revenue it is lawful for us to legislate for the purpose of creating new jagirs. But my submission is that the words appearing in this or any other rule can be interpreted in their cognate meanings and not otherwise. You cannot go beyond that. When all other things are mentioned, why should they have omitted the word *jagirs* if it were their intention to give us the powers to legislate in respect of them. I am not a lawyer, but this much must be clear to everybody that alienation or transfer of revenue cannot be taken to mean a jagir.

Premier : Are we discussing the Bill or is it a point of order?

Mr. Speaker : The honourable member is speaking to the amendment.

Premier : He is developing the point whether it is *ultra vires*.

Mr. Speaker : He never said that he was raising a point of order. He is discussing the motion before the House.

Chaudhri Jalal-ud-Din Amber : The motion is for circulation and this point can be discussed. This point is doubtful. The discussion is about eliciting public opinion. The point is whether this legislation is, under the law, permissible or not. The Bill should be circulated for eliciting opinion on this point. I am not going to be long. The Honourable Premier need not be impatient.

I may submit by way of illustration that the land revenue in respect of the urban area within the municipal limits of Lahore is transferred by the Government to the Municipal Committee. (*A voice:* Not the whole of it). A part of it is transferred. Anyway, what I mean is that the rule on which the Government have taken their stand is meant to cover such cases only. I do not deny this fact that the Mughul kings and the Sikh rulers used to grant jagirs to their officers for their acts of bravery and gallantry. But what I would like to point out to my honourable friends opposite is that mediæval period was quite different in every respect from the present age. I may further submit that after the Sikh reign when the British came in power and annexed the Punjab, jagir system began to vanish gradually and then stopped for ever. It was dead when the last great war came to an end and this is why Sir Michael O'Dwyer had to obtain special sanction of the Government of India for the grant of Rs. 5,000 per annum jagirs in the Punjab. If Sir Michael O'Dwyer the then Governor of this province had power to grant jagirs himself he would not have asked the Government of India to give him sanction for this particular purpose. Furthermore, it is a thing of the past and I do not think that it will be desirable on our part to revive this system which has been dead for the last so many years. Then my honourable friends opposite who are well-acquainted with politics might have observed the criticism that has been made in the *Tribune* with regard to the renewal of jagir system in the Punjab. The Press has condemned this system and its criticism tantamounts to this that granting of jagirs is a relic of the old feudal days and should be given up.

The next point to which I would like to draw your attention is that after the last great war Sir Michael O'Dwyer might have thought fit and desirable to grant jagirs under the then circumstances. But so far as the present circumstances are concerned, I am sure and I think my honourable friends opposite would bear me out that they are quite different from those of the last great war. And I would be considered right if I submit that there is a world of difference between the present circumstances and those which existed at the time of the last great war. With these reasons in view I do not think it justified that the present Government should act according to the previous circumstances and contrary to the present ones. My submission is that the Government ought to act according to the existing circumstances and I will just tell you what the existing circumstances are. Before I tell you that I beg to draw your attention to the promises and undertakings made by the Commissioner about which we have read in the papers.

[Ch. Jalal-ud-Din Amber.]

published only yesterday. He has delivered a speech there in which he has promised to grant jagirs in the Havoli Project to those who will render military services to the Crown in the present war. I would assert that circumstances have totally changed from military point of view. Anyhow I would not repeat those arguments which have been put forward from social or moral point of view. I would, however, remind the Honourable Premier particularly that the other day when he wanted to send a congratulatory message to the Nile forces on the fall of Benghazi he found that the whole House was unanimously at one with him on that point. What did it show? It showed the present spirit of the people of the Panjab. I think now it might have been clear to him that even that political party is also in favour of giving help to Britain which wants to get freedom in a specified period of time. When this is the condition and when this martial spirit has already been infused in the people of this province, may I know where is the need of creating this spirit by offering temptations of jagirs and rewards? While the spirit is there where is the necessity for creating it by making promises of grant of jagirs? Sir, what we have observed in the middle years of the 20th century is the world dominating desire. This desire has run amuck and Hitler is mad after devouring the whole world. But it is all the more regrettable that our Government at this critical moment is running after a thing of the past, a relic of the old feudal times and wants to perpetuate a heinous and condemned practice unknown to modern civilization.

May I further point out that the most desirable and imperative need at this juncture is to get young men of every race, may it be martial or non-martial, enlisted in regular armies or irregular armies as the case may be. For fighting the growing dominating menace of despotism, I think, it is most necessary for every Indian to become a soldier and every such Indian soldier should be considered a combatant soldier. If it comes to this, to whom would they grant jagirs?

Premier : To the father of your son. (*Laughter*).

Sardar Sahib Sardar Santokh Singh : So you are ensuring a jagir for yourself? (*Renewed laughter*).

Chaudhri Jalal-ud-Din Amber : But the father says there is no need of granting jagirs. May I again point out to you that the times have totally changed and Indian young blood whether it is of fighting race or otherwise, is joining the army. Under these circumstances I do not think there is any need of warming the blood of Indian youngmen which is already boiling for giving a defeat to the enemy on the trenches and the firing lines as it is the duty of every person to protect his mother country. None can deny this fact. And moreover the mentality of people has undergone a great change. Now these are not feudal days when a camp follower of a king could come to rescue a prince of royal blood, or a homeless and defeated sovereign taking shelter in the fort of a chief could grant him jagirs for that act of kindness. This is new civilization and the age is the 20th century. My submission, therefore, is that we should follow other nations and in order to exist on the face of the earth should fight the present dominating menace bravely. I may again point out that it is very necessary for the

existence of a nation that all its able-bodied men should be considered combatant soldiers. Our Government should, therefore, see to it and do away with this practice of granting jagirs.

Next, I have to bring another important matter to the notice of the Government and that is this : Grant of jagirs as provided in this Bill involves appropriation of land revenue of the province. Now it is a matter of common knowledge that whenever measures of far reaching nature, like the agrarian or taxation Bills, are passed, there is always an aggrieved party which suffers as a result of the operation of that measure and it takes steps to challenge its validity in a court of law. For instance, honourable members must be aware of the fact that the Restitution of Mortgaged Lands Act has been disputed by an aggrieved party which has preferred an appeal in the High Court for its verdict. Heaven knows what will be the outcome of this appeal. But what I want to drive at is that every enactment affects or hits hard a certain party which then moves a court of law with a view to get the Act declared *ultra vires* of the legislature or invalidated. But in the case of this Bill big-bellied persons are to derive the benefit at the cost of the poor tax-payers who will have absolutely no say in the matter. I, therefore, respectfully point out to the Government that duty to the people demands that they should make a proper use of the land revenue of the province and desist from doling out money to a certain class of people. As in this case there is none to sue the Government or take any action against this enactment, I would urge upon the Government the desirability of utilizing the public money with great care and refraining from making ducks and drakes with it in the form of grants of jagirs. I am, therefore, of the opinion that they would be well-advised to circulate this Bill. With these words I support the motion now before the House.

Raja Ghazanfar Ali Khan (Parliamentary Secretary) (*Urdu*): Sir, when I moved that the Jagirs Bill as reported by the select committee be taken into consideration, I was under the impression that my preliminary remarks would suffice and I would not be called upon to say anything more in this connection. But I was pained to find that my honourable friend Chaudhri Jalal-ud-Din Amber who was himself a member of the select committee got up and harangued in support of an out and out dilatory motion. As I pointed out previously, when a Bill is referred to a select committee, it is understood that the principle underlying that measure has been accepted by the House. Similarly, if an honourable member consents to serve on a select committee, it is presumed that he is in full accord with the principle of that Bill. Now the honourable members are fully aware of the principle underlying the Jagirs Bill, which is to the effect that Government would grant jagirs to the people. Then what has surprised me most is that my honourable friend Chaudhri Jalal-ud-Din did not raise the least objection against the justification or otherwise of the principle of the Bill during the deliberations of the select committee and now he is the loudest in condemning it. Obviously this does not lie in his mouth to say so. Again I admit that honourable members are entitled, under the rules, to table a circulation motion even after the select committee has reported on a Bill. But my contention is that when a select committee returns that Bill without changing an iota in it, it is only fair that it should be taken into consideration and not sent for circulation. Besides, only 15 days have

(Raja Ghazanfar Ali Khan)

elapsed since this Bill came in for discussion before the House when it negatived the circulation motion. Again, during the span of this short period nothing untoward or radical has happened necessitating the Bill to be circulated for the purpose of eliciting public opinion. I am sure honourable members can easily see through the game played by the Opposition. The object of the circulation motion is nothing but to delay the passage of this Bill.

Then so far as the speech of my honourable friend Sardar Lal Singh is concerned, I can only say this much that it was somewhat ludicrous. He said certain things about the late Maharaja Ranjit Singh and I am afraid that I cannot endorse his views. The objections raised by him were of a flimsy nature and I need not take them seriously. But when he makes bold to suggest that this Assembly is competent to revoke old jagirs, I must join issue with him on this point. I may tell him that he is entirely mistaken if he thinks so. Probably he has not cared to understand the relevant section. He has only made a desultory reading of it. I, therefore, make it clear to the House that the Assembly has no right whatsoever, to withdraw those jagirs which were granted before the Government of India Act was passed. Even the Government of India Act lays down in unambiguous terms that no court of law or a legislature can cancel or take away old jagirs.

My honourable friends Chaudhri Jalal-ud-Din and Sardar Lal Singh cried themselves hoarse that present were the times of democracy and that jagirs were out of date and a relic of the past. They were granted by the despots to certain persons as a remuneration for their services. They made mention of the present war also. I cannot help saying that it is the height of hypocrisy to say one thing, while one's mind is dwelling upon something quite the opposite. My honourable friends over there should know that when a person fights for the protection of his country, he does not endanger his life simply for mercenary ends. It is rather the duty of the Government to reward those persons who render meritorious services. I may tell them that even the Government of that country where democracy was nurtured and brought up to such high ideals, have been rewarding the people for their deeds of gallantry. I can quote chapter and verse in support of my contention. My honourable friends would agree with me that during the last Great War the Britisher fought for his own country. I can cite instances out of number to show how the British Government rewarded their soldiers who performed acts of outstanding bravery. Here is a specimen—

For his great services Sir Douglas Haig was raised to Peerage as Earl Haig and was also given a grant of one hundred thousand pounds.

He was given the prize of one hundred thousand pounds for his services during the last Great War although he was fighting for his own country.

Sardar Lal Singh : Will you kindly repeat it ?

Raja Ghazanfar Ali Khan : Yes, I hope you will derive benefit from it (*laughter*).

“ For his great services Sir Douglas Haig was raised to Peerage as Earl Haig and was also given a grant of one hundred thousand pounds.

Malik Barkat Ali : Was it a recurring grant or a non-recurring grant ?

Raja Ghazanfar Ali Khan : If you capitalise a jagir of Rs. 500 it will come to—

Malik Barkat Ali : That is not my question. I want to know whether this present was recurring or non-recurring ?

Raja Ghazanfar Ali Khan : I am going to answer the question in accordance with my light and not as Malik Barkat Ali would like me to. If my honourable friend who, I am sure, knows as much arithmetic as I do, would capitalise the amount of Rs. 500, he would find that it comes to much less than one lakh of rupees.

Malik Barkat Ali : My question is, does the Parliamentary Secretary recognise or not that there is all the difference in the world between this precedent he is quoting and the jagirs that are now under discussion ?

Raja Ghazanfar Ali Khan : If you capitalise a jagir it comes to a much higher figure. If these jagirdars were offered one lakh instead of 500 rupees a year, would they prefer to have this jagir or Rs. 500 per annum ? I am sure Malik Sahib will understand that it is hundred times higher than the amount we are proposing now. Lord Kitchner was made a G. C. B. and given a grant of £80,000. Again later, as a reward for his taking part in another battle in June, 1902, he was made a Viscount receiving a grant of £50,000.

Malik Barkat Ali : May I request the Parliamentary Secretary to give us the total number of instances in which such grants were made during the course of the last war ?

Raja Ghazanfar Ali Khan : I should like to have notice of that question. (*Laughter*).

Chaudhri Jalal-ud-Din Amber : May I ask the Parliamentary Secretary whether he realises that there is a difference of principle in these grants of jagirs ?

Raja Ghazanfar Ali Khan (Urdu) : I have no reason to doubt that my honourable friend has enough of commonsense to understand this point. But if he has some genuine doubt with regard to the principle of such rewards, I will assure him that this principle has at all times been recognized in the world. We ought to reward those who fight gallantly for their own country and for the safety of their own hearths and homes. The form of reward and the principle of reward are two different things. Any one can distinguish between the two. But I must submit that none can dispute the justice of the principle. As a matter of fact this practice has been in vogue ever since the beginning of the world whether there was an autocracy, democracy, republic, imperialism or any other form of Government. Whosoever performs an act of outstanding merit in the battleground or in any other field under any form of Government is rewarded by the State whatever its form may be. Now, jagir is not the only form of such rewards. There are many other forms in which acts of loyalty and gallantry are recognised by the Government. Even the principle of nominations to Government posts followed by this as well as other Governments points to the same direction. The status of the family of a candidate is seen by the nominating

(Raja Ghazanfar Ali Khan).

authorities. Were it not so, the son of my honourable friend Chaudhri Jalal-ud-Din Amber would not have been nominated to the post of tahsil-darship. His son was favoured with this post simply because his father too had been tahsildar whose services merited recognition. His second son has become a lieutenant in the Royal Air Service of India, and if he performs some daring act there he will certainly be rewarded. The principle of recognising outstanding services has always been admitted and followed by almost all Governments.

Sardar Lal Singh : But who objects to this principle ?

Raja Ghazanfar Ali Khan : I am glad that this much is conceded by my honourable friend over there. I hope I will be able to convince him and his other friends about the grant of jagirs as well. So, now the problem is as to whether jagir is the proper form of giving such reward.

Chaudhri Jalal-ud-Din Amber : Is this system of granting jagirs also in vogue in any other province of India ?

Raja Ghazanfar Ali Khan : Certainly. Jagirs amounting to several lakhs of rupees are granted in other provinces.

Mr. Speaker : I think this subject has taken too much time of the House. I should like to invite the attention of honourable members to the explanation given by the Joint Parliamentary Committee on the Government of India Bill and printed at page 317 of "the Government of India Act, 1935" by Mr. Rajagopala Aiyangar. Government have no power to take back these jagirs.

Raja Ghazanfar Ali Khan : Sir, I am glad that you have at last solved this problem. My only submission is that the grant of jagirs was stopped for some time till Sir Michael O'Dwyer obtained sanction of the Secretary of State for India in 1917. It was not a sanction for originally starting this system but for its renewal after a temporary discontinuance. The present Government is only removing some defects and wants to consolidate the law on the point. According to the old practice the danger was that jagirs would have concentrated in one or two districts only. Now it would be possible to grant such jagirs in all districts. Honourable members should rest assured that the Unionist Government will grant jagirs to befitting persons only. I need not count the various fields which require the services of the public-spirited persons. To mention only a few I would invite your attention to the panchayats, co-operative department, the agricultural department and the public health department all of which need the services of energetic and loyal persons. As a matter of fact the Government of India had already empowered this Government to grant jagirs. But the Honourable Premier has thought it fit to take the House into confidence by passing this Bill. Otherwise he could do without it. Again, a limit is being imposed on the grant of jagirs by this measure. So, the Premier is restricting his own powers in the interest of the public. Without this legislation his powers would have been unlimited and unfettered. It is his honesty that makes him impose limits on his own unbounded powers. The first limit imposed would be that no jagir should exceed Rs. 5,000 per annum. The second is that a jagir should not be for more than two generations.

I would, therefore, submit that it is highly improper to object to such a Bill. The Honourable Premier had the other day clearly explained these points and after that reasoned exposition it does not lie in the mouth of any honourable member to criticise this salutary measure. Have my honourable friends forgotten all that the Honourable Premier said that they have once again started such tactics? I request the House to accept this Bill. The figure of Rs. 5,000 is such a small amount that the House should have no hesitation in accepting this Bill. It is the duty of every one to help in this war and the honourable members should stress upon the Honourable Premier the necessity of doing something to compensate those people who are at present rendering war services. (*Interruption*).

Sir, I was saying that the honourable members should urge the Honourable Premier to do something to compensate the people who are rendering war services at present. It is the duty of everybody to help to fight the present war which is being fought to protect civilization. The House should tell the Honourable Premier that they are willing to grant any amount that may be required to compensate the services of those who are helping during the present war. We must do something to encourage the public to actively help in the war. The Congress says that it has sympathy with the Government and similarly there are other people who show lip sympathy with the Government during the present crisis. But we must do something substantial to help them to prosecute the present war successfully.

رکوں میں دوزخے ہونے کے ہم نہیں قائل
جو آئندہ ہی سے تم ٹھکا کر دے لہو کیا ہے

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I had no intention of taking part in this debate, but a few remarks made by the Parliamentary Secretary and particularly one which was supported by the Honourable Premier makes me speak on this subject. The Honourable Premier is probably under a misapprehension that Chaudhri Jalal-ud-Din Amber who was a member of the select committee did not give in his minute of dissent any argument against the perpetuation or the creation of new jagirs. He probably thinks that Chaudhri Sahib has raised the question of *ultra vires* only. May I draw the Honourable Premier's attention to paragraph 3 of Chaudhri Amber's minute of dissent? It says—

The system of jagirs is in vogue in no other province of British India. It is dead. This is why Sir M. O'Dwyer had to obtain special sanction of the Government of India for the grant of Rs. 5,000 per annum jagirs in the Punjab. This arrangement has since its inception been condemned in press and platform. By this Bill the Government will be perpetuating a heinous and condemned practice unknown to modern civilization.

Could there be any greater condemnation and could it be put in more clear words that this is a very undesirable and bad system which must be discontinued? Could you expect Chaudhri Sahib to argue his point in the select committee and get a majority? He could not possibly have secured more votes than two.

I can agree with the Parliamentary Secretary provided that all the jagirs that are now going to be sanctioned under this Act are to be reserved for only those people who have gone to the battlefield at the risk of their lives and might be fortunate to return home without knowing that after

(Mian Mohd. Nurullah).

coming they would get this reward. He cited the case of Lord Haig, but Lord Haig never knew that when he returned to England—and he never knew that he would ever return to England after the thickest of battles—and it was only when he returned home to the astonishment of millions of his countrymen, that he was given the award. That is the difference. I would have no objection if jagirs were given to brave men only after they returned, but my fear is that the Bill as it stands is being made to tempt people into joining your unionist army. Now you are giving this *lalach*. By cutting the throats of the people in the districts you are putting this *lalach* before people and trying to induce them to join your army, and it is for that reason that I am opposing this evil proposition. I think that one of the methods adopted by the old Government who in order to help people who wanted rewards for certain small services rendered by them to Government, created all those jagirs. I think you have forgotten the famous poem by Iqbal. I will read it out to you. I am very poor in Urdu, but I will try to quote it to you here. It is very important and that is one of the methods you are now adopting. If I make any mistake in reading it I am sure you will forgive me. You will understand it very well. I do not understand it so well, perhaps Nawab Sahib understands it better. It runs thus—

آبگاریں تیرے کو مزایۂ مالک
سلطنت اقوام غالب کی ہے اک جادوگری
خواب سے بیدار ہونا ہے ذرا محکوم اگر
یہ سلا دیتی ہے اسکو حکمران کی ساہوی

It means: "If you come to me, I will explain to you the meaning of the verse "Inul maluk". Governments by powerful notions make use of it as magic. Whenever the ruled awakens a little the magic of the rulers puts them back to sleep again." What is meant by magic? Title, Jagir, Reward, etc. This is one of the methods. Government says, here are the rewards that you will get if you go to war, and they go and die. But not every one. What is the type of people who generally get those jagirs? I think the Premier knows very well.

Premier : I know perfectly well now, because I give them myself.

Mian Muhammad Nurullah : You do not know anything about them. They are recommended by the deputy commissioner, then they are recommended by the Commissioner and then by the Financial Commissioner. What are you? You are nowhere. You can refuse one or two but no more. Can you refuse all the twenty recommendations? You might have changed orders in one case. You never know what services they have rendered. It is only the deputy commissioner who knows. I think I can best put in the words of a small zamindar who owns a few acres of land—

ان کی حالت کیا ہے اور جاگیر انکو کیسے ملتی ہے۔ جاگیرداروں
میں کوئی مزارع یا کسان مزدور نہیں۔ بلکہ نمبردار۔ ذریعہ اور رٹس ہیں۔

جانکا کام پرنس کے ہم فعل کو جائز قرار دینا ہے۔ چھوٹی گواہیاں دیتا ہے۔ رقت دلائی کو کے جاگیر حاصل کرنے کے لئے اپنی کتاب میں چلتی حاصل کرتا ہے۔ جاگیر حاصل کرنے والا کیا کام کرتا ہے۔ چھوٹی انسر سے نیکو بہتے تک کو خوش کرنے کو کرشمہ کرتا ہے انکو کہیں کوئی انسر ڈھیرا آجاتے تو یہ جاگیردار یا امیدوار جاگیردار غریبوں کے گھروں سے دودھ اڈے۔ دہریاں لے لے کر انسر کے۔ لقمہ کرانے میں اور مزید جاگہ لینے کے لئے سفارش کرائے کی کرشمہ کرتے ہیں۔

What are the services rendered by people who look up to the deputy commissioner for jagirs? When the deputy commissioners go out on tour, these people get *murghis* and *andas* from the poor people and serve them to the deputy commissioners. Do you deny that? I am sure that 50 per cent of jagirdars have earned their jagirs in that way. I am prepared to offer a challenge. Enquire from the people, enquire from the public who give *murghis* and *andas*. My fear is that these jagirs will be given to those who try to please the deputy commissioners by making presents of *murghis* and *andas* to them and making false reports against people.

Mr. Speaker : Please speak to the motion.

Mian Muhammad Nurullah : That is my reason why this Bill should go to the public for eliciting opinion thereon. They condemn it with all their strength and do not want that such a Bill should be passed because it is a Bill to kill their freedom and their spirit. Nothing could be better than going to the public and getting their opinion on the Bill. I have done my part. I did not want to say all this, but all the same a few remarks made from the other side have made me utter these words.

That is one part of the question. Another is that if there is any calamity, say hailstorm or any other disease that affects the crops, and the crops suffer, these people go and say, 'No, Sir, I have got 22 maunds of cotton crop; he is wrong'. That is the sort of people which the deputy commissioners encourage. At the time of settlement, the settlement officer comes and they say he is a jagirdar. I leave it there and I will read out what a zamindar has written—

وہ چھوٹی انسروا سے لیکر بڑے کر خوش کرنے کی کرشمہ کرتا ہے۔ انکو کہیں گواہی دیتا ہے تو یہ جاگیردار یا امیدوار جاگیر غریبوں کے گھروں سے دودھ اڈے۔ دہریاں لے لے کر انسر کے۔ لقمہ کرانے میں اور مزید جاگہ لینے کے لئے سفارش کرائے کی کرشمہ کرتے ہیں۔

Now why are you giving these jagirs collectively for the last three years? Somebody says, you can give 60 jagirs. Probably 600 people are going about the deputy commissioners and at the time of elections, now that they

(Mian Mohd. Nurullah).

are coming, they go from door to door and say, 'You will be given a jagir' and so on. So, this thing is very objectionable and should be discouraged. I can understand if people who really deserve, say those who go to war and come back, are given the jagirs.

An honourable member : I move—

That the question be now put.

The motion was carried.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) : Sir, I do not think that after the speech of my honourable friend Raja Ghazanfar Ali Khan it is necessary for me to make a long speech. However I would like to make a few observations in regard to some of the points raised by my honourable friends opposite. So far as the speech of my honourable friend Mian Muhammad Nurullah is concerned I think it hardly calls for a reply from me. It has, however, reminded me of a verse of Akbar Allahabadi which is a sufficient reply to such a speech as well as to the note of dissent appended to the report of the select committee on this Bill by Chaudhri Jalal-ud-Din Amber. Says the great poet :

کہا منصور نے خدا ہوں میں

داروں مولہ ہوں نہ ہوں میں

میں کے کہنے لگے مورے ایک دہشت

نکو ہر کس بقدر شہت اوسم

This is exactly my reply to both of them. Now I will proceed. The very day when this Bill was introduced in this House I took the opportunity of explaining to the honourable members that there was no particular need for me to come to this House and to get a law enacted to this effect because section 151 (1) of the Government of India Act empowered me to grant jagirs to the tune of one lakh, two lakhs or ten lakhs or even a crore of rupees simply by asking the Governor to frame rules in that behalf. And in the first year we did grant jagirs, as has been pointed out by my honourable friend Raja Ghazanfar Ali Khan. But then we thought that some steps should be taken to apply some sort of brake on the power of this Government in this respect as well as on the power of future Governments. To-day we are at the helm of affairs here, and we honestly feel that the public revenues should not be appropriated without the permission of this Assembly or for the matter of that of the representatives of the people. But it is possible that another Government which may succeed to office in the future may not feel inclined to place the matter for the sanction of the House. In the circumstances we thought that if we could do any service to the province we should not hesitate to do so. It is with this object in view that I have brought forward this Bill in order to consolidate the law governing assignments of land revenue by way of jagir grants and to make more precise provisions regarding the manner in which such assignments are to

be made or to be continued in the future. As you are aware, section 151 of the Government of India Act gives us ample powers to create jagirs worth lakhs of rupees from the revenues of the province by asking the Governor to make rules in that behalf. But we thought that it would be in the interest of the province to remove that defect in law and thus set an example for future Governments to follow in order to avoid any possibility of the misuse of public funds. It is, I think, a great service that we are rendering to the province otherwise if I had a mind to do it I could have got the rules framed under the afore-mentioned section and continued giving jagirs in future accordingly.

Now, Sir, my honourable friends have waxed eloquent to show that the jagirs are not being given to the deserving people. I would only cite two instances to show to the honourable members that jagirs are being given to deserving people and not to Khan Bahadurs and Rai Bahadurs as has been alleged by them. One of the two persons who have recently been granted jagirs is a vaid or a hakim. In his case the officers pointed out that he had been rendering medical assistance and supplying medicines free of charge to the people. Naturally when his case came up to me I granted him a jagir. In the presence of these facts how does it lie in the mouth of my honourable friend Mian Muhammad Nurullah to say that jagirs are granted only to those persons who supply *murghies* and *andas* to the deputy commissioners and other officials? I may tell him that in the case of the hakim the deputy commissioner did not know anything about him. The people of the ilaqa pointed out to him and to the commissioner that he had been rendering medical aid to the people free of charge and it would be only just if the Government granted him a jagir because he amply deserved it. I may also add that one of the two gentlemen referred to above belongs to my own district and before that I even did not know his name. The commissioner recommended his case and he has been granted a jagir. Against him there were many Khan Bahadurs who were also claimants for jagirs but the commissioner did not recommend the name of any one of them. Similarly, jagirs have been granted to people who have done good work in the field of co-operative movement as well as for the advancement of agriculture in the province.

Besides, my honourable friend Mian Muhammad Nurullah was pleased to observe that if jagirs were given to the soldiers who were actually fighting in the thick of the battle he would then have no objection. I may tell him that so far as the Punjabi soldiers, who are fighting on the front, are concerned they have not imperilled their lives out of a greed for jagirs only. They are fighting for a higher cause. I entirely concur with my honourable friend Chaudhri Jalal-ud-Din Amber that no such allurements should be given to the soldiers. But we have to do our duty as well. I ask, have not these soldiers who are fighting for upholding the honour of our country, who are fighting for the security of our homes and hearths and of our very life, even this much claim on us that we should show a little preference to their claims at the time of granting jagirs? That is the thing to which reference was made by the commissioner in his speech at Kasur when he told the people that Government have reserved 30,000 acres of land for distribution among the soldiers who have gone to fight our battle at great

(Premier)

personal risk. When they return to this country, and may God bring them home safe and sound and with flying colours, Government would give one square or half a square of land to each of those who may have rendered meritorious services so that they should be able to pass their lives comfortably. I ask, are these people not entitled to even this much? I think they are entitled to much more than this. I think even this much area is not sufficient. If I had resources and power I would set apart not only 30,000 acres of land but 3,000,000 acres so that all our soldiers should get a square of land each. But it is regrettable that we have not the capacity to go to that length.

Then my honourable friend, Sardar Lal Singh, in the course of his speech referred to section 300 of the Government of India Act and pointed out that it empowered the Government to confiscate jagirs as they did those of the Gurdwaras. I think he has forgotten that at the time when those jagirs were confiscated as he has alleged, the Government of India Act was not enacted. It has been passed only recently. I may remind my honourable friend that even then not a single jagir of any Gurdwara was confiscated. As a matter of fact the jagirs in question were taken away from one management and handed over to another. It was not for the Government to confiscate jagirs granted to Gurdwaras etc. during the Moghul or the Sikh period. My Government could not do that. If and when you come to power you may do this and many other things of the kind. So this objection does not hold water. Moreover, my honourable friend Dr. Sir Gokul Chand Narang must have understood the implication of section 300 of the Government of India Act and found out what kinds of rights and privileges it covers. It covers not only these small jagirs, but even those granted to such people in provinces like the United Provinces who are rolling in wealth.

Again, it was said that Sir Michael O'Dwyer had to obtain special sanction to grant jagirs to those who had rendered meritorious services during the Great War. But my honourable friends should not lose sight of the fact that there was no Government of India Act of 1935 at that time. Of course, some powers in this respect were given to the heads of provinces in 1909, but the Great War raised a new question. Sir Michael O'Dwyer wanted to recognise the services rendered in the battle-fields by granting jagirs to our brave soldiers, but he could not do so without the sanction of the Secretary of State for India and, therefore, he had to obtain that sanction. But now under the Government of India Act you have been given the power to legislate in respect of this matter. Not only that. I could assign land revenue without asking you to enact this measure. But I have brought forward this Bill to give you a hand in the matter. I hope, now that everything is clear to my honourable friends, these frivolous objections will not be allowed to take the time of the House which can be put to better use. (*Cheers*).

Mr. Speaker : Question is—

That the Punjab Jagirs Bill as reported by the select committee be circulated for eliciting public opinion thereon.

The motion was lost.

Mr. Speaker : Question is—

That the Punjab Jagirs Bill as reported by the select committee be taken into consideration.

The motion was carried.

Clause 1.

Mr. Speaker : Now the House will proceed to consider the Bill clause by clause. The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Sardar Lal Singh : I beg to move—

That in sub-clause (b) (i), lines 2-3, the words "or deemed to have been made" be omitted.

If you refer to the clause, you will find that it reads—

Jagir includes any assignment of land revenue made or deemed to have been made under this Act.

Assignment made under this Act is understandable, but the meaning of the words 'deemed to have been made' I suppose will come under clause 6 which says—

Any jagirs created by Government on or since the first day of April, 1937, shall be deemed to have been made under the powers hereinbefore conferred.

I do not know whether jagirs have been given after the 1st of April, 1937.

Raja Ghazanfar Ali Khan : They have been given.

Sardar Lal Singh : If they have been given they are *ultra vires*. Under what law were they given?

Mr. Speaker : Clause under consideration amendment moved is—

That in sub-clause (b) (i), lines 2-3, the words "or deemed to have been made" be omitted.

Premier (Urau) : No law prevents our giving jagirs. Section 151 authorizes me to make an assignment of land revenue and if I had so wished I could have made it myself and there was no need to bring this Bill before the House. I could issue a rule and this would have been sufficient.

Sardar Lal Singh : So you could pass a rule?

Premier : Yes, but I did not want any loophole and therefore I have brought this Bill before you to regularize the whole thing. This Bill was framed some two and a half years ago. During this period I have not given any jagir because I wanted to get this Bill passed before I did so, although I could give jagirs even without this having been passed.

Sardar Lal Singh : Do you want to regularize the thing?

Premier : I want to bring all jagirs which we have made under the purview of this Act. This is all I want. It was not necessary for me to come to you even now or for any jagir I may grant after this Act has been passed. It would be sufficient for me if I passed a rule under section 151. But I have chosen to take the other method so as to lay down a convention that in future no executive Government shall be able to do anything without the sanction of this House. Kindly see section 151 (i) where it lays down that I can make short collections to any extent merely by passing a rule. The section reads—

Rules may be made by the Governor-General and by the Governor of province for the purpose of securing that all moneys received on account of the revenues of the Federation or of the province, as the case may be, shall, with such exceptions, if any, as may be specified in the rules, be paid into the public account of the Federation or of the Province—.

This means that I could have made that short collection up to a lakh, two lakhs or five lakhs. I have merely brought this to regularize it in future and make a convention that no Government shall go beyond this Act. Now they will be bound and will not take shelter behind this rule.

Sardar Lal Singh : In the circumstances I beg leave to withdraw the amendment.

The motion was by leave withdrawn.

Mr. Speaker : Question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Sardar Lal Singh : I beg to move—

That in line 6, after the word "rupees" the words "only to persons recommended by District Boards, Municipal Committees, the University Syndicate, and other public institutions approved by the Government" be added.

The purpose of this amendment is simply this, that people who are to be made jagirdars should be recommended by public bodies and their recommendations alone can be taken into consideration by the Government. This is simply to take away the power from the hands of the executive and give it to the people who should have it in fact. It should be in the hands of these elected representatives of the public on district boards and municipalities to recommend people for the grant of jagirs and not in the hands of the executive officers. I, therefore, commend it to the House.

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

That in line 6, after the word "rupees" the words "only to persons recommended by District Boards, Municipal Committees, the University Syndicate and other public institutions approved by the Government" be added.

Raja Ghazanfar Ali Khan (Parliamentary Secretary) : Sir, I oppose the amendment, because the honourable member seems to be under a great misapprehension. He suggested just now that his object in moving this amendment was that the powers should be transferred from the executive to the elected representatives of the people. Now, you will be pleased to observe that the grant of jagirs will be in the hands of the Government. Does the honourable member mean to say that the Government consists

of nominated members? This Government consists of elected members, they have the confidence of the majority of the elected members. What more does he want? When the district boards and municipal committees or notified areas are given powers, they will recommend their own members or they would not be able to come to any understanding and ultimately the matter will have to be decided by the Government. Therefore, I appeal to my honourable friend to withdraw this amendment.

Mr. Speaker : The question is—

That in line 6, after the word "rupees" the words "only to persons recommended by District Boards, Municipal Committees, the University Syndicate and other public institutions approved by the Government." be added.

The motion was lost.

Sardar Lal Singh : I beg to move—

That leave be given to move that at the end of the clause, following further proviso be added :—

"Provided further that at no time shall the total sum of land revenue assigned or grants of money made after the passing of this Act exceed a sum of one and a half lac rupees."

The motion was lost.

Premier : May I just explain to the honourable member that his amendment is not necessary. I will give the actual figures. This system of jagir started from the year 1917 and up to now, this year of grace 1941, that is in 24 years, the Government has given jagirs of Rs. 1,09,750. The amount which is now being actually paid is Rs. 87,475. In the second generation it will be reduced to half and in another generation it shall extinguish altogether. Here we have fixed a limit of five thousand a year. In 20 years it will go to a lakh and then it will gradually drop. These are the actual figures. The amendment of my honourable friend is unnecessary.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clauses 4—13.

Mr. Speaker : The question is—

That clauses 4 to 13 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.

Premier : Sir, I beg to move—

That the Punjab Jagirs Bill be passed.

The motion was carried.

CITY OF LAHORE CORPORATION BILL.

Clause 102.

Mr. Speaker : The Assembly will now resume discussion on the amendment to clause 102 moved by Rai Bahadur Sohan Lal, namely—

That in sub-clause (1), line 2, for the word "shall" the word "may" be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural) : Sir, I had nearly finished when the House rose yesterday. The Honourable Minister is not here. I threw out a suggestion for his consideration. If his Parliamentary Secretary, the lady member, knows his mind, she might be able to take the House into confidence.

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

I do not know if the Parliamentary Secretary, General, was here when I made that suggestion, because I left it to the Honourable Minister either to accept the suggestion that I made yesterday or reject it. But as I pointed out yesterday, if he accepts my suggestion he is not going to lose anything at all, because he can issue orders to the Corporation when it comes into existence, that house tax should be imposed and collected for a fixed number of years. After all if he is here, or his successor, if he deems fit, can issue another order that the tax should be continued for another term or so if he or his successor finds that the city of Lahore has not yet reached that standard of improvement as he expected or desired. As I said yesterday improvement is a relative term. A country in Europe like England or Germany may not be satisfied with an ordinary standard of improvement and a country in Asia, like ours, may be satisfied with a moderate and modest standard of improvement. I think we cannot in our present state of evolution vie with Europe or America. We have to be contented considering our limited resources with only a modest scheme of improvement. And if that is the intention, I may submit that it will not be necessary to make this tax everlasting. If it is imposed for a number of years, it will be sufficient to meet the requirements of the case. I do not think I need say anything more. I believe this will answer the question which is put by the honourable lady member.

Lala Sita Ram (Urdu) : May I ask a question? Is it not a fact that the house tax was proposed for the purpose of the sewerage scheme?

Dr. Sir Gokul Chand Narang : I think there is a good deal of truth in what Lala Sita Ram has said. That was the main object in view, probably the only object in view at the time this proposal was made. In fact, if I may say another word on this point, one of the reasons perhaps of continuing the supersession of the Lahore Municipal Committee was to allow time to the Administrator to introduce this sewerage scheme so that it was understood that within five years or so this sewerage scheme would be completed and as it was not certain that the municipal commissioners would show sufficient courage to impose this tax upon the city, this unpleasant task was left to the Administrator who has imposed a house tax on Lahore.

If that view is taken, then my submission is that an estimate can be made of the total cost of the sewerage scheme and the house tax on Lahore can be imposed for a number of years and at a rate which within that period would put in the hands of the Administrator or of the Corporation an amount which would be equal to the amount spent on the sewerage scheme. The honourable lady member told me yesterday, and she is as a rule well-informed, that about a crore of rupees is going to be spent on this scheme.

Mrs. J. A. Shah Nawaz : For the present part of the scheme. I mean for the part of the scheme which has been undertaken at present this is the estimate.

Dr. Sir Gokul Chand Narang : On the sewerage scheme ?

Mrs. J. A. Shah Nawaz : One crore is not the estimate for the full sewerage scheme. It is the estimate for the part of the scheme undertaken at present.

Dr. Sir Gokul Chand Narang : Will the honourable lady member be so good as to tell me what the estimate of the cost of the whole scheme is ?

Mrs. J. A. Shah Nawaz : The Minister will tell you.

Dr. Sir Gokul Chand Narang : The Minister is absent.

Lala Sita Ram : I can tell you ; it is about three crores.

Dr. Sir Gokul Chand Narang : Of the whole scheme ?

Lala Sita Ram : Yes.

Sardar Bahadur Sardar Ujjal Singh : Rupees two crores and forty-five lakhs.

Dr. Sir Gokul Chand Narang : I am very much indebted to Lala Sita Ram and Sardar Bahadur Ujjal Singh for the very valuable information they have given on this point.

Mrs. J. A. Shah Nawaz : May I ask a question from the honourable member ? Does the honourable member sincerely believe that without levying any house-tax any corporation of Lahore City can possibly work successfully and provide all the amenities which are required for the citizens of Lahore ? Does he sincerely and honestly believe that ?

Dr. Sir Gokul Chand Narang : If this question had come from another member I would have resented it, but as it has come from a lady member I do not resent it but I only respectfully tell her that whenever I speak here I speak sincerely and honestly. Insincerity may be the privilege of the members on that side as was confessed by one of the Honourable Ministers that when he was speaking on a particular scheme and was advocating a particular proposal, he knew that it was not practicable, he did not believe in it and yet he supported it. I am not one of those who feel one way and speak in a different way.

Mrs. J. A. Shah Nawaz : One word of explanation. What I meant by using the words 'sincerely and honestly' was that after I gave the figures yesterday in my speech with regard to the income and expenses of the last Municipal Committee, that so many lakhs were spent on education, so many lakhs on electricity, and the rest of the income was barely sufficient for General Administration—

Mr. Deputy Speaker : The honourable lady member has no right to make a speech.

Mrs. J. A. Shah Nawaz : It is not a speech.

Dr. Sir Gokul Chand Narang : I was going to quote that verse which contains the words *سختی سے نہیں*. The honourable lady member does not know arithmetic, otherwise she would not have probably taken the trouble of putting this question. Very few on that side know mathematics and many of them have confessed it. (*Interruption*). And I am glad you have already confessed it. Had she known, she would not have taken the trouble of giving a lengthy explanation, but I am very glad that she has made her mind more clear than it was. I have understood her thoroughly well and I assure her that whatever I say here or whatever I said before, it is always said with sincerity and honesty, not for cidding anybody. I may be mistaken—that is a different thing—but I would not say differently from what I feel. Now, to take the question raised by the honourable lady member, she asks whether after taking into consideration the figures that she quoted on a particular day pointing out how much money was being spent on education and how much on establishment and so on, I sincerely and honestly believe that house tax is not necessary. I never said that house tax is not necessary. If she would just try to recollect, I said I entirely agree with the Minister that if more amenities have to be provided to the city of Lahore, more money has to be raised. The only question is, how much money? That is the real question, and if that sum can be ascertained, during what period that sum has to be raised and spent? That is the real question. Taking the figures that she gave—eight lakhs spent on education and so much spent on establishment—I am prepared to go even further than she did. She probably meant to point out that hardly anything is left out of Municipal income for these improvements. That is what the lady member wanted to impress upon my mind. I go further and say, let us suppose that nothing is left from this income. I am not basing my argument on the present income. I never said that the sewerage scheme could be built out of the present income. I never said that if further amenities are to be provided, if roads are to be improved, like roads in Europe, or reading rooms are to be opened or libraries are to be started or other improvements are to be effected either in the administration or the condition of the people in Lahore, all that could be done within the present income. Never. I accepted, as a matter of course, that additional tax has to be raised for additional amenities and I believe now she would be perfectly satisfied that I understand her position and basing my argument on the same assumption that what she said was perfectly correct, I would still say that it is not necessary to impose an eternal tax on the city of Lahore, a tax which would continue till doomsday. That is my proposition and it was with that object that I suggested certain words to be added after the word 'shall' and before the word 'impose', that is, if and when required by the provincial Government to do so and for such period as the provincial Government may prescribe. Of course I use the words 'provincial Government' as they must be used under the law. It is now open to the Government, if it is competent at all, to make an estimate of the total cost of the sewerage scheme, an estimate of the improvements which they intend to bring about

in the city of Lahore. It is not difficult at all to frame a programme. Sewerage scheme is under consideration. The next item may be the opening of reading rooms, for this so much money; the next item is providing playgrounds for children in the city by acquiring houses and demolishing them and converting them into open playgrounds, providing parks for ladies and so on and so much money for them; and for improvement in waterworks, so much money. We know one item which has been given to us by several gentlemen here. It is two crores and forty-five lakhs. That scheme is to extend over a number of years, it is not to be completed in one year or two years. It may take ten years, it may take even more, so that we may take it that if this was the scheme and if it is to be completed within ten years, then it means 244 lakhs would be required for that scheme alone, that is, 24.4 lakhs per annum for this scheme; and let us say, 5 lakhs for another scheme; 3 lakhs for still another and 10 lakhs for a fourth. I am referring to this simply to show that if a little trouble is taken, it would be possible to arrive at a definite figure of money that is required for various schemes which may be included in the reform programme of the Government so far as improvement of the city of Lahore is concerned. Then, once you know that that amount is so much, let us say, X, and all those improvements have to be made in a certain number of years, let us say, Y, then it means that the annual amount that you require is X/Y, and then the Government will be in a position to decide for how many years that tax should be imposed and at what rate that tax should be imposed. But unfortunately, we have to deal with aristocratic amateurs and they cannot frame a programme. They cannot calculate, they cannot make an estimate and they cannot frame proper budgets and chalk out the lines on which they have to work. Therefore, they make a mess of things. They go on looting, robbing and imposing tax after tax without knowing how much it will bring and how that would be spent. That was my idea. (*Minister for Public Works*: In this case we know exactly.) In this case the Honourable Minister, probably with the help of the Parliamentary Secretary, knows where he stands and how much he requires. I give him credit for that. But the main thing is that you should know where you stand and how much money you require. If he knows it, it is possible for the Honourable Minister to determine the number of years and also to determine the rate at which this house tax should be imposed on the city of Lahore, and the suggestion that I have made gives him the power to do this. I know some honourable members on this side would not be satisfied with the amendment that I have suggested. They said, 'All right, let us stand on our amendment if it is defeated let it be defeated.' I do not entirely agree with them. If we can get something better out of the Government, we should try to do so. He knows the suggestion that I have made and without taking any more time of the House, I leave it to him to decide what he thinks proper to do.

Mr. P. H. Guest (Punjab Commerce and Industry): Sir, the amendment before the House, I understand, is that for the word "shall", the word "may" be substituted. The Honourable Dr. Sir Gokul Chand Narang has given certain arguments as to why the word "may" should be there. But, I representing commercial interests, find myself in difficulty because my friends of the commercial community have different opinions. I can say at the majority of enlightened men of that community are of the definite

[Mr. P. H. Guest.]

opinion that the house tax should be a permanent feature of the municipality for the purposes of obtaining revenue to meet the expenditure — never mind any special expenditure which has been referred to. It is the opinion of many of us that the only right and proper source of taxation for municipal expenditure is the house tax in some form or other. But, unfortunately, some members of my commercial community do not entirely agree with it. It seems to me that there is a provision, a half-way house, in this section of the Bill. You can raise money by means of house tax and also by terminal tax. I am definitely opposed to the provincial house tax. But when it comes to obtaining revenue for the municipal requirements, I am definitely in favour of municipal house tax. I am definitely opposed to octroi and terminal tax. It is a generally accepted principle in all European countries that the main source of revenue for a municipality is the house tax in one form or another. I, therefore, desire to oppose this amendment.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, the amendment now before the House has been discussed threadbare and my honourable friends on these benches have thrown flood of light with a view to make the implications of the clause as it stands, fully clear. There is no gainsaying the fact that taxation is necessary to raise funds required for the purpose of running the administration of a municipal committee or a Corporation. But the question is whether it should be left to the discretion of that body to levy a tax when necessity for money arises or it should be made obligatory on its part to impose an eternal tax. Now the word 'shall' in the clause connotes that the Corporation must impose the property tax that will continue till doomsday. In other words, its hands have been tied by statute and it is not given a free hand in the matter of imposition of taxes. I see no harm if the word 'may' is substituted for the word 'shall'. Acceptance of this amendment by the Government does not take away any power of taxation from the Corporation. It simply removes the element of compulsion. We want the Corporation to levy this tax when it feels the absolute necessity for funds. As a matter of fact I fail to understand the manner in which this clause has been framed. I am equally in the dark as to what benefit or advantage the Honourable Minister wants to derive by incorporating the word 'shall' in this clause. We have been time and again told that the Lahore Drainage Scheme which has been hanging fire for a number of years, could not be executed without funds. We quite agree. But as I stated on some other occasion, every year this Sewerage Scheme was sent up to Government, the expenditure estimated to be incurred was increased. For instance, when this scheme was at first submitted to the Government they said that it would cost about Rs. 52 lakhs. But afterwards when it was found that certain areas, which were omitted before, were to be included, then the estimates calculated by the Government came to about Rs. 65 lakhs. After all this drainage scheme has been in progress for the last three or four years and yet it has not been completed. I am afraid it will continue for several years like the Hydro-Electric Scheme which baffled all of us. The expenditure went on multiplying till it far exceeded the original estimates, that is, from 2 crores to 9 crores. So will it be with the drainage scheme of Lahore. The Government estimate is for about 2½ crores. But I am afraid it will be much

more than this figure when the scheme is completed. Hence the fear is that the tax imposed will continue for an indefinite period. I want to put a certain limit on this. Let the Government tell us in unmistakable terms that the tax in question is needed for the completion of the drainage scheme alone. We should be told the exact estimates and then we will agree to this tax for a certain limited period only. But we do not want to be subjected to a never ending tax. The Government claims that Lahore will be turned into a paradise. But I am afraid, actually it is going to be changed into a veritable slaughter-house for men where throats of people will be cut. I am afraid the inhabitants of Lahore will refuse to live in this strange paradise. They will desert it and migrate to other places. Your estimates of the expenditure is terrifying indeed. It is an exorbitant sum that you want to snatch from the citizens of Lahore. I hope that after a careful scrutiny the expenditure can be cut down considerably. The estimates must be including the supervision charges as well. Fat salaries should be avoided. Quite suitable and highly trained personnel can be obtained on lower salaries than are proposed by the Government. The Government should not compel the Corporation to impose heavy taxes on the inhabitants of Lahore. The word "shall" should be replaced by the word "may" so that if the Corporation feels the necessity of imposing taxes it may impose and if it feels that no taxation is required it may not impose any tax.

Mrs. J. A. Shah Nawaz : May I know if house tax is not necessary according to the honourable member for the better sanitation of Lahore and its general improvement ?

Mian Abdul Aziz : Yes, it is needed.

Mrs. J. A. Shah Nawaz : Then why did not my honourable friend impose house tax during his regime ?

Mian Abdul Aziz : I have already replied to this question times out of number. I am not opposed to the imposition of any fair taxation. Even the circulation motion which I moved in this House was not intended to delay the consideration of the Bill. My idea was to elicit public opinion on this Bill. That is all. My honourable sister had observed in her speech that a deputation had waited upon her desiring the early inauguration of the proposed Corporation in Lahore. But I would inform her that I received a deputation of not less than 500 people on that very morning protesting against this Bill. I may tell her that people daily see me in this connection in large numbers. All of them hate and detest the proposed Corporation in its present form. I wonder what were the motives of those persons who had waited upon her and pressed for the early inauguration of the Corporation. They might have come to see the honourable Begum Sahiba for some other purpose. I feel the pulse of the citizens of Lahore and I can say without any fear of contradiction that they are against this Bill and the proposed Corporation in its present form. In fact this Bill aims at cutting the throats of the people of Lahore. They are horrified by this measure of the Government. May I also ask one question from the honourable lady member who asked so many questions from me ?

Mr. Deputy Speaker : The honourable member has no right to ask this question. I would request the honourable member to proceed with his speech.

Mian Abdul Aziz : Sir, I will obey as I always obey your orders. It has been stated in this House that the people of Lahore are happy over the fact that this Bill is being passed. My information is to the contrary. Circulate this Bill to elicit public opinion thereon and you will find that not even 5 per cent of the total population of Lahore will express their opinion in favour of this Bill. If on circulating it for eliciting public opinion thereon it is found that the citizens of Lahore are in its favour, I will withdraw all that I have said against it.

5 p. m.

Then my honourable sister Mrs. Shah Nawaz asked me what I had done in connection with the drainage scheme. I may tell her that in 1922 I was elected Senior Vice-President of the Lahore Municipal Committee. At that time I rummaged out the file of the Lahore Drainage Scheme and from 1922 to 1924 through correspondence stressed the need of a drainage scheme for Lahore. The Lahore Municipal Committee was in favour of all such schemes for the benefit of the residents of Lahore. What they did not want was the levy of any taxation whether 2 per cent, 3 per cent or 4 per cent. When I was the President of the Lahore Municipal Committee the honourable lady member was also a member of that committee. Can she say that I at any time during those days opposed this scheme or any other scheme proposed to be undertaken for the benefit of the residents of Lahore or can she say what steps she took in this direction? It is not proper for any honourable member to say things which have no foundation against any other member of this House. The real thing was this that the Government demanded 17 per cent for supervision. But I could not find my way to agree to it. I said at that time that we would get engineers from England and pay them handsomely with the approval of the Government, but will not agree to take the services of the engineers in the employ of the Government. But the Government as usual wanted to keep the whole work under their control as they are doing at present in connection with this clause by retaining the word "shall". In brief, Sir, what I want is this that it should be left to the discretion of the Corporation to levy this tax. It should not be made imperative on the Corporation to levy this tax under all circumstances. We are suggesting this thing very sincerely. The Government should accept our advice. By accepting our advice their prestige will not suffer in any way. With these few words I support the amendment now before the House.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*): Sir, the question before the House is whether it should be made compulsory or left to the discretion of the proposed Lahore Corporation to levy the property tax. Lala Sita Ram said that the reason of superseding the Lahore Municipal Committee was that the municipal area had considerably increased and it required more expenditure but the municipal commissioners were diffident to levy any taxes to meet the increased expenditure with the result that the Government had to take over the control of the municipal affairs.

Lala Sita Ram : I did not say any such thing.

Rao Pohop Singh : See the report of your speech and find out whether you said it or not. I was saying that as the members were diffident in levying tax to meet the increased expenditure the Government took over the control of the municipal affairs. The Administrator who was made responsible for the Municipality of Lahore levied the house tax. The members of the Lahore Municipality did not want to become unpopular with the people and, therefore, they refrained from levying the house tax.

Some of the honourable members referred to the Lahore Drainage Scheme. I may say that according to the present estimates Rs. 2,50,00,000 will be spent on the drainage scheme. But drainage arrangements have been made only for the civil areas. Nothing has been done for the Lahore proper, and the new *abadis* that have recently sprung up around Lahore. Pay a visit to these new *abadis* and you will find the awful state in which the roads are there. Nothing has been done to provide amenities to these people. In these new *abadis* the drainage arrangements are very defective.

Rai Bahadur Lala Gopal Das : But have you ever seen Lahore properly that you criticise it ?

Rao Pohop Singh : I know Lahore intimately. I have lived here for about seven years. I may remind the honourable member that I attended his marriage ceremony in Lahore.

Mr. Deputy Speaker : I request the honourable member to address the Chair.

Rao Pohop Singh : Very well, sir. I was saying that the new *abadis* that have sprung up around Lahore lack in sanitary arrangements. Go to such localities as Sant Nagar and Ram Nagar and you will find the hopeless condition in which the roads are there. You live in Civil Lines and you never care to understand the needs of the people of Lahore proper. Moreover, the municipal area of Lahore has considerably increased and it is incumbent upon the Municipality to do something to provide some amenities to those people whose villages have been included within the municipal limits of Lahore and who pay a considerable amount to the municipality in the form of terminal tax on milk and other goods which they import into Lahore. Generally, it is believed that the urban people are civilized, but I find that they are not so. Instead of being civilized and considerate they are hard-hearted and selfish. If hardheartedness and selfishness constitute civilization, then of course they are civilized.

The people of Lahore do not want to pay any tax. During the past two years many improvements have been made in Lahore. Most of the money that has been spent on these improvements was collected through terminal tax and octroi duties which are mostly paid by the rural people who import different articles of food into the city of Lahore. Those people who dwell in palatial buildings do not want to contribute towards the municipal funds. The members of the proposed Corporation will not like to become unpopular with the people of Lahore and, therefore, will always refrain from levying any tax. As such it is necessary that it should be made compulsory for them to impose this tax for the good of the people of Lahore who are paying little direct taxation at present.

[Rao Pohop Singh.]

If the word "may" is substituted for the word "shall" as has been suggested by my honourable friends opposite, the result would be that no house-tax would be imposed at all. We cannot expect that my honourable friends who are at present telling us that 95 per cent of the residents of Lahore are against the imposition of this tax would dare to impose it if it is left to their discretion. I think it goes to the credit of the Administrator that he has taken the bold step of levying this tax, otherwise had it been left to the city fathers, they would not have dared to take this step. There is no denying the fact that if amenities are to be provided to the bigger Lahore, it would be necessary to have something like Rs. 2 or 3 crores a year. But where is that money to come from? It does not fall from trees. It has to come from the pockets of the people. My honourable friend Mr. Guest has rightly pointed out that house-tax is an essential feature in a municipality for the purposes of raising revenue. Naturally we must also have recourse to it. So far mostly the income of the Lahore Municipal Committee has been derived from the octroi duties and terminal taxes. There is after all a limit to everything. We cannot meet the growing needs of the city through these sources only. Besides if we reflect for a moment we would find that the terminal taxes which milk vendors, fuel sellers and grocers have to pay are ultimately borne by the consumers. It is not fair for us to go on burdening the general public. Now the only way in which the resources of the Municipal Committee can be increased is to impose the house-tax so that the people who have large bungalows and palatial houses and who have so far been taking advantage of the amenities provided by the municipal authorities should also contribute their share. If along with them a few poor people who have houses are also called upon to pay this tax, that would not entail any hardship on them. Proportionately the amount of tax imposed on them would be very small. But then, they should consider that so far no amenities have been provided to the residents of the walled city of Lahore. Now in order to provide some amenities to them something would have to be done. Hence the need for this tax. But in view of the past bitter experience we cannot leave this matter to the sweet will of the city fathers.

Now, sir, my honourable friend, Dr. Sir Gokul Chand Narang, observed that if additional amenities were to be provided, it would be necessary to impose this tax, but he urged that it should not be made eternal. I ask, will he kindly state for how many years this tax should be imposed? To my mind Rs. 50 crores are required for improving, cleaning and providing up-to-date amenities in Lahore. This sum cannot be realized overnight. It will take some years to realize it. I wonder why he has become anxious even now. Let this money be realized and when we find that there is no room for further improvements in the city of Lahore, then this Act can be amended in no time. But if we now leave this matter to the discretion of the Councillors, they would not be able to impose it at all. Because whenever they intend to do so, their efforts would be thwarted by the people. They cannot muster enough courage to take any tangible steps in this behalf and thus go against the wishes of their masters. If they dare do so, the residents of Lahore would make a veritable hell for them. In the circumstances I would ask my friends not to press this amendment

which would go against their own interests. (*Interruptions*). Anyhow my submission is that if the word "may" is substituted for the word "shall", it would create great difficulties for my honourable friends who are dreaming of becoming Mayors and Deputy Mayors. They are pressing for this amendment because they do not want to pay this tax. If we accept this amendment then the Corporation would not dare to impose it. That is why we want to make it obligatory on it to impose this tax. With these words I oppose the amendment now before the House.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I am glad to hear the views of my honourable friend opposite whose experience of local self-government demands that I should treat anything coming from him as words of wisdom, and I have carefully considered his suggestion, but I think there are certain difficulties in its acceptance which I shall presently explain.

First of all, it has been stated that the house tax is being levied merely for the purpose of financing the sewage scheme. That is not the case. It stands on twofold reasons. One is the immediate one, that is we wanted money for the sewage scheme, and the second is that we considered that Lahore is the most lightly taxed city in the whole of India and that it should pay a tax on lands and buildings. The only income that the municipality at present gets is through the indirect tax of octroi, and that is an indirect levy to which the poor and the rich contribute equally. It is only equitable that those who want extra amenities and have extensive property should pay an extra share. First of all, I would like to say why this tax is necessary. I do not think that we should leave it open to the members of the Corporation to levy it or not. Our idea is that as long as the Corporation lasts, this tax should last. At least that is the view we hold. There is nothing new in this tax. The district boards are levying local rates, and there is no reason why people who own property and enjoy all the amenities should not be taxed, particularly in Lahore. In Lahore we are in want of money, not only for sewage scheme. The town is developing from old city to a modern town and many amenities are required. We want money here more than in any other Corporation and if other corporations have got house tax, it is all the more reasonable why it should be imposed here also and it should be imposed permanently because the money will be wanted by the Corporation for all time. It is to be spent by the representatives of the people, it is not to be spent by the Government nor is the expenditure to be dictated by Government. That is all the more reason why we should not leave this odium to those representatives of the people. As one honourable member has pointed out, people may do *staps* at their doors. So we remove the trouble for them and take the odium upon ourselves. (*Interruption*). No doubt the odium is being incurred by the party in power. (*An honourable member*: Yes, they are playing their own game). When others are playing their own game, this will appear to be a game also from their point of view. Our idea is the future good of Lahore city. Then I was saying that this is not a new principle. My honourable friend has said that no such compulsory tax exists anywhere else. May I refer him to section 91 of the Karachi Act where the word 'shall' will be found? "The Corporation shall impose taxes on property". Even in the Madras Act the word 'shall' is to be found.

Sardar Sahib Sardar Santokh Singh : The Madras Act does not say 'shall'. See section 98.

Minister for Public Works : Section 99 says that a property tax "shall" be levied. Perhaps my honourable friend has not carefully seen it. Again, the Bombay Act, section 189, says "shall". "For the purposes of this Act a tax shall be imposed." I can quote many other instances. Again, let us take advanced countries like England. There, too, I find there is a Rating and Valuation Act of 1925 which contains the word "shall". Not only that but they have got also a poor rate, which is to be compulsorily levied by the corporation for relief of the poor, and I think that a similar levy is also needed in Lahore to help the poor citizens of Lahore and the charitably-inclined people of Lahore will not object to it. So there is nothing objectionable in what we are suggesting.

With regard to the incidence of taxation, there is a later clause dealing with it and when that is reached I hope to put forward the Government point of view. At this stage it is enough to say that this word "shall" will not add any burden to the poor citizens of Lahore as they will be exempted under another section.

Lala Sita Ram : May I know whether there is a terminal tax or octroi in Bombay ?

Minister : There are many other taxes there. Now coming to the incidence of the tax—I hope my honourable friend will note this, I am sure he knows this—the incidence of taxation is the least in Lahore. In Bombay it is Rs. 16-15-8 per head; in Karachi Rs. 10-5-9; Cawnpore Rs. 7-18-11; Madras Rs. 7-2-10; Calcutta Rs. 16-8-1; Delhi Rs. 4-15-6 and Lahore Rs. 4-5-9. So the incidence is the least in Lahore.

Then my honourable friend, Dr. Sir Gokul Chand Narang, asked me what would be the income from this tax. May I give him the rates? Ten per cent is the rate to be levied in the whole area. The walled city has an exemption of Rs. 5 per cent. The area which is going to be benefited after some time will have 7½ per cent and the civil area which is going to derive full benefit immediately, will be taxed 10 per cent. There will be a rebate of 20 per cent for prompt payment and up to the end of 1941 the tax will be half. So the highest or the maximum rate will only be 8 per cent.

Dr. Sir Gokul Chand Narang : There are some mistakes in these figures. They require revision.

Minister : According to the present rates the total income will be in the vicinity of 5 lakhs and after making allowance for remissions and short collections, it will be left at about 4½ lakhs. When the full rates are enforced, the total income is expected to be 10 lakhs and after allowing remissions and short collections, it will be in the vicinity of 9 lakhs. That is on the basis of the information which we have at present and if the Doctor Sahib thinks there are some mistakes, it can be verified. After all even this is an estimate. The sewage scheme is a huge affair and I do not want to go into the details of it. Its history is well known to my honourable friend who has been in charge of it. The sewage scheme was planned in 1907. The map of the proposed scheme has adorned the walls of the office of the Minister of Local Self-Government ever since. A cousin of mine was in

charge of the *port folio*; Sir Fazl-i-Husain was in charge of it earlier and my honourable friend opposite had also the same charge and when I took over, I thought the plan shown in that map should be put into effect. So under these circumstances we have to impose this tax. Of course it will be in the interests of the Corporation and in the interests and for the betterment of the people of Lahore. There is no idea of spending this money in any other way. It will be spent in Lahore for the people of Lahore.

Then, sir, the cost of the sewage scheme cannot be met by the income we are going to get from this tax in the first four years. The scheme is going to expand with the population and then more money will have to be spent on the scheme as the town expands, not to think of the other amenities, and if there is any saving from the sewage scheme that money will be needed for those amenities. You want many amenities, you want good roads, you want clearance of slums and you want good houses for the people—

Rai Bahadur Lala Gopal Das : Are you going to build them ?

Minister for Public Works : Then a few honourable members asked what was going to be the cost of this scheme. It is not quite relevant to this matter but I might as well repeat it. The whole scheme for the enlarged Lahore has been estimated to cost Rs. 2,44,44,160. The modified scheme, that is part I, that we have started is to cost Rs. 90 lakhs. It has been slowed down to a skeleton scheme at present because of the war and other causes. The minimum expenditure on this would be Rs. 40 lakhs. Then the maintenance of this scheme will be about Rs. 1,20,000. The maintenance cost will have to be paid, and there is the interest on the whole loan which comes to Rs. 3,20,000. Thus the first part of the sewage scheme will take away Rs. 4,40,000 annually; the rest of the scheme is yet to be taken up. You will see that there is hardly any money to be spared. We have got this loan and the rest of the loan has got to be raised and then the money has got to be paid back. There is no getting away from it. If we agree to change the word 'shall' into 'may', the result would be what can be better imagined than described. The loan would still be there and if it is paid out of the other municipal income, that is only octroi, the town of Lahore will have no income left and there will be stagnation of finances and bankruptcy of the municipality. If you want the sewage scheme and other amenities, the house-tax has to be paid. We have fixed it at the minimum which is necessary for the present and it will be for the representatives of Lahore to increase it if they so wish and can, but I know that it will remain at the minimum. That is my fear, but if they increase it, all credit to such public-spirited representatives of the town of Lahore. I am glad to find that my honourable friend the ex-President of the late Municipal Committee and I hope the future Mayor of Lahore is now here. He had asked me all these facts and figures which I have stated in his absence. He, I know, is for the sewage scheme and I see him nod his head; but his difficulty was that though he was for the sewage scheme, the money was not forthcoming and the committee went on postponing the scheme.

Mian Abdul Aziz : No. Pardon my correcting you. Our difficulty was how much tax should be imposed and how that money was to be realized, because the scheme proposed by the Government was very expensive.

Minister for Public Works : The honourable member says that the scheme is very expensive, more expensive than is necessary. There is no magic, and no miracle is possible in carrying out the work connected with this scheme. It must cost what it has cost in other towns. How can you complete such a scheme by getting money out of your octroi which taxes the poor people mostly? The House-tax was not levied and hence they did not have the money. That has been his trouble and this trouble we are trying to solve for him so that the future town of Lahore may have the amenity. Then he said that the estimates had been increased. The estimates were increased because the scheme has also been enlarged. Formerly the area of Lahore was much smaller. The area of Lahore has been increasing and the population has been increasing; the cost of the scheme must therefore go up. If the scheme is taken in hand ten years hence, the cost would be still greater. The scheme has been vetted by the best experts. I daresay there may be defects. I cannot vouchsafe for absolute correctness; but it is as good a scheme as anybody can frame. Human efforts are not infallible.

Mian Abdul Aziz : Why not have the scheme first carried out in a small area and then expand it over the rest of Lahore?

Minister : The scheme is being taken up in parts. Part I is in the most thickly-populated portion of Lahore and sewage system will be extended to other areas gradually. We do not want to extend the sewage scheme to a village. There the village sanitation is good enough. Places where sanitation has developed to the state of a town, the proposed scheme is introduced in those areas. As to delay, where is a living engineer who can carry out such a scheme all at once? If you tell me his name, I will send for him.

Mian Abdul Aziz : That means mortgaging Lahore.

Minister : It is not mortgaging Lahore at all. But we do not want Lahore people to die of infectious diseases or spread them in the whole of the province. We people from the countryside want you Lahoris to live happily and the day will come when you will bless us, though I know at present we will get all the curses. But the day will come when Mian Sahib is installed in his great *gaddi* of the town of Lahore as the Mayor, then he will bless the Unionist Party. With these words I oppose the proposal of my honourable friend. I am afraid it is not possible for me to accept that proposal. The idea is to have this tax compulsory as every corporation has it.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu) : Sir, so far as the question of providing amenities to Lahore and discussing the details of this tax is concerned, I propose to take it up at the proper time, that is, when clause 104 is taken into consideration. At present the proposition under consideration is as to whether the word 'shall' may remain as it is or the word 'may' be substituted for it. Both the Government and the Opposition agree on the point that some sort of taxation is very essential for defraying the cost of some of the things that are being done for the betterment of Lahore. But the question is, why should we make it binding on the Corporation to levy a particular kind of tax? In this connection the Honourable Minister has remarked that if it is left to

the option of the Councillors they will fight shy of imposing such a tax for fear of losing the good will of the people and would not dare risk their re-election. If the Councillors shirk their duties and do not realize their responsibility, Government has the power to supersede the Corporation.

Minister for Public Works : We do not want to make it a habit.

Rai Bahadur Lala Sohan Lal : Then, sir, the Honourable Minister stated that the chief reason for levying a tax on Lahore is that it is the most lightly taxed of all the big cities in India. That is no argument. We know that there are many things which are so very necessary that we cannot afford to do without them, and some kind of tax shall have to be imposed for that purpose. But we do not want that the Corporation should be compelled to levy a particular kind of tax and that is why we want to substitute the word "may" for the word "shall". So far as the argument that Lahore is lightly taxed is concerned, I beg to submit that it might have had some justification if the measure related to a rural as opposed to an urban problem but not when it relates to a matter which is primarily the concern of the people of Lahore. Moreover there was no occasion for the Honourable Minister to bring in a reference to Bombay and Calcutta in this connection. In both the Acts the word 'may' is used in connection with the imposition of a property tax.

Mr. Deputy Speaker : The question is—

That in sub-clause (1), line 2, for the word "shall" the word "may" be substituted.

The motion was lost.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) : Sir, I beg to move—

That in sub-clause (1), lines 4-5, for the words "the Property Tax," the words "House-Tax" be substituted.

My reason for moving this amendment is simply this that the places where there are no buildings should not be taxed. The open sites that are not giving any return, should not be taxed unnecessarily. I hope the Honourable Minister will see my point of view and accept this amendment.

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

That in sub-clause (1), lines 4-5, for the words "the Property Tax," the words "House-Tax," be substituted.

Mir Maqbool Mahmood (Parliamentary Secretary) : Mr. Deputy Speaker, I concede that ordinarily it is a rather unique procedure to lay down beforehand all the details as to what is to be the form of taxation if we want to see compulsory tax to be levied by the local Government. But as the Honourable Minister has explained just now, we have taken advantage of the experience of other Corporations. We find that practically all other Corporations, have had, for one reason or another, to impose a compulsory scheme of taxation. I am not going to weary the House with regard to the provisions of the various provincial Acts dealing with this matter. But I shall make it clear that in each one of the provincial Acts, the words are not "House-tax" but "Tax on buildings and lands". I am prepared to agree with my honourable friend Lala Gopal Das that there may be ground for serious consideration for the Minister concerned as to what are the types of exemptions for vacancies and vacant spots that have to be

[Mir Maqbool Mahmood.]

given exemption under this Act. There is a specific provision which deals with exemptions. And the Honourable Minister will give this question a consideration which it deserves. At the moment what we are concerned with is this, whether we shall follow the experience of other Corporations and give power to the Corporation to tax all those items which they find necessary to tax. This is a matter which has to be considered hereafter. The honourable member who has tabled this amendment will find that in almost all the Corporations, the words used are not "House-Tax" but "tax on buildings and lands". I therefore appeal to my honourable friend to withdraw his amendment and to press for a specific exemption, that the plots which have been left vacant should be exempted, just as they have been exempted in most of the Corporations. So, I oppose the amendment.

Mr. Deputy Speaker : The question is—

That in sub-clause (1), lines 4-5, for the words "the Property Tax" the words "House-Tax," be substituted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I beg to move—

That in sub-clause (2) (a), lines 1-3, the words "at rates Provincial Government" be omitted.

Sir, the object of this amendment is that we should give freedom to the elected representatives of the city of Lahore of imposing taxes at rates that they themselves like. They themselves will be the best judges of what they need and not the Government. I am sorry to say that this Government has been bringing before this House measures of taxation without telling how much money will be realized by these measures. They have not even anticipated how much money they require. Here, again, the Government wants to take this power into its own hands. After all if it is left to the Corporation to have their free way, then they would know how much money they want and how much tax they should impose. Why should the Government interfere with the rights of the elected representatives who will form the Corporation of Lahore? No limit should be imposed by this Government on the representatives of the people. If the Government is going to make this Corporation a model of local self-government, it is absolutely unjust to impose this restriction on them. I want that the elected representatives, the councillors of this Corporation, should have full authority and power to impose any tax which they consider fit and that the Government should not dictate to them as to the rate of tax.

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

That in sub-clause (2) (a), lines 1-3, the words "at rates Provincial Government" be omitted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I am surprised, sir, that the honourable members opposite are blowing hot and cold in one and the same breath. On the one hand, they insisted that instead of the word "shall" there should be the word "may", on the other, they want to deprive the Government of their supervising power with regard to this healthy tax. The Provincial Government wants to take this power so that there may be no excessive or in any way

iniquitous tax. The idea is that the local Government should have the supervising power in order to safeguard the public concerned. The Corporation may levy a tax at such a rate which may be unjustifiable. It is in the interest of the public that the Government is taking these supervisory powers. This tax will be levied on all animals used for riding draught, burden or milking or kept for similar purposes. The Corporation may levy a tax which the public concerned may consider to be very harsh. This provision is exactly on the lines of section 61 of the present Municipal Act. I do not think that this provision of the Municipal Act has been misused in any way. I know certain cases in which people were over-taxed and when they came to us for relief and satisfied us, we redressed their grievances.

Mr. Deputy Speaker : The question is—

That in sub-clause (2) (a), lines 1-3, the words "at rates . . . Provincial Government," be omitted.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): I beg to move—

That in sub-clause 2 (a), lines 4-5, the words 'or milking' be deleted.

Sir, I do not feel the necessity of dilating upon this amendment as its usefulness is quite evident. None can gainsay the fact that the rich and the poor both equally derive benefit from the milching animals because milk is one of the necessities of life. Hence the object of the amendment proposed by me, is that the animals kept for the purposes of milking be exempted from the operation of this tax. I hope the Honourable Minister would see his way to accept it.

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

That in sub-clause (2) (a), lines 4-5, the words "or milking" be deleted.

Minister for Public Works : I am sorry to say that the honourable member does not seem to have followed the point. It is not a question of milking. It is the other way about. I, therefore, think that the amendment is not necessary.

Mr. Deputy Speaker : The question is—

That in sub-clause (2) (a), lines 4-5, the words "or milking" be deleted.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 102 stand part of the Bill.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I rise to oppose this clause as a whole because I consider it as one of the most harmful clauses of the Bill. My objection to its retention is that while very little powers have been vested in the Corporation by the Government, it has been made obligatory on the part of the former to impose property tax. In other words it has been provided that the Corporation must levy a House-Tax which would continue not for a specified period, but till doomsday even after the Sewerage Scheme is completed. It has been dinned time and again into the ears of the public that funds are required for the purpose of the

[L. Sita Ram.]

sewerage scheme which is an urgent necessity. This was, and still is, their justification for the levy of the house-tax. And there are facts which bear out this contention. Let me, first of all, mention an article on this point which was issued by the Director of Public Information, in which he dwelt at length upon the necessity of imposing the house-tax for the completion of the sewerage scheme. I have no mind to bore the honourable members by reading the whole of the article, but I shall presently quote some lines which prove my contention. Again, the Administrator also laid it before the public that the said tax was necessary for the badly-needed sewerage scheme. All this shows that the house-tax was an emergency tax and it would not be a permanent yoke round our necks, as is designed by this vicious clause of the Bill under discussion.

Sir, I have not been able to follow the Government in their two contradictory attitudes. On the one hand the Administrator tells us that he has done nothing new by the imposition of this tax and that he has simply carried out the resolution passed in June, 1936, by the members of the defunct Municipal Committee of Lahore. I refrain from enlightening the honourable members of this house about the circumstances under which the house-tax was proposed and passed by the superseded Municipal Committee for the present, but let me take the Administrator at his word. If it was the Municipal Committee who did this, why should he boast of the credit? On the other hand the Honourable Minister who, as we apprehended, has made it clear beyond doubt by his speech and by the retention of this clause in its present form that the house-tax would become a permanent feature, says that Government have been compelled to take this step. Again, it has often been remarked that the members of the Lahore Municipal Committee were not efficient and the hands of the Government were forced to enact this provision in the Bill. I fail to reconcile these conflicting statements of the Administrator and the Government. According to the former the proposal of house-tax is that the result of the deliberations of the members of the Municipal Committee and the contention of the latter is that failure on the part of those members to levy this tax has driven the Government to resort to this compulsion. We are at a loss to find out as to which statement is correct. As a matter of fact no case has been made out by the Government for this compulsory levy and no cogent reasons have been put forward for rejecting the substitution of the word "may" for the word "shall". We fully see through the game played by the Government. They want to fetter the hands of the future Councillors and do not like them to have their free say in matters of taxation. Let me now quote a few lines from the article issued by the Director of Information Bureau, and printed in the "Tribune" dated February 11, 1939. The learned Director writes:—

In June 1936 the Municipal Committee resolved that a modern drainage system installed within their area. Soon afterwards the Committee were superseded but their proposal for modern drainage has been proceeded with, and the Public Works Department have now prepared for the Administrator a scheme which the Provincial Government have sanctioned.

Although 10 per cent on the annual value is being notified as the rate for house-tax throughout the Municipal area this will not, in fact, be the rate generally paid, the intention of the Government being that localities should pay in proportion to the benefit they receive from the scheme—.

All this shows, Sir, that the house-tax was a particular and specified tax for a specified purpose, and not a permanent feature. Now they have changed their ground. They say that the house-tax and other proposed taxes are needed for varied amenities of the public. But let us not forget

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that the Government can multiply their needs. They may demand ever greater income and expenditure. There can be no end to one's needs. We are not rich enough to meet all the needs of the Government, however reasonable they are. The Administrator seems to dwell in a dreamland. He is thinking of turning Lahore into a paradise. My honourable friend, Dr. Sir Gokul Chand Narang, has dealt with this aspect of the question at length and I do not want to repeat those arguments. But I must point out that endless dreams cannot be realized. Scheme after scheme will come forth and there shall be no halt. Honourable members of this House must be well aware of the Dobson Committee Report and other documents which have been dealing with the affairs of Lahore. In fact whenever complaints about the insanitation of Lahore were made it was not intended that the Mall Road, Montgomery Road, the Empress Road or the Lawrence Road were bad and that sanitation around these roads was deplorable; the real complaint was that Lahore proper with its congested suburbs was hopeless. But the Government have started improving the outer Lahore which was already in an excellent sanitary condition. The modern drainage scheme is not going to improve the condition of deplorable Lahore proper. Even the Government admits that it is impossible to act on this scheme so far as the interior city of Lahore is concerned. May I ask if there is any sense in compelling the inner Lahore to pay for the improvement of the outer Lahore? Why should an operation be performed on the head of a person who has a trouble in his foot? The logic of the Government is strange indeed. The Government has admitted, while answering my questions, that the drainage scheme cannot be carried out in the inner city. Then why tax the poor inhabitants of inner Lahore for providing luxuries to those living in outer Lahore?

My honourable sister, Mrs. J. A. Shah Nawaz, was pleased to remark that the old Municipality of Lahore had been superseded due to the incompetence and inability of the members of that committee. (*Mrs. J. A. Shah Nawaz* : I never said so.) May I tell her who those incapable members were? They were learned persons like the Parliamentary Secretary, herself and a host of other capable heads including Dr. Mrs. Shave, Chaudhri Sardar Ali, Chaudhri Fateh Sher, Mr. K. L. Rallia Ram Rai Bahadur Lala Sohan Lal, Rai Bahadur Dr. Maharaj Krishan, Lala Guranditta Mall, Lala Narsingh Dass, Lala Hari Chand Puri, Lala Devi Chand, Contractor, Khawaja Ferozuddin and Mr. Nazir Ahmad, now the Official Receiver, and so on. In fact the members of the committee were not to blame. The Government wanted to supersede the committee to gain its own end and it ultimately succeeded in its object. My honourable friend, Rao Pohop Singh, has not understood the real matter.

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

Lala Sita Ram : I am relevant in this respect.

Mr. Deputy Speaker : The honourable member can only oppose the clause. This argument has nothing to do with the clause.

Lala Sita Ram : All I want to say is that the imposition of the tax should be left to the discretion of the Corporation. The Government should not hold a pistol and say to the Corporation "You shall impose a tax". The Corporation should be empowered to impose or not to impose this tax.

(At this stage it was pointed out that there was no quorum in the House. After ringing the bell for some time, Mr. Deputy Speaker declared the House to be in quorum.)

I was saying, Sir, that the word "shall" should be replaced by the word "may" so that if the Corporation wishes, it may impose the required tax and if it feels that no such tax should be imposed, it may not impose it at all. If the house-tax is wanted for the completion only of the drainage scheme of Lahore, then I am prepared to accept it on the condition that the Government should agree to an amendment to this effect. The Government appears to be keen to finish the whole scheme within five years. Let this tax be imposed for that period after which it should go automatically. The real trouble is that the Government wants this tax to continue for ever. That is not fair and just.

I would now refer to the Corporation Act of Karachi. May I ask from the sponsors of this measure if a similar house-tax has been imposed there in addition to other taxes that are imposed in Lahore? The Government have tried to copy a model, but even for copying some sense is required. The Government found that a house-tax is realized in the cities of Bombay and Karachi and they forthwith proposed to levy a similar tax in Lahore by making provision to that effect in the present Bill. They never took the trouble of enquiring whether the people of those cities are also subjected to other taxes imposed in Lahore. They never tried to find out whether terminal tax and octroi duties which are collected from the residents of Lahore are also realized from the people of Bombay and Karachi. Let them copy the Corporation of Karachi, Bombay or Calcutta in this respect as well. I may state for the information of the House that the people of Lahore are paying about 15 lakhs annually in the form of terminal tax alone. No one would have objected to the levy of this tax in Lahore if like the people of Bombay and Karachi we had also been saved from these taxes which are already a sufficient drain on us. Moreover, in imposing this tax no consideration has been shown to such people as have little paying capacity.

Then, Sir, it was said that as the Lahore Municipal Committee did not make any arrangements for drainage the Government had to undertake that work. I may say that it was due to the fault of the Government that the Lahore Municipal Committee failed to construct any drainage scheme. The Committee asked the Government time and again to enlighten them regarding the expenditure of this scheme, but their estimate of expenditure always changed. They started with an estimate of Rs. 62,00,000. Then it rose to Rs. 90 lakhs and then to Rs. 1 crore and now about Rs. 3 crores. The experts and engineers working under the Government, it seems, are all hopeless, inasmuch as they cannot estimate the expenses even to the nearest thousand. And who knows that their present estimate of Rs. 2,45,00,000 for the drainage scheme, now under construction may not rise to another figure by the time of its completion?

The benefit of the drainage scheme which is at present under construction will mainly go to the rich people who live on the Mall or in such other clean and decent localities. The people of inner Lahore will not be benefited by it in any way although no small burden of its expenditure is to be borne by them. It was necessary that some drainage arrangements should have been made for the Lahore proper and not for the Mall and such other localities as are already very clean. If underground tunnels could not be made in the inner Lahore, some other system of removing the dirt and filth, could be devised. And if even that is an impossibility the tax collected from the inner Lahore could otherwise be used for their good. Why should they be made to pay for the comforts of others?

In addition to the property tax they have proposed other taxes also to be levied on the people of Lahore. Sub-clause (2) of clause 102 reads as follows:—

A cess, at rates prescribed by the Corporation with the approval of the Provincial Government, on goods imported into the City for consumption, use or sale therein.

The Corporation, it means, will be forced to levy a cess on goods imported into the city and will also levy a tax on animals etc.

Mr. Deputy Speaker : The honourable member is repeating his arguments.

Lala Sita Ram : I cannot say what the Honourable Minister is imagining with regard to Lahore. Perhaps he is dreaming of turning Lahore into a paradise. But let me say—

”ہیران بہشتی را دوزخ بود اعراف
از دوزخیان پرس : اعراف بہشت است“

Mrs. J. A. Shah Nawaz (Urdu): Sir, I have been a member of the superseded Lahore Committee for about five years. I was also a member of that Municipal Committee when Mian Abdul Aziz was its president. I want to put a question to the Mian Sahib. Will he please tell me whether at the time when a resolution was moved in that Committee recommending the imposition of house-tax, he voted against it or in its favour?

Lala Sita Ram : The honourable lady member is only repeating what she has already stated before the House.

Mr. Deputy Speaker : I would request the honourable member not to repeat the arguments.

Mrs. J. A. Shah Nawaz : Will the honourable Mian Sahib please answer that question?

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

Mrs. J. A. Shah Nawaz : I am talking about the house-tax and I am in order ; the question is about the house-tax.

Then Mian Sahib stated in his speech that the Administrator assured the people of Lahore that the house-tax was levied in order to collect money to bear the expenses of the drainage scheme and that its collection would be discontinued as soon as the drainage scheme had been accomplished. He repeated this again and again. I remind him that when—

Mr. Deputy Speaker : The honourable lady member has no right to reply to what was said before. She can either oppose the clause or support the clause.

Mrs. J. A. Shah Nawaz : I bow to your ruling. Yesterday as well as this morning I explained why I was repeatedly putting this question. I put this question to two honourable members of the Opposition, Sir Gokul Chand Narang and Mian Abdul Aziz. Mian Abdul Aziz's reply was that this tax was necessary. (*Interruption.*) Please let me develop my argument.

Mian Abdul Aziz : Nobody has denied it, it is only repetition.

Mrs. J. A. Shah Nawaz : If he admits the necessity of levying this tax then through you, Sir, I put him this question. In so many big meetings of the citizens of Lahore resolutions have been passed to the effect that this tax may not be levied. If he admits the necessity of levying this tax then why did he not—

Mian Abdul Aziz : I am drawing your attention, Mr. Deputy Speaker, that this is repetition and nothing else.

Mrs. J. A. Shah Nawaz : I have not given way. Sir, my question was that if the honourable member admits the necessity of levying this tax then why did he not explain to the people that such a tax was—

Mian Abdul Aziz : It is entirely wrong, it is a misstatement. I want to correct it.

Mrs. J. A. Shah Nawaz : I have not given way. Sir, I am constrained to remark that it is the duty of our leaders to give the right lead to the public instead of misleading them.

Mr. Deputy Speaker : I would request the honourable lady member not to be personal.

Mrs. J. A. Shah Nawaz : Then, my honourable brother and my honourable sister on my right stated that they mixed with the poor people and that many poor residents of Lahore approached them and requested them to do something to stop the imposition of this tax. I may tell my honourable sister and the honourable Mian Sahib that a deputation of women approached me only a few days ago. The members of this deputation were very poor, not even properly dressed. You will believe me when I say that the garments in which they stood were tattered ones. Anyhow they said that they had come to inquire for how many years the poor people would have to pay that tax which was being thrust on them in the teeth of their opposition. Even now the face of one of them vividly comes before my eyes. Her eyes were full of tears. I told them that we knew that they were very poor people and that this tax was a great hardship on them but after all what were the reasons that had led to its imposition on them. While addressing one of them particularly I said, "you know that you have lost five of your dear children, you know that the span of your lives is becoming shorter and shorter day by day, you know that diseases are taking an increasing toll of life in the city of Lahore and yet how can you say that nothing should be done to improve the sanitary conditions of Lahore? Do you know what you would get in return for this house-tax? I then explained everything and pointed out to them that interested parties had been telling

them that the drainage scheme has been undertaken only to provide amenities to the civil station but they should know that a big drain would be constructed round the walled city and that the surface drains would also be improved. As a result of it the rate of mortality in the city would be lowered, lives would become more healthy and their children would not suffer from infectious diseases every day. When I explained to them everything fully they said that they were illiterate and they did not know these things before and if that was going to be the case then they would have no objection against the imposition of that tax. I appeal to the leaders of the people of Lahore in the name of the Almighty God that when any such Bills are brought forward in this House they should try to place the whole case before the public clearly and sincerely. What is the use of exploiting the situation? I think if true facts are placed before the public they have sufficient common sense to sift the grain from the chaff. I have myself explained this matter to thousands of families that the drainage scheme would be very useful for them and they have readily believed me. I request the honourable members to realize their duty. Besides it has been urged by some of the honourable members, if we were in the right why do we hesitate to go on to the stage and face the public there? Some of us have already done so, but I may tell them that I do not think that that is the only way in which we can achieve the object. On the contrary I am one of those who believe that much can be achieved in talking to the people quietly and sincerely even in the drawing rooms and a good deal of propaganda can be carried on without any fuss. So what is required is not who delivers more public speeches but honesty demands that we should place true facts before the people so that they should know as to why taxes have to be levied. Besides, the honourable members of this House who used to be members of the Lahore Municipal Committee in their heart of hearts know that this tax is absolutely necessary if the sanitary conditions of Lahore are to be improved. But they do not express their opinion in the public. Outstanding leaders of note, able personalities, have presided over several meetings where strong resolutions have been passed against house-tax. I have to-day over and over again asked some of them whether they did not sincerely believe that such a tax was needed and they have replied in the affirmative. Why have they not the courage of their own convictions? As I explained yesterday, when I used to be a member of the Lahore Municipal Committee its income amounted to Rs. 22 lakhs only. Out of it Rs. 8 lakhs were spent on education, Rs. 4 lakhs on electric power and the rest on general administration. Practically not a single pie was left by which amenities could be provided to the residents of Lahore. I know that once a European family came to Lahore and while making her monthly budget the lady inquired as to what amount of money she should set apart for municipal taxes etc. She could not possibly think that there was any city in the world whose residents were not called upon to pay any such tax? But when she was told that she had to pay nothing by way of municipal taxes she said that this city was indeed a heaven where no municipal taxes were levied. My object in pointing out this thing is there is not a single civilized country in the world where the inhabitants are not called upon to pay any municipal tax and there is not a single city where house-tax has not been imposed. In the face of these facts it does not lie in the mouth of any honourable member to say that this tax

[Mr. J. A. Shah Nawaz.]

should not be imposed. With these words I support the clause now before the House.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban) (*Urdu*): Sir, I rise to oppose the entire clause. I moved an amendment to this clause to the effect that no restriction should be imposed on the powers of the Corporation and by retaining the word "shall" the Government should not make it binding on the Corporation to impose house-tax. It should rather be left to the discretion of the Corporation. I for one consider it most indispensable because the drainage scheme is under construction and without necessary funds it cannot be completed. Why then should the Corporation be forced to levy this tax when it can do so of its own accord? I would like to elucidate my point by citing an example. So far not a single occasion has arisen when during the consideration of a Bill His Excellency the Governor has recommended to the House to insert certain words in that measure. If he were to make any such recommendation the honourable members would be in duty bound to act accordingly. But what happens always is that first of all a measure is passed by this House and is then placed before the Governor for his assent. Under these circumstances I do not think that we would be in any way justified to make it incumbent on the Corporation to impose house-tax.

Besides, time and again instances of Bombay and Karachi have been cited in this House. But we think that only bad points of those Corporations have been adopted by our Government while their good points have been carefully ignored. (*Interruptions*). Whenever our Ministers go to other provinces they boastfully say that their province is leading other provinces in every respect and is mostly inhabited by martial races and so on and so forth. But when they have to enact a law they at once suggest that we should follow the lead of such and such province. It has never occurred to them that they should also exercise their minds to create anything new. You will see that under this clause the Corporation shall have to impose a property tax on all lands which are lying vacant and where no houses have so far been constructed. Let me tell the Government that the price of such lands is not increasing but is going down. The reason for this is that because of this taxation people do not like to construct any houses on them. Now so far as the agricultural lands are concerned they are yielding only a small income and if any tax is imposed on them by the Corporation it would be very difficult for the owners of such lands to make both ends meet. Similarly, there are other agricultural lands which have come within the Lahore Municipal Committee on account of the extension of the Municipal limits. Now this tax will also be levied on those lands in view of their increased value. I am at a loss to understand how the zamindars whose income is already not enough to provide them a bare living throughout the year will be able to pay it. There is, in fact, no likelihood of any houses being built on them because of this new taxation.

Then there is another very important matter in regard to which I would like to say a few words. My honourable sister Begum Shah Nawaz, who is in the habit of making very bad remarks about the members of the previous Lahore Municipal Committee, has not spared them even to-day

For instance, sometimes she says that the previous Lahore Municipal Committee was a gathering of wrestlers. Then again she remarked that the members were most incompetent and that was the reason why the Municipal Committee was superseded. She made similar remarks on different occasions.

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

Begum Rashida Latif Baji : I am only saying a few things in reply. I know the Honourable Minister is not a resident of Lahore. He has come from Shahpur and is not fully aware of the conditions in Lahore. It is, I think, unscrupulous persons who have poisoned his ears. Only a short while ago my honourable sister made a speech in which she said that a deputation of women waited upon her and among them there were some women whose headgears and shirts were tattered and still they insisted that house-tax should be realised from them. How ridiculous it is! The fact of the matter is that she feels shy to appear before the public. Since the time she has been elected as a member of this House she has not gone even once inside the city proper. When that is the case how can she know the real condition of the poor people? Anyway I am sure that it is due to these unscrupulous people that the Lahore Municipal Committee has not been reinstated and it is they who have kept the Government entirely in the dark. When I say that she does not go out to visit her constituency, I am not at all exaggerating. I am sure that the people of Mozang or even of Baghbanpura would vouch for my statement. It is, therefore, why I say that the Honourable Minister is being misled by his advisers in this matter.

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

Begum Rashida Latif Baji : Sir, I cannot develop my argument without making such references, because I have to show what kind of persons will be included among the councillors of the Corporation. Sir, I would, through you, like to ask the Honourable Minister as to what he thinks of the ability of the honourable members representing Lahore. Are my honourable brothers Mian Abdul Aziz, Malik Barkat Ali, Lala Sita Ram and Rai Bahadur Lala Sohan Lal in any way inferior in ability to any honourable member in this House?

Mr. Deputy Speaker : The honourable lady member is irrelevant.

Begum Rashida Latif Baji : Sir, I have listened to the speech made by my honourable brother Rao Pohop Singh in the course of which he said that the people of Lahore lack ability and efficiency. I, being a resident of Lahore, am in a better position than Rao Sahib to judge the ability of the people of Lahore. I am of the opinion that if the administration of the province is entrusted to any inhabitant of Lahore he will be able to acquit himself admirably.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The old Municipal Committee consisted of the residents of Lahore.

Begum Rashida Latif Baji : The responsibility for all the troubles in the committee rested on the shoulders of the nominees of the Government. It was their presence that created all the mischief.

Mr. Deputy Speaker : That question is not under discussion.

Begum Rashida Latif Baji : Sir, kindly allow me to point out one or two things. The meetings of the committee have been described as an arena of wrestlers. May I ask whether we have not had more turbulent meetings of this Assembly, so much so that the Government was forced to introduce the Sergeant at Arms Bill?

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

Begum Rashida Latif Baji : Very well, Sir, during the last four years in spite of the appointment of an Administrator the conditions in Lahore have deteriorated to such an extent that the people are yearning for the good old times when they had their own representatives in the Committee (*Interruption*). This is so because those members had done a great deal for the public.

Mr. Deputy Speaker : The honourable lady member is irrelevant.

Begum Rashida Latif Baji : Kindly let me proceed with my speech. What I want to submit is that it should be left to the members of the Corporation to levy a tax on lands or property. Why should the Government keep this power in their own hands? As I have already stated, the conditions in Lahore have worsened during the last four years. The Administrator is drawing Rs. 4,000 a month while the people of Lahore cannot get enough water for their use.

Mr. Deputy Speaker : The honourable lady member is again irrelevant.

Begum Rashida Latif Baji : Sir, you have declared these remarks irrelevant but when Rao Pohop Singh who hails from another city heaped insults on us and another member called the meetings of the Committee an arena of wrestlers and also when a reference was made to pulling of beards and hair you did not take the trouble of checking the members concerned. Now since you are interrupting me over and over again and the Honourable Minister is also anxious to speak I shall wind up my speech with the remark that the Honourable Minister should not take as gospel truth what his advisers mentioned above tell him. They mislead him and, therefore, he should make it a point to ascertain the true state of affairs from us. (*Applause.*)

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I oppose this clause because it unnecessarily ties the hands of the Corporation. I oppose it because this legislature is thrusting upon the Corporation an unsought for advice, not only that but it is imposing upon them an order in a matter where the Corporation should be left entirely free to manage their own affairs. The Honourable Minister for Public Works has made a capital out of the fact that all the other legislatures have a similar clause in their Acts. I believe he has not studied those Acts, otherwise he would not have made such a misstatement. I would refer him to clause 98 of the Madras Act. It lays down that the Corporation may levy a property tax. The clause that the Honourable Minister had in view reads like this: "The property tax which shall be levied on a consolidated rate." The word "shall" applies to "consolidated rate" and not to the "property tax"

That is the position. We have got to see to what the word "shall" applies.

Mr. Deputy Speaker : I would request the honourable member to address the Chair.

Sardar Sahib Sardar Santokh Singh : The Madras Act, I was submitting, only lays down that the Corporation *may* levy a property tax. The word "shall" is not there. I have quoted clause 98 of the Madras Act word for word. The amendment which we are moving here is, to bring our clause in tune with the Madras Act, and this amendment I commend for the acceptance of this House. I have pointed out that the Minister was under a misapprehension when he said that the word used was "shall". The word "shall" used there in the subsequent clause refers to and applies to consolidated rate and not to the municipality that it *shall* levy a property tax. The Calcutta Act is equally clear. It says: "The following taxes may be levied." It is nowhere stated that they *shall* be levied and what I want you not to forget is that both in Madras and Calcutta there is absolutely no provincial property tax. Here we shall have to pay on the same house the provincial property tax as well as the Corporation tax. But the point under issue is not whether the house tax should or should not be levied. I have very carefully been hearing the discussions on this matter. No one from this side of the House has said that the house tax should not be levied by the Corporation. The point at issue is whether the Corporation should impose this tax of its own free will, or whether this legislature should compel the Corporation to a particular line of action instead of leaving it free to decide its affairs for itself. That has been the bone of contention and to that no satisfactory answer whatsoever has been given. We do not say, "don't impose house tax". Do impose it if the Corporation wants it. But, for goodness sake, do not meddle into other people's affairs. Do not take it into your head to pass orders in matters, which are not directly the concern of this legislature. Government has got the power of superintendence and control over local bodies, but from this it does not follow that this legislature should go out of its way and impose an order on the Corporation to impose a certain tax. If at all, the legislature may say that the Corporation may impose a house tax if necessary. That would be a perfectly reasonable proposition. Apart from that, the legislature has no business to impose an order on the Corporation that it shall impose the tax. Otherwise the Corporation will become a toy and a farce. Why have this farce enacted? What is the good of having such a Corporation? Why not continue with the help of the Administrator or a Chief Executive Officer? There is nothing in a big name of Corporation, if it is not going to have any power to conduct its own affairs. In the case of the municipalities, they could impose taxes subject to the approval of the Government. What we object to is that the Government or for the matter of that, this legislature, should not without rhyme or reason impose its will on the Corporation and tie it down to a particular form of taxation. That is our objection. If even in the matter of taxation Government want to pass an order without leaving freedom of thought or action to the Corporation, there is absolutely no use having the farce of a Corporation, making the representatives of the people undergo all the agonies attending an election, and when they come out, successful, give them no power at all. Let us not forget that the Corporation

[S. S. Sardar Santokh Singh.]

will be more or less a deliberative body. It will not be an executive body. It will only lay down a line of action or policy which has to be carried out by the Chief Executive Officer, who is to be appointed by the Government and in whose appointment the Corporation has no hand. So, is it fair or sensible to take away even that power from the Corporation which is its inherent right? All taxation must be imposed by the Corporation itself and not by an outside authority who do not and cannot know the wants and requirements of the Corporation and of the people. In these circumstances, it is surprising that even the very reasonable suggestion made by my honourable friend, Dr. Sir Gokul Chand Narang, that it may be left to the Government to impose house tax or the property tax for as long as the Government finds it necessary, was unceremoniously thrust aside. He had left it to the Government entirely as to for what period or for how long that tax should be continued. Although we did not agree with that suggestion, yet he made the proposal in which we all acquiesced, as a lesser evil. But the Government has opposed even this proposal tooth and nail. Had the Government accepted that very reasonable proposal, all this time would have been saved. I still hope that the Government will show some reason and will not persist in a statutory provision which it will be difficult to remove, even if circumstances warranted it later, but agree to the suggestion put forward by Dr. Sir Gokul Chand Narang, so that when better days come, this provision could be removed. The present Government which has no regard for the feelings of the urban people may, in course of time, be replaced by another which may have greater respect for them. Then it will be easier for that Government to do away with this part of taxation by an executive order rather than by an amendment of the Act. It was under these circumstances that we had agreed to withdraw our opposition if that reasonable proposal of Dr. Sir Gokul Chand Narang was accepted and I would still earnestly request the Honourable Minister to see his way to replace the word "shall" by the word "may", in this clause.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : In the first place I am one of those who believe that a lot of money is pouring into the city of Lahore and the citizens of Lahore may be made to disgorge a portion for the benefit of the City of Lahore. But as the proverb goes you can take a horse to the water, but you cannot make it drink. You can make the Corporation collect as much money as is required, but you cannot make them spend in the proper way that you desire. Unless there is also that public spirit and that broadmindedness to spend for the good of the people and to bring up Lahore to the same standard as other Corporations, there is no use collecting any money by taxation. To make the Corporation levy a tax compulsorily without making it spend in the proper way is no good. We know that the Irish Free State has raised millions of pounds during the last few years and I think it is not at all difficult that some such method is adopted for raising money for the city of Lahore without touching the pockets of the people who cannot afford to pay. I therefore think that this compulsory clause is very obnoxious and is opposed to the whole spirit of democracy.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I have just been speaking on an amendment similar to the one now

under discussion and I am bound to cover the same ground once over. But I will try not to repeat the same arguments. First of all it has been asked why a clause like this has been put in. My difficulty is that the honourable members come here, go out of the House and return when they please, so that I have to explain first to one honourable member and then when another member comes in and interrupts, I have to repeat the same arguments. I have to cover the same ground over and over again many times. Another difficulty is that my honourable friends do not read the Bill. So what actually happens is that I am not defending this Bill but am actually trying to help my honourable friends to understand the Bill. For instance, it has been said that the tax is going to be imposed compulsorily. That is the case because it is so laid down in this clause. But there is another clause, clause 131, under which it may be cancelled whenever the Government considers it should be done. So there is no question of the tax remaining for ever. The honourable member from Ludhiana knows that the tax is compulsory in the case of district boards. Where then is the inconsistency in asking the Corporation to follow the same principle? The municipality has been living on an indirect tax so far. The honourable lady member has just said, people come and ask 'are there no taxes in this municipality?' and the answer is 'none'. Because the rich have been living on the poor. That is inequitable and we are trying to set it right. We have to impose such a tax the burden of which can be equitably distributed. The poor should pay their mite, but at the same time the rich should not get away scot free and enjoy the amenities. When it is a question of amenities, only the honourable members think of continental towns and of Karachi and various other places, but when it is a question of paying a tax, they say, no it is the death-knell of democracy and the tax should be not levied. If the tax is not to be levied, where is the money to come from? We villagers have been paying for some of the amenities of Lahore but fortunately or unfortunately they have got their representatives here and they are fully awake. This cannot go on any longer. If the city of Lahore has to be improved, it is to be paid for by the citizens of Lahore themselves (*hear hear*). I would not like to take the time of the House any longer, otherwise I could quote chapter and verse from other Acts. The same mandatory provision does exist in Karachi, section 191. This the Leader of the Opposition has not challenged. Then I referred him to Bombay 139, again he has not challenged this. Then I submit that it is also in Karachi 96. Again he has not challenged this. The only instance that can help the Leader of the Opposition according to him is that of Madras. With all respect to him, I say this is not correct perhaps he saw the Madras Act rather hastily and he has confused two sections, otherwise what I quoted is word for word a fact and there is no misunderstanding. He has only read section 98. There it enumerates the series of taxes. In it property tax is one and there the word 'may' occurs. But if you refer to section 99 it lays down that the property tax "shall" be levied. Thus the property tax is taken outside the sphere of discretionary taxes. It is mandatory. Then you may refer to section 100. It lays down the word "shall". It is mandatory. Certain taxes are discretionary but the property tax is mandatory. Then he said that no such tax exists elsewhere. Does he mean to say that it does not exist in England? I have to quote the Valuation Act, 1925. It is compulsory there also. The citizen of Lahore is feeling that in the future he

[Minister for Public Works.]

shall have to pay for some of the amenities from which he will benefit. He has been accustomed to live on other people's money and now he is feeling upset that he will have to pay for these amenities. Otherwise there is no hardship involved. I can understand the anxiety of the Honourable Leader of the Opposition. He is also enjoying free amenities in Amritsar, but the day is not far off when he will have to face the same situation in Amritsar. Look at the dirt and drains of Amritsar. It is the dirtiest city on earth. Is it fair that the poor of Amritsar should go on paying and the rich of Amritsar should go on enjoying? The honourable member is afraid that if this precedent is allowed to be established, it might go against him. But I want him to be public spirited enough to pay his share in Amritsar also. In the district boards local rates are being paid by the poorest. Here we have exempted the poor.

Then, Sir, the honourable member who misrepresents labour in this House went on to say that the rate of tax is very high. I referred him to certain figures, I believe he was not in the House then and I repeat them again for his benefit. Incidence of taxation in Lahore is Rs. 4-5-9, while in Bombay and other places : it is as high as Rs. 16 per head. This is inclusive of all taxes. When the house tax is levied at half rate, the incidence will be Re. 1 per head, later on when the full rates are imposed it would be Rs. 2 per head ; it means that even when the full effect of the house tax is felt, the incidence will be far less than it is in other towns in India, barring one or two small places. I said that it will hardly meet the cost of sewage scheme. We have only laid down the minimum tax that should be levied. I have left the upper limit to the representatives of the people of Lahore. If they find necessity for raising it they can do so. But for the last 20 years they have hesitated in levying this tax. As I said just now, the scheme has been considered by minister after minister and by president after president of the Municipal Committee, but nobody had the courage of facing the music till the Unionist Party came into power. We know that if we make it an optional tax, as Sardar Lal Singh would have me do, the result would be that honourable members, as some of them have been doing in the past would not tax their electors—I am sorry the lady member has left the House. The members of the committee, in order to gain cheap popularity, go and promise that they will see that the tax is not imposed and they will repeat similar slogans at the booths. I have a great respect for the ex-President of the municipality. He is like the captain of a sunken ship who was responsible for bringing about the citizens of Lahore to this plight and today he feels that the municipality should not be criticized, because it reflects upon him. That is not the spirit in which public men should act. They should be responsible for their acts. But they tell us one tale here and another outside and a different tale on the platform. As the Honourable Minister for Development has often said, they are like the elephant having different teeth for eating and different for exhibition. This is the spirit in which some people act. When the Unionist Government is asking that this tax be levied in the city of Lahore, it is acting like a doctor administering quinine to a sick person. When you do not tax yourselves we have got to do it for you. We are making you do it and we are placing this beyond the pale of

doubt. It would be mandatory so that nobody can get away from it later on. You will then be in a position to go and say at the time of elections that this is the work of the Unionist Government. But the people will realise, if not to-day later on, that it has been done for their good and then the Unionists will get credit from the real representatives of the people of Lahore, though not from some of the capitalists.

Sardar Sahib Sardar Santokh Singh : How does it come out of your mouth ?

Minister for Public Works : When my turn comes and I take your roll, then you can say this. When the Mortgages Act came along and when people with capital had to suffer we offered to suffer along with the capitalists so that the poor may benefit and when the remission of revenue was to be made we said that we do not want any remissions for ourselves. Let our poor brethren get that first. We did not want remissions for ourselves. Let the poor man get the relief and we be taxed for it. We do not want any exemption. This is the spirit in which the representatives should come here. I would say that this clause is the very essence of the whole Bill and it is in the interests of the people of Lahore. I am sure the real representatives of

7 p. m.
the people would like it and I would ask the honourable member who has taken up this attitude to give it up. With these words I submit that the clause be passed as it stands.

Mr. Deputy Speaker : Question is—

That clause 102 stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 12 noon on Monday, 17th February, 1941.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of

January 1917

John J. [Name]



Witness my hand and seal this 1st day of
January 1917

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 17th February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

REMISSIONS AND SUSPENSIONS IN HARYANA DISTRICTS.

*7250. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

(a) the remissions and suspensions separately granted by the Government in respect of *rabi* crops for 1940 in the Haryana districts of Hissar, Rohtak, and Gurgaon, respectively ;

(b) the number and amount of the suspensions of *taccavi* in these districts for the same period ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b). A statement is laid on the table.

(a) District.	Demand for <i>rabi</i> 1940.	Amount suspended.	AMOUNT REMITTED.	
			Out of demand for <i>rabi</i> 1940.	Out of suspended revenue of previous harvests.
	Rs.	Rs.	Rs.	Rs.
Hissar	3,33,367	2,43,971	..	78,307
Rohtak	6,53,805	1,28,190	349	65,396
Gurgaon	7,73,052	1,22,126	403	2,79,080

[Raja Ghazanfar Ali Khan.]

(b) District.				Number of cases.	Amount suspended.
					Rs.
Hissar	..	..	..	26,836	4,13,774
Rohtak	..	..	..	117,808	9,64,231
Gurgaon	..	..	..	115,971	6,83,871

DEBT CONCILIATION BOARDS IN AMBALA DIVISION.

*7521. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Development be pleased to state—

- (a) the number of debt conciliation boards in each of the districts of Ambala division and the area under their jurisdiction in each district ;
- (b) whether the Government intends to increase the number of debt conciliation boards in the Ambala district in the near future ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) *First part* :— One in each district in the Ambala division except Simla where there is no Debt Conciliation Board.

Second part.—Hissar district—Hissar and Hansi tahsils.

Rohtak district—The whole of the district.

Gurgaon district—Gurgaon, Nuh and Palwal tahsils.

Karnal district—Panipat, Karnal, Thanesar and Kaithal tahsils.

Ambala district—Jagadhri, Ambala and Naraingarh tahsils.

(b) No.

PERSONS PROMOTED TO HIGHER RANKS IN THE YEARS 1939
AND 1940 IN AGRICULTURE, CO-OPERATIVE,
DEPARTMENTS, ETC.

*7523. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Development be pleased to state the number of persons promoted to higher ranks in the calendar years 1939 and 1940 in all grades of services in the Agriculture Department, Co-operative Department, Forest Department, Fishery Department and Veterinary Department and also the number of persons, if any, superseded while granting such promotions in these departments during the same period ?

Parliamentary Secretary (Chaudhri Tikka Ram) : A statement giving the required information is laid on the table.

List showing the number of persons promoted to higher ranks in the calendar years 1939-40 in all grades of Services in the Co-operative Department, Forest Department, Veterinary Department and Agricultural Department (including the Fisheries Section) with the number of persons superseded by them.

Service or grade.	1939.		1940.	
	Number of persons promoted to the grade.	Number of persons superseded, if any.	Number of persons promoted to the grade.	Number of persons superseded, if any.

CO-OPERATIVE DEPARTMENT.

1. P. S. C. S. Class I.	} Termed as P. Co. S. in 1939.	1	Nil	3	One superseded one person only.
2. P. S. C. S. Class II.		Nil	Does not arise.	5		One superseded 4, three superseded 6, and one superseded 5.
3. Punjab Co-operative Subordinate Service—Executive—					
(a) Punjab Co-operative Union paid Sub-Inspectors to Inspectorship.		2	..	9	..

NOTE.—Promotion to Inspectorship (general line) is made by selection from among the Sub-Inspectors, who are employees of the Punjab Co-operative Union. As the selection is made on a provincial basis while Punjab Co-operative Union maintains seniority list district-wise the number of Sub-Inspectors superseded cannot be given.

(b) Sub-Inspectors, Consolidation of Holdings to Inspector, Consolidation of Holdings.	8	From 1 to 52.	11	From 13 to 45.
(c) Industrial Staff—				
(i) Assistant Salesman to Industrial Sub-Inspector, Kila Gift Fund.	1	4	Nil	Nil
(ii) Fund paid Supervisor to Sub-Inspectorship.	1	Nil	3	Two superseded none. One superseded 3.
(iii) Government paid Supervisor to Sub-Inspectorship.	Nil	Nil	1	Nil
(iv) Convassor to Industrial Sub-Inspectorship.	Nil	Nil	1	Nil
4. Punjab Co-operative Subordinate Service—Clerical—				
(a) Senior Clerk to Assistant ..	1	Nil	1	2
(b) Stanographers	1	145	1	34

NOTE.—The post requires a special knowledge of Shorthand and typewriting.

Service or grade.	1939.		1940.	
	Number of persons promoted to the grade.	Number of persons superseded, if any.	Number of persons promoted to the grade.	Number of persons superseded, if any.
(c) Junior Clerks to Senior Clerks..	1	Nil	2	One superseded 55. One superseded none.
(d) Junior Clerks—				
(i) From Rs. 25—60 to Rs. 35—75 grade.	4	Nil	10	Nil
(ii) From Rs. 25 to Rs. 25—60 grade.	2	Nil	7	Nil
5. Rural Reconstruction Branch ..	Nil	Nil	3	Nil

FOREST DEPARTMENT.

(i) From Foresters to Deputy Rangers.	5	77	10	2
(ii) From Deputy Rangers to Forest Rangers.	1	..	9	22
(iii) From Forest Rangers to Extra Assistant Conservator of Forests.	..	..	10	5
(iv) From Clerks to Superintendents	..	..	1	..

VETERINARY DEPARTMENT.

(1) P. V. S. (Class I)	2	6	1	..
(2) P. V. S. (Class II)	2	..	3	9
(3) Sub-Veterinary Service—				
(a) Veterinary Assistant Surgeons	7	..	7	..
(b) Farm Overseers .. ..	..	..	1	26
(c) Veterinary Assistants, Upper Selection grade.	2	..	..	..
(d) Veterinary Assistants, Lower Selection Grade.	6	43	5	19
(e) Veterinary Assistants, 1st grade	6	3	9	78
(f) Veterinary Assistants, 2nd grade	6	5	12	1
(g) Assistant Demonstrators ..	3	58	1	18
(4) Clerical Establishment ..	3	1	10	4

Service or grade.	1939.		1940.	
	Number of persons promoted to the grade.	Number of persons superseded, if any.	Number of persons promoted to the grade.	Number of persons superseded, if any.

AGRICULTURAL DEPARTMENT (INCLUDING FISHERIES SECTION).

1. P. A. S., Class I ..	1	7	1	..
2. P. A. S., Class II ..	2	4	2	17
3. Other Gazetted Officers on Rs. 200—15—275/15—470/15—500/20—600.	..	..	1	..
4. Agricultural Assistants 'A' Class on Rs. 80—7—150/7—185—8—225.	8	4	4	7
5. Superintendent on Rs. 350—20—450.	..	..	1	..
6. Head Assistant Rs. 250—10—350	..	..	1	2
7. Superintendent on Rs. 150—10—250.	1	..	..	..
8. Head Clerk on Rs. 100—6—160/8—200.	1	1	..	..
9. Assistant on Rs. 100—8—180/10—250.	..	..	1	..
10. Senior Clerk on Rs. 75—5—100/5—150.	..	..	5	1
11. Senior Clerk on 75—5—100/5—125.	2	4	1	1
12. Senior Clerk on Rs. 50—5—100/5—125.	1	1	..	..

WHIPPING IN JAILS.

***6981. Mr. Dev Raj Sethi:** Will the Honourable Minister of Finance be pleased to state—

(a) the number of convicts who were awarded the punishment of whipping in 1938 and 1939 in the jails in the province;

(b) the nature of offences committed by the convicts mentioned in (a) above and whether these were such for which whipping is prescribed under the rules?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh):
(a) 8 and 22 convicts were awarded the punishment of whipping in 1938 and 1939, respectively.

[B. S. Thakur Ripudaman Singh.]

(b) The nature of offences is given below :—

	1938.	1939.
Offences against the jail staff ..	6	17
Miscellaneous	2	5
	8	22

These prisoners were dealt with in accordance with paragraphs 612 (12) and 621 of the Punjab Jail Manual.

EXECUTION OF CONDEMNED PRISONERS.

*6984. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Finance be pleased to state—

(a) the number of persons hanged in this province in 1938 and 1939 ;

(b) the number of persons hanged in districts other than their home districts during this period with the reasons why the execution did not take place in their home districts ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) : :

(a) 174 persons were executed in 1938 and 153 in 1939 .

(b) I do not consider I would be justified in making the extensive enquiries raised by this question. First, the place of execution depends on the jail entered in the warrant issued by the Sessions Court under section 381 of the Code of Criminal Procedure. Secondly, there are a number of districts in the Punjab where facilities for execution do not exist.

SALISI DECREES.

*6991. **Mr. Dev Raj Sethi** : Will the Honourable Minister for Finance be pleased to state—

(a) the number of *salisi* decrees passed in 1937, 1938 and 1939 in the courts of the Senior Sub-Judge and other Sub-Judges in the districts of Lyallpur and Jhang ;

(b) the amount involved in each such case ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :

(a) The required information is given in the statement below :—

Year.	SENIOR SUB-JUDGES.		OTHER JUDGES.	
	Lyallpur.	Jhang.	Lyallpur.	Jhang.
1937	42	24	23	29
1938	26	22	31	24
1939	37	38	26	35

(b) A statement is laid on the table¹.

The collection of the information asked for by the honourable member has involved very considerable trouble. I do not think that I would be justified in asking for it to be completed.

NON-OFFICIAL VISITORS OF AMBALA DISTRICT JAIL.

*7522. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Finance be pleased to state—

(a) the names of the present non-official visitors of the Ambala District Jail ;

(b) the names of the visitors who inspected the jail in 1940 with the dates of their visit and the remarks made by each of them ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :

(a) The attention of the honourable member is invited to the reply given on 31st January last to part (a) of Assembly Question No. *6961.

(b) A statement showing the names of visitors who inspected the jail in 1940 with the dates of their visits is laid on the table.

A general scrutiny and compilation of the remarks made on these occasions would involve an unjustifiable expenditure of time and trouble but if the honourable member wants information on any particular point I shall, if possible, have further enquiries made.

Names of visitors who inspected the Ambala District Jail in the year 1940 with dates of their visits.

Date.	Name of the visitor.
9th January 1940	Lala Gauri Shankar.
10th January 1940	Lala Sant Ram.
16th January 1940	Syed Hamid Ali.
19th January 1940	Lala Sant Ram.
19th January 1940	Khan Bahadur Dr. Mahbub Ali Khan.
19th January 1940	Lala Benarsi Das.
29th January 1940	Mrs. S. K. Seekond.
8th February 1940	Lala Gauri Shankar.
8th February 1940	Lala Sant Ram.
12th February 1940	Lala Sant Ram.
12th February 1940	Mrs. S. K. Seekond.

¹Kept in the Assembly Library.

Date.	Name of the visitor.
20th February 1940	Syed Hamid Ali.
18th March 1940	Lala Gauri Shankar.
18th March 1940	Lala Sant Ram.
20th March 1940	Syed Hamid Ali.
28th March 1940	Lala Benarsi Das.
28th March 1940	Khan Bahadur Dr. Mahbub Ali Khan.
6th April 1940	Lala Benarsi Das.
6th April 1940	Khan Bahadur Dr. Mahbub Ali Khan.
25th April 1940	Lala Gauri Shankar.
25th April 1940	Syed Hamid Ali.
2nd May 1940	Lala Gauri Shankar.
7th May 1940	Lala Gauri Shankar.
7th May 1940	Lala Sant Ram.
20th May 1940	Syed Hamid Ali.
21st May 1940	Syed Hamid Ali.
23rd May 1940	Syed Hamid Ali.
24th May 1940	Lala Benarsi Das.
24th May 1940	Lala Sant Ram.
25th May 1940	Syed Hamid Ali.
28th May 1940	Lala Gauri Shankar.
28th May 1940	Syed Hamid Ali.
1st June 1940	Khan Bahadur Dr. Mahbub Ali Khan.
4th June 1940	Lala Sant Ram.
8th June 1940	Lala Sant Ram.
15th June 1940	Lala Gauri Shankar.
21st June 1940	Lala Gauri Shankar.
21st June 1940	Lala Benarsi Das.
21st June 1940	Khan Bahadur Dr. Mahbub Ali Khan.
5th July 1940	Lala Gauri Shankar.
24th July 1940	Lala Benarsi Das.

Date.	Name of the visitor.
29th July 1940	Lala Sant Ram.
3rd August 1940	Lala Gauri Shankar.
7th August 1940	Lala Gauri Shankar.
22nd August 1940	Lala Gauri Shankar.
10th September 1940	Lala Gauri Shankar.
11th September 1940	Lala Benarsi Das.
14th September 1940	Khan Bahadur Dr. Mahbub Ali Khan.
24th September 1940	Lala Gauri Shankar.
26th September 1940	Lala Sant Ram.
3rd October 1940	Lala Sant Ram.
8th October 1940	Lala Gauri Shankar.
12th October 1940	Lala Gauri Shankar.
15th October 1940	Lala Benarsi Das.
17th October 1940	Lala Sant Ram.
21st October 1940	Khan Bahadur Dr. Mahbub Ali Khan.
25th October 1940	Lala Sant Ram.
31st October 1940	Lala Gauri Shankar.
31st October 1940	Lala Sant Ram.
31st October 1940	Lala Benarsi Das.
31st October 1940	Khan Bahadur Dr. Mahbub Ali Khan.
12th November 1940	Lala Gauri Shankar.
22nd November 1940	Lala Benarsi Das.
22nd November 1940	Khan Bahadur Dr. Mahbub Ali Khan.
2nd December 1940	Syed Hamid Ali.
14th December 1940	Lala Sant Ram.
26th December 1940	Lala Gauri Shankar.
27th December 1940	Lala Sant Ram.
31st December 1940	Lala Gauri Shankar.

GOVERNMENT NOTIFICATIONS BANNING PROCESSIONS.

*7181. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

- (a) the names of cities, towns and areas where taking out of processions has been banned by the Government with the dates of notification in this respect as also the reasons therefor ;
 (b) the number of communal riots which have occurred at each such place since 1st April, 1937 ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) The attention of the honourable member is invited to Punjab Government, Home Department, notification No. B. 4864-S. D. S. B., dated the 29th July, 1940, and a Press *Communiqué*, copies of which are laid on the table.

(b) The names of the places and the number of communal riots which occurred there is given below :—

Hissar	..	..	..	2
Rohtak	..	..	..	3
Rewari	..	..	..	1
Panipat	..	..	..	1
Amritsar	..	..	..	8
Gujranwala	..	..	..	1
Sargodha	..	..	..	1
Chiniot	..	..	..	1
Multan	..	..	..	1
Dera Ghazi Khan	..	..	..	1
				15
			Total	15

Punjab Government, Home Department, General, notification, dated the 29th July, 1940, No. B.-4864-S. D. S. B.

In exercise of the powers conferred by sub-rule (1) of rule 56 of the Defence of India Rules the Governor of the Punjab is pleased to direct that for a period of six months no person shall hold, or take part in, any public procession within the boundaries of the municipalities specified in the schedule to this order.

2. Nothing in this order shall apply—

- (a) to any procession in respect of which a licence has been duly issued under subsection (3) of section 30 of the Police Act, 1861 ; or
 (b) to any funeral or marriage procession ; or
 (c) to any customary religious procession to which the District Magistrate by an order in writing grants exemption subject to such conditions, if any, as he may think fit.

SCHEDULE.

Hissar.	Batala.
Bhiwani.	Sialkot.
Rohtak.	Gujranwala.
Rewari.	Wasirabad.

Karnal.	Sheikhpura.
Panipat.	Gujrat.
Ambala City.	Sargodha.
Sedar Bazar, Ambala Cantonment.	Jhelum.
Simla.	Rawalpindi.
Hoshiarpur.	Campbellpur.
Jullundur.	Mianwali.
Ludhiana.	Montgomery.
Jagraon.	Lyallpur.
Ferozepore.	Jhang Maghiana.
Lahore.	Chiniot.
Kasur.	Multan.
Amritsar.	Muzaffargarh.
Gardaspur.	Dera Ghazi Khan.

PRESS COMMUNIQUE.

The question whether further restrictions should be imposed on the taking out of processions in public places has been engaging the attention of the Punjab Government. It will be remembered that on the 28th February last a direction was issued under sub-rule (1) of rule 54 of the Defence of India Rules prohibiting the carrying of arms (other than sheathed swords) or any article capable of being used as an arm in any procession in the Lahore, Amritsar and Rawalpindi districts, except in conformity with a licence issued under section 30 of the Police Act. These orders, as was explained in a *Press Communiqué* of the same date, were necessitated by the growing tendency to make processions on occasion for demonstrations of force, particularly by the carrying of arms and articles capable of being used as arms. On the 4th July this prohibition was extended to the whole Province. It has been welcomed by law-abiding people as a salutary check on a habit which had become a threat to the public peace, but it has been represented to Government that this is not sufficient, and that even when arms are not carried processions organized by communal or sectarian bodies have in some places contributed materially to the embitterment of communal feeling and have on occasion led directly or indirectly to the disturbance of the public tranquillity. These results are particularly unfortunate at a time of national emergency when it is particularly important that causes of internal friction should be removed and that the maintenance of law and order should be in no way imperilled. It is widely felt, therefore, that further limitation of processions is imperative.

2. The Punjab Government recognizes the force of these arguments but is reluctant to take measures to stop or interfere with customary religious processions which if properly controlled should have no undesirable results. It has accordingly decided to issue a general order under sub-rule (1) of rule 56 of the Defence of India Rules prohibiting processions in the larger towns of the Province, but granting exemption to marriage and funeral processions, to processions licensed under section 30 of the Police Act, and to such customary religious processions as the District Magistrate may find deserving of this concession. There will thus be no interference with customary religious processions unless with due regard to the interests of the public tranquillity the District Magistrate finds such interference necessary. Other processions will not ordinarily be allowed. Persons who wish to take out processions, other than funeral or marriage processions, in the towns named in the order are advised to give timely notice of their wishes to their District Magistrates so that steps may be taken to grant them the necessary facilities if without endangering the maintenance of public tranquillity and communal harmony it is possible to do so.

Khan Sahib Khawaja Ghulam Samad : May I know the reasons why the number of riots in the Ambala division is larger than in any other part of the province ?

Parliamentary Private Secretary : I require notice for this question.

CHOLERA IN ROHTAK, GURGAON, HISSAR AND KARNAL DISTRICTS.

*7154. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

(a) the number of persons who caught the contagion and the number of persons who died of cholera in the Haryana districts

[Pt. Shri Ram Sharma.]

of Rohtak, Gurgaon, Hissar and Karnal during the months of August, September and October, 1940 ;

- (b) the places in these districts where the epidemic spread in a more acute form and the number of persons who fell victim to this disease at each such place ;
- (c) the special measures, if any, adopted by the Government to check the epidemic from spreading in the above-mentioned districts ?

The Honourable Mian Abdul Haye : (a) and (b). A statement is laid on the table.

(c) Necessary anti-cholera measures, such as isolation and treatment of cases and their contacts, inoculation, disinfection of water-supplies, improving the reporting agencies, were taken in all districts. In the Karnal district a cholera post was also established.

Statement showing total number of cases and deaths which occurred in the Hissar, Rohtak, Gurgaon and Karnal districts during the months of August, September, and October, 1940.

District.	Name of locality.	Cases.	Deaths.
Hissar	Bhiwani town	6	3
Rohtak	Ganaur village (Sonepat Tehsil) ..	2	..
	Khudan village (Jhajjar Tehsil) ..	7	6
	Siraulah village (Jhajjar Tehsil) ..	23	15
	Total Rohtak District ..	32	21
Gurgaon	Ghamranj village (Gurgaon Tehsil) ..	5	3
	Palwal town	14	6
	Total Gurgaon District ..	19	9
Karnal	Panipat town	26	12

DETENTION OF MR. DES RAJ CHADDAH.

***7568. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Mr. Des Raj Chaddah, B.A., who was arrested on the 25th October, 1940, and is now confined in Lahore Fort since then, has resorted to hunger strike ;
- (b) if so, the reason why he has done so ;
- (c) his weight at the time of arrest and his weight at present ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): It is not in the public interest to answer such questions, but as the subject has been raised I may say that Des Raj Chaddah was arrested on the 24th of October, and is no longer confined in the Lahore Fort. He went on hunger strike and abandoned it on the 27th of October, and suffered no loss of weight as a result.

**MURDER OF TWO MEN BY THE ODES IN VILLAGE MASSUDPUR,
DISTRICT HISSAR.**

***7574. Chaudhri Sumer Singh:** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the local police authorities received a report on the 13th January, 1941, that on that date a gang of Odes murdered two men and injured about 5 persons of village Massudpur, police station Hansi, tahsil Hansi, district Hissar;
- (b) whether it is also a fact that the local police did not take prompt action in arresting the culprits red handed in spite of the fact that they were informed in time by the aggrieved party;
- (c) whether it is also a fact that the police forced the persons who came to inform the police to bring the dead bodies as well as the injured persons to the police station before they could take any action;
- (d) whether he is aware that this conduct of the local police has caused dissatisfaction amongst the residents of the locality; if so, what action is being taken to restore confidence among the inhabitants of the *ilaga* and to arrest the culprits?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) The report of the occurrence, which took place at 4 p. m. on 13th January, 1941, was received at Police Station, Hansi at 10 a. m. on 14th January, 1941. Two men were murdered and 5 injured in a fight between 8 members of a gang of Odes, and some Jats and other residents of village Massudpur.

(b) No. The local police after registering the case at 10 a. m. promptly proceeded to the spot reaching Massudpur which is about 11 miles from Hansi at 2 p. m. The pursuit of the culprits was immediately taken up with the help of trackers. But delay in reporting the incident gave culprits ample time to make good their escape.

(c) No. The informant and his two companions were not asked by the police to bring the dead bodies and the injured persons to the Police Station. The informant who was himself injured, was sent for medical examination before the police proceeded to the spot.

(d) No. There is no information to indicate the existence of any dissatisfaction amongst the residents of the locality. No complaint was made to the Gazetted Police Officer who inspected the spot and supervised the investigation on 16th January, 1941. Eight persons concerned in this case have been named and efforts are being made to round them up.

Sardar Lal Singh: Is it a fact that these culprits used fire-arms?

Parliamentary Secretary: In this particular case or generally?

Sardar Lal Singh: In this case.

Parliamentary Secretary: I require notice for this question.

MURDER OF TWO MEN BY ODES IN VILLAGE MASSUDPUR,
DISTRICT HISSAR.

*7575. **Chaudhri Ram Sarup** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the local police authorities received the report on the 13th January, 1941, that on that date a gang of Odes murdered two men and injured about 5 persons of village Massudpur, police station, Hansi, tahsil Hansi, district Hissar;
- (b) whether it is also a fact that the local police did not take prompt action in arresting the culprits red handed in spite of the fact that they were informed in time by the aggrieved party;
- (c) whether it is also a fact that the police forced the persons who came to inform them to bring the dead bodies as well as the injured persons to the police station before they could take any action;
- (d) whether he is aware that this conduct of the local police has caused dissatisfaction amongst the residents of the locality; if so, what action is being taken to restore confidence among the inhabitants of the *ilaga* and to arrest the culprits?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The attention of the honourable member is drawn to the answer to the previous question.

LEAVE OF ABSENCE OF CERTAIN M. L. AS'.

Mr. Speaker : I have to read out to the Assembly the following applications received from five members of the Assembly, for permission to be absent from the Assembly :—

LALA DUNI CHAND writes : "I hereby beg the Honourable House to excuse and condone my absence from the House. The House knows very well the reasons for my absence. I shall thank the Honourable House for this."

SARDAR PARTAP SINGH writes : "I beg to say that I have been convicted under Defence of India Rules and am 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. Kindly place my application before the House for permission and communicate its decision to me."

CHAUDHRI MUHAMMAD HASAN writes : "Kindly obtain leave of absence for me from the House for six months. I shall feel grateful if you kindly let me know when leave is granted."

PANDIT MUNI LAL KALIA writes : "Due to my political views, I have been sentenced and placed in Jail and am unable to attend the Assembly. Kindly excuse my absence from the sittings of the Assembly. The intimation and necessary notices, etc., in future be sent at the following address."

DR. SANT RAM SETH writes : "On account of my political views I have been jailed and unable to attend the meetings of the Punjab Legislative Assembly, therefore please excuse my absence from the Assembly meetings."

Is it the wish of the House that—

Premier : Before you put the question I merely want to draw your attention to the language of the applications. The words used in the last application are "On account of my political views" I do not think that is correct, because if he has committed an offence and he has been sentenced, it is not because of his political views but because he has transgressed the limits of the law.

Mr. Speaker : The question is—

That the permission asked for by the honourable members be granted.

The motion was carried.

URBAN RENT RESTRICTION BILL.

Minister for Public Works : I beg to present the Report of the select committee on the Punjab Urban Rent Restriction Bill.

CITY OF LAHORE CORPORATION BILL.

Mr. Speaker : The House will now resume discussion on the City of Lahore Corporation Bill.

Clause 108.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour) : I beg to move—

That in sub-clause (1), line 2, between the words "meeting" and "pass", the words "convened for the purpose" be inserted.

(*Urdu*): Sir, my object in moving this amendment is to clarify the meaning of the clause so that no possible doubt should remain as to the purpose of the clause. My amendment does not aim at raising any controversial issue.

There will be two kinds of meetings, special and ordinary. Various kinds of business will be transacted in them. I want that no other business except the one for which a special meeting has been called should be transacted in it. No item which has not been mentioned in the notice of the special meeting should be discussed or passed in it. I only want to make this clear. It should not be possible for the Corporation to deviate from the agenda.

With these few words, I commend my amendment for the acceptance of the House.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 2, between the words "meeting" and "pass", the words "convened for the purpose" be inserted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : If the honourable member will refer to the clause itself, he will find that the opening words are "special meetings". In view of that I think these words are entirely superfluous and unnecessary.

Rai Bahadur Lala Sohan Lal (*Urdu*) : I would further explain my point. It is possible to call a special meeting for various purposes. For instance, a meeting may be convened for the purpose of imposing a tax; then I want no other item except this should be taken up at that special meeting. Similarly, if a meeting is called for transacting any special item of business then no other business except that for which meeting has been called should be taken up. What I fear is that a special meeting may be called for some other purpose but as soon as the meeting has been convened questions like imposing a tax may be introduced without any previous notice in the agenda. I want to safeguard such a possibility.

Minister : What I was saying was that this clause makes provision for special meeting for the purposes of imposing a tax. Other business

[Minister.]

required to be transacted at a special meeting may also be transacted at this meeting. So, if due notice is given that at this special meeting taxation is going to be imposed and this due notice is given to every one concerned so that they can attend, then what else is wanted?

Mr. Speaker : Question is—

That in sub-clause (1), line 2, between the words "meeting" and "pass" the words "convened for the purpose" be inserted.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban): Sir, I beg to move—

That in sub-clause (1), line 3, between the words "resolution" and "to", the words "by 3rd majority" be inserted.

(Urdu): There is no doubt about the fact that in all local bodies the resolutions are passed by a majority of votes whether that majority is secured by one vote or two votes and often they are passed by a majority secured by the casting vote. This is democracy in practice. But it is always better to pass a resolution regarding the imposition of a tax by as strong a majority as may be possible, for when there are more people in favour of a particular thing there is less trouble from the side of those few persons who are left in a small minority. Moreover, when a resolution is passed by a large number of votes it gives a sort of satisfaction to those who are affected by it. In order to save any future trouble that may be experienced on account of the petty intrigues of a dissatisfied strong minority, I request the Government to accept this amendment. It will save them a lot of trouble.

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

That in sub-clause (1), line 3, between the words "resolution" and "to", the word "by 3rd majority" be inserted.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): Sir, in opposing this amendment I need hardly give any arguments. We find that even with a bare majority taxes are seldom imposed. We have gone to the extent of laying down a provision in the statute that the taxes must be levied, and not only levied but levied to the minimum extent of so much. That being the condition, if we lay down the two-third majority for imposing taxes, people who are already afraid of the electors would say that no taxes shall be levied in any local body. The amendment on the face of it is such that it does not deserve any consideration from this House. So, I oppose it.

Khan Sahib Khawaja Ghulam Samad (Urdu): Sir, I will briefly explain why this amendment is necessary. It has been provided in the Bill that one-fourth of the total number of members will be nominated and that six members will be nominated from various departments. Thus in order to secure a bare majority viz., 35 only 12 members from amongst the elected members will be required. To secure the votes of 12 elected members will not present any great difficulty. Any resolution which would be passed by such a bare majority will always cause dissatisfaction among the public and they will think that the recommendations embodied in the

resolution are being imposed upon them by force. But any resolution passed by an overwhelming majority will be accepted by the public gladly. I, therefore, request the Honourable Minister not only to favourably consider this amendment but also to accept it.

Mr. Speaker : The question is—

That in sub-clause (1), line 3, between the words "resolution" and "to", the words "by 3rd majority" be inserted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I beg to move—

That in sub-clause (3), line 1, between the words "inhabitant" and "objecting" the words "or association" be inserted.

There are so many tax-payers' associations and anjumans who have many kinds of property under their management. I think if they like to object they should have a right to do so.

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

That in sub-clause (3), line 1, between the words "inhabitant" and "objecting" the words "or association" be inserted.

Minister for Public Works : I think, when we are giving a right to the objector, it is for him to decide in what form he should object. He can object either individually or in the form of an association. This amendment is entirely superfluous. An association can be a combination of persons. I would, therefore, ask the honourable member to withdraw his amendment.

Mian Muhammad Nurullah : Sir, I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. Speaker : The question is—

That clause 103 stand part of the Bill.

The motion was carried.

Clauses 104 and 105.

Minister : Sir, I would suggest that according to the arrangement arrived at between us and my honourable friends opposite, consideration of clauses 104 and 105 may be postponed and clause 106 may be taken up. I, therefore, move—

That the consideration of clauses 104 and 105 be postponed.

The motion was carried.

Clause 106.

Mian Muhammad Nurullah : Sir, I beg to move—

That in part (a), line 2, for the word "gross", the word "net" be substituted.

That would be more useful if you put the word "net" for the word "gross". There are certain lands which are already taxed because they are included within the municipality. Therefore, they should be given as much relief as possible. Therefore, the word "net" may be allowed to replace the word "gross".

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

That in part (a), line 2, for the word "gross" the word "net" be substituted.

Minister for Public Works : Sir, I oppose this amendment. It is not necessary. The clause is based on Punjab Act, Section 3, and Calcutta Act, Section 127. I do not think that any hardship is going to be experienced by anybody. I might refer the honourable member to a similar definition in the Municipal Act itself.

Mr. Speaker : The question is—

That in part (a), line 2, for the word "gross" the word "net" be substituted.

The motion was lost.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) : Sir I beg to move—

That in part (b), lines 5—7, for the words "might at.....from year to year, less" the words "are actually let at the time of assessment, less" be substituted.

I do not think this needs any elucidation. It is a very simple and clear matter and I am sure the Minister will have no difficulty in accepting this amendment.

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

That in part (b), lines 5—7, for the words "might at.....from year to year, less" the words "are actually let at the time of assessment, less" be substituted.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*) : Sir, I rise to support this amendment. A similar amendment stands in my name as well. My submission is that the assessment of the rental value of houses for purposes of imposing house tax should be made at the time when they are actually leased. I do not think it will be in any way proper to make such assessment when houses are lying vacant. For, it often happens that people do not get that much rent from their houses which they hope to do. On the contrary, they get much less. I hope the Honourable Minister in view of the important nature of this amendment will give a careful consideration to it.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : Sir, I rise to oppose the amendment tabled by my honourable friend Rai Bahadur Lala Gopal Das. My reason is this. Take, for instance, certain houses not let for longer periods. Would my honourable friend suggest that the annual value of such houses should be for such time as they are not let, because if that is what is proposed then the Corporation will never be able to get a correct picture of what is coming in the shape of revenue from the city of Lahore. Of course, I can see the difficulty which my honourable friend has in mind that when the assessing authorities come round and assess certain houses they will have absolutely arbitrary power to assess as much as they like because they will not be guided by the rent received from that particular house. I may assure my honourable friend that under this new scheme we hope that the assessment will be made equitably and my friend will have no grouse of higher assessment than the building is actually yielding.

Minister : Sir, I did not intend to say anything on the subject, but the speech just made has prompted me to say a few words. It has gladdened my heart and I cannot refrain from passing a few remarks. I will first deal with the merits of the clause and later I will say something on this point. Firstly, as far as the clause is concerned

it is word for word copy of our existing Municipal Act which says 'which may reasonably be expected'. Then the same appears in the Calcutta Act. There also the words are 'expected to let from year to year'. The difference is this that certain houses are let and their rent forms the basis of the tax. I have got two specific instances of honourable members who are millionaires, one sitting there and the other sitting here. They keep in the town 6, 8 or 10 houses furnished for their convenience and their guests and if they are not let out the question is whether they should escape from taxes. What a contrast is there in the view point of these two members! I think that shows the difference of mentality between the two sections of the House. There is a millionaire there who wants to keep these houses but will not pay the taxes to the municipal funds and would like to escape from them. That is the mentality of a capitalist there, while here is another capitalist who wants—all credit to him—that those houses should not escape and should pay the taxes and help the coffers of the Corporation in the interest of the poor. These are the two identical cases as far as private interests are concerned which reveal clearly what is the mentality of the two sections of the House. A better illustration could not have been found. I think I can congratulate the honourable member for Zira and the party to which he belongs for the mentality which he has shown to-day. If this is the mentality then we can look forward to the future of this party and the day will come when we will tell my honourable friends opposite that their policy will not pay in the long run. With these words I oppose the amendment.

Rai Bahadur Lala Gopal Das : I do not like to press my amendment and so I beg leave to withdraw it.

The amendment was by leave withdrawn.

Mian Muhammad Nurullah : Sir, I beg to move—

That in part (b) (ii), line 1, for the word "ten", the figure "16½" be substituted.

Even the Income-tax authorities give an exemption of 2 months within a year, that is 1/6. I think it will be only fair that we should follow the basis laid down by the Income-tax authorities.

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

That in part (b) (ii), line 1, for the word "ten", the figure "16½" be substituted.

Minister for Public Works : That basis is allowed in other Acts and I do not think I can change it.

Mr. Speaker : The question is—

That in part (b) (ii), line 1, for the word "ten", the figure "16½" be substituted.

The motion was lost.

Rai Bahadur Lala Gopal Das : Sir, I beg to move—

That leave be given to move that after part (b) (iii), the following new part be added:—

"(iv) allowances for vacancies and unrealised rents".

The motion was lost.

Mian Muhammad Nurullah : Sir, I beg to move—

That in part (c), line 3, for the word "five", the words "two and a half" be substituted.

[Mian Muhammad Nurullah.]

Sir, this relates to old *Havelies* built at the time of the Sikhs or the Mughals. You cannot easily determine their annual rental value. Comparing the rates allowed by the Public Works Department which is on the basis of 6 per cent or 10 per cent of the salary, it will be harsh to levy a rate of 5 per cent. If you compare the capital cost of the *haveli*, it will be enormous. Some of these *havelis* are too big for these people who do not live or even rent them in towns like Bhagwanpura. It would be a great hardship to levy a tax on them at rates nearing those you levy on the latest designs of buildings with the latest amenities of life.

Mr. Speaker : Clause under consideration, amendment moved—

That in part (c), line 3, for the word 'five' the words 'two and a half' be substituted.

Minister for Public Works : I oppose the amendment. This five per cent is only the gross for the purpose of calculation in case of doubt. This is as fair an allowance as can be made and out of this other allowances have to be allowed. I do not think that a reasonable case has been made out for this amendment.

Sayed Amjad Ali Shah : May I add a few words to the remarks made by the Honourable Minister? If my honourable friend will look at part (2) he will find that this five per cent is the cost of erecting a building less depreciation. If the building is one hundred years old, the depreciation will certainly be very high. If he takes this fact into consideration he will find that the tax levied will not be so excessive as he believes it would be.

Mian Muhammad Nurullah : The argument advanced by the Parliamentary Secretary does not convince me at all, because the buildings built four hundred years ago are very much better in many respects than the present day buildings and the capital cost of those buildings must be very high. It is therefore not reasonable to charge five per cent on those buildings.

Mr. Speaker : Question is—

That in part (c), line 3, for the word 'five' the words 'two and a half' be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 106 stand part of the Bill.

The motion was carried.

Clauses 107 to 110.

Mr. Speaker : The question is—

That clauses 107 to 110 stand part of the Bill.

The motion was carried.

Clause 111.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (1), line 21, for the words 'one year', the words 'three years' be substituted.

I fear that if this is going to be revised every year it will lead to harassment to people and will probably lead to corruption. If the period is extended to three years it will not make much difference, because after all in three years prices will not fluctuate much in a big town, specially prices of buildings and land. I therefore move the amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 21, for the words 'one year', the words 'three years' be substituted.

Minister for Public Works : I think the honourable member has not followed the plan of action laid down in this clause. If he would read the latter portion of the sub-clause he would realise that what we contemplate is this. In a big town assessment lists cannot be made every year. So actually the city will be divided into as many parts as may be necessary one part being taken after every five years for assessment. But if in any particular year there is any change such as transfer of property, then that change would be made in the existing list and that will be revised to bring it in consonance with the circumstances. The actual revision will be only after five years. The idea is that by this means there will be less expenditure on the revision of assessment lists by there being periodical revision and yet the annual list will be kept up to date. This plan exists in other cities also. If the honourable member had read sub-clauses (2) and (3) he would not have felt any necessity to move this amendment.

Mr. Speaker : The question is—

That in sub-clause (1), line 21, for the words 'one year', the words 'three years' be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 111 stand part of the Bill.

The motion was carried.

Clause 112.

Mr. Speaker : The question is—

That clause 112 stand part of the Bill.

The motion was carried.

Clause 113.

Khan Sahib Khawaja Ghulam Samad : I beg to move—

That in sub-clause (2), line 5, for the word 'twenty' the word 'thirty' be substituted.

I only wish to point out that twenty days' notice for filing objection in any court is not at all sufficient. I suggest that the period be raised to thirty days. This is only reasonable and I hope the Honourable Minister will accept the amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), line 5, for the word 'twenty' the word 'thirty' be substituted.

Mian Muhammad Nurullah : We have changed this period in other Bills from twenty days to thirty days or one month. I think it would be better if we change the period here also. This will give a little more facility to the public.

Minister for Public Works : In this respect we have followed the Acts of other provinces. If twenty days' period has not caused any hardship in other places, I do not think any hardship will be experienced here.

Khan Sahib Khawaja Ghulam Samad : In other legislative measures Government have accepted the amendment extending the notice period to thirty days. Further, I may point out in reply to the Honourable Minister that he has not followed the Karachi Corporation in every respect and I do not therefore see any reason why he should follow it in this respect. There will be no harm if he agrees to change the period to thirty days.

Mr. Speaker : The question is—

That in sub-clause (2), line 5, for the word 'twenty' the word 'thirty' be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 113 stand part of the Bill.

The motion was carried.

Clause 114.

Mr. Speaker : The question is—

That clause 114 stand part of the Bill.

The motion was carried.

Clause 115.

Khan Sahib Khawaja Ghulam Samad : I beg to move—

That in sub-clause (1), line 5, between the word 'office' and the article (a), the words 'within 30 days of the receipt of special notice issued by the Chief Executive Officer' be inserted.

Mr. Speaker : In view of the decision of the House on the last amendment of the honourable member the amendment now moved by him is out of order.

Rai Bahadur Lala Gopal Das : I beg to move—

That at the end of sub-clause (1), the following words be added :—

"or if he is illiterate, he may state his objections orally at the office of the Corporation before an officer, who shall record them."

My object in moving this amendment is that illiterate persons may not be unnecessarily burdened with fees for getting their objections written out by someone else, and I am sure the Honourable Minister will find no difficulty in accepting the amendment.

Mr. Speaker : Clause under consideration, amendment moved :

That at the end of sub-clause (1), the following words be added :

"or if he is illiterate, he may state his objections orally at the office of the Corporation before an officer, who shall record them."

Begum Rashida Latif Baji (Inner Lahore, Muslim Women, Urban) (Urdu) : Sir, I also have given notice of the following amendment—

That at the end of sub-clause (1), the following words be added :—

“ or if he or she is illiterate, he or she may state his or her objections orally at the office of the Corporation before an officer, who shall record them.”

Sir, my object in moving this amendment is that very often the persons are illiterate and cannot write their applications. It would, therefore, be much better if such men or women are allowed to go to the office of the Corporation and get their objections recorded by an officer of the said body. I can say from personal experience that a good many voters failed to get their names entered in the electoral rolls of the Assembly simply because they could not write their applications.

With these words I would request the Honourable Minister to accept this amendment as he is himself aware of the fact that a majority of people in Lahore are still illiterate.

Mian Muhammad Nurullah : I want to support this amendment because there should be some concession to illiterate people, and secondly, I think that the word “ she ” should also be included. Or else there should be a definition that the word “ he ” includes the word “ she ” amongst the definitions.

Mr. Speaker : Question is—

That at the end of sub-clause (1), the following words be added :—

“ or if he is illiterate, he may state his objections orally at the office of the Corporation before an officer, who shall record them.”

The motion was lost.

Mr. Speaker : The question is—

That clause 115 stand part of the Bill.

The motion was carried.

Clause 116.

Mr. Speaker : The question is—

That clause 116 stand part of the Bill.

The motion was carried.

Clause 117.

Rai Bahadur Lala Gopal Das : I beg to move—

That in sub-clause (6), line 6, between the words “ appeal ” and “ but ”, the words “ unless otherwise directed by the appellate court ” be inserted.

My object in moving this amendment is that the person who has been taxed should not be asked to pay the instalment all at once, in case he is going to prefer an appeal to the appellate court. Then if the appeal is accepted, he will have to undergo the trouble of applying to the Executive Officer or to an officer of the Corporation to refund the money which he had already paid.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (6), line 6, between the words “ appeal ” and “ but ”, the words “ unless otherwise directed by the appellate court ” be inserted.

Minister for Public Works : I oppose the amendment. Wherever such taxes are realised, we find that in all such enactments exactly the same provision is made. A man is asked to pay according to the assessment and later on if that assessment is found to be in excess, he can claim refund. There is a continued running account, and if the assessee can prove that he has been overcharged and that he has paid more, he can get it adjusted. In case of the assessment being correct, the Corporation would be deprived of its due levy. I am afraid that is unreasonable and I cannot accept the amendment.

Mr. Speaker : Question is—

That in sub-clause (6), line 6, between the words "appeal" and "but", the words "unless otherwise directed by the appellate court" be inserted.

The motion was lost.

Rai Bahadur Lala Gopal Das : I beg to move—

That leave be given to move that at the end the following proviso be added :—

"Provided that no fee shall be charged for supplying copy of the order passed by the Chief Executive Officer and that the time spent in obtaining the copy shall be counted for, for the purposes of determining the limitation of the appeal before the District Judge, Lahore."

The motion was lost.

Mr. Speaker : The question is—

That clause 117 stand part of the Bill.

The motion was carried.

Clauses 118—120.

Mr. Speaker : Question is—

That clauses 118—120 stand part of the Bill.

The motion was carried.

Clause 121.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I move :

That in sub-clause (3), lines 9—11, the words "the beginning.....list or form" be deleted.

My object in moving this amendment is that the valuation should start from the date when such building is occupied or let, whichever is earlier. Therefore these words are redundant from that point of view and probably they are ambiguous also and it would lead to a lot of complications.

1 p.m.

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

That in sub-clause (3), lines 9—11, the words "the beginning.....list or form" be deleted.

Minister : I oppose the amendment. No arguments have been advanced in its favour.

Mr. Speaker : Question is :

That in sub-clause (3), lines 9—11, the words "the beginning.....list or form" be deleted.

The motion was lost.

Mr. Speaker : Question is :

That clause 121 stand part of the Bill.

The motion was carried.

Clause 122.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muham-
madan, Urban) : I beg to move

That in sub-clause (1), line 6, for the word "increase", the word "change" be substituted.

Sir, the object which I have in moving this amendment is clear and above board. It has been given in this clause that when an assessee has furnished information or a written return he will have to give notice in writing to the Chief Executive Officer of any increase made in rent subsequent to his furnishing such information. My submission is that if rent is decreased the assessee should also give notice to the Chief Executive Officer to that effect. Furthermore, if assessment is made on percentage, for instance, the rent assessed is Rs. 100 and has now decreased to Rs. 50 it should be necessary for the owner to furnish such information to the Corporation so that the assessment list may be amended at the proper time.

With these few words, sir, I commend my amendment for the acceptance of the House and I hope that the Government will not hesitate to accept this simple and innocent amendment.

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

That in sub-clause (1), line 6, for the word "increase", the word "change" be substituted.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour) (*Urdu*) : Sir, I have also an amendment of this nature standing in my name but as the amendment moved by my honourable friend Khawaja Ghulam Samad is better worded I would like to say a few words in support of that. I think it would be very reasonable on the part of the Government if they try to satisfy us on two points which are very important. The first point is this. As you are aware, the Rent Restriction Bill has already been moved in this House and I want to know how that Bill will affect the provision under discussion, and we are quite in dark as to what arrangement is likely to be made in this respect.

(*An honourable member from the Government side* : On which clause are you speaking?) If my honourable friend pays a little attention he would know that I am speaking on clause 122 which I shall read for his benefit.

122. (1) When an owner has furnished information or a written return as provided by section 112 he shall give notice in writing to the Chief Executive Officer of any increase made in rent subsequent to his furnishing such information or written return.

What my friend Khawaja Sahib has proposed is that for the word "increase" the word "change" be substituted and I am supporting this amendment. My submission is that the Government has already moved a Bill with the purpose of controlling the rents and the Bill being there as it is

[R. B. Lala Sohan Lal.]

I want to understand whether there would be any likelihood of making alterations in the assessment of rents. When the rents will be controlled by the Rent Restriction Bill, how will this clause be worked? I, therefore, request the Honourable Minister to throw light on this point. Then the clause provides that return will be furnished once in a year and the Corporation will work according to the assessment list thus prepared. Supposing a house brings Rs. 25 as rent to the owner and it is given in the assessment list. After some months the rent increases by Rs. 5 and becomes Rs. 30. The clause provides that the owner will have to inform the Chief Executive Officer about the increase so that the Corporation can also take the benefit of the rise in rent. When the owner is bound under law to inform the Corporation with regard to the increase in rent why should he not inform the Corporation about the decrease also? Why should not the Corporation share the owner's income when decreased? If the Government insist upon keeping the clause as it is, I am afraid it will be very unreasonable on their part.

My second submission is that the Corporation should count one year from the time when information of decrease or increase in rent is received by them. They should not fix a period of one year from January to December but if information is provided to the Corporation in March to the effect that rent has gone down, the Corporation should make an alteration in the assessment list which will be carried on till the month of March of the next year. I mean to say that these returns should be considered as annual returns.

With these words, sir, I strongly support the amendment and request that the Honourable Minister in charge may kindly satisfy us on these two points which I have referred to.

Minister for Public Works: I oppose this amendment. I do not think the honourable member has followed the purpose of this clause. The assessment is done and after that assessment it sometimes happens that there is an increase in rent and the Corporation or the authorities concerned may not be aware of that increase. Now it has been laid in this clause that the giving of this information is obligatory if there is an increase so that the assessment may be amended accordingly. But if there is any decrease it will be for the individual concerned to give information about that decrease. Why should there be an obligatory clause in respect to that also? I do not see any such necessity. (*An honourable member:* So that it may not be considered that he has consented.) No. The first information is in the interests of the Corporation. The other information is in respect of the individual and he can give the information in his own interest. If he has an idea to increase the rent again, he may not care to give the information of the decrease and worry himself about it.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural): There is also another point. I invite my honourable friend's attention to clause 124 where he will find that there is a penalty provided if this information is not supplied to the Corporation and if he would look at clause 122 he will find that the words used are 'he shall give'

Now, sir, if the amendment of my honourable friend is accepted, then it would become obligatory on the persons concerned not only to give information of increase of rent but also of decrease of rent and if they fail, then what happens? They will be penalized. I cannot understand, as a matter of fact, no landlord is prepared to bind himself to provide information, but as the Corporation wants this information to revise their lists if rent is increased, the landlord has no other option but to provide it. But if the rent of a certain house has decreased, why should my honourable friend come and ask that it must be obligatory on the landlord to provide that information. Supposing the rent of my house has been decreased by only Rs. 5. It is left to me to inform the Corporation whether I want this decrease to be noted down or not. It is entirely my own business, whether I want to have that assessment list changed or not. I do not see what my honourable friends gain by asking the Government to include the word decrease as well.

Rai Bahadur Lala Sohan Lal : May I ask a question of the honourable member? If the rent is reduced and the owner informs the municipal committee, under what provision will the committee grant him rebate?

Sayed Amjad Ali Shah : There is no question of rebate. My honourable friend has not understood the clause. I will just illustrate the point. Say the assessment lists are made in the month of March and the assessment starts in the month of April and the rent of a certain house belonging to my honourable friend has been increased in July. Now my honourable friend will write to the Corporation or the Chief Executive Officer informing him that in the month of July the rent of his house has risen from say Rs. 95 to Rs. 100. The Executive Officer will pass that information on to the Tax Department and they will note it down that the rent in such and such case has now become Rs. 100 instead of Rs. 95. The effect of that increase will not come into force till the next year when new lists are made and in these new assessment lists this increase of rent will be provided. I do not understand what my honourable friend is driving at. This is not a matter of information. The tax will be proportionate to the increase or decrease and it will be only done when the new assessments come into force. For these reasons, I hope, the honourable member will not press his amendment.

Khan Sahib Khawaja Ghulam Samad (Urdu) : Sir, the Parliamentary Private Secretary has stated that assessment would be made one year after the information of decrease of rent has been furnished to the Corporation. There is nothing new in his argument. If a change for the decrease in the rent takes place, naturally the assessing authority would make the assessment on the basis of reduced rent. Now if the rent decreases and the owner of the house intimates the Corporation to that effect, I think he would be in a stronger position at the time of the preparation of the new assessment list. He can tell the Assessing Authority that he had already furnished that information to the Chief Executive Officer. Besides, the assessing officer would be saved the trouble of making enquiries for the purpose of verifying the change in the rent. I am therefore of the opinion that substitution of the word 'change' for the word 'increase' would serve the purpose better than if the clause is allowed to stand as it is. I am sure the Honourable Minister would see his way to incorporate this amendment in the Bill.

Mr. Speaker : Question is—

That in sub-clause (1), line 6, for the word 'increase' the word 'change' be substituted."

The motion was lost.

Mr. Speaker : Question is—

That clause 122 stand part of the Bill.

The motion was carried.

Clauses 123—127.

Mr. Speaker : Question is—

That clauses 123—127 stand part of the Bill.

The motion was carried.

Clause 128.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): I beg to move—

That in line 8, for the words "five rupees" the words "one rupee" be substituted.

Before I proceed with my speech I would like to refer the honourable members to the clause as it stands. It reads thus :

The Chief Executive Officer shall on the application of a person furnish to him a copy of the valuation or assessment list as for the time being in force or any extract from any such list on payment of a sum not exceeding the rate of five rupees for every hundred entries numbered separately.....

Now you are aware, sir, that in almost all the Government departments, whether civil or revenue, which furnish copies of decrees, documents, judgments of decisions, etc., of the competent authorities, the Government have reduced the copying charges to a great extent and have fixed the charges for the supply of the same at very nominal rates of fees. But the provision made in this clause is to the effect that for every hundred entries of the list an amount not exceeding Rs. 5 shall be charged by the Chief Executive Officer from a person who puts in an application that a copy of the assessment list in force or a copy of the valuation list of his property be furnished to him. It is quite obvious that the rate of fee he is required to pay, is exorbitant and perhaps prohibitive for the poor. Naturally the people with small means would be hard hit. It is with a view to afford relief to this class of people that I have put forward this amendment. I think if the fee is fixed at Re. 1 instead of Rs. 5 it would be quite reasonable. This would not pinch anybody and in fact everybody would be able to get a copy easily. I hope the Honourable Minister would be disposed to accept this amendment.

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

That in line 8, for the words 'five rupees', the words 'one rupee' be substituted.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*): Sir, I rise to lend my whole-hearted support to the amendment put forward by the honourable member Khawaja Sahib. It is quite obvious that the rich can afford to pay this high rate of fees, but so far as the poor are concerned, it would be extremely difficult for them to make

payment of such an exorbitant fee as has been provided in the Bill. Now what will be the position of a poor man who wants to have a copy of the valuation of his small property or that of the assessment list, but is unable to acquire it simply because his low means do not permit him to pay the stipulated fee of Rs. 5. I am strongly of the opinion that in the interest of the poor people, we should reduce the rate of fee from Rs. 5 to Re. 1 for the supply of copies. I am sure the Government would be well advised to accept such a salutary amendment as the one now before the House.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I wholeheartedly support the amendment now before the House. I am quite at one with the views expressed by the honourable mover and the honourable Begum Sahiba in regard to the reduction of fee from Rs. 5 to Re. 1. But I assure the honourable members who have the interests of the poor at heart, that the Government are not in a mood to accept it. They would reject it under one pretext or another. For instance, they would say that as copyists are also to be paid a portion of the fee charged, they must necessarily put the charge for the supply of copies of the valuation or Assessment list at a high figure of Rs. 5. I do not think the Government have framed this clause with the intention of raising revenue. If that is the fact where is the harm in incorporating this salutary amendment? I may tell the Honourable Minister that the fee of Rs. 5 would prove a heavy burden to the already poverty-stricken people. It is a thousand pities that the Government do not accept even the most reasonable amendments. In view of the callousness of the Government I would ask my honourable friends on these benches to refrain from moving their amendments, so that the time of the House may not be wasted. I would rather suggest to the Honourable Minister for Public Works that he should get a placard hung in front of his seat, bearing the inscription "I do not accept amendments" (*laughter*), so that he may be able to get this big voluminous Bill passed without any hitch. Besides, it has pained me to find that my honourable friend Sayed Amjad Ali Shah in whose name stood a large number of amendments, to almost every clause, is feeling averse to move them. As amendments emanating from the Opposition are generally turned down by the Government, we thought that the amendments put forward by a ministerialist would have a favourable chance of being accepted, but it is an irony of fate that my honourable friend has not seen fit to move them. With these words I close my remarks.

Minister for Public Works (The Honourable Malik Khizar Hyat Tiwana): Sir, I must again say that there has been confusion in following this clause. The honourable member seems to be thinking that perhaps Rs. 5 will be charged in every case. That is not the case. This is a provision inserted by the select committee. The object is to fix a top limit so that the Chief Executive Officer can only exact Rs. 5 as the cost of giving copies. The exact amount will be fixed from time to time by the Chief Executive Officer. The object is not to make any income out of it. The Executive Office will use his discretion. He is a responsible officer and he will fix such fee as may be deemed equitable. Fearing that he may fix a higher amount the select committee in the interests of the people said "No, we will not give him an unlimited power. We will limit the top to Rs. 5". It does not mean that Rs. 5 will be levied in every

[Minister for Public Works.]

case. It might be any small amount. He will in fixing the amount take into consideration the cost of paper and all other charges.

Khan Sahib Khawaja Ghulam Samad (Urdu): I agree with the Honourable Minister of Public Works and I admit that the words, "not exceeding rupees five" occur in the clause. It is obviously a maximum limit. I understand it quite well as every other honourable member must understand it. There is no ambiguity about it. But the difficulty is that the competent authority will try to impose the maximum limit in order to please the Government. I say this on the basis of my daily experience. Whenever the Government fixes a maximum limit, the subordinate officers try to reach that limit somehow or other. That may also happen in this particular case. The Government should make it clear that whether there is one entry or two or more up to one hundred, a fee of rupee one or two only will be charged. I was under the impression that the Honourable Minister of Public Works would be generous enough to reduce the limit of fees from Rs. 5 to Re. 1 only because the imposition of this fee will generally hit the poverty-stricken people of Lahore. Orphans and widows may have to seek redress and find it beyond their capacity to pay more than one rupee. It is in the interest of such poor people that I am appealing to the Honourable Minister to reduce the limit of five rupees to one rupee only.

Mr. Speaker: The question is—

That in line 8, for the words "five rupees", the words, "one rupee" be substituted.

The motion was lost.

Mr. Speaker: The question is—

That clause 128 stand part of the Bill.

The motion was carried.

Clause 129.

Mr. Speaker: The question is—

That clause 129 stand part of the Bill.

The motion was carried.

Clause 130.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary):

Sir, I beg to move:—

That in sub-clause (2), lines 1-2, for the word and figure "subsection (1)", the word and figures "section 104" be substituted.

Sir, my honourable friends will find that these words in sub-clause (2) subject to the provisions of "subsection (1)" are misprint and meaningless. Under clause 130, power of exemption is given under subsection (1) to the Corporation and under subsection (2) the power is given subject to the sanction of the Provincial Government with regard to the abolition, suspension or reduction of a tax. But under clause 104 the property tax has been made compulsory. The object of the amendment is that subject to that provision the Corporation might suspend, abolish or exempt any tax. I therefore move the amendment.

Mr. Speaker : Question is—

That in sub-clause (2), lines 1-2, for the word and figure "subsection (1)", the words and figures, "section 104" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 130, as amended, stand part of the Bill.

The motion was carried.

Clause 131.

Mr. Speaker : The question is—

That clause 131 stand part of the Bill.

The motion was carried.

Clause 132.

Sayed Amjad Ali Shah : I beg to move—

That in sub-clause (1), line 1, between the words "any" and "building", the words "land or" be inserted.

Sir, my honourable friend Mian Abdul Aziz in the course of his speech wanted an explanation from me (*Mian Abdul Aziz*: No explanation) that after having tabled all these amendments, I did not rise to move them. Sir, if my honourable friend had taken the trouble to read these, he would have found that all those amendments referred to this particular subject for which an amendment has been moved by me now. He would also see, sir, that if clause 102 had been passed, all those amendments of mine would not have been in order, even if I had moved them. Therefore, I did not move my amendments. I suppose that after this explanation my honourable friend would be satisfied.

Mian Abdul Aziz : I was satisfied, when you moved the amendment.

Sayed Amjad Ali Shah : I do not want to take the time of the House. I simply wanted to satisfy my honourable friend Mian Abdul Aziz.

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

That in sub-clause (1), line 1, between the words "any" and "building", the words "land or" be inserted.

Minister for Public Works : Sir, I accept this amendment.

Mr. Speaker : The question is—

That in sub-clause (1), line 1, between the words "any" and "building", the words "land or" be inserted.

The motion was carried.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban) (*Urdu*): I beg to move the following amendment:—

That in sub-clause (1), line 9, for the words "three quarters", the words "the whole" be substituted.

M. Speaker, my intention in moving this amendment is to get exemption from the payment of this tax in favour of such people whose houses sometimes remain vacant for long periods. In the sub-clause it is provided that in case a house remains vacant three quarters of the tax will be refunded.

[B. Rashida Latif Baji.]

Now please consider how it will be possible for such people, who with great difficulty make both ends meet, to arrange for the remaining one quarter of the tax which will not be refunded.

There are many people in Lahore who built their houses by selling away the jewellery of their wives expecting that in that way they will get some income. Their houses are also very small. In the case of such people the Honourable Minister can very well imagine that it will be impossible for them to pay any tax, even if it be one quarter of the tax assessed, in the event of their houses remaining vacant. In many cases as the houses are very small the owners do not get even the tenancy deed executed and often it so happens that the tenants run away leaving the house without paying rent for months. In such cases such owners should be given complete exemption. I have not moved this amendment for the benefit of Sayed Amjad Ali Shah and Lala Gopal Das. I have moved it for the benefit of the poor. In moving it, however, I have made no distinction between rich and poor. Nowhere have I mentioned that the poor people should be given complete exemption and that the rich should be charged one quarter of the tax. Under the circumstances there should be no objection against this amendment from any quarter.

Moreover, it is wrong in principle to charge one quarter as tax under circumstances when a house has remained vacant. No tax can be charged for a property which does not yield any profit. How can you be justified in imposing a tax under such circumstances?

I hope the Honourable Minister will accept this amendment and as usual will not say "no, no" to it.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 9, for the words "three quarters", the words "the whole" be substituted.

Minister for Public Works : I oppose the amendment for the reason that we have already been very liberal, in this provision. Those members who have property in Lahore and understand the implication of this clause I think are justly silent and that very fact reveals that they are getting a good deal. As far as similar clause in the Karachi Act is concerned, there it is two-third while we have given them three-fourth. Therefore, there is hardly any case for grouse but the honourable lady member who is so fond of championing the cause of the poor, has made her set speech and I have, therefore, to give a negative reply in cases where the amendments are not reasonable.

Mr. Speaker : Question is—

That in sub-clause (1), line 9, for the words "three quarters", the words "the whole" be substituted.

The motion was lost.

Sayed Amjad Ali Shah : I beg to move—

That in sub-clause (1), lines 10-11, between the words "which the" and "building" the words "land or" be inserted.

The motion was carried.

Mr. Speaker : The question is—

That clause 132, as amended, stand part of the Bill.
The motion was carried.

—————
Clauses 133 and 134.

Mr. Speaker : The question is—

That clauses 133 and 134 stand part of the Bill.
The motion was carried.

—————
Clause 135.

Mian Muhammad Nurullah : I beg to move—

That leave of the House be given to move—

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

“(5) It shall be the duty of the Patwari to inform the Executive Officer of all mutations effected every six months.”

The motion was lost.

Mr. Speaker : The question is—

That clause 135 stand part of the Bill.

Mian Muhammad Nurullah : I oppose this clause.

(Urdu) : Sir, I will state before the House the difficulties which one has often to face on account of long delays in making entries, and also the harm which one suffers on account of such delayed entries.

Minister for Public Works : The provision about this subject is dealt with separately and if you will come along, I will explain to you that it is not the case. The whole system is being altered.

Mr. Speaker : The question is—

That clause 135 stand part of the Bill.

The motion was carried.

—————
Clauses 136—138.

Mr. Speaker : The question is—

That clauses 136, 137 and 138 stand part of the Bill.

The motion was carried.

—————
Clause 139.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (Urdu) : Sir, I beg to move—

That in the last line, for the word, “greater” the word “lesser” be substituted.

When I first read this clause I thought that I should table an amendment for reducing the amount of fine from Rs. 50 to Rs. 5 only. But as the clause now before the House provides that any person who tries to smuggle any articles, be it cattle or anything else, he shall be punishable with a fine which may extend to ten times the amount of toll to be levied on it, therefore I have not tabled that amendment. Instead thereof I have moved this

[K. S. Khawaja Ghulam Samad.]

amendment which is a very reasonable one. The honourable members will agree with me that the sum of Rs. 50 which would be levied as fine on the smugglers is a very big sum. Now what I want is that instead of the word "greater" the word "lesser" be substituted, so that the amount of fine should in no way be more than Rs. 50. This is a very innocent amendment and I do not think that the Honourable Minister can have any objection to this.

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

That in the last line for the word "greater", the word "lesser" be substituted.

Minister for Public Works : Sir, I oppose this amendment. The honourable members know the amount of smuggling that goes on everywhere. If a man actually resorts to smuggling, it is only fair that he should pay the penalty. We cannot adopt a more lenient method. A limit has been fixed in the Municipal Act itself and that is the municipal practice. If my honourable friend refers to section 78 of the Municipal Act, he will find exactly the same words, "10 times the value of such octroi or fifty rupees whichever may be greater". We have copied that section word by word. We are only putting down what is existing already and nothing more.

Mr. Speaker : The question is—

That in the last line for the word "greater", the word "lesser" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 139 stand part of the Bill.

The motion was carried.

Clauses 140 and 141.

Mr. Speaker : The question is—

That clauses 140 and 141 stand part of the Bill.

The motion was carried.

Clause 142.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I beg to move:—

That in sub-clause (1), line 4, for the word "fifteen" the word "thirty" be substituted.

The clause as it stands reads as follows:—

If the sum for which any bill has been presented as aforesaid is not paid within 15 days from the presentation thereof, the Chief Executive Officer may cause to be served upon the person to whom such bill has been presented a notice of demand in the prescribed form, or in a form to the like effect.

It means that if any person fails to pay any bill presented to him by the authorities of the Corporation within 15 days, in that case the Chief Executive Officer will serve on him a notice of demand. I think the period of fifteen days that has been provided in the Bill is too short a period. To my mind it will be only fair to allow thirty days for the payment of such Bills. It is a very reasonable amendment and I think the Honourable Minister will have no objection in accepting it.

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

That in sub-clause (1), line 4, for the word "fifteen," the word "thirty" be substituted.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban), (*Urdu*) : Sir, I rise to support the amendment that has been moved by Khawaja Ghulam Samad. My submission is that sometimes it so happens that the male members are away on some business and only women remain at their houses and sometimes money is also not forthcoming and at such occasions it is necessary that the period allowed for the payment of Corporation bills should be ample. I think there will be no harm if instead of 15 days a period of 30 days is allowed for this purpose.

Minister for Public Works : Sir, may I say a word? As a matter of fact, in the Calcutta Act and other similar Acts we find that there are only seven days provided. But in the Karachi Act, they have 15 days. So I have also put in this provision which is in the interest of the public. It is already as good a provision as it could be. I oppose the amendment.

Mr. Speaker : The question is—

That in sub-clause (1), line 4, for the word "fifteen", the word "thirty" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 142 stand part of the Bill.

The motion was carried.

Clauses 143 and 144.

Mr. Speaker : The question is—

That clauses 143 and 144 stand part of the Bill.

The motion was carried.

Clause 145.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*) : Sir, I beg to move :

That in line 4, between the words "may" and "if" the words "one hour after the presentation of the said warrant still not complied with" be inserted.

In many cases it is seen that the persons on whom notices for demand are served defer payments till they are actually served with distress warrants. It is only after they receive such warrants that they seriously think of paying the sums demanded. If at that time they are given some time that would provide them an opportunity to pay the sums actually demanded by borrowing it from some of their relatives or neighbours. It is with this object in view that I have moved this amendment which would not only simplify the procedure but save the people from unnecessary embarrassment also.

Mr. Speaker : The question is—

That in line 4, between the words "may" and "if", the words "one hour after the presentation of the said warrant still not complied with" be inserted.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I beg to move—

That in lines 6-7, between the words "officer" and "between" the words "in company with the Councillor of that constituency in which the defaulter resides" be inserted.

Sir, it is but natural that a person authorized under section 143 with the execution of a warrant of distress must feel himself important and powerful enough to do whatever he likes. This might sometimes cause no end of hardship to people against whom the warrant has been issued. In order to protect them from uncalled for hardships I have suggested that the Councillor representing the constituency to which the defaulter belongs should accompany the officer charged with the execution of the warrant. He will have some sympathy for the defaulter and would prevent the officer from meting out any unnecessarily harsh treatment to him. It is, therefore, essential that when the officer goes to execute the warrant he should apprise the Councillor concerned with his intention. It will not only facilitate execution but would also satisfy the person against whom the warrant has been issued. As it is a very reasonable amendment, I hope the Honourable Minister would give a proof of his fair-mindedness by giving his assent to it.

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

That in lines 6-7, between the words "officer" and "between", the words "in company with the Councillor of the constituency in which the defaulter resides" be inserted.

Minister for Public Works : Well, sir, if you will see similar provisions in other Acts you will find that there is no such provision. Is it possible to take along the Councillor of the ward? It is only in extreme cases that this power will be used: it is when the person in charge has been there and refused admittance. If we believe that the property is there, it is only then that it can be enforced. If no hardship is experienced in other provinces it will make the position of the Councillor ridiculous here. The honourable member seems to be confusing the present municipal commissioner with the future Councillor of the Corporation of Lahore who will be just like a member of the Assembly. You are not asked by a civil court to go and join a bailiff because he happens to be executing a decree in your constituency. It will make the statute absurd. The honourable member should take this point into consideration.

Mr. Speaker : The question is—

That in lines 6-7, between the words "officer" and "between", the words "in company with the Councillor of that constituency in which the defaulter resides" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 145 stand part of the Bill.

The motion was carried.

Clause 146.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*):
Sir, I beg to move—

That in line 6, between the words "any" and "movable" the words "cash, bank-balance or" be inserted.

Sir, some days back I had the good fortune to visit Mian Muhammad Iftikhar-ud-Din in jail. He told me how some Government and other local bodies realize the fines imposed by them in a vindictive spirit. Taking his own case he informed me that despite it being a matter of common knowledge that he had an account in various banks the Government either in order to terrorise people or to deliberately insult his family attached his two cars in lieu of the fine that had been imposed on him. In view of cases such as the one I have cited I feel it very necessary that a fine should in the first instance be realized from any cash or bank-balance that the defaulter may happen to possess, and only in the absence of these should his movable property be attached.

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

That in line 6, between the words "any" and "movable", the words "cash, bank-balance or" be inserted.

Minister for Public Works : In opposing this amendment I would point out first that the honourable member has given an instance which is not relevant to this clause at all. Whatever might have happened in a particular case we cannot generalize. The property has been divided into two parts: movable and immovable. Cash is certainly movable property. I do not think we need add the words. It is already covered as far as I can understand the word "immovable".

Mian Muhammad Nurullah : Is car movable ?

Minister : Anything that moves is movable.

Mr. Speaker : The question is—

That in line 6, between the words "any" and "movable", the words "cash, bank-balance or" be inserted.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I beg to move:—

That at the end of part (a) (ii), the following be added:—

"the charpoys and utensils used for cooking purposes, etc."

It is provided in clause 146 that the necessary wearing apparel and bedding of the defaulter, his wife and children and the tools of artisans shall not be distrained. I have moved this amendment to urge upon the Government the desirability of including the charpoys and cooking utensils of the defaulter among the exempted articles. The Government appears to be labouring under the misapprehension that Lahore is inhabited only by rich people although the fact is that a large number of the residents of the city find it absolutely impossible to make both ends meet. You will find many houses where there is no other immovable property except a few clothes, two or three charpoys and some cooking utensils. You are establishing a Corporation and the people will have to pay a good many taxes. Naturally, there will be so many poor defaulters for the distraint of whose property,

[K. S. Khawaja Ghulam Samad.]

you have made this provision. It would be cruel to deprive them even of such essential articles as charpoys and cooking utensils. I would, therefore, request the Honourable Minister, although he is not listening to what I am submitting, to exempt these articles.

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

That at the end of part (a) (ii), the following be added :—

“ the charpoys and utensils used for cooking purposes, etc.”

Minister for Public Works : As far as I have been able to see, no such exemption is allowed in other Corporation Acts. I find that these were the articles exempted in Karachi and we too have put these down. The word “utensil” is a very wide term and I do not know exactly what it means. In some cases it might mean very valuable articles which are certainly articles of luxury. But if there is a deserving case there are other provisions in the Corporation Bill to exempt poor people. If there is such a case those provisions will come into action and the man will get relief. Besides there are other Acts on the statute which will afford that person a certain amount of relief. I do not think we need make it any more cumbersome. If there is a genuine case the man will be let off on account of poverty.

Khan Sahib Khawaja Ghulam Samad (Urdu) : Sir, the Honourable Minister has said that since no tax will be levied on those who have not got the capacity to pay, the poor people are not going to be affected by this provision. If that be the case, where is the harm in making the addition proposed by me? Again, he says that if this amendment is accepted a good many rich people will find a loophole to save from distraint their articles of luxury. My submission is that a man who can afford to enjoy the luxuries mentioned by the Honourable Minister will never make a default. Even if it is granted for the sake of argument that a man will be so much lost in enjoying himself as to make a default through carelessness, the moment he sees the warrant he will make the payment. Thus there will be very little chance of the rich people having to face distraintment of their property and

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this clause will affect only the poor people. I am free to admit that a sensible and God-fearing Municipal Officer will treat the poor leniently in the matter of assessment of taxes as well as attachment and distraints, but every officer cannot be expected to be of such a disposition. I would, therefore, request the Government to make this provision in order to save the poor people from unnecessary harassment.

Minister : The honourable member's object is evidently to give relief to the poor. In this respect I am entirely at one with him. But if he had read clause 130 he would have found that “the Corporation has power to exempt in whole or in part, for any period not exceeding one year, from the payment of any such tax, any person who by reason of poverty may in their opinion be unable to pay the same, and may renew such exemption as often as may be necessary”. In view of this I do not think the honourable member would like to insist on his amendment which will provide a loophole by which even those who can pay will be able to evade payment.

Mr. Speaker : The question is—

That at the end of part (a) (ii), the following be added:—

“ the charpoys and utensils used for cooking purposes, etc.”

The motion was lost.

Khan Sahib Khawaja Ghulam Samad : I beg to move—

That leave be granted to move that after sub-clause (a) (ii), the following new part be added:—

“ (iii) All sorts of corns, pulses, ghee, oil, spices in daily use of the defaulter and his family members and milch animals.”

The motion was lost.

Mr. Speaker : The question is—

That clause 146 stand part of the Bill.

The motion was carried.

Clause 147.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*).
Sir, I beg to move—

That in sub-clause (6), lines 3-4, for the words “ Provincial Government”, the word “ Corporation” be substituted.

It is neither just nor reasonable that the Corporation should bear the expenses, depute its own men and do everything in respect of distraint and sale of a property and the Government dues should be made the first charge on the sale-proceeds. Justice demands that the Corporation should get its share before anything goes to the Government. The Government is not so bankrupt and helpless that it cannot recover its dues from a person as arrears of land revenue or take other steps for the purpose. Supposing after all the trouble taken and expenses incurred by the Corporation, it is found that the sale-proceeds are just enough to pay the Government dues, what will the Corporation get? Thus it is desirable that the Government dues should not be made the first charge on the sale-proceeds and the Corporation should come next. It should be the other way about.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (6), lines 3-4, for the words “ Provincial Government”, the word “ Corporation” be substituted.

Minister for Public Works : I oppose the amendment. In all legislations provision is made that the charges of the Provincial Government shall have prior claim and consideration. In both the cases it means the people, the only difference being that in the case of the Corporation it refers to local people while the Provincial Government represents a bigger community. Naturally the bigger community should have prior claim. I do not see why we should reverse this process and allow the claims of the Corporation the first place and of the Provincial Government the second place. There is no justification for the amendment, nor is there any hardship involved to any one.

Mr. Speaker : The question is—

That in sub-clause (6), lines 3-4, for the words “ Provincial Government” the word “ Corporation” be substituted.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad : I move—

That for sub-clause (8), the following be substituted :—

“ In case the person concerned does not apply to the Chief Executive Officer for refund of surplus amount within three years, such surplus shall be refunded to the claimant by money order after deducting the fees of money order.”

(Urdu) : Sir, before I proceed with my speech I would like to tell you, for instance, as to what has been provided in sub-clauses (1) and (2) of this clause 147 which is a comprehensive clause. Sub-clause (1) deals with the sale of property which is subject to speedy decay. It provides that when the expense of keeping the property in custody together with the amount to be levied is likely to exceed its value, a notice will be served on the owner to the effect that his property will be sold if the amount in question is not paid to the Corporation in time. I may also point out that sub-clause (2) provides that the tax or the sum claimed by the Corporation will be realized by selling the property of a defaulter by a public auction. Then further on there are five more sub-clauses which I do not want to refer to, as my amendment relates to sub-clause (8) which provides that if a certain amount of money belonging to a person whose property has been disposed of by the Corporation remains with the aforementioned body and the said person, in spite of having been given a notice for the recovery of the surplus amount, fails to claim that amount within three years from the date of the notice given, it shall then be considered to have become the property of the Corporation. I may point out that this clause on the face of it is unjust and unfair. I believe, you will bear me out when I say that the people of Lahore will not be able to understand law, as 90 per cent of them are illiterate. Take it from me that they will not know what procedure they should adopt on receiving such notice from the Corporation. I may further submit that on receiving such notice they being illiterate will have to go from door to door so as to understand the contents of the notice. Then the information they receive from the notice depends upon a person who after reading it conveys that information to them. It is just possible that he may give them wrong or right information and the poor people are not to blame for that. Now I may tell you as to how the man concerned can fail to send in his claim to the Corporation on account of forgetfulness even if he gets correct information from the notice. As the period for making claims for the surplus amount of money has been fixed at 3 years, he will say that time was enough and he would draw that money from the Corporation any time he liked and in this way it is just possible that the whole thing may slip out of his mind and he may absolutely forget to claim the surplus amount of money during the fixed period. Besides, after having read this notice a person on account of some grudge and enmity or in order to satisfy that grudge may give wrong and incorrect information to the man concerned who will naturally suffer on that score. For these reasons, I believe that it will be very undesirable for the Government to consider the unclaimed surplus to be the property of the Corporation. Anyhow, what I want to submit is that it should not be so and the Government must see to it that as much property is put to auction as it will be sufficient to recover the dead money from the defaulter. May I remind you that I moved an amendment to this effect but unfortunately it was rejected by you. Now again I find the same defect in this clause. I am afraid it is open to the officer in charge to auction as much property as he

likes. I may submit that we are fully aware as to what is being done by civil courts in cases of insolvency. Official Receivers are all in all and what they generally do is this. They sell a property worth Rs. 100 for Rs. 20 by putting it to auction. Similarly, I am afraid, an officer will be appointed by the Corporation and he not being an angel will act like an Official Receiver, that is to say, he will sell more property than actually required and I think, in most cases the Corporation will have a surplus of such proceeds. With regard to that surplus amount of money my submission is that it should be refunded to the claimant by money order and the fees of money order be deducted from the claimed amount of money.

With these few remarks, sir, I commend my amendment for the acceptance of the House.

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

That for sub-clause (8), the following be substituted :—

“ In case the person concerned does not apply to the Chief Executive Officer for refund of surplus amount within three years, such surplus shall be refunded to the claimant by money order after deducting the fees of money order.”

Minister for Public Works : I think I need hardly give any argument for opposing this amendment. The clause itself is so fair on the face of it and is being followed in other places also. Three years is the period laid down during which a claimant might come along and get his money. If he does not, then the claim lapses to the Corporation as does every surplus money with Government. In cases where a man is not traceable to whom should the money be sent by money order? The honourable member has brought forth a proposition which cannot work. I have taken the clause word for word from the other Acts. I do not think I can accept the amendment.

Khan Sahib Khawaja Ghulam Samad (Urdu) : Sir, I must join issue with the Honourable Minister that the claimants are untraceable. It is only in very rare cases that difficulty is experienced in finding out the whereabouts of a claimant. As I have already stated, if the person concerned fails to apply to the Chief Executive Officer for the refund of the surplus amount, it is either because he is illiterate and is ignorant of the procedure or because some wrong information has been supplied to him or because the matter gets out of his mind. But I am really surprised that a person whose property has been attached in lieu of the Corporation charges should be untraceable. I am sure every item of the address, even the street, mohallah, etc., would be found on the records of the Corporation, because when such drastic measures are taken against a defaulter, his complete address is entered in the register for reference. Again, it is very seldom that he should leave the city after having got his property attached or distrained. I, therefore, see no reason why steps should not be taken to refund the surplus amount to him by the Chief Executive Officer. In this connection I may also point out that even in civil courts the surplus money after the payment of the decretal amount is remitted to the person concerned by money order. I see no harm if that method is adopted by the Chief Executive Officer and a provision to that effect is made in the Bill. I hope the Honourable Minister would be disposed to accept this amendment.

Mr. Speaker : The question is—

That for sub-clause (8) the following be substituted:—

“ In case the person concerned does not apply to the Chief Executive Officer for refund of surplus amount within three years, such surplus shall be refunded to the claimant by money order after deducting the fees of money order.”

The motion was lost.

Mr. Speaker : The question is—

That clause 147 stand part of the Bill.

The motion was carried.

Clauses 148-149.

Mr. Speaker : The question is—

That clauses 148-149 stand part of the Bill.

The motion was carried.

Clause 150.

Mian Muhammad Nurullah : I beg to move—

That at the end of sub-clause (1), the words “ but no summary proceedings shall be necessary if the person owns property within the city ” be added.

Sub-clause (1) of clause 150 reads:—

If any sum recoverable under the provisions of this chapter is due or is about to become due from any person, and if the Chief Executive Officer shall have reason to believe that such person is about to leave the City, the Chief Executive Officer may direct the immediate payment by such person of such sum and cause a bill for the same to be presented to him.

Mr. Speaker : To my mind the honourable member's amendment appears to be a new clause.

Mian Muhammad Nurullah : No, sir. It seeks to save the citizens of Lahore from summary proceedings. This is too much of a copy of other Acts. There is always a difference when a person owns property in Lahore. Why should he be made to pay like this? I think it will be an insult to him if summary proceedings are taken against him, and I hope that this proviso will be accepted.

Mr. Speaker : The question is—

That at the end of sub-clause (1), the words “ but no summary proceedings shall be necessary if the person owns property within the city ” be added.

The motion was lost.

Mr. Speaker : The question is—

That clause 150 stand part of the Bill.

The motion was carried.

Clause 151.

Mian Muhammad Nurullah : I beg to move—

That in sub-clause (1), line 5, between the words “ magistrate ” and “ by ”, the words “ or a judicial officer ” be inserted.

We want that the judicial officers should have these powers also. If you kindly read Rai Bahadur Gopal Das's amendment, you will find that he wants the District Magistrate of Lahore or any subordinate judge to try such cases. That would certainly be better, but if you insert the words "or a judicial officer" between the words "magistrate" and "by", then it would mean that any one can go either to an executive magistrate or a judicial sub-judge. I would like the sub-judges to be included.

Mr. Speaker : Question is—

That in sub-clause (1), line 5, between the words "magistrate" and "by", the words "or a judicial officer" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 151 stand part of the Bill.

The motion was carried.

Clauses 152—157.

Mr. Speaker : The question is—

That clauses 152—157 stand part of the Bill.

The motion was carried.

Clause 158.

Mian Muhammad Nurullah : I beg to move—

That in line 4, between the words "place" and "whether", the words "belonging to the Corporation or Government" be inserted.

The section reads :

The Chief Executive Officer may cause all or any municipal drains to empty into any place, whether within or without the City, and may dispose of the sewage at any place, whether within or without the City, and in any manner which he may deem suitable.

Why have they included private property? They can acquire private property and then it would become the property of Government or the Corporation. Why should they compulsorily force their drains to be emptied into some one's property? I think it is necessary that it be drained into the property of either the Lahore Corporation or the Government, and not that of a private owner. This is a very important clause, because it will be a very great nuisance if water is made to be drained into my land without my consent or without that land being acquired. The Government or the Corporation should be responsible for all these things. I think these words must be inserted.

Mr. Speaker : Question is—

That in line 4, between the words "place" and "whether", the words "belonging to the Corporation or Government" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 158 stand part of the Bill.

The motion was carried.

Clause 159.

Mian Muhammad Nurullah : I beg to move—

That in part (c), line 1, between the words "arrangement" and "with", the words "with the consent or approval of the Standing Committee" be inserted.

I think the Executive Officer should obey the orders of the Standing Committee and in any case should take the consent of the Standing Committee in such cases.

Mr. Speaker : Question is—

That in part (c), line 1, between the words "arrangement" and "with", the words "with the consent or approval of the Standing Committee" be inserted.

The motion was lost.

Mr. Speaker : Question is—

That clause 159 stand part of the Bill.

The motion was carried.

Clause 160.

Mian Muhammad Nurullah : I beg to move—

That in lines 1-2, between the words "may" and "enlarge" the words "with the previous consent of the Standing Committee" be inserted.

Sir, it would be a very wholesome check on the Executive Officer. He might have his own whims and might like to change things as he likes. I know of many Superintending Engineers in the Irrigation Department who have taken over a circle and started remodelling at once even if the *mogas* are flowing very nicely. They spend a lot of public and Government money and later on find that it was a huge waste. This amendment has been proposed so that the Executive Officer may not be able to do as he likes. This is a matter of spending money and any scheme passed by him should be approved by the Standing Committee. Thus it would be a wholesome principle from the point of view of supervision and also from the point of view of financial interest. The Executive Officer might be trying to act vindictively. Therefore I suggest the inclusion of these words.

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

That in lines 1-2, between the words "may" and "enlarge", the words "with the previous consent of the Standing Committee" be inserted.

Minister for Public Works : I think the honourable member has not given consideration to the plan of the Act. The plan of the Act is that budgetary provision would be sanctioned by the Corporation and the Executive Officer would be able to carry out the work only within the provision sanctioned. He should not be made to go to ask the Standing Committee whether he can repair a certain drain or not. This is not what our executive officers are required to do. The engineers have the power to do certain things and they do them. They do not come to the Assembly. Similarly the budgetary provision will be there. The control is with the Corporation and subject to that the Executive Officer should have the power to carry out the work. This is exactly the case in every other corporation.

Mr. Speaker : Question is—

That in lines 1-2, between the words "may" and "enlarge" the words "with the previous consent of the Standing Committee" be inserted.

The motion was lost.

Mr. Speaker : Question is—

That clause 160 stand part of the Bill.

The motion was carried.

Clauses 161 to 165 put and carried.

Clause 166.

Mian Muhammad Nurullah : I beg to move—

That at the end of sub-clause (1), the words "but no notice will be taken of latrines used by residents of any house or any building situated within that area" be added.

Sir, it is not clear to me. They have put in a limit of a hundred feet. Within 100 feet distance of many tanks there are houses of the poor as well as the rich. What would happen in this case? Is there any exemption? How will you deal with these houses? Latrines would be there.

Minister for Public Works : The amendment is meaningless.

Mian Muhammad Nurullah : Let me appeal to the Honourable Minister to state how he is going to deal with these houses.

Mr. Speaker : Question is—

That at the end of sub-clause (1), the words "but no notice will be taken of latrines used by residents of any house or any building situated within that area" be added.

The motion was lost.

Mr. Speaker : Question is—

That clause 166 stand part of the Bill.

The motion was carried.

Clauses 167 to 169 put and carried.

Clause 170.

Mian Muhammad Nurullah : I beg to move—

That leave be given to move that after part (b) the following new part be added—

"(c) The sanitary arrangement of the building or set of buildings are self-sufficient and complete."

The motion was lost.

Mr. Speaker : Question is—

That clause 170 stand part of the Bill.

The motion was carried.

Clauses 171 to 199 put and carried.

Clause 200.

Rai Bahadur Lala Sohan Lal : Sir, I beg to move—

That leave be given to move that at the end the following be added :—

“ Provided that the Chief Executive Officer shall obtain the previous sanction of the owners of the property to be affected by these operations and in case the permission is refused he will study alternative arrangement. If no other arrangement is possible the Chief Executive Officer shall pay a reasonable sum by way of cost or lease money to the owners.”

The motion was lost.

Mr. Speaker : The question is—

That clause 200 stand part of the Bill.

The motion was carried.

Clauses 201—216.

Mr. Speaker : The question is—

That clauses 201 to 216 stand part of the Bill.

The motion was carried.

Clause 217.

Mr. Speaker : Clause 217.

Mian Muhammad Nurullah : Sir, I rise to oppose the whole clause. Sir, I have very serious objection to part (1) (d) of this clause. You will kindly see that the clause reads as follows :—

No person shall use or permit to be used any premises for any of the following purpose^s without or otherwise than in conformity with the terms of a licence granted by the Chief Executive Officer in this behalf, namely :—

Keeping in or upon any building used or intended to be used as a dwelling house or within 15 feet of such building, any quantity of cotton exceeding four hundredweight.

This provision is very repugnant from the zamindar's point of view. Sir, the area of Lahore has been extended and it will include a large number of villages. A poor zamindar owns only a small hut, where he keeps all his belongings, his produce and his *charpai*. His family also lives in the same hut where he puts his cotton, below, over or in a corner. He has no other place to keep his cotton. It will be a very great hardship on a poor zamindar. In the city people can keep cotton in godowns.

Minister for Public Works : Licence will be granted for keeping cotton.

Mian Muhammad Nurullah : Why should a zamindar apply for a licence? Suppose he is refused a licence.

Minister : Those people who will apply for licences they will get them. The honourable member is mixing cotton with *kapas*. For keeping *kapas* no licence is needed. The zamindar will keep *kapas* and not cotton. This provision is provided in order to safeguard against fire. Suppose a person keeps a large quantity of cotton at a place, fire may break out and burn the whole town or village. It is most necessary to keep this provision for safety against fire. The honourable member must understand the

difference between cotton and *kapas*. A zamindar has not got a ginning mill, and will not keep cotton exceeding four hundredweight in his house.

Mian Muhammad Nurullah : Whether it is cotton or *kapas* it is the same thing. Females gin cotton and if a zamindar has collected more than 4 cwt. of cotton, why do you ask him, why do you force him to get a licence? This clause is against the interest of agriculturists and I oppose it very strongly.

Minister for Public Works : So far as the interest of zamindars is concerned, the honourable member may well leave it to us, they will not suffer.

Mr. Speaker : The question is—

That clause 217 stand part of the Bill.

The motion was carried.

Clauses 218—224.

Mr. Speaker : The question is—

That clauses 218 to 224 stand part of the Bill.

The motion was carried.

Clause 225.

Rai Bahadur Lala Gopal Das : Sir, I beg to move—

That leave be given to move that after sub-clause (4), the following new sub-clause be added :—

“(5) No new slaughter-houses shall be established in any locality if a substantial number of the people living in the vicinity object to its establishment. Where slaughter-houses already exist, they shall be removed if a substantial number of people living in the vicinity object to its existence.”

The motion was lost.

Mr. Speaker : The question is—

That clause 225 stand part of the Bill.

The motion was carried.

Clauses 226—246.

Mr. Speaker : The question is—

That clauses 226 to 246 stand part of the Bill.

The motion was carried.

Clause 247.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour)
(Urdu) : Sir, I beg to move—

That in sub-clause (1), line 1, for the word “may”, the word “shall”, be substituted.

Sir, sub-clause (1) reads—

The Corporation may provide a place or places with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have become infected and when any articles have been brought to any such place for disinfection, may cause them to be disinfected....”

[**Rai Bahadur Lala Sohan Lal.**]

Sir, one of the most important duties of the Corporation will be to prevent the spread of disease. Now by use of the word "may" it is left to the discretion of the Corporation to provide or not to provide any such places for disinfection of clothes, etc. If you do not want to throw the responsibility of preventing disease on the Corporation or the Medical Officer of Health, then of course it is another matter. But if you want that the Corporation should be obliged to prevent disease, then the word "may" should be substituted by the word "shall". I hope the Government will accept this very reasonable amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 1, for the word "may" the word "shall" be substituted.

Minister for Public Works : I have no strong feelings either way, but the Corporation can be very well counted upon to provide these places. There are many other good things that the Corporation may do. We have put the word "shall" wherever we feel that the elected representatives may be reluctant to do a thing. Therefore we have made it obligatory. You can very well count on the Corporation doing these duties and it is not necessary to make any change. I do not see the reason why you should press it because no object would be achieved thereby.

Rai Bahadur Lala Sohan Lal : Sir, I have done what I considered to be in the interests of the Corporation itself, otherwise I cannot force the Honourable Minister into accepting my amendment.

Minister : If you think it to be very essential, I accept it.

Mr. Speaker : The question is—

That in sub-clause (1), line 1, for the word "may" the word "shall" be substituted.

The motion was carried.

Rai Bahadur Lala Sohan Lal : I beg to move—

That in sub-clause (1), line 10, for the word "may" the word "shall" be substituted.

The motion was carried.

Rai Bahadur Lala Sohan Lal : I beg to move—

That in sub-clause (2), line 1, for the word "may" the word "shall" be substituted.

The motion was carried.

Rai Bahadur Lala Sohan Lal : I beg to move—

That in sub-clause (3), line 2, for the word "may" the word "shall" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 247, as amended, stand part of the Bill.

The motion was carried.

Clauses 248—258.

Mr. Speaker : The question is—

That clauses 248—258 stand part of the Bill.

The motion was carried.

Clause 259.

Shaikh Faiz Muhammad (Parliamentary Secretary): I move—

That in sub-clause (1) (g), line 3, between the words "public" and "and", the word "purposes" be inserted.

It is a formal amendment and I need not take the time of the House in commending it to the House.

Mr. Speaker: Question is—

That in sub-clause (1) (g), line 3, between the words "public" and "and", the word "purposes" be inserted.

The motion was carried.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union Labour) (Urdu): Sir, I beg to move—

That in sub-clause (5), line 8 for the words "who may" the words "who shall within six months either" be substituted.

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

The Corporation shall consider every objection or suggestion with regard to the scheme and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up, or as modified, together with all the documents mentioned in subsection (4), to the Provincial Government, who may sanction such scheme or may refuse to sanction it, or may return it to the Corporation for re-consideration and re-submission by a specified date.

Now the object of my amendment is to specify some time limit by which the Provincial Government must return any scheme which is submitted to them for their sanction by the Corporation. For this purpose I think a period of six months would be quite sufficient within which the Government should sanction or refuse to sanction any scheme which is submitted to them for obtaining their sanction. It is possible that the Honourable Minister may get up and say that this period is not sufficient. Let me tell him that I am not very particular about any figure, but what I want is that some time limit should be specified for this purpose. Sir, I do not like to take up any time of the House by quoting instances of schemes which have been lying with Government for years without being decided about them one way or the other. But this much I must submit that if no time limit is specified in the sub-clause now before the House, there would be every likelihood of sanction being delayed by Government and this would be particularly so at the time of general elections when everybody including our Ministers will be busy in elections. In short the interests of the Corporation demand that some time limit should be specified by which Government should return any scheme which is submitted to them for obtaining their sanction. For instance, if any scheme is prepared by technical experts and is submitted to Government for sanction and the Government do not return that scheme within a reasonable time, the result would be that the time, money and labour involved in preparing that scheme would be simply wasted. In the circumstances it would be only fair that some time limit should be fixed by which Government must return any scheme which is submitted to them for obtaining their sanction. With these words, I commend my motion for the acceptance of the House.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (5), line 8, for the words "who may" the words "who shall within six months either" be substituted.

Lala Sita Ram (Trade Union, Labour) (*Urdu*) : Sir, the amendment which has been moved by my honourable friend Lala Sohan Lal is an important one. What he means to say is that in the time of the Lahore Municipal Committee, Government used to take very long time in according their sanction to such schemes which were submitted to them for obtaining their sanction. He only wants to make a provision against this shortcoming, so that Government should not keep in abeyance any scheme which would be submitted to them by the Corporation. If this amendment is accepted, then the Government would have to decide one way or the other within the time limit. I think it is a reasonable amendment and the Honourable Minister should accept it.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*) : Sir, I do not think that this amendment requires any lengthy speech on my part to bring home its importance to the honourable members. Those who reside in the city of Lahore are fully aware of the difficulties they have to face for getting the plans of their houses sanctioned by the Municipality. I can quote hundreds of instances where two to three years were taken by the Municipality for sanctioning the plans of houses, and it was particularly so in the case of those schemes or layout plans which were submitted to Government for obtaining their sanction. Rather the old adage *دیر دیر* aptly applies to them because any scheme or plan that was submitted to Government never saw the light of day again. I think if anybody submits any layout scheme for obtaining the sanction of Government through the Corporation, he is entitled to know the time by which it would be sanctioned or otherwise, as the case may be. If no time limit is specified, it would mean that Government only want to keep the people in suspense.

Anyway, sir, although even the period suggested by my honourable friend Rai Bahadur Lala Sohan Lal is a little too much, yet realizing the necessity of giving sufficient time to the Government we are prepared to support the proposal. The Honourable Minister is just now holding a consultation with his Parliamentary Secretary and I want to ask him through you whether he has decided to accept this amendment, so that if that be the case no more time of the House may be taken in further discussion on it. I do not think any lengthy arguments are required in support of this amendment, and I hope the Honourable Minister will see his way to accept it.

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

Minister for Public Works : Sir, as far as the question of statutory period is concerned, if the honourable members would refer to section 192 of the present Municipal Act, they would find that exactly the same provision exists there. No period is laid down nor is it possible to lay down a period. Sometimes lot of preliminary survey, maps and other inquiries have to be made and it is a sheer impossibility to lay down a period. There is no use laying down a period, for you cannot live up to it. From what has happened in the past, I think, the honourable members presume

that as there has been difficulty in the past they do not want to experience that difficulty in future.

Rai Bahadur Lala Sohan Lal : May I ask the Honourable Minister to please explain what the words "by a specified date" mean?

Minister for Public Works : I will explain that too. Schemes are not held up with Government. It has no difficulty in disposing them of. The trouble is where the previous survey has to be made. 'Specified date' means that after the scheme is sent to the local Government, the local Government may send it back to the Corporation for reconsideration and ask that it be submitted by a specified date, so that the Corporation may not delay it. They can ask the Corporation that they must send the scheme by a specified date. That is only to expedite the business. As to the delay in the past I am at one with my honourable friends. I know there has been delay in schemes, and it was not due to anybody's fault. The town has grown up immensely and a stage has been reached when planning had to be resorted to and uncontrolled buildings have to be brought under control. When they start planning of certain area, the trouble arises that roads have to be linked with another area and unless a comprehensive plan of the city of Lahore was drawn up, they cannot fit in parts, and there we had a considerable difficulty and chaos. As a special town planner has been appointed, when the whole comprehensive scheme for Lahore is ready, it will not be difficult now to say that this scheme does not fit in with roads or another scheme. There will be no delay now. If there was any delay in the past it was due to the neglect of those who were responsible for looking after the town planning because they did not have expert advice. Town planning even in western countries is of recent growth. There also they had not got town planners and advisers at one time. The growth of local bodies in European countries was haphazard. It was during the change over period that the difficulty was being experienced. Now in future we will have no difficulty and I hope that my honourable friend will not insist on six months' limitation. When a scheme is ready, the sanction is presumed to be given. Under these circumstances, I hope, the honourable member will not press his amendment.

Mr. Deputy Speaker : The question is—

That in sub-clause (5), line 8, for the words "who may", the words "who shall within six months either" be substituted.

The motion was lost.

Begum Rashida Latif Baji (Inner Lahore, Muslim Women, Urban) (Urdu) : Sir, I beg to move—

That in sub-clause 5, lines 8-9, between the words "may" and "sanction" the words "within three months" be inserted.

My object in moving this amendment is to suggest a time limit for the acceptance or rejection of building plans where none has been provided for in the clause as it now stands. There is nothing to show the time within which a certain building scheme will have to be accepted or refused. It generally happens that a very urgent and important scheme is indefinitely delayed thus causing a great hardship and loss to the person who has submitted it. In view of this fact it seems necessary that some time limit may be fixed. Our Government is in the habit of saying that they lose no

[Begum Rashida Latif Baji.]

time in doing what they think will benefit the public and, therefore, I hope they will have no objection in accepting my amendment. I have proposed a time limit of three months which is quite sufficient. With these words I commend my amendment to the acceptance of the House.

Mr. Deputy Speaker : The question is—

That in sub-clause (5), lines 8-9, between the words "may" and "sanction", the words "within three months" be inserted.

The motion was lost.

Shaikh Faiz Muhammad (Parliamentary Secretary) : Sir, I beg to move—

That in sub-clause (5), line 9, between the words "scheme" and "or", the words "or sanction it with such modifications as the Provincial Government may think fit" be inserted.

This amendment is intended to avoid delay which is experienced now.

Mr. Deputy Speaker : The question is—

That in sub-clause (5), line 9, between the words "scheme" and "or", the words "or sanction it with such modifications as the Provincial Government may think fit" be inserted.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary) : Sir, I beg to move—

That in sub-clause (6), lines 8-10, for the words "of which.....by publication", the words "which shall be published" be substituted.

I need not say anything on this amendment, as it is self-explanatory.

Mr. Deputy Speaker : The question is—

That in sub-clause (6), lines 8-10, for the words "of which.....by publication", the words "which shall be published" be substituted.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary) : I beg to move—

That in sub-clause (6), line 16, for the word "notified" the word "published" be substituted.

It is only a consequential amendment.

The motion was carried.

Shaikh Faiz Muhammad (Parliamentary Secretary) : Sir, I beg to move—

That sub-clause (9) be omitted.

The motion was carried.

Shaikh Faiz Muhammad : Sir, I beg to move—

That sub-clause (10) be re-numbered as sub-clause (9).

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 259, as amended, stand part of the Bill.

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, in opposing this clause I wish to make a few remarks with regard to amendment No. 2 moved by my honourable friend Rai Bahadur Lala Sohan Lal which was not accepted by the Government. The Honourable Minister said that there

was no such time-limit in the old Municipal Act ; but my submission is that it is due to the difficulties experienced on account of there being no such limit in the old Act, that we want to have a fixed period incorporated in this measure. We must not let a defect drag on. The Honourable Minister was also pleased to remark that there are provisions in this Bill which will guard against such difficulties. If that is the case, then you should have no objection to a time-limit being fixed. However, if you consider the period of 6 months too short, you can make it a little longer, but there must be a definite period. We are not enamoured of any particular period. What we want is that it should not be indefinite. The Honourable Minister himself has referred to certain provisions of the Bill where definite periods have been fixed for certain things. Then why fight shy of having a definite period in this case also. With these remarks I oppose the clause.

Mr. Deputy Speaker : The question is—

That clause 259 as amended stand part of the Bill.

The motion was carried.

Clause 260.

Shaikh Faiz Muhammad (Parliamentary Secretary) : Sir, I beg to move—

That in sub-clause (1) (iv), part (b), lines 2-3 between the words "permission" and "or" the words "or such longer period as the Chief Executive Officer may allow" be inserted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 260 as amended stand part of the Bill.

The motion was carried.

Clause 261.

Mr. Deputy Speaker : The question is—

That clause 261 stand part of the Bill.

The motion was carried.

Clause 262.

Shaikh Faiz Muhammad (Parliamentary Secretary) : Sir, I beg to move:—

That in sub-clauses (2), line 4, for the word "it", the word "he" be substituted.

The motion was carried.

Begum Rashida Latif Baji (Inner Lahore, Muslim Women, Urban)
(Urdu) : Sir, I beg to move—

That in sub-clause (3), lines 7-8, for the words "one hundred and twenty days" the words "thirty days" be substituted.

Sir, the time limit of four months fixed in this clause is too long a period and it should be reduced to one month instead. After all the people have collected all the money and made every arrangement for starting the construction of their house and it seems meet and proper that they should not be made to wait for more than a month. This period is enough and I hope the Honourable Minister will accept this amendment.

Mr. Deputy Speaker : The question is—

That in sub-clause (3), lines 7-8, for the words "one hundred and twenty days" the words "thirty days" be substituted.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 262 as amended stand part of the Bill.

The motion carried.

Clause 263.

Shaikh Faiz Muhammad (Parliamentary Secretary) : I beg to move—

That in part (a), line 4, for the word "declaration" the words "town planning" scheme" be substituted.

The motion was carried.

Shaikh Faiz Muhammad : I beg to move—

That at the end of part (b), the word "or" be added.

The motion was carried.

Shaikh Faiz Muhammad : I beg to move—

That the marginal note to part (d) be deleted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 263 as amended stand part of the Bill.

The motion was carried.

Clause 264.

Mr. Deputy Speaker : The question is—

That clause 264 stand part of the Bill.

The motion was carried.

Clause 265.

Mr. Deputy Speaker : Clause 265.

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, I rise to oppose this clause as a whole. The point to which I want to draw the attention of the Honourable Minister in charge is very, very important and I crave for his full attention to it. It has been provided in this clause that it will be open to the Chief Executive Officer to direct modification of a building before its full completion, of which the erection has already been sanctioned by the Corporation. This sounds strange logic. Surely it must be on some grounds that the Chief Executive Officer would direct modification after the building of it had started. Now, where was he, when the plan was sanctioned? This is putting the public to trouble. It amounts to unreasonable interference at every step. You all know that the plan of upper storeys, according to the needs and convenience of the owner, depends upon the foundations and the plan below. But when once the lower part is built, how can you alter it? Consequently you cannot alter the upper plan. I fail to find any reason why the Chief Executive Officer should interfere with the plan already sanctioned. May I, therefore, urge

upon the Government that the power to direct modifications after the sanction has been given, should not be given to the Chief Executive Officer as it would cause much inconvenience to the public? My submissions, therefore, are that in the first place the Chief Executive Officer should not be given such powers, and if they must be given, they should be given to the Corporation rather than to one person who may err in his judgment, and if the Government do not accept either of these alternatives they should defer the matter for some time, as they have deferred other controversial clauses for the time being. With these words, I oppose this clause.

Mr. Deputy Speaker : The question is—

That clause 265 stand part of the Bill.

The motion was carried.

Clause 266.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women) (Urban) : Sir, I beg to move—

That at the end of the clause the words "fresh sanction will not be required for plans and specifications already sanctioned" be added.

Sir, before I actually read out this clause I want to point out that it provides that the owner of a building, in case his first sanction has lapsed, should send in an application for fresh sanction. I do not object to it. But what I am really opposed to is that the owner should not send in fresh plans along with his application as it will put more expenditure on the owner, and for the poor it will be an extra burden. Now let me read out this clause to the House so that they may understand my point. The clause says—

Every sanction for the erection or re-erection of any building shall remain in force for one year only from the date of such sanction, or for such longer period as the Chief Executive Officer may have allowed when conveying sanction under section 260. Should the erection or re-erection of the building not have been commenced within one year and completed within two years or such longer period as may have been allowed by the Chief Executive Officer the sanction shall be deemed to have lapsed.

Here I would also submit that the sanction should not be deemed to have lapsed, as sometimes a person does not possess sufficient money to build his house for which he gets sanction from the Corporation. Anyhow I do not stand on that and therefore confine my remarks to my own amendment which provides that fresh sanction will not be required for plans and specifications already sanctioned.

With these few remarks, sir, I commend my amendment for the acceptance of the House.

Mr. Deputy Speaker : The question is—

That at the end of the clause the words "fresh sanction will not be required for plans and specifications already sanctioned" be added.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 266 stand part of the Bill.

The motion was carried.

Clause 267.

Shaikh Faiz Muhammad (Parliamentary Secretary): I beg to move—

That in the last line of sub-clause (3) (b), after the word "Act", the words "or any rule or by-law made thereunder" be added.

The motion was carried.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural): Although I have not moved the amendment standing in my name, I have a few observations to make. The Honourable Minister for Public Works would be pleased to see that under sub-clause (4) of this section, he is providing that people who have built their houses cannot occupy the same till such time as they have the permission of the Chief Executive Officer. This power given to the Chief Executive Officer can be exercised for the good of the people as well as to their detriment. You will observe that at present no such law exists in the Municipal Act, and I am not aware whether this section or subsection exists in other Corporation Acts or not. I would urge upon the Honourable Minister that this sort of power would give a very big handle to the people who will inspect the new buildings. They can harass the people if they want to extract money from the house-builders. So I would request that if he is going to have this section, the Honourable Minister may very kindly frame the rules in such a way that people who build houses may not be unduly and unnecessarily harassed.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): May I say a word by way of explanation? I would first of all explain why it was found necessary to put in this provision. Permission is obtained to build a particular type of house. It is on completion found that in some cases the plan laid down is disregarded. At present there is no provision to check whether the plan has been adhered to or not. This is a provision in Karachi Act where we find it has worked very well without harassing anybody and therefore we have put it in. It is for the convenience of the public as well as for guarding against those people who do not follow the sanctioned plan and want to cheat the Corporation. If there is any difficulty experienced, we will look into it. Besides it is only for 15 days.

Mr. Deputy Speaker: The question is—

That clause 267 as amended stand part of the Bill.

The motion was carried.

Clauses 268—272.

Mr. Deputy Speaker: The question is—

That clauses 268—272 stand part of the Bill.

The motion was carried.

Clause 273.

Minister for Public Works : Certain honourable members have represented to me that the consideration of this clause should be postponed till we have discussed it further. I therefore move—

That the consideration of clause 273 be postponed.

The motion was carried.

Clause 274.

Rai Bahadur Lala Sohan Lal : Sir, I beg to move—

That leave be given to move that at the end of the clause the following new sub-clause be added:—

“(8) Every person aggrieved by orders passed under the above sub-clause shall be entitled to institute an appeal against the orders before a competent tribunal like the District Magistrate or any Civil Court having original jurisdiction in the area.”

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 274 stand part of the Bill.

The motion was carried.

Clauses 275 to 281.

Mr. Deputy Speaker : Question is—

That clauses 275 to 281 stand part of the Bill.

The motion was carried.

Clause 282.

Mr. Deputy Speaker : Clause 282.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : This clause is objectionable. It needs elucidation. It relates to public streets and in these days in the suburbs many *mohallas* are growing up. The land belongs to private persons and certain town planning schemes are sanctioned and these persons or other occupiers have built their houses under those schemes. A street is also formed and it is then handed over to the corporation or the municipality and it becomes a public street. Now when this section is applied to such streets, it means that it rests entirely with the Government and the Corporation to close any street and subsection (2) says :

When any public street, or part thereof is permanently closed under subsection (1) the site of such street, or of the part thereof which has been closed, may be disposed of, subject to the provisions of section 59, as land belonging to the Corporation.

The property belonged to the private person until it was handed over to the Corporation and probably he is the owner of the adjoining houses or shops on both sides. But as soon as it becomes a public street the Corporation can close it and then it becomes the property of the Corporation under this section. It might turn out to be a nuisance for that person. So it should not be the property of Corporation for purposes of sale, simply because they have chosen to close the street. The Corporation should not have the right to sell it and utilise the sale money. It should be the

[Mian Mohammad Nurullah.]

property of the person to whom the land originally belonged. It must revert to him.

Mr. Deputy Speaker : Question is—

That clause 282 stand part of the Bill.

The motion was carried.

Clauses 283 and 284.

Mr. Deputy Speaker : Question is—

That clauses 283 and 284 stand part of the Bill.

The motion was carried.

New Clause.

Shaikh Faiz Muhammad (Parliamentary Secretary): I beg to move—

That leave be given to move that after clause 284, the following new clause be added:—

“284-A. (1) The Corporation or the Chief Executive Officer shall not, in respect of any street vested in the Crown for the purposes of this Province, grant permission to do any act the doing of which without the permission of the Corporation or the Chief Executive Officer is punishable under this Act or the Rules or by-laws made thereunder except with the sanction of the Provincial Government which may be given in respect of a class of cases generally or in respect of a particular case.

(2) The Corporation or the Chief Executive Officer shall, if so required by the Provincial Government, exercise in respect of such streets, all or any of the powers conferred by this Act upon the Corporation or the Chief Executive Officer, as the case may be.”

The motion was carried.

Shaikh Faiz Muhammad : I move—

That the new clause 284-A be taken into consideration.

The motion was carried.

Mr. Deputy Speaker : Question is—

That the new clause 284-A be adopted.

The motion was carried.

Clauses 285 to 299.

Mr. Deputy Speaker : Question is :

That clauses 284 to 299 stand part of the Bill.

The motion was carried.

New Clause.

Shaikh Faiz Muhammad (Parliamentary Secretary): I beg to move—

That leave be given to move that after clause 299, the following new clause be added:—

“299-A. (1) Whosoever affixes to, inscribes or stencils on any house, building, wall, boarding, gate, fence, pillar, post board, tree, or any other thing whatsoever so as to be visible to a person being in or passing along any street, public highway, or footpath, and whoever affixes or inscribes or stencils on any public latrine or urinal, or delivers or attempts to deliver, or exhibits to any inhabitant or

Indecent or obscene pictures or printed or written matter.

to any person being in or passing along any street, public highway or footpath, or throws into the area of any house or exhibits to public view in the window of any house or shop, any picture or printed or written matter which is of indecent or obscene nature, shall on conviction be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to fifty rupees or with both.

- (2) Whoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in subsection (1), with the intent that the same, or some one or more thereof, should be affixed, inscribed, stencilled, delivered or exhibited as therein mentioned, shall on conviction be punished with imprisonment of either description which may extend to three months or with fine which may extend to one hundred rupees, or with both.
- (3) Any police officer may arrest without warrant any person whom he shall find committing any offence under this section.
- (4) Nothing in this section shall apply to any advertisement published by the Corporation or published with the sanction of the Provincial Government."

The motion was carried.

Shaikh Faiz Muhammad : I move—

That the new clause 299-A be taken into consideration.

The motion was carried.

Mr. Deputy Speaker : Question is

That new clause 299-A be adopted.

The motion was carried.

Clauses 300-304 put and carried.

Clause 305.

Shaikh Faiz Muhammad (Parliamentary Secretary) : Sir, I beg to move—

That leave be given to move that after sub-clause (2) the following be added—

For purposes of this section "instrument" shall include a gramophone, a wireless receiver, a loud speaker or other electrically-operated means of producing loud noises.

The motion was carried.

Shaikh Faiz Muhammad : I beg to move —

That the new sub-clause be taken into consideration.

Mr. Deputy Speaker : Motion moved—

That the new sub-clause be taken into consideration.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : May I ask the Parliamentary Secretary whether he means that a person cannot play a gramophone in his own house without asking the permission of the Chief Executive Officer? Secondly, is it intended that, when a person is getting married or a person's son or a brother is getting married, the marriage procession cannot be led by a band without a licence from the Chief Executive Officer?

Minister for Public Works : I might say for the information of the honourable member that this is on all fours with the recent amendment of the Municipal Act which the House would remember was passed here. The object is to make this clause in consonance with that amendment. As far as marriage processions are concerned, there will be no difficulty. As regards loud speakers they are recent inventions and we should see that they are covered by the present Act. Marriage processions are generally allowed unless there is a special prohibition. Even then they are allowed with a licence.

Mr. Deputy Speaker : Question is—

That the new sub-clause be taken into consideration.

The motion was carried.

Mr. Deputy Speaker : Question is—

That the new sub-clause be added to the clause.

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 305 as amended stand part of the Bill.

The motion was carried.

—————
Clauses 306-327 put and carried.
—————

Clause 328.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary) :
Sir I beg to move—

That for the word 'Corporation' occurring in paragraph (2), the words 'The Chief Executive Officer' be substituted.

If the honourable members would carefully read clause 328, they will find that the word "Corporation" in paragraph (2) is a misprint. There is no idea of taking away the powers of the Corporation. As a matter of fact sub-clause (1) lays down :—

The Corporation may prescribe for any class or classes of cases whether the Chief Executive Officer shall execute works by contract or otherwise.

The power to sanction estimates for works of varying amounts is detailed in paragraphs 2 to 5. In paragraph 2 the word Chief Executive Officer should have been put down and by mistake the word Corporation has been put. Up to Rs. 10,000 powers are proposed to be given to the Executive Officer to sanction estimates and after Rs. 10,000 to Rs. 50,000, powers have been given to the Standing Committee and from Rs. 50,000 to 2½ lakhs, sanction has to be given by the Corporation. It is only to make the position clear and to correct the mistake that this amendment has been moved.

Mr. Deputy Speaker : Question is—

That for the word "Corporation" occurring in paragraph (2), the words "The Chief Executive Officer" be substituted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 328 as amended stand part of the Bill.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, I rise to oppose this clause. You will notice that the Chief Executive Officer in this case has been given not only powers to execute orders of the local bodies, but has also been given powers to deal with the work of the local body itself. The palace which the Chief Executive Officer occupies in a municipal body is given under rules which are framed by the Corporation. The budget estimate is prepared by the Corporation; the budget is allocated to various

heads by the Corporation; and if a scheme requires sanction, the sanction is given by the Corporation, may be by Standing Committee or may be still by a further sub-committee. It is really an encroachment upon the powers, limited as they are under this Bill, if you give these powers to this officer, he may be the Chief Executive Officer or he may be the Secretary, to sanction expenditure also. In the Bill, as originally framed, an exemption was no doubt made, not being of an exceptional nature, to give powers to the Chief Executive Officer up to five thousand rupees. If you will kindly read clause 324 of the original Bill, which corresponds now to clause 328 of the Bill as it has emerged from the Select Committee, you will find that the original clause reads as follows:—

The Corporation may determine generally by by-law for any class of cases whether the Chief Executive Officer shall execute works by contract or otherwise.

- (1) Every contract made by or on behalf of the Corporation shall be signed by the Chief Executive Officer personally if it involves the payment of five thousand rupees or more as a non-recurrent payment or receipt or a recurrent payment or receipt amounting to more than two thousand rupees per annum. In other cases the contract shall be signed either by the Chief Executive Officer or by such other person as the Chief Executive Officer may direct.
- (2) Any contract requiring the personal signature of the Chief Executive Officer shall be sealed with the Common Seal of the Corporation.

In its place you have an entirely a new clause, which runs as follows:—

The Corporation may prescribe for any class or classes of cases whether the Chief Executive Officer shall execute works by contract or otherwise.

There is no objection to this, but you have substituted the words "Chief Executive Officer" for the word "Corporation". The Chief Executive Officer may sanction any estimate the amount of which does not exceed ten thousand rupees. I respectfully submit that this power should not be given to the Chief Executive Officer, which should have been given to the Standing Committee of the Corporation. Now, under sub-clause (8) when the amount of the estimate exceeds ten thousand rupees but does not exceed fifty thousand rupees, the sanction of the Standing Committee shall be required. I think the powers of sanctioning any estimate up to ten thousand rupees, which have been given to the Chief Executive Officer, are very high, and it is really an encroachment on the limited powers which have been given to the Standing Committee.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary): Sir, perhaps my honourable friend has not followed the whole clause. If he will kindly read the clause more carefully than he has done, he will see that the estimates have got to be prepared by the engineers and experts of the Corporation. Now, the question comes to this, whether the power of sanctioning estimates for works up to a certain amount should be given to the Chief Executive Officer or not. It is very necessary that this power should be given to the Chief Executive Officer, so that there may be no delay in the execution of small works. The Chief Executive Officer is given powers to sanction estimates up to ten thousand rupees and no more. Beyond ten thousand rupees and below fifty thousand rupees, the power is given to the Standing Committee. Over fifty thousand rupees and below two lakh and fifty thousand rupees, the Corporation will sanction the estimates. The powers of the Corporation are not proposed to be limited. The Corporation has got higher powers. The Corporation will sanction estimates for bigger works. For smaller works the Chief Executive Officer

[S. B. S. Ujjal Singh.]

will sanction the estimates so that there may be no unnecessary delay in the execution of the work. It is for these reasons that these powers are given to the Chief Executive Officer. The Chief Executive Officer can sanction estimates up to ten thousand rupees in order to avoid unnecessary delay and for no other purpose.

I may inform the honourable members that a similar provision exists in the Madras Act. In section 78 of the Madras Act, it is laid down—

That the Commissioner may sanction any estimate the amount of which does not exceed ten thousand rupees.

Rai Bahadur Mukand Lal Puri : Not the Executive Officer, but the Commissioner.

Sardar Bahadur Sardar Ujjal Singh : I beg your pardon, sir, the Chief Executive Officer there is called the Commissioner. There they have named this officer as Commissioner, and here we have named him as Chief Executive Officer. There is only difference in name.

Lala Sita Ram (Trade Union, labour) (Urdu) : Mr. Deputy Speaker, I would like to say a few words in regard to the amendment which has been moved by my honourable friend Sardar Bahadur Sardar Ujjal Singh. I admit that some powers should be given to the Chief Executive Officer for expediting the work of the Corporation. But my objection is that he should not be given the power of sanctioning estimates of up to as much as Rs. 10,000. After all, I ask, how many estimates come up to Rs. 10,000? Generally the estimates are of 2,000, or 3,000 or 5,000 rupees. If you give him wide powers of sanctioning estimates up to Rs. 10,000, it follows that in a way he is made all in all and the Corporation shall have no right worth the name. I agree with the principle of giving him some limited reasonable powers, but I do not think it would be fair to give him so very extensive powers. With these words I request the honourable Minister to give a careful consideration to this matter.

Mr. Deputy Speaker : Question is—

That clause 328 as amended stand part of the Bill.
The motion was carried.

—————
Clauses 329—339.

Mr. Deputy Speaker : The question is—

That clauses 329 to 339 stand part of the Bill.
The motion was carried.

—————
Clause 340.

Mr. Deputy Speaker : Clause 340.

Mian Muhammad Nurullah : In sub-clause (1) of Clause 340 it is provided as follows:—

Take an agreement from the said person to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate not exceeding six per centum per annum within a period of not more than 5 years.

That is a very reasonable rate, but in sub-clause (2) it is said—

(2) If any instalment is not paid on or before the date on which it falls due, the Chief Executive Officer may recover interest on the sum due at such rate not exceeding nine per centum per annum as he may deem fit.

Where new *mohallas* are growing, there the landlords will be selling their lands for people to build their houses thereon. They might enter into arrangements with the Corporation and it might be arranged that the money would be paid by instalments. (*Interruptions.*) It is possible that the gentleman who owns land or property there, might be prepared to have loans secured with the Corporation. He might have houses to offer as security and in that case, under the law, the Government cannot force him to pay more than 7½ per centum passed by previous Acts of this Government. Therefore, it would be hard to charge him more than six per centum. In any case, sub-clause (2) should be deleted because the rate of nine per centum would be very high whether it is legal or illegal.

Rai Bahadur Mukand Lal Puri : I cannot advance any more cogent argument than that which has been put forward by Mian Muhammad Nurullah. For the sake of consistency at least, the present Government should not have put the rate of interest as high as nine per centum if a person is not able to pay within a specified time. Even under the Negotiable Instruments Act the highest rate of interest is 6 per centum. I do not know why this Government, when it comes to the question of realisation of debts, says that the rate of interest would be cut down, but when it comes to the question of realisation of Government dues or of taxation, it says that it will charge at the rate of 9 per centum. I put it to the Government, do they want to have a high rate of interest? (*Interruption.*) Why should they charge any rate of interest at all? You know very well that for realisation of the amounts thus due, the method of realisation which is available for arrears of land revenue, is available; so this is the highest security which is available. You can at once sell the house and obtain the money. Why should you, therefore, insist on interest and if you want to insist on interest, why should it be 9 per centum? This seems to have been an addition made by the Select Committee. I most strongly object to this heavy rate of interest being imposed.

Mr. Deputy Speaker : The question is—

That clause 340 stand part of the Bill.

The motion was carried.

—
Clauses 341—364.

Mr. Deputy Speaker : The question is—

That clauses 341 to 364 stand part of the Bill.

The motion was carried.

—
New clause 364-A.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary):

I beg to move—

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

364-A. No injunction shall be granted by any civil court to interfere with the public duties of the Corporation, the Standing Committee or the Chief Executive Officer.

The motion was carried.

Sardar Sahib Sardar Santokh Singh : I would suggest that this new clause should be kept over for the time being.

Minister for Public Works : Since the honourable Leader of the Opposition wants that the consideration of this clause should be kept over, I move—

That the consideration of the new clause be postponed.

The motion was carried.

Clause 365.

Mr. Deputy Speaker : The question is—

That clause 365 stand part of the Bill.

The motion was carried.

Clauses 366-367.

Mr. Deputy Speaker : The question is—

That clauses 366 and 367 stand part of the Bill.

The motion was carried.

HEADING OF CHAPTER XXXV.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary): I beg to move—

That in Chapter XXXV, the heading "Inclusion of areas in the neighbourhood of the City of Lahore within the City of Lahore" be omitted.

The motion was carried.

Clause 368.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary): I beg to move—

That in sub-clause (1), line 8, the words "of Lahore" be omitted.

These words are entirely unnecessary and so they should be omitted.

Mr. Deputy Speaker : Question is—

That in sub-clause (1), line 8, the words "of Lahore" be omitted.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh : I beg to move—

That in sub-clause (1), line 9, the words "of Lahore" be omitted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 368, as amended, stand part of the Bill.

The motion was carried.

Clause 369.

Mr. Deputy Speaker : The question is—

That clause 369 stand part of the Bill.

The motion was carried.

Clause 369-A.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary):
I beg—

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

“ 369-A. (1) The Provincial Government may, by notification in the Official Gazette and in such other manner as they may determine, declare their intention to exclude any specified area in the City from the operation of such of the provisions of this Act as are, in the opinion of the Provincial Government, unsuited thereto, and thereupon the said provisions shall cease to have effect in the said area.

(2) While such exclusion as aforesaid remains in force, the Provincial Government may make rules for the guidance of the municipal authorities and public officers in respect of the matters covered by the said provisions.”

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary):
Sir, I beg to move—

That the new clause be taken into consideration.

The motion was carried.

Mr. Deputy Speaker : The question is—

That the new clause 369-A be adopted.

The motion was carried.

Clauses 370 to 383.

Mr. Deputy Speaker : The question is—

That clauses 370 to 383 stand part of the Bill.

The motion was carried.

Clauses 383-A and 383-B.

Mr. Deputy Speaker : The question is—

That clauses 383-A and 383-B stand part of the Bill.

The motion was carried.

Clause 384.

Shaikh Faiz Muhammad (Parliamentary Secretary): Sir, I beg to move—

That in sub-clause (1), lines 13-14, between the words “ persons ” and “ the ”, the words “ or is likely to cause waste or damage to Municipal funds ” be inserted.

The motion was carried.

Shaikh Faiz Muhammad (Parliamentary Secretary): Sir, I beg to move—

That in sub-clause (4), line 10, between the words “ persons ” and “ the ”, the words “ or is not likely to cause waste or damage to Municipal funds ” be inserted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 384 as amended stand part of the Bill.

The motion was carried.

Clauses 385 and 386.

Mr. Deputy Speaker : The question is—

That clauses 385 and 386 stand part of the Bill.

The motion was carried.

Clause 387.

Shaikh Faiz Muhammad (Parliamentary Secretary) : Sir, I beg to move—

That in sub-clause (5), line 11, the word "repaid" be omitted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 387 as amended stand part of the Bill.

The motion was carried.

Clause 388.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary) : Sir, I beg to move—

That leave be given to move the following new paragraph after paragraph (50) :—

"(50-a) The appointment by owners of buildings or lands in the City, who are not resident in the City, of persons residing within or near the City to act as their agents for all or any of the purposes of this Act or any rule or by-law of this Act or any rule or by-law made thereunder."

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh : Sir, I beg to move—

That the new paragraph be taken into consideration.

The motion was carried.

Rai Bahadur Mukand Lal Puri : Sir, I should like the Government to explain the reasons for adding this clause (50-a). It seems to impose on the owners of buildings and houses and sites in the town of Lahore an additional obligation and that obligation must be justified on the floor of the House. I am afraid, the honourable Parliamentary Secretary or anybody else on behalf of the Government has not given any reason as to why they want to have the power to impose this additional burden?

Sardar Bahadur Sardar Ujjal Singh : The object of the new paragraph is to provide facilities for those house-owners who do not reside in Lahore. Under some provisions of this Act they have got to be present. But under the provisions of this new paragraph, those persons who may not be the residents of Lahore, can act through their agents, for the purposes of this Act.

Mr. Deputy Speaker : The question is—

That the new paragraph be added to the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 388 as amended stand part of the Bill.

The motion was carried.

Clauses 389 to 412.

Mr. Deputy Speaker : The question is—

That clauses 389 to 412 stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 12 noon on Tuesday, 18th February, 1941.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of

January 1917

John J. [Name]



Witness my hand and seal this 1st day of
January 1917

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 18th February, 1941.

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

CONTRACTS FOR *Bhusa* SUPPLY IN HARYANA DISTRICTS.

*7299. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

(a) district-wise, details of the relief items of the sum of over 26 lacs spent by the Government in the first three months of the current year 1940-41 in the Haryana districts of Hissar, Rohtak and Gurgaon ;

(b) whether contracts for supplying *Bhusa* in Hissar, Rohtak and Gurgaon districts were given to contractors against whom departmental and magisterial inquiry was pending ; if so, the names of such contractors ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) A statement is laid on the table.

(b) No.

Statement showing details of expenditure on relief measures during the first three months of the year 1940-41 in the districts of Hissar, Rohtak and Gurgaon.

Nature of relief.	DISTRICTS.			
	Hissar.	Rohtak.	Gurgaon.	Total.
	Rs.	Rs.	Rs.	Rs.
54—Famine.				
Test and relief works ..	10,38,570 4,928 (I. B. works)	76,211	..	11,19,709
Spinning centres ..	58,755	578	938	60,271
Ordinary gratuitous relief ..	3,14,867	11,660	..	3,26,527
Maintenance of stud bulls ..	2,456	3,200	..	5,656
Miscellaneous charges ..	1,213	..	..	1,213
Fodder concessions ..	..	..	..	22,484
Fodder and famine staff ..	48,212	3,855	..	52,067
Total ..	14,69,001	95,504	938	15,87,927

(Parliamentary Secretary.)

Nature of relief.	DISTRICT.			
	Hissar.	Rohtak.	Gurgaon.	Total.
<i>Taccavi.</i>	Rs.	Rs.	Rs.	Rs.
Under Act XII of 1884—				
(a) By Deputy Commissioners.	5,82,241	1,170	..	5,83,411
(b) Fodder Adviser ..	..	..	..	4,58,269
GRAND TOTAL ..	..	..	..	26,29,607

EXTENSION OF WESTERN JUMNA CANAL.

***7421. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state the brief details of the projects of extension of Western Jumna Canal intended to irrigate lands in the Jhajjar tahsil, district Rohtak, giving in these details the names of the villages to be irrigated and the source from which the additional water is to be taken out ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Regarding the list of villages proposed to be irrigated by the Western Jumna Canal Extensions, in Jhajjar tahsil, Rohtak district, the honourable member is referred to the reply to Assembly Question No. *7836.¹

At first only a kharif supply will be obtained from the Jumna river during the monsoon period, when there is surplus water available. Later on when the conditions permit, a perennial supply is proposed to be obtained either from tube-wells to be sunk along the Western Jumna Canal Main Line, or from the Bhakra Dam Scheme if and when that scheme matures.

REALIZATION OF MALBA WITH LAND REVENUE.

***7422. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to lay on the table of the House a copy of the circular issued by the Government prohibiting realization of *malba* along with the land revenue and whether any instances have come to his notice in which the orders in that circular may not have been complied with; and if so, the punishment awarded to the offenders ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): *First part.*—No circular was issued by Government prohibiting the realization of *malba* with land revenue.

Second and third parts.—Do not arise.

The attention of the honourable member is however invited to the answer to question 6966 (starred).²

¹Vol. XIV, page 1222.

²Vol. XIV, page 1224.

IMPROVEMENT OF THE PROSPECTS OF SERVICE OF COPYISTS.

***7529. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether the Government have finally decided the question of increasing the pay and improving the prospects of service of the copyists who are now getting a fixed pay; and, if so, when this decision is to be given effect to?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The question has been considered and it has been decided that in the present state of provincial finances, it is not possible to undertake any increase in the commitments of Government by increasing the rates of pay of copyists. All copyists, however, are eligible for appointment to the regular clerical staff of district offices under Rule 10 (e) (ii) of the District Subordinate Service Rules.

Khan Sahib Khawaja Ghulam Samad : May I know whether the officers of the various departments take into consideration the orders of the Government while making promotions in their offices?

Parliamentary Secretary : There is no question of orders. I have made reference to a particular rule and every district officer knows the rules.

Khan Sahib Khawaja Ghulam Samad : Has the Government inquired into the matter whether copyists are given chances while the officers concerned make promotions in their offices?

Parliamentary Secretary : I have clearly stated that under the rules the copyists are eligible. I am not aware how many copyists are appointed in the various districts.

Chaudhri Sumer Singh : May I know whether copyists are employed in the establishment of deputy commissioners?

Parliamentary Secretary : That is what I have pointed out. They can be employed under the rules.

Chaudhri Sumer Singh : Are there any cases in which they have been appointed?

Parliamentary Secretary : I want notice for this question.

REMODELLING OF *mogas* IRRIGATING LANDS IN HISSAR AND MAHEM TOWNS.

***7530. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government have remodelled and widened recently the *mogas* of canals which irrigate the area of land of the Hissar and Mahem towns;
- (b) whether the zamindars concerned had represented to the Government to remodel the *mogas* or whether this remodelling was done without any such representation by the zamindars concerned?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No.

(b) Does not arise.

INSPECTORS OF CO-OPERATIVE DEPARTMENT EMPLOYED FOR CONSOLIDATION OF HOLDINGS.

***7538. Sardar Lal Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) the grade of pay of Inspectors in the Co-operative Department employed for the consolidation of holdings in the province in the years 1936-37, 1937-38 and 1938-39 ;
- (b) whether these servants are on the permanent cadre ; if not, what are the terms of their service ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) A statement is laid on the table.

(b) Only two posts are permanent and pensionable ; all other posts are temporary, sanction to the retention of which is conveyed from year to year.

Sardar Lal Singh : Is it the intention of the Government to make all these posts temporary ?

Parliamentary Secretary : No, I never said that.

Khan Sahib Khawaja Ghulam Samad : May I know whether there is any probability in the near future of making the posts of these consolidation of holdings officers permanent ?

Parliamentary Secretary : It is very difficult to say anything off-hand.

Sardar Lal Singh : Have Government realized that this work of consolidation is a very important and responsible work and people should be paid well for it ?

Parliamentary Secretary : Government realizes that it is quite important.

Sardar Lal Singh : But the Government is reducing their pay and making the cadre temporary instead of permanent.

Chaudhri Sumer Singh : Is it a fact that the work of consolidation is being done by both the departments, Co-operative and the Revenue ?

Parliamentary Secretary : That does not arise out of this question.

Statement.

1936-37.

Permanent posts.

Rs. 100, 150, 200 and 250 for old incumbents.

Rs. 100, 150, 200 and 250 less 15 per cent for those who joined Government service after 31st December, 1930.

Temporary posts.

Rs. 100 fixed pay for old incumbents.

Rs. 85 fixed pay for new incumbents.

1937-38 and 1938-39.

Permanent posts.

Rs. 100—7—170/8—250 for old incumbents.

Rs. 80—5—130/6—190 for new incumbents.

Temporary posts.

Rs. 100 fixed for old incumbents.

Rs. 85 and Rs. 80 fixed for new incumbents.

CIVIL CASES IN COURTS OF SUB-JUDGES IN JHANG DISTRICT.

*6993. Mr. Dev Raj Sethi: Will the Honourable Minister of Finance be pleased to state—

- (a) the number of civil cases filed in the courts of sub-judges in Jhang district in 1933, 1937 and 1939 ;
 (b) the number of civil cases disposed of in the same courts during the same period ;
 (c) the number of sub-judges posted in the district during the same years ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh):

Year.					Number of suits instituted.
(a) 1933 .. .. .	..	..	..	..	6,933
1937 .. .. .	..	..	..	..	4,258
1939 .. .. .	..	..	..	..	2,661
Year.					Number of suits disposed of.
(b) 1933 .. .. .	..	..	..	..	5,676
1937 .. .. .	..	..	..	..	4,226
1939 .. .. .	..	..	..	..	3,201
Year.					Number of Sub-Judges.
(c) 1933 .. .. .	..	..	..	..	4—5
1937 .. .. .	..	..	..	..	4—5
1939 .. .. .	..	..	..	..	4—6

REVENUE FROM SALE OF COURT-FEE STAMPS.

*6994. Mr. Dev Raj Sethi: Will the Honourable Minister of Finance be pleased to state the amount of total revenue realized from the sale in the whole province of court-fee stamps in each financial year from 1933—1940 ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh):

Year.					Receipts.
					Rs.
1933-34 .. .. .	..	..	..	..	76,43,206
1934-35 .. .. .	..	..	..	..	73,54,229
1935-36 .. .. .	..	..	..	..	65,18,780
1936-37 .. .. .	..	..	..	..	63,81,623
1937-38 .. .. .	..	..	..	..	66,95,428
1938-39 .. .. .	..	..	..	..	66,23,404
1939-40 .. .. .	..	..	..	..	64,38,787

**GRADUATE CANDIDATES FOR CLERKSHIP EMPLOYED IN THE
COURT OF DISTRICT AND SESSIONS JUDGES, LAHORE,
AND IN THE COURT OF JUDGE, SMALL CAUSE COURT.**

***7528. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Finance Minister be pleased to state—

- (a) the number of graduates with their names employed by the District and Sessions Judge, Lahore, in his court, in the courts subordinate thereto and in the court of the Judge, Small Cause Court, during the last 10 years ;
- (b) the posts, with scales of pay, for which such graduates were employed ;
- (c) the period of candidature of each such graduate ;
- (d) the number and the names of graduates, if any, who are at present working without pay or working in temporary vacancies in the said offices, the dates on which they were accepted as candidates and the reasons for their not having been given a permanent chance so far ?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :
(a) Six.

I think it would give rise to invidious distinctions if I gave the names of the persons concerned.

- (b) (1) Reader in the grade of Rs. 80—4—140.
- (2) Translator in the grade of Rs. 60—4—100.
- (3) Translator in the grade of Rs. 60—4—100.
- (4) An unpaid candidate.
- (5) Clerk of Court in the grade of Rs. 75—5—125.
- (6) Section Copyist for about four years and temporary Liquidation Clerk for about nine months. Now an unpaid candidate.

(c) Only Nos. (4) and (6) have been candidates, No. (4) for about two years and No. (6) for about two months prior to his appointment as section copyist in October, 1934, and again since October, 1939.

(d) Only No. (6) who was enrolled as a candidate in July, 1934, is at present working as an unpaid candidate. He has not so far been given a permanent post as his seniority as candidate has not permitted his appointment to the only vacancy which has occurred in the Small Cause Court since 1938. Further no post in the grade of Rs. 75—5—125 to which a graduate candidate could be directly appointed under the rules has fallen vacant in that Court since July, 1934.

Khan Sahib Khawaja Ghulam Samad : May I know whether the candidate enrolled in the office of the Judge, Small Cause Court, could be taken on the cadre of clerks in the office of the District and Sessions Judge or not ?

Parliamentary Secretary : It does not arise out of this question.

Khan Sahib Khawaja Ghualm Samad : It does arise, because you say that the man was working in the office of the Judge of the Small Cause Court. When there is a vacancy in the office of the District and Sessions Judge, I think the District and Sessions Judge under High Court instructions should consider the claims of his own men and after that the claims of the graduates who were enrolled in the office of the Judge of Small Cause Court.

Parliamentary Secretary : I do not know. I require notice of this question.

METALLING OF ROAD BETWEEN KAMALIA AND CHICHAWATNI.

*7433. **Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether Government is aware of the fact that the decision of authorities to metal the district board road from Kamalia to Chichawatni via Jhakhar, in preference to the direct P. W. D. route, is being resented by the people of the *ilaga* in the Lyallpur and Montgomery districts in general and by the zamindars of the villages on the direct route in particular ;
- (b) whether Government is also aware of the fact that various representations signed by over two thousand persons of the various villages and towns affected and by various representative bodies of the *ilaga* have been submitted to the Deputy Commissioner, Lyallpur and Financial Commissioner, Development, Punjab, requesting for the metalling of the direct original route as the new colony has already a metalled road from Pir Mahal; if so, the action taken or intended to be taken in the matter ?

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

(b) Orders have issued that the road be metalled as per the existing straight alignment.

LEAVE OF ABSENCE OF KHAN BAHADUR MAKHDUM SAYED
MUHAMMAD HASSAN, M.L.A.

Mr. Speaker : I have to read out to the Assembly the following application received from Khan Bahadur Makhdum Sayed Muhammad Hassan, a member of the Assembly for permission to be absent from the Assembly.

I have been suffering from fever and hiccup for the last three months. I am convalescing but am still very weak. I request that permission for leave of absence from the meetings of the Assembly may kindly be granted to me.

The question is—

That leave be granted.

The motion was carried.

THE CITY OF LAHORE CORPORATION BILL.

Mr. Speaker : The Assembly will now resume consideration of the remaining clauses of the City of Lahore Corporation Bill.

Clause 413.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) : I beg to move—

That in lines 1-2, between the words "may" and "make", the words "subject to the previous approval of the Punjab Legislative Assembly" be inserted.

(Urdu) : As you are aware, sir, the Government have vested in themselves the rule-making powers under this clause as well as clause 393. Now the object of this amendment is to make it incumbent on the Government to place the rules, framed under these clauses, before this Assembly for the purpose of obtaining its approval. It is obvious that Government will be making rules relating to matters of vital importance. My contention is that all such rules should be referred to us before they are enforced. Take for instance, the question of the reconstitution of wards for election. We want to know how and on what basis the division of the electorate into wards will be made. What procedure will be adopted for elections under this Act? What will be the proportion of representation given to different classes, communities and various interests? How are the electoral rolls going to be prepared and what qualifications would be fixed for electors? In this connexion, I would like to refer the honourable members to clause 8 (2). It runs thus :

(2) The Provincial Government may, by notification in the Official Gazette, alter or vary the number of boundaries of the wards and redistribute the Councillors to be elected at ward elections among the wards.

Now my honourable friends would agree with me that when rules regarding this matter are framed, we, the members of this legislature, are entitled to know the grounds necessitating the changes in the boundaries of the wards. Again, if you read clause 393, you will find that there are about 50 sub-clauses which deal with very important matters. As the Government have reserved the right to frame rules governing these matters, I strongly feel that these rules should not be enforced till this House has approved of them. I have, therefore, proposed this amendment to achieve this object. I hope the Honourable Minister would see his way to accept it.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 1-2, between the words "may" and "make", the words "subject to the previous approval of the Punjab Legislative Assembly" be inserted.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : I would like to give my support to this very reasonable amendment of Rai Bahadur Lala Gopal Das, because while discussing many of my amendments, I have been told that they would be properly considered when rules are framed. I would like to have a chance of seeing those rules which can be done if they come before the Legislative Assembly. Some of the

amendments were probably more important than the rules, but it was not considered necessary to bring them into the Bill itself. I support this amendment.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I rise to offer my support to the amendment moved by my honourable friend Rai Bahadur Lala Gopal Das. I need hardly say that barring a few clauses, the Lahore Corporation Bill has almost been passed and with this the fate of tens of thousands of people has been decided. Besides, the rules are to be framed by the Government in order to enforce this Bill. Now the object of the honourable mover in proposing this amendment is that prior to the enforcement of these rules, the Government should place them before this House for approval. Again, during the discussion of many a clause, the Honourable Minister was pleased to hold out assurances to the House that if any lacuna was left in the Bill, he would try to rectify it while framing rules. I have the fullest confidence that he would honour his word. But the proof of the pudding is in the eating thereof. He can prove his honesty of purpose by obtaining the approval of this House in regard to the rules to be framed in accordance with certain clauses in the Bill. Then it is a pity that in spite of the fact that most reasonable and innocent amendments were put forward, the Government did not see their way to accept them. For instance, I moved an amendment purporting that if warrants of distress were issued against a defaulter, the officer concerned should not attach the property alone but should do so in company with the councillor of that constituency in which the defaulter resided. The idea was to consult councillors as they were the real representatives of the public. Now the argument of Raja Ghazanfar Ali Khan which he gave yesterday in this behalf was very strange indeed. He was pleased to state that a councillor should not be troubled for such matters as he was a man of higher position than a municipal commissioner. But may I ask if a person becomes very much elevated by his election to a seat in the Corporation or in the Assembly? He remains the same person. Only an additional responsibility falls on his shoulders and he ought to perform his duty by the electorate. It becomes incumbent upon him to render every possible service to his electorate within legitimate limits. He may not do anything unlawful or improper, but he must help his constituents so far as the law and morals permit. His high position should not stand in his way for social service. After all his voters have a claim upon his attention. It is the duty of a councillor or an M.L.A. to sympathize with his voters.

Furthermore, there was an amendment relating to cooking utensils. But even that was not accepted by the Government. Now we desire that when rules are framed by the Government, they should be placed before this House for its approval. We do not expect that favours will be shown to the public in the rules. The rules may be all the more stringent. We do not know how stringent they will be. All that we want is that the rules should be approved by the House because the Corporation Act has been rushed through this House and there may be many rigors in it. All those rigors should not be carried into the rules or made worse in them. We do want an opportunity to discuss those rules before they are actually

(K. S. Khawaja Ghulam Samad).

enforced in the Corporation of Lahore. With these few words, sir, I support the amendment that is under consideration of the House at present.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, our past experience of the present Government shows that whenever any new measure is passed, it acquires powers to frame rules under that measure. On the other hand, the Opposition always asks that the rules when framed should be placed before this House for its approval. What happens is that the Government makes rules as it likes and introduces all the rigors that the framers of the Bill might have contemplated. Very seldom does the Government present the rules before the Assembly for its approval. But this time we want that clause 413 should make it compulsory for the Government to present those rules before the Assembly. There are several important matters to be dealt with under those rules and it is necessary that they should be made or enforced with the previous approval of this House. I, therefore, appeal to the Honourable Minister of whom we are proud, to obtain the previous approval of the House with respect to the rules to be framed by him under this enactment. He has full powers to accept or reject our request. But I hope that he will consult this House, and will not disappoint us in this respect.

With these few words, sir, I support the amendment.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I have heard the arguments put forward by the honourable speaker who has just sat down. I can assure him that I have given them my best attention. But the difficulty is that this is not a new provision at all. At present the entire municipal administration of the province is functioning under rules made similarly. I would refer my honourable friend to section 258 of the Municipal Act which reads thus:

The local Government may make rules consistent with this Act, to carry out the purposes of this Chapter, and all such rules shall be subject to previous publication.

So these rules will be published and objections will be invited and the usual procedure will be followed. There is nothing new in this clause. That is the practice even as regards district boards. I know a similar provision exists, as my honourable friends have said, in some Corporation Acts and also in the Government of India Act with regard to constituencies. But practice has proved that that method laid down in the Government of India Act is highly objectionable. Boundaries vary constantly and constituencies change. Sometimes these changes become very essential and it means constantly coming forward with amending Acts. Having found that such a method is defective, I am very reluctant to adopt that course and I am taking this power to make rules on the subject. Lahore is a developing town, population might increase. Where there are no wards to-day, new abadis might grow up and we may have constantly to shift boundaries of constituencies and each time it will be difficult and highly inconvenient to rush to the legislature. As to the Legislative Assembly having a chance of putting forward objections, there are ample provisions. You can move a substantive motion; you can mention it at the time of the budget. There are various methods by which the attention of the Government may be drawn to the defects if any in the rules. (*An honourable member*: Why not have everything decided beforehand?) I have

shown that amending the Act every time is a bad course. We have the practice of the Municipal Act before us and it has worked well and a practice which has been found wholesome should be followed and we need not be carried away by the provision in the Government of India Act which in my humble opinion, is very defective. With these words I oppose the amendment.

Rai Bahadur Lala Gopal Das (Urdu): Sir, my friend, the Honourable Minister for Public Works has stated that section 258 of the Punjab Municipal Act, 1911, has been incorporated in this Bill as section 413. The Lahore Corporation is going to be quite different from the municipalities which are governed by the Punjab Municipal Act, 1911, and, therefore the analogy of municipal committees should not be applied to the case of the proposed Corporation so far as the rule-making powers are concerned.

Then the Honourable Minister stated that it would be open to the Government to effect at any time any required change in the rules, and that if the Punjab Legislative Assembly would deem any change necessary in the rules it will be entitled to effect that change by bringing in a substantive motion to that effect. Supposing, sir, that at any time in the future the Assembly considers it necessary to introduce some change in the rules and brings in a substantive motion to that effect. Will it not be necessary in that case to devote some days to the discussion of the change which the Assembly would like to introduce in the rules? Will it not necessitate some extra expenditure? If so, why not settle the matter just now to save future trouble and unnecessary expenditure? I think the Honourable Minister has not given proper attention to the amendment moved by me. I hope that on a reconsideration of the whole matter, he will see his way to accept this amendment.

Minister for Public Works: May I say a word in explanation? First of all, I would like to point out to him why we have brought forward this Bill. We have now reached clause 413 and the honourable member should have been well aware of the purpose of this Bill. Under the Municipal Act the executive and the deliberative functions are not separate; but in the Corporation Act, the plan is totally different. In order to enforce that plan of separation of functions we had to bring in a new Bill; but where the old Act contained good provisions which by practice we have found to be useful, we have included those provisions in this Bill also. Then the honourable member went on to say that each time the House sits there would be large public expenditure. This is based on the presumption that the rules framed under the Act will be bad. I presume the rules will be good and useful and at least I hope that the rules made under this Act will not be bad in any case and will be so sound that my honourable friend will not be put to the inconvenience of incurring any expenditure; but suppose it is found essential that a change should be made in one or two cases, then the expenditure involved in agreeing to the suggestion of the honourable member would be immensely much greater than otherwise. Every time the boundaries of a ward have to be reshuffled, there will be an expenditure of Rs. 4,000 a day on getting that alteration approved by the Assembly

Rai Bahadur Lala Gopal Das : May I ask a question? Would the Honourable Minister be prepared to lay the rules on the table of the House and let the Assembly have some time to go through them? The members may not discuss these rules, but they should be laid before this House and if there is any amendment to be made by this House at any time this House may have the opportunity of doing so.

Minister for Public Works : May I say that these rules are to be published in the Gazette? Then, why should we presume that the honourable members living in Lahore would not be interested enough to glance through the Gazette? Why should we go through all this formal procedure suggested? You can read them in the Gazette and if you think that the rules are bad, you can take notice of them, I can assure you that if there is any defect in the rules, the people of Lahore would bring the defect to our notice and then there would be no difficulty in amending them if necessary. With these words I oppose the amendment.

Mian Abdul Aziz : What have the Lahore people already gained by bringing other things to your notice?

Minister : I fear it does not suit individuals what is sometimes in public interest.

Mr. Speaker : Question is—

That in lines 1-2, between the words "may" and "make", the words "subject to the previous approval of the Punjab Legislative Assembly" be inserted.

The Assembly divided: Ayes 11, Noes 41.

AYES.

Abdul Aziz, Mian.	Lal Singh, Sardar.
Barkat Ali, Malik.	Muhammad Nurullah, Mian.
Faqir Chand, Chaudhri.	Mula Singh, Sardar.
Gopal Das, Rai Bahadur Lala.	Rashida Latif Baji, Begum.
Jalal-ud-Din Amber, Chaudhri.	Santokh Singh, Sardar Sahib Sar-
Jugal Kishore, Chaudhri.	dar.

NOES.

Abdul Haye, The Honourable Mian.	Few, Mr. E.
Akbar Ali, Pir.	Ghazanfar Ali Khan, Raja.
Ali Akbar, Chaudhri.	Ghulam Qadir Khan, Khan Bah-
Amjad Ali Shah, Sayed.	hadur.
Chhotu Ram, The Honourable	Gopal Singh (American), Sardar.
Chaudhri Sir.	Guest, Mr. P. H.
Dasaundha Singh, Sardar.	Gurbachan Singh, Sardar Bahadur
Faiz Muhammad, Shaikh.	Sardar.
Farman Ali Khan, Subedar-Major	Hans Raj, Bhagat.
Raja.	Hari Chand, Rai Sahib Rai.
Fateh Muhammad, Mian.	Jagjit Singh Man, Sardar.
Fazl Ali, Khan Bahadur Nawab	Khizar Hayat Tiwana, The Hon-
Chaudhri.	ourable Malik.
Fazal Din, Khan Sahib Chaudhri.	Kishan Das, Seth.

Muhammad Ashraf, Chaudhri.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Faiyaz Ali Khan, Nawabzada.	Roberts, Sir William.
Muhammad Nawaz Khan, Major Sardar Sir.	Roshan Din, Chaudhri.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Sahib Dad Khan, Khan Sahib Chaudhri.
Nasrullah Khan, Rana.	Shahadat Khan, Khan Sahib Rai.
Pir Muhammad, Khan Sahib Chaudhri.	Shah Nawaz, Mrs. J. A.
Prem Singh, Chaudhri.	Sikander Hyat-Khan, The Honourable Major Sir.
Riasat Ali, Khan Bahadur Chaudhri.	Sumer Singh, Chaudhri.
	Suraj Mal, Rai Sahib Chaudhri.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The question is—
That clause 413 stand part of the Bill.

The motion was carried.

Clause 414.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I beg to move—

That at the end of sub-clause (1) the following words be added :—
' who shall be appointed as soon as the Corporation comes into existence '.

Sir, clause 414, sub-clause (1) says—

On the day when this Act comes into force the Administrator or such other officer as the Provincial Government may appoint in this behalf shall be deemed to be the Corporation and shall exercise the powers and perform the duties conferred or imposed by this Act on the Corporation, the Standing Committee and the Chief Executive Officer.

Now, this Chief Executive Officer should be appointed as soon as the Corporation comes into existence, because the councillors will have a say and they will be able to make a representation to the Government as to whom they like and whom they do not like. Government generally appoints a man of their own type and thought and of their own class. They want to have certain people and will not allow the Corporation to run smoothly. Therefore, it is necessary that till the councillors are elected, this appointment should not be made.

Mr. Speaker : Clause under consideration, amendment moved—

That at the end of sub-clause (1) the following words be added :—
' who shall be appointed as soon as the Corporation comes into existence '.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I must confess, sir, that I have not been able to understand or follow my honourable friend. Does he object to the Administrator being there ? But it is a legal necessity. As soon as the Corporation comes into being and before elections are held, we will have to have the Administrator. Who will function till the new councillors are elected ? The Corporation will not come into existence at once. Wards have to be constituted and elections are to be held under the Act. Until

(Minister for Public Works.)

the Corporation comes into being we cannot remove the Administrator, who will administer in the interim period till the councillors are appointed. There must be somebody to do so many things on behalf of the Corporation. There is nothing objectionable about this. There is a similar provision in the Karachi Act.

Mian Abdul Aziz : If you will appoint the Chief Executive Officer before the Corporation begins to function, the councillors will have no free hand in the appointment of this officer.

Mr. Speaker : Does this clause relate to the appointment of the Chief Executive Officer ?

Mian Muhammad Nurullah : That is a separate clause. I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (Urdu) : Sir, I beg to move—

That in sub-clause (2), line 5, between the words "election" and "of" the words "not later than six months after the passing of this Act" be inserted.

My object in moving this amendment is to ensure a speedy formation of the Corporation. I feel that if these words are not inserted the Corporation may take years to be constituted even after the Bill is passed into law.

The Lahore Municipal Committee was superseded in October, 1936. The report of the select committee on the Corporation Bill was published some four months back and it has been brought up before the House for consideration only now. During all these years the citizens of Lahore have been denied the right of local self-government and when the Bill is passed, heaven alone knows how long it will take the Government to bring the Corporation into existence. The Bill has almost been passed and the Government should order the Administrator to start preparing the lists of voters, so that the moment this Bill receives the assent of His Excellency the Governor, the elections may be held.

With these words, I would urge upon the Government to accept my amendment, so that the object of passing this measure may be realized as soon as possible.

Minister for Public Works : We are bringing an amendment later on and to save the time of the House I would read sub-clause (2) which is as follows :—

(2) The Administrator or the officer appointed by the Provincial Government, as the case may be, shall forthwith proceed to prepare a register of electors and to hold an election of councillors in accordance with the provisions of this Act.

The word "forthwith" is important as certain difficulty is likely to be experienced, so I am going to amend that and I would like my honourable friend not to move his amendment now. (*An honourable member :* But the amendment is already moved.)

Rai Bahadur Lala Gopal Das : May I know what is that amendment ?

Minister : You move your amendment.

Rai Bahadur Lala Gopal Das : I have moved the amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), line 5, between the words "election" and "of" the words "not later than six months after the passing of this Act" be inserted.

Minister for Public Works: I do not think I can accept any statutory provision about the period. We are as anxious as anybody else to expedite the coming into being of this Corporation, but it would be very embarrassing if a specific period were laid down in the statute. We are just in the middle of a big war and nobody knows what is going to happen. At present elections to local bodies stand postponed for one year at least. We are not aware as to what is going to happen to the bigger question of general elections. It may be that we may be able to constitute the Corporation quite early, but it may also be that it might take long because we cannot hold isolated elections to this Corporation. Therefore, it is not possible for me to accept the amendment of the honourable member and leave these bigger issues out of consideration. Even the machinery to be set up is such that I am not sure whether it can be completed within six months. We shall endeavour to bring the Corporation into being as early as possible. With this assurance I am sure that my honourable friend will not press the amendment.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, the speech made by the Honourable Minister in this connection contains two words which make one suspect that the object of this Bill, that is the formation of a Corporation, may be indefinitely delayed.

Minister : Why should there be any misgiving when I have myself made the whole thing perfectly clear?

Mian Abdul Aziz : I am coming to that. It means that when war is given as a reason for the postponement of the elections of many district boards and municipalities in the province, the Government can give the same reason in connection with the Corporation. We have already been denied the right of self-government during the past five years and the Government may by proffering such excuses delay elections for another year or two. It would have been better if the Honourable Minister had revealed the nature of the amendment which he stated in reply to the suggestion made by my honourable friend Lala Gopal Das, he was himself about to move. If that amendment is made known to us there will be no need for further discussion on this matter. I would, therefore, urge upon him either to accept my honourable friend's amendment or to put his own amendment before the House, so that we may know whether it brings us any the nearer to our objective or not.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Mr. Speaker, I would like to say a few words on this amendment. The Honourable Minister of Public Works has tried to make a good deal out of the word "forthwith". This may or may not mean anything or may not at all mean anything, according to the whims of the Government. (*Laughter.*) On the one hand the Bill lays down, that certain acts preparatory to election will be done *forthwith* by the Chief Executive Officer, whilst on the other hand the Minister cannot hold out the hope that the Corporation will be brought into being even within one year. This is very contradictory.

Minister for Public Works : I have not said anything of the sort. What I have said is that I cannot accept any statutory period for reasons given by me.

Sardar Sahib Sardar Santokh Singh : Did you or did you not say that it may take a short or a long time? The word "forthwith" has a significant meaning if properly acted upon. Here on the one hand the Minister for Public Works would not accept the very reasonable amendment for circulation of the Bill for one and a half months. On the other hand he is not certain whether he will be able to bring into being this Corporation even for another year. He has got the Acts of the other legislatures and he has quoted them on many occasions. May I remind him that when the Bombay Bill was introduced, they had appended a schedule of various wards and division lists as well, along with the Bill? Here the Government has not taken any steps to go into that matter. They have not framed the list of constituencies. Are we to understand that they have done nothing practical to achieve practical results? In the Bombay Act the city of Bombay is divided into wards, and division list of those wards is appended to the Act as a schedule and even the power to revise that list has been given to the Corporation rather than its being taken by the Government itself. I would request the Honourable Minister in charge that if he cannot agree to a statutory period of six months, let him fix some longer time. (*An honourable member :* Let it be nine months.) My honour-

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able friend suggests nine months. That might be better. My suggestion is that some time limit should be fixed so that everybody may be able to know as to when the Corporation is coming into existence. If six months is a short period let it be one year. For goodness' sake, let us once for all know where we actually stand regarding this Bill. You are leaving everything in the dark and this would serve no useful purpose. Do come out and fix a definite period by which time you hope according to your own ideas to bring this Corporation into being.

Mian Muhammad Nurullah : Sir, I also like that some time limit should be fixed in this case. Certain words from the mouth of the Honourable Minister were suspicious. He is trying to connect it with general elections. We are afraid that the Corporation election may take place and the nominations may be pending when the general elections are run through. We do not want that it should be connected in any way with general elections.

Minister : I never said that. I only made a passing reference to general elections.

Mian Muhammad Nurullah : That is what I understood.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*) : Sir, I rise to oppose the amendment now before the House. The reason given by the Honourable Minister is very sound and cogent. My honourable friend the mover of this amendment forgets that this Bill like any other Bill, will have to pass many stages before it is finally enforced. It will have to be sent up for His Excellency the Governor's assent and it is a well-known fact that His Excellency is extremely busy in connection with the War work and no one knows how much time will

elapse before it is put up for his approval. Again, the Administrator will have to proceed with the preparation of a register of electors forthwith as is provided in the Bill and this work may take a considerable time. Moreover the rules are to be framed for the working of this lengthy Bill. Anyhow it cannot take less than six months to do all that and only then can the elections be held. Furthermore, after the result of the elections is made known the names of the elected members will have to be gazetted before they take their seats in the Corporation. I do not think that six months' time suggested by my honourable friend can in any way be sufficient for the whole of this procedure. It is, therefore, better that the clause should be left as it stands. With these words, I oppose the amendment now under consideration, but at the same time I request the Honourable Minister to expedite the matter.

Mr. Speaker : The question is—

That in sub-clause (2), line 5, between the words "election" and "of", the words "not later than six months after the passing of this Act" be inserted.

The motion was lost.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary) :

Sir, I beg to move—

That in sub-clause (2), line 3, after the word "shall", the words "when so directed by the Provincial Government" be inserted.

Sub-clause (2) reads thus :—

"The Administrator or the officer appointed by the Provincial Government, as the case may be, shall forthwith proceed. . . ."

I only want to insert the words "shall when so directed by the Provincial Government".

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

That in sub-clause (2), line 3, after the word "shall", the words "when so directed by the Provincial Government" be inserted.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*) :
Sir, while speaking on the amendment moved by my honourable friend Rai Bahadur Lala Gopal Das the Honourable Minister was pleased to remark that the amendment was superfluous inasmuch as the word "forthwith" was already there and therefore, the work will be started at once. He did not agree to fix a definite period as was suggested in the amendment, and this naturally gave rise to some suspicions in our mind. Anyway the word "forthwith" did contain some elements of assurance that the work in connection with establishing the Corporation will not be delayed. But the amendment moved by the Parliamentary Secretary which must be considered a Government amendment has let the cat out of the bag. The words "when so directed by the Provincial Government" show that our suspicions were well-founded. It appears that the establishment of the Corporation will be kept in abeyance till the next general elections of the Assembly. They have already postponed elections to other local bodies. This means that they will use their powers of nomination to enlist the support of the people at the time of General elections to the Assembly in favour of their candidates. In the meanwhile Lahore will have to put up with the Administrator in spite of the fact that this Bill will have become an Act. It is abundantly clear that the Government is not honest in its professions to the effect that it wants to establish the Corporation without avoidable

(M. Abdul Aziz) delay. If the proposed words are substituted after the word "forthwith" it would mean that the Government by defeating the object of this clause as it stands, wants to have unlimited and unfettered powers in its hands for an indefinite period. Besides, so far as I understand no notice has been given for this amendment which is now before the House. May I know as to how far Government is justified in doing so? Moreover, if the Government insists upon retaining the word "shall" and not substituting the word "may", we too shall not give way, and I would like to ask as to why they did not give notice of this amendment. I may point out that it should have been known to us beforehand that the Government wanted to move such an amendment on the floor of the House. In this connection I should like to have your ruling, Mr. Speaker, and I request that no favour should be shown to any party in this respect and the Opposition and the Government should be equally treated so far as sending in notices of amendments is concerned.

Mr. Speaker : I have allowed the amendment. Can the honourable member point out a single instance in which any amendment so offered by the Opposition at any stage was refused by me? In the case of Bills I have allowed verbal amendments even at the last stage.

Mian Abdul Aziz : Thank you, sir.

Minister for Public Works : All I can say is that the honourable member seems to have unreasonable apprehensions. He presumes that perhaps the local Government will go on delaying the formation of the Corporation. If that was the object, why this Bill? Could the Bill not be withheld? Nobody has forced us to come forward with this measure. The provincial Government has the absolute powers concerning the superseded committee and the continuance of the Administrator in office. We could have kept quiet. The whole object has been misunderstood. The object is that the word "forthwith" is not clear enough. We only say "when so directed by the provincial government", i.e. when the circumstances allow. It is quite true that no statutory restrictions are being laid down, at the same time it is clear that the local Government will fix and decide the time. I can assure my friend that there is no intention unduly to delay things, but all these matters must take time. Therefore it is essential that we should have this power. Then an honourable member complained why notice was not given of the amendment. During the course of the discussion of the Bill I think there is not a single instance in which I objected for want of notice to an amendment. I have allowed honourable members even to move verbal amendments. The object is to get the best piece of legislation even if the suggestion comes at the last moment for an improvement. If the honourable member has any amendment to move, I can assure him that I will not object to it for want of due notice.

Sardar Sahib Sardar Santokh Singh : Sir, the doubts of the Opposition about the evasive nature of the clause have been turned into a belief and the speech of the Minister has, if anything, made matters worse. It was clearly laid down in clause 414 (i) that after this Act came into force the Administrator or such other officer as the Provincial Government appointed in this behalf, shall forthwith proceed to prepare a register of electors. This was the duty specially cast on the Administrator after the

Act was enforced and immediately after his appointment was made by the Government, but even from that position the Government want to resile. They now say the Administrator shall, when so directed by the Government, forthwith proceed to prepare a register of electors. One cannot understand why Government should assume "direction" even in the matter of preparation of electoral register and give special orders when it should be done. The clause was already hedged in by several restrictions: namely, the Act had to be enforced, the appointment of the Administrator by the Government was to take place and only then the statutory duty was cast on the Administrator to prepare a register of electors and hold elections. Until all this is done, that is, unless the Act is enforced and until the Administrator's appointment has been made, no such thing as the preparation of the register and the holding of elections could be done. With all this, I really fail to see why Government lay down further restrictions that the Administrator shall proceed to do that work only when so directed by the Government to do so. If under these circumstances, we feel that there is something behind the scenes I think we of the Opposition are quite justified. The Government should have, after the amendment proposed by my honourable friend Rai Bahadur Lala Gopal Das, clarified the position and should have made some provision to accelerate things. Why do they go back even from the position which they once took? Otherwise, I cannot understand the real meaning of the words "when so directed by the Government." I feel Government will be well advised to withdraw the amendment. There is no sense in insisting on it. If they have nothing in mind and do not want to go back from the position they had originally taken up, where is the need of bringing forward this amendment? Not a word has been said either by the Parliamentary Secretary or the Minister in charge to show what necessity there was for such an amendment. If accepted, it will delay things. I think that no sensible person can come to any other conclusion than this, that by such a phrase the Government want to delay things, otherwise there is no sense in moving this amendment.

Minister for Public Works : The Act will not come into force if the Government want to delay it.

Sardar Sahib Sardar Santokh Singh : But why have unnecessary things and why should you impose the restriction by the words "when so directed by the Provincial Government"? It is much better to withdraw this amendment. It will not serve any useful purpose except that it will create unnecessary doubts that Government want to delay this Act and the bringing of the Corporation into being as much as they can possibly do.

Mian Muhammad Nurullah : Sir, I stand to oppose the new amendment moved by the Parliamentary Secretary because it is not only unnecessary but is definitely contradictory to the word "forthwith". You want the Administrator to forthwith proceed to prepare a register of electors and you want power to do it at once and then you want power to delay by using the words "when so directed by the Provincial Government". This throws greater suspicion because you want to get some benefit at the time of general elections and to get as many votes as possible against

(**Mian Muhammad Nurullah**)

the Opposition. This is an unnecessary amendment and should be withdrawn because if you look at the history of this Bill you will find that it was introduced in 1939 and then after a protracted period the select committee sat on it in February and March 1940 and now in 1941 we are passing this Bill in a few days. There was such a haste that you had put up a proposal to pass amendments on clauses 1—23 on the first day. Unfortunately we could not spend more time on the amendments, but we tried our best to co-operate to pass it in a few days. Now after passing the Bill you want to delay its coming into force as long as it suits you. It is unnecessary. We cannot agree to this.

Sardar Bahadur Sardar Ujjal Singh: My honourable friends seem to be putting an interpretation on the amendment which is not warranted by the words therein. The object of the amendment is not what the honourable members opposite believe it to be. If they would look at clause 398 of the Bill, they would find that the provincial Government has got powers to make rules for the qualifications of electors and of candidates for election. Now these rules have first to be prepared by the provincial Government before the Administrator or anybody else in this behalf can prepare the electoral register. If the object of the Government were to delay the elections, it can effect this delay by delaying the framing of the rules as long as it pleases. But the object of the Government is not that. The point is that till such time as the rules are not framed, neither the Administrator nor whosoever is appointed in this behalf can proceed to prepare the register of electors. The idea of the amendment is that after the rules are prepared the Government should direct the Administrator or someone else on their behalf to proceed with the preparation of the register. I believe that my honourable friends will not misunderstand the motives of Government nor will they have any unnecessary fears.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Mr. Speaker, I must thank you for your generosity in permitting me at this stage to express my views on the subject under discussion. I strongly object to the amendment proposed by the Government spokesman. It is obvious that its object is to delay the elections or at least to leave the holding of elections at the sweet will and pleasure of the Government. As a matter of fact no case has been made out for the incorporation of this amendment and even the plea given by the honourable Parliamentary Secretary is not satisfactory. It has been argued that as certain working rules are to be framed, details are to be worked out and several other preliminaries in connection with the elections are to be settled, it would cause natural delay. It is nothing but arguing against one's own-self. The excuse put forth all the more urges you to begin earlier, so that further delays should not happen. I do not believe, in the first place, that much interval is required to frame rules under the various sections of this Act. This is a lame excuse. The rules are already there and as the several preliminaries like the preparing of electoral rolls, registers, and the fixing of areas and wards, must take no small time, we must begin now. Besides, this Bill has been before the Government for the last two years and it is a pity that all these preliminaries have not already been gone through. In view of this I see no reason why Government should assume powers to postpone elections indefinitely. In this connection I would like to lay emphasis on the

fact that since the supersession of the Lahore Municipal Committee the people have been put to great hardships. I think it was the bounden duty of this so-called Government of the people, by the people and for the people, to bring about the establishment of the local self-government in the metropolis of the province and put an end to one man's rule without unnecessary delay. I cherish no grudge against the person of the Administrator, but I have my differences on principles. Moreover, I hold the view that it is physically impossible for one man to administer the municipal affairs of so big a town, as Lahore is, to the entire satisfaction of the people. Therefore, he has failed and cannot succeed in fulfilling those expectations which the Government conceived would be fulfilled under his regime. On the contrary the public feel much aggrieved at the hands of the Administrator. I, therefore, think that no time should be lost in establishing the Corporation, so that the elected representatives of the people with the small good that is left in the Corporation Bill, may carry on the municipal administration according to the wishes of the public.

I may be permitted, Sir, to say that the public have begun to entertain serious doubts about the *bona fides* of the Government in regard to the establishment of Corporation in Lahore. They say that as the Government wanted to have a free hand in the matter of levying house-tax for raising funds to execute the drainage scheme, they superseded the Lahore Municipal Committee. But in order to hoodwink the public, they announced from their housetops that the Government was busy with the Corporation Bill and Lahore would be turned into a neat and tidy town like Karachi and Calcutta before long. The people waited and waited for long. At last they heaved a sigh of relief when the Bill was introduced in the House. But was it a real Corporation Bill? The people rubbed their eyes to make sure that it was. But they were utterly dismayed to see that it was toy-corporation. And now when the Bill, good or bad, is passed, the Government wishes not to put it into practice. The Government want to keep the powers in their own hands as long as they can conveniently do, allowing us at the same time to conclude that the Corporation Act is a huge farce. The only way to allay these apprehensions of the public is to establish the Corporation as early as possible.

Hence I fail to see the necessity of the amendment proposed by the Government. It tantamounts to perpetuating the hardships of the people who have been denied the right of local self-government for a considerable period. With these words I strongly oppose the amendment now before the House.

Mr. Speaker : May I ask the honourable mover of the amendment to state the object of his amendment? Is it intended to accelerate or delay elections?

Sardar Bahadur Sardar Ujjal Singh : The amendment will not necessarily have the effect of delaying elections.

Minister for Public Works : The object is whatever the wording of the amendment imports.

Mr. Speaker : I think it is my duty to see that the amendment does not make the clause meaningless or absurd.

Minister for Public Works : What I meant to convey was that, as far as I understand, the wording of the amendment is clear enough and no explanation is necessary for the honourable members opposite.

Mr. Speaker : It is for my own information that I want to know whether the amendment is meant to accelerate or delay elections.

Sardar Bahadur Sardar Ujjal Singh : The object is not necessarily to delay the elections. The Provincial Government has got to give the directions sooner or later. If the wording of the clause is allowed to remain as it is, then the Administrator shall have forthwith to proceed with the preparation of the electoral register as soon as this Bill becomes law. But can he do so without the rules relating to the qualifications of electors being framed? He cannot do it for the simple reason that under clause 393 the rules for the qualification of electors have to be framed by the Provincial Government and until the rules are framed the electoral register cannot be prepared. The idea is that after the rules are framed the Government will direct the Administrator or whosoever it may be, to proceed with the preparation of the electoral register.

Mr. Speaker : The clause, as it has emerged from the select committee, reads as follows —

The Administrator or the officer appointed by the Provincial Government, as the case may be, shall forthwith proceed to prepare a register of electors and to hold an election of councillors in accordance with the provisions of this Act.

According to this clause it is mandatory for the officer, appointed by Government, to proceed with the preparation of the register forthwith, but he cannot proceed with the preparation of the register unless the Government directs him to proceed forthwith.

Sardar Bahadur Sardar Ujjal Singh : Quite true.

Mr. Speaker : The clause as amended will read—

The Administrator or the officer appointed by the Provincial Government, as the case may be, shall, when so directed by the Provincial Government, forthwith proceed....

This means that under the original clause he can proceed forthwith while if the amendment is adopted then he can proceed forthwith only if so directed by the Provincial Government. I fear, therefore, that the amendment shall make the clause ambiguous, if not meaningless. If the amendment does not give effect to the object of the honourable mover, then it becomes out of order.

Minister : Granting your interpretation, suppose the Government wishes to delay the elections.

Mr. Speaker : It can certainly do so.

Minister : I would submit that we are all human beings and our explanations may not be satisfactory. I, however, bow to your ruling; but I would request you to put the amendment to the vote of the House and leave it to be decided by the House. If the wording of the amendment imports delay, the local Government can delay and there is nothing wrong if the exigencies of the time require delay.

Mr. Speaker : But if the Government wants to delay elections, it can easily do so by fixing a distant date of election.

Dr. Sir Gokul Chand Narang : It is not then necessary to move this amendment at all.

Mr. Speaker : If the proposed amendment is made, what the officer can do forthwith under the clause, as it stands, he shall not be able to do, unless the Provincial Government directs him to do it.

Question is—

That in sub-clause (2), line 3, after the word "shall", the words "when so directed by the Provincial Government" be inserted.

The Assembly divided : Ayes 51, Noes 14.

AYES.

Abdul Hamid Khan, Sufi.	Muhammad Akram Khan, Khan Bahadur Raja.
Abdul Rab, Mian.	Muhammad Faiyaz Ali Khan, Nawabzada.
Abdul Rahim, Chaudhri (Gurdaspur.)	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Abdul Rahim, Chaudhri (Gurgaon).	Muhammad Sarfraz Khan, Raja.
Akbar Ali, Pir.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Ali Akbar, Chaudhri.	Muhammad Yasin Khan, Chaudhri.
Amjad Ali Shah, Sayed.	Muzaffar Khan, Khan Bahadur Captain Malik.
Badr Mohy-ud-Din Qadiri, Khan Sahib Sayed.	Nasir-ud-Din, Chaudhri.
Chhotu Ram, The Honourable Chaudhri Sir.	Nur Ahmad Khan, Khan Bahadur Mian.
Dasaundha Singh, Sardar.	Pohop Singh, Rao.
Faiz Muhammad, Shaikh.	Prem Singh, Chaudhri.
Faqir Hussain Khan, Chaudhri.	Ranpat Singh, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.	Riasat Ali, Khan Bahadur Chaudhri.
Fazal Din, Khan Sahib Chaudhri.	Ripudaman Singh, Rai Sahib Thakur.
Fazal Karim Bakhsh, Mian.	Roshan Din, Chaudhri.
Few, Mr. E.	Shahadat Khan, Khan Sahib Rai.
Ghazanfar Ali Khan, Raja.	Shah Nawaz, Mrs. J. A.
Gopal Singh (American), Sardar.	Sikander Hyat-Khan, The Honourable Major Sir.
Guest, Mr. P. H.	Sohan Lal, Rai Bahadur Lala.
Gurbachan Singh, Sardar Bahadur Sardar.	Sultan Mahmood Hotiana, Mian.
Hans Raj, Bhagat.	Sumer Singh, Chaudhri.
Het Ram, Rai Bahadur Chaudhri.	Suraj Mal, Rai Sahib Chaudhri.
Jafar Ali Khan, M.	Tikka Ram, Chaudhri.
Jagjit Singh Bedi, Tikka.	Ujjal Singh, Sardar Bahadur Sardar.
Jagjit Singh Man, Sardar.	
Khizar Hayat Tiwana, The Honourable Malik.	
Kishen Das, Seth.	

NOES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur.
Mula Singh, Sardar.
Rashida Latif Baji, Begum.
Santokh Singh, Sardar Sahib Sar-
dar.
Sita Ram, Lala.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

Sir, I beg to move—

That in sub-clause (2), line 6, after the word "Act" the words "and the rules made thereunder" be inserted.

The motion was carried.

Mr. Speaker : Question is—

That clause 414 as amended stand part of the Bill.

The motion was carried.

—

New clause.

Parliamentary Secretary (Shaikh Faiz Muhammad) : Sir, I beg to move—

That leave be granted to move—

That after clause 414, the following new clause be added :—

" 415. If any difficulty arises in connexion with the bringing into operation any of the provisions of this Act, the Provincial Government may make such order for removing the difficulty as it may judge necessary for that purpose and any such order may modify the provisions of this Act so far as may appear to the Provincial Government necessary or expedient for carrying the order into effect :

Provided that the Provincial Government shall not exercise the powers conferred by this section after the 31st day of March, 1943.

The motion was carried.

Shaikh Faiz Muhammad : I move—

That the new clause be taken into consideration.

Mr. Speaker : Motion moved—

That the new clause be taken into consideration.

Minister for Public Works : I deliberately allowed this new clause to be moved in order to get the opinion of this House on it. I confess that this clause is not very common in our Indian Acts, but on the contrary it is a clause that exists practically in every Act that I have been able to lay my hands on in England. The Local Self-Government Act of 1929 has a similar clause. The object is that in a huge piece of legislation like the City of Lahore Corporation Bill consisting of 415 clauses, there might be certain difficulties which might arise later on. More so, as this Bill has not gone through that fire of criticism that it would have, had all my honourable friends of the Opposition been here. Therefore in order to avoid coming forward before this House with slight amendments which might be found necessary and thus incurring public expenditure, it was suggested to me that as other democratic countries like England have such provisions, we should also have one.

Dr. Sir Gokul Chand Narang : There is no such provision in English Act, what was shown to me was only a commentary.

Minister for Public Works : I can quote chapter and verse. In England the statute goes further. Not to say of allowing the Government to remove legal difficulties that might arise, there are Acts which in the ordinary working the Government have the power to modify. There is no motive behind the moving of this amendment except to save difficulties and expense that may be involved. If my honourable friends unanimously feel that this is not a wholesome provision, as I said informally to my honourable friends opposite, I would not press it.

Dr. Sir Gokul Chand Narang : I can well say that we unanimously feel that it is a most undesirable provision.

Minister : If members feel like that, I beg leave to withdraw the amendment.

Dr. Sir Gokul Chand Narang : We all feel like that. India is not England and the Government here is not what the Government in England is. The authorities here are not what the authorities in England are and I need not make any further comments. But as I explained to the Honourable Minister, this provision if introduced into the measure will create unnecessary alarm and as regards delay and expense and coming to this House, we know and the Honourable Minister knows very well that Bills can be passed here in five minutes. I think the records of our proceedings would show that sometimes Bills have been passed in less than three minutes. Yesterday the House passed at the rate of $1\frac{1}{2}$ clauses per minute. If any defect is noticed it should take the Honourable Minister less than five minutes to have it removed and I would request him in the interests of public peace not to press it. We are all against it. You will do well to withdraw it.

Minister : *Asin tan walait banan lage san tuhadi marzi na sahi.*

Dr. Sir Gokul Chand Narang : A young man from the Punjab had gone to England to qualify for the Bar. When he returned to India, he kept in his bed till 10 in the morning and when his parents asked him to get up he said—

Kaise bewaquf log nen, asin tan ethe walait banan lage san eh sanun walait hi nahin banan dende.

Mr. Speaker : Is it the pleasure of the House that leave be given to withdraw the new clause ?

The Assembly agreed.

Mr. Speaker : The House will now proceed to consider the postponed clauses.

Clause 7.

Rai Bahadur Lala Gopal Das : Before my honourable friend Mian Nur-ullah moves his amendment, may I draw your attention to the fact that the Honourable Minister told us the other day, that he would give us an opportunity to discuss this clause. We have been waiting for the Honourable Minister's invitation; but he has not given us the promised opportunity to discuss this clause, and we have waited in vain. I, therefore, request that the discussion of this clause may be postponed for an hour or two, so that we may meet informally and discuss it.

Mr. Speaker : That is for the House to decide.

Rai Bahadur Lala Gopal Das : Sir, I beg to move—

That the House do now adjourn for an hour.

Minister for Public Works : Why should we, Sir, throw away the valuable time of the House? The original intention was that the honourable members opposite will come and discuss the clause, but they have not taken the trouble of doing so. I would suggest that two or three honourable gentlemen opposite, who want to discuss the clause with me, may come out and we will be able to come to some settlement. In the meantime the House will continue to discuss the clause. Of course my Parliamentary Secretary will remain in the House in my absence. This has been the practice in the past. Why should we adjourn the House and waste the valuable time of the House unnecessarily?

Lala Sita Ram (Urdu) : Sir, when this Bill was being discussed, the Honourable Minister asked us to hurry with clauses that were not controversial, giving us the undertaking at the same time that he would meet the members of the Opposition to discuss with them the controversial clauses. It was on account of that undertaking that we helped him in the hurricane passage of such like clauses, but now he seems to be going back upon his word. This is not honourable on his part. It was the duty of the Government to have sent for us but it is a pity that they have not done so.

Dr. Sir Gokul Chand Narang : Sir, I think the Honourable Minister's presence is very necessary. In his absence we will not be able to come to any decision. It is, therefore, necessary that the House should adjourn at least for an hour.

Minister : If this is the wish of the House, I have no objection. The House may be adjourned for one hour.

Mr. Speaker : The question is—

That the House do now adjourn for one hour.

The motion was carried.

Mr. Speaker : The House will meet again at 3·5 p. m.

The Assembly reassembled at 3·5 p. m. Mr. Speaker in the Chair.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (Urdu) : Sir, I beg to move—

That in sub-clause (1), line 2, for the words "sixty-eight" the words "seventy-two" be substituted.

It is stated in clause 7 that the Corporation shall consist of 68 councillors of whom not less than three-fourths shall be elected and one-fourth nominated. Among the elected councillors there will be some who would be chosen by special bodies. Although they have been described as elected, still in a way they would also be nominated ones. Anyhow my submission is that so far the amendments which have been moved in the House lead one to think that there are still some interests to whom no representation has been given on the Corporation at all. Now the Government have fixed the proportion of the elected and nominated councillors as well as the entire number after

careful calculations so that the Corporation should have no hand in the appointment or dismissal of the Chief Executive Officer. And in the zeal of having a number which suited their interests Government have very conveniently ignored the interests of certain bodies. I have moved this amendment for increasing the number of councillors to 72 in order to give representation to those bodies on the Corporation which have so far received none. Besides it would also save Government the trouble of increasing the number of councillors in the near future. The honourable members are aware of the fact that previously the number of members of this House was only 94, out of whom 72 were elected and the rest nominated. Afterwards under the Government of India Act of 1935 the number of members of this House has been increased to 175. Even now I think that there is room for an increase in their number. Similarly, I believe 68 is not a sufficient number and if it is increased to 72 there will be no harm at all. With these words I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 2, for the words "sixty-eight", the words, "seventy-two" be substituted.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I rise to support the amendment moved by my honourable friend Mian Muhammad Nurullah. There are more than one reason why the number of councillors must be increased. According to this clause there is a provision for a Corporation consisting of 68 members. But let us see what it actually works out to when 17 nominated seats are taken away from the total number. It means that we are left with 51 seats. Now although the Government considers the 6 seats allotted to special interests as elected, yet to all intents and purposes, they are as good as nominated seats. As a consequence we find that only 45 councillors out of a total of 68, will be representing the real public. The superseded Lahore Municipality had 36 elected and 11 nominated members, but it must be remembered that since then the area of the Municipality has been greatly enlarged. If the number of voters in the four times enlarged area is taken into consideration, an increase of only 9 seats would seem a comparatively inadequate representation. I, therefore, submit that the Government should accept my honourable friend Mian Muhammad Nurullah's amendment although even then the proposal falls far short of the actual requirements of the case.

With these words I support the amendment.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour) (*Urdu*): Sir, I want to say a few words in connexion with the amendment moved by my honourable friend Mian Muhammad Nurullah, that the number of councillors be increased from 68 to 72. I beg to submit that when by a more important amendment I sought to increase the number of the members of the Standing Committee which is the only committee with the maximum of powers in the whole of the Corporation, from 12 to 16, neither the Government accepted the amendment nor any of my friends on this side of the House took keen interest in it. (*Voices : We did take interest.*) Now my honourable friends want to increase the number of councillors to 72 which seems to be quite useless. When we know that Karachi has only 64 councillors, the number suggested for Lahore Corporation appears more

[B. B. Lala Sohan Lal.]

than sufficient. Otherwise the Corporation will be unwieldy (*Voices* : Why make a speech ? Take it from us that your nomination is assured.)

Rai Bahadur Lala Gopal Das : What is the area under the Karachi Corporation ?

Rai Bahadur Lala Sohan Lal : Again my honourable friend Lala Sita Ram has quoted the figures of the old Municipality and remarked that increase of only 9 members has been made in the Corporation. He has probably overlooked the fact that there were also European and Anglo-Indian seats at that time.

With these words I beg to submit that the number of councillors proposed in the Bill is quite sufficient and there is no need for any change.

Mir Maqbool Mahmood (Parliamentary Secretary) : Mr. Speaker, the main argument adduced for the increase of seats recommended by my honourable friend opposite is that the new *abadis* had added much increased allotment of population to the old Lahore population. I have just ascertained and found that the increase in the *abadis* of Lahore is not more than one-sixth. On the other hand, the increase in the house population or the number of houses which are liable to be taxed is found to be less by about one-ninth than what it was previously. That being the position, it would appear that the increase of elected members by one-fourth, according to my honourable friends opposite, who have just spoken is already enough for the purposes of the arguments they have advanced. I submit that there is no magic attached to any particular number. All that we are concerned with and all that we are aiming at, is that wards should be so constituted that right type of members, representing both the peoples' wishes as well as the idea of responsibility for civic life which we want, may be returned. I submit that in view of these considerations, I would appeal to my honourable friend not to press his amendment but to stand by more important and essential provisions which we should be discussing later.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary) : Sir, my honourable friend, Mir Maqbool Mahmood, has already pointed out that the increase in the population of Lahore does not justify a bigger increase in the number of members of the Corporation.

Lala Sita Ram : But we are not discussing about population. What we are emphasising is that the area of Lahore has now been greatly extended.

Sardar Bahadur Sardar Ujjal Singh : I quite follow my honourable friend. At any rate, he does concede that point.

Rai Bahadur Mukand Lal Puri : May I ask by how much has the area of Lahore been extended ? The Parliamentary Secretary should consider whether a larger number of members would not be required to look after the municipal needs of the area which is four or five times bigger.

Sardar Bahadur Sardar Ujjal Singh : Greater part of the area which has now been added to Lahore is not populated. It is almost entirely agricultural land. My honourable friends will, at any rate, concede that the increase in the population does not justify an increase in the number of members to the extent to which my honourable friend desires. On the other hand, I will give him examples of other corporations. Take for

example, Madras. My honourable friend will agree that Madras is a bigger city than Lahore. (*An honourable member* : Do you know it ?) Yes. Even there the number of members of the Corporation does not exceed 65. Then take Karachi. The number of members there is 64. Then again take Calcutta, the population of which is nearly more than double that of Lahore. There the number of members of the Corporation is 92 as against 68 that we are providing here in Lahore. The addition of four members will not make any great difference.

Mr. Speaker : The question is—

That in sub-clause (1), line 2, for the words "sixty-eight", the word "seventy-two" be substituted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, I beg to move—

That in sub-clause (1), lines 3-4, for the words "three-fourths" the words "sixty" be substituted.

If we read the whole clause, we find that the Government wants to nominate 17 councillors out of a total of 68. Then six members will be elected to represent special interests whose election will be only a nominal affair and they would be as good as nominated. My amendment seeks to reduce the number of councillors to be nominated by the Government from 17 to 8. The principle of local self-government demands that there should be no nominated member in any local body. Our experience in the old Legislative Council shows that in many cases the official block backed by the nominated element won over a few elected members to their side and thus turned the elected majority into a minority. Now that the nominated element which was the cause of this state of affairs in the Council has been eliminated from the constitution of the Assembly, you should have followed the same principle in the case of local bodies, especially in the Corporation which is going to be the premier local body of the province. The retention of the nominated element is a very retrograde step but in view of the fact that nomination may be necessary to give representation to certain interests, I have not proposed for the total elimination of that element but only for reduction in their number.

It is well known to us that during the regime of this Government it has not been uncommon for nominated members at the behest of the Government to create dissensions among the elected members and defeat the very object of local self-government. In Multan the majority party was turned into a minority by this power of nomination and the district board took the undemocratic decision of having an official instead of a non-official chairman. That was done in order to put the minority party in power and the machinations employed in this connexion were thoroughly indefensible and unjustifiable. I do not want that some temptation be there for the Government to repeat that shameful episode in the Corporation. Eight nominated seats in a House of 68 should suffice to give representation to special interests. Out of this number you may give representation to women, although I would prefer that they go to the Corporation through elections and not through the back door of nomination. About the representation of landlord there is another amendment which will prove satisfactory.

(Mian Mohd. Nurullah).

to them. You can also give representation to scheduled castes and have one or two experts out of the number proposed by me. To sum up I do not want the number of nominated seats as high as would allow the Government to flout the wishes of the chosen representatives of the people and do such things as this Government have been doing throughout their term of office. With these words I commend my amendment to the acceptance of the House.

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

That in sub-clause (1), lines 3-4, for the words "three-fourths", the word "sixty" be substituted.

Rai Bahadur Mukand Lal Puri : Sir, there are several amendments which have been tabled to this clause, but with respect to that portion which deals with nomination and election there are amendments Nos. 3 to 6. You will be pleased to observe that these amendments express dissatisfaction with the proposals in the clause relating to the proportion of nominated and elected members. I find an amendment in the name of our respected lady member (amendment No. 8) which provides that all of them shall be elected.

That in sub-clause (1), lines 2-7, for the words "of whom.....in this behalf" the words "all of whom shall be elected" be substituted.

Mr. Speaker : That amendment is quite different.

Rai Bahadur Mukand Lal Puri : That expresses the spirit of the Opposition to this part of the proposals of the Government. Another amendment stands in the name of Mian Muhammad Nurullah where he wishes to substitute seven-eighths for three-fourths. Of course that does not go as far as the present amendment. These various proposals have been put forward with a view to enabling the Government, if it so chooses, to accept any of these alternatives. You will find on the agenda paper still another amendment standing in the name of one of the Parliamentary Secretaries, Sardar Bahadur Sardar Ujjel Singh, which says—

That in sub-clause (1), lines 3-4 for the words "three-fourth", the words "fifty-five" be substituted.

Of course three-fourths of 68 is 51. Left to himself he is not satisfied with the present proposal; but under party pressure he might go back....

Minister for Public Works : That is something in connexion with which you did not talk to me.

Rai Bahadur Mukand Lal Puri : Therefore you will find that there is dissatisfaction on all sides of the House with the proportion which the Government has chosen to fix in this clause, the proportion of the elected element to the nominated element. Now, unfortunately I do not agree with the honourable lady member from Lahore, Baji Sahiba, that all the members of the Corporation should be elected. I quite accept the principle underlying the nomination of certain members to a deliberative assembly and that principle is to make up for the deficiency of expert knowledge which an elected body may not always possess. Therefore, while recognizing the principle that the Government should have a slight residuary power to remove deficiencies in the elected body by nominating a certain number of experts, I raise my strong voice of protest against the present proportion between the elected and the nominated members. There are three cases in which the

Provincial Government can ordinarily be called upon to make for the deficiencies of the elected element, namely (1) lack of experts on the committee, (2) want of representation of special interests and (3) where the result of election has resulted in bringing about a state of things which does not amount to communal equilibrium. Now, with respect to the last two classes, you would be pleased to observe that clause 7 has already made provision with respect to communal proportions in the elected body. The clause says, 'the Government shall lay down the number of seats to be reserved for communities in any constituency'. Therefore there will be no need, as there might be under a universal joint electorate, for reservation of seats for nomination to make up communal inequalities.

Again, an argument may be advanced that Lahore is not an ordinary town, but is the capital of a province where there are special interests which need protection and deserve a representation on the municipal committee. Even in this respect you find that the special interests have been provided for in sub-clause (c) of clause 7. The University of the Punjab has a great stake in Lahore. It has certain duties to perform and it should, therefore, be represented on the committee; and that representation has been provided for. The Railway administration has got its headquarters in Lahore and if that interest is not to be represented by election, then it should be provided for by nomination. But there, again, you have provided for its special representation. You have also provided for special representation of district boards. The district board and the Municipal Corporation are coterminous and questions may often arise where the interests of the district will have to be represented on the Corporation. Again, you have provided for another very necessary representation, namely, of trade and industry in the province of which the centre is Lahore. Therefore there is no interest which has been left unrepresented by election, and for which nomination should be resorted to, except perhaps experts. The number of such experts to be nominated should not exceed three or four. In these circumstances, I do not see any justification for providing for nomination of 17 members on the Corporation, that is one-fourth of the total members of the Corporation at the sweet will of the Government of the day. It is all very well to provide for such nominations in totalitarian states or even under the old form of Government. But unfortunately we are living under a party Government. Now, is it or is it not a fact that in making all these nominations the Government will be guided by party considerations? Even now elections to municipal bodies and district boards are run on party lines, the parties being the Government party or the Unionist Party and the party opposed to Government. Do you wish to put in the hands of the Provincial Government a power by which they can change an elected majority into a nominated majority? Suppose an election is held for the Lahore Corporation and out of 45 elected members 30 belong to the party opposed to Government and only 14 or 15 belong to the Government party. Should it be possible for the Government to change that substantial majority by the power which it possesses of nominating 17 members? That would be entire negation of self-government. That would make it absolutely impossible for the party opposed to Government to come into power in any local body.

I respectfully submit again that I am not entirely opposed to the principle of nomination. I recognize it only for providing expert knowledge

(S. S. Santokh Singh).

where the result of election has not secured that representation. But the reservation of such a large number of seats as 17 for nomination cannot be justified by any anxiety to provide for experts. If the Government reserves to itself power to nominate, say four experts, I would accept it, because after all the present day municipal administration is a complicated affair and every one should welcome expert assistance and experience. But there is no justification in this twentieth century to reserve to a party Government power to knock down its opponents whom it has not been able to defeat at the polls. I, therefore, most earnestly ask the Minister for Public Works to look at the unfortunate consequences of such a provision. Fortunately for him it is his party which is now in power. But he should not altogether exclude the possibility of another party coming into power. How would he appreciate the idea of party opposed to him, transforming elected majority into a minority, by the power vested in the Government of nominating a large number of its friends as members?

This is a clause which was left over for consideration later, because at the time when it came up for consideration it was thought that it was a retrograde clause. We expected the Government to give some consideration to it and modify the proposals so as to make it less obnoxious to the public opinion in the province. But what do we find? Absolutely no change. It is thrown back in absolutely the same form in which it originally was. And where is the improvement? We have heard *ad nauseum* the remark that Government before the Reforms was an irresponsible Government and that the present Government are not responsible for the acts of that Government. We have a responsible Government indeed. But what are the acts of this responsible Government? Previously, as pointed out by my friend Lala Sita Ram, the proportion of members proposed by an irresponsible, undemocratic bureaucracy where they had to nominate certain special interests to make up communal inequalities, was 11 nominated compared to 37 of the elected members. How have the present Government improved the situation? They have provided for the communal inequality and other matters separately and yet they are keeping this provision of nominating 17 members of their own party, and thus reserving in their own hands the power to transform an elected majority into a minority.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): I have also given notice of a similar amendment on this clause. That amendment provides that instead of three-fourths, the figure 53 be substituted. My honourable friends will see that the clause does not say that three-fourths of the members will be elected and the rest will be nominated. The clause says "not less than three-fourths shall be elected" for which now my amendment provides that it should be 53. There was no necessity for the remarks of my honourable friend Rai Bahadur Mukand Lal Puri that Government is providing for so many nominated members. As a matter of fact the clause limits the power of Government. That is, Government must in any case provide for the election of 53 members out of 68. It does not prevent Government from making a provision for a higher number of elected members. I hope my honourable friends realize that there is need for some nominations. At present in all the municipalities there is a provision for nominated members, for the simple reason that we have to make provision for the

removal of communal inequalities and then there are certain interests which cannot be represented by election and which must come by nomination, for example, the scheduled castes. In Lahore, for instance, it is impossible to provide for election for them and even if it is possible, there is a large proportion of those classes which does not want election. Then take the case of labour. Government will have to make provision for the nomination of labour. It is not possible to set up any suitable constituency for the representation of labour on the Corporation. Then, there are certain minorities like Indian Christians and Europeans who will have to be represented on the Corporation by nomination. So it is necessary that provision for nomination must be made. Government must in the first instance make a provision for the election of at least 53 members and then whatever is left, Government will provide by nomination to represent certain interests and to remove communal inequalities. I hope that my honourable friends will realize that this clause has been drafted in a manner so as to give cause for complaint to no interest.

Begum Rashida Latif Baji (Inner Lahore, Muslim Women, Urban) (Urdu) : Sir, I have given notice of several amendments on the main clause. But so far as this sub-clause is concerned, my amendment reads thus :

That in sub-clause (1), lines 2—7, for the words 'of whom.... in this behalf the words 'all of whom should be elected' be substituted.'

The object of this amendment is that no councillor should find his place in the Corporation through the back door of nomination. All the members should be returned on the popular vote. Now I have a number of objections against nomination. We have been told by the Government time and again that this Bill is an exact copy of the Karachi Act. I question the veracity of this statement. Last year when this measure was introduced in the House, I showed to the Honourable Minister in charge a letter which was received by me from Mr. Shroff, the Mayor of the Karachi Corporation. It was specifically mentioned in the letter that Karachi Corporation had eliminated the nominated element and had all members elected to it. Then I refer to the Bombay Corporation. Here, too, the practice of nominating members has been discontinued. There are only three ex-officio members serving on it. If the Punjab Government had made a provision to have three or four such nominated members as possess expert knowledge in different subjects, for instance, Engineering, Medicine, etc., then it would have been a different matter. But we find that no reference worth the name has been made to this effect in the Bill. All these things amply show that this Bill has not at all been copied from the Bombay or Karachi Act. Of course this much has been done and that is that good points in those Acts have been ignored and only bad points found therein have been incorporated in this Bill. Besides, I wonder why the honourable members who have the courage and boldness of manhood, should fear election and insist upon nomination. I belong to the weaker sex and yet I declare on the floor of this House that women do not approve of coming to the Corporation through nomination. (Cheers.)

Then, sir, I fail to understand why Government are adamant in having a provision in this Bill for making nominations on such a large scale. May I ask for whom they want to reserve these seats? If they say that they

[Begam Rashida Latif Baji]

are making this arrangement for women because they belong to a weak class and cannot undergo the hardships of elections, I make bold to say that we, the women, do not stand in need of any such help. (*Hear, hear.*) Besides I find that in all the municipalities and district boards where nominated element has been introduced, only rich and wealthy people get nomination. No heed is paid by the Government for safeguarding the interests of the poor and no representation is ever given to them. I am of the opinion that when even in the regime of this so-called democratic government no change has been brought about in this antiquated system of nomination, how can we expect that they would extend a helping hand to the poor or the weak? I make bold to say that the Government are providing shelter to the moneyed classes and they would nominate those persons who are their boot-lickers and flatterers. (*Cheers.*) Strictly speaking, the method of nomination is being adopted by the Government to protect the wealth of the rich.

Then, I would submit that election is the time when, for the sake of securing votes, the rich people go to the doors of the poor and entreat them to cast votes in their favour. They hang placards on the walls bearing the inscription that 'they are the true representatives and servants of the community'. I ask the Honourable Minister, why is he bent upon protecting these people? These are the times of unadulterated democracy, the fundamental principle of which is that public opinion should be respected and that the representatives of the people should be elected in accordance with the wishes of the public. Again, I may point out that all the honourable members of this Assembly have been returned through election and none of them is a nominated member. They hold the reins of the administration of the province and are carrying out the work very efficiently. On this analogy I see no reason why the members of the Lahore Corporation should fail to discharge their duties and find any difficulty in running its administration.

It is passing strange that whereas the present Government has attained the control of the entire administration of the province through the system of general elections, it fights shy of handing over the administration of the city of Lahore to the elected representatives of the public. It amounts to this that while the public can be trusted to elect suitable persons to govern the whole province, the same public cannot be relied upon to elect capable representatives for administering the affairs of a city. For this purpose the Government wants to resort to nominations.

Besides, I regard it below the dignity of women that their seats should be reserved for nomination. Do I take it that the work put in by Mrs. Shah Nawaz and myself since our elections to this House has not proved that capable lady members can be elected who can put in good work? Have we not given a good account of ourselves in serving the public? (*Applause*) (*Several members* : You have really put in excellent work.) I will go a step forward and say that my other honourable sisters who have now left the House had also given an excellent account of themselves and had given ample proof of their ability and efficiency. May I ask if the elected lady members of this House have proved a failure? (*Voices* : No, no.) Have not those honourable sisters of mine who were connected with

the Indian National Congress taken a leading part in the Satyagrah ? It is a matter of common knowledge that ladies have not been slow in courting arrests and going to jails. They stand shoulder to shoulder with men who are suffering imprisonment. It is wrong to suppose that women are weak and stand in need of nominations. They should be afforded an opportunity to seek election to the various district boards, municipalities and panchayats. I for one do not favour the system of nomination, and even if the Government were to nominate me as a councillor in the proposed Corporation, I would certainly refuse the offer. (*Hear, hear.*) The fact of the matter is that the representatives of the public are the masters of their own conscience and speak what they really feel while the nominated members, whether they be male or female, represent the view-point of the Government. They cannot voice their own sentiments and thoughts ; they dance to the tune of the Government and fail to speak for their nation and their country. In short they become their master's voice. It is a pity that while the Ministers owe their power to the system of elections, they deny the same privilege of elections to other people. Surely the soul of the late Lord Ripon must have been perturbed to-day by the present attitude of our Government, as he was the first Viceroy of India who had introduced the principle of elections to local bodies. To-day our Government is replacing this universally admitted principle by the system of nomination.

It may be contended by the Government that the All-India Women's Conference had demanded nominations for women. In reply to this I would say that I too was present in that Conference, and I raised my voice of protest against the nomination of women and openly declared that women did not need nominations. It is really strange that two women should be nominated while the other two should waste their money in elections. (*An honourable member* : Do you regard the money spent in elections as money wasted ?) Not at all. I am not against rich men circulating their money during the elections. I have explained on some other occasion that elections provide the only legitimate opportunity for spending such riches. But here I am discussing a question of principle.

Mr. Speaker : Please speak to the motion.

Begum Rashida Latif Baji : A question was put to me. I have a right to reply to it. The present age is the age of democracy and elections from the order of the day. If any one opposes this principle of democracy in Europe, he is dubbed as Hitler or Mussolini. But here our Government is striking at the very root of democracy. It wants the power of nomination so that it may be able to reduce men to mere puppets. As a matter of fact our Ministry intends to have a free hand in the administration of the Corporation, and wants to flout public opinion. I should like to ask the Parliamentary Secretary, Raja Ghazanfar Ali Khan, who was returned to this House on the Muslim League Ticket as to whether Mr. Jinnah favours nomination against election. (*Raja Ghazanfar Ali Khan* : I never said so.) Then come on and support my amendment which seeks that all the councillors of the proposed Corporation should be elected.

With these words, sir, I commend my amendment for the acceptance of the House.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural), (*Punjabi*): Sir, I have risen to support the amendment that is now before the House. To my mind it is perfectly clear that the object of Government in getting the power of nominating 17 or 18 councillors in the Corporation of Lahore is merely to turn the majority of non-official members into a minority. That is what this Government often does in the various local bodies. Whenever Congress party succeeds in capturing a large number of seats in any district board or a municipal committee, the Government proceeds to turn that majority into a minority by fair means or foul. I can readily recall to my mind the example of the elections of the district board of Multan which took place in 1937. Fortunately the Congress element became dominant in that board. But the Government did not notify the results of the elections in the Gazette for about eight or nine months. The big idea behind this delay in the official notification was that the Deputy Commissioner wanted to become the Chairman of the district board by increasing the nominated element, and he wanted time for interfering with the relative strength of the parties in the board. The total strength of the elected members of the Multan district board was 34 and the Government had to nominate ten members. The nominations were

4 p. m.

delayed because the Government wanted to secure some such members who could vote with the nominated ten members to defeat the non-official candidate for the chairmanship of the said committee. They succeeded in securing the votes of such members against the non-official candidate for chairmanship. The result was that only 16 members were left with the non-official candidate for chairmanship instead of 28 while the others went over to the side of the Government officer. In this way the Deputy Commissioner became the president of the said board. If the Government wants to retain this provision in order to secure such ends then it is quite all right, otherwise not. We are here in this House to see that the Government should not do any such thing. In other provinces even lambardars are elected. In view of the fact that in the neighbouring provinces the principle of election is so very much in vogue, there is no reason why our Government should insist on the principle of nomination. I, therefore, say that there should not be such a large number of nominated members on the proposed Lahore Corporation. Let the Government have a few nominated members in order to put men with some technical qualification on the Corporation. With these words, I support the amendment before the House.

Seth Kishan Das (Jullundur, General, Reserved Seat, Rural), (*Urdu*): Sir, In sub-clause (1) of clause 7 representation has been granted to the Punjab University, district boards, North-Western Railway, etc., through nomination, but no provision has been made therein for the representation of the depressed classes through nomination. Those people who are responsible for the cleanliness of the city of Lahore and who remove litter have been ignored so far as representation is concerned. The amendment which I have moved to get representation for the untouchables is as follows:—

That in sub-clause (1) (b), line 2, between the words "women" and "shall" the words "one member of the scheduled caste" be added.

Rai Bahadur Lala Sohan Lal (*Urdu*): Sir, if the honourable member, Seth Kishan Das, is moving his amendment then I may be allowed to move

my amendment first as it stands first in the list. But if he is only discussing the subject matter of the clause under consideration, then I have no objection.

Seth Kishan Das : Sir, I was submitting that for the people upon whom the cleanliness of the city of Lahore depends there should be special seats.

Mrs. J. A. Shah Nawaz : I want to know whether my amendment cannot be taken up now.

Mr. Speaker : No, as we are not just now discussing seats for any community or class. We are discussing the opening words.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): I am opposed altogether to the system of nomination. In this twentieth century there is hardly any necessity for that. The Honourable Minister for Public Works has confessed it many a time on the floor of this House that his only justification for certain provisions of the Bill lay in the fact that similar provisions existed in the Acts of the other legislatures as well, thereby implying that there was nothing new or original about this Bill. This Bill as introduced in this House was copied either from one provincial Act or the other or from the Municipal Act of the Punjab. Coming to this matter of nomination, my surprise knows no bounds when I find that the gentlemen sitting on the ministerial benches have given no reference whatsoever to other Acts as far as this particular case of nomination is concerned. For the information of those members I would just like to point out that in almost all the other provinces this element of nomination does not now exist, much less to the extent that it is proposed in this measure. Coming to Bombay I find that there are 117 members of whom only three are ex-officio. One hundred and fourteen seats in Bombay Corporation are open to election. In Madras out of the 50 councillors there are no nominated members whatsoever. At the time of the passing of the Act there were 8 nominated members on the Madras Corporation but when the Congress came into power, the nominated element was done away with. So that now there is absolutely no nominated member whatsoever in the Madras Corporation. Coming to Karachi, out of 56 councillors not a single seat is held by nomination. All the 56 seats there are open to election. In Calcutta out of 98 members only 8 are nominated and these to secure the association in the municipal administration of persons who are specially fitted for appointment as councillors. Why are these 8 nominated seats provided in Calcutta? For three reasons, one of which I have already given to this House and the other two are to secure the representation of minorities including the backward classes and the labouring classes. It is for this special purpose that 8 seats are retained by nomination.

Sardar Bahadur Sardar Ujjal Singh : I think nominated seats in Calcutta are 10.

Sardar Sahib Sardar Santokh Singh : My information is 8, although I am open to correction. Coming to our own province my honourable friend S. Ujjal Singh gave very astounding reasons to justify nominations on such a large scale. He went so far as to argue that we should be grateful to the Government inasmuch as they threw open to election no less than three-fourths of the total number of seats.

Sardar Bahadur Sardar Ujjal Singh : I never said grateful.

Sardar Sahib Sardar Santokh Singh : That is exactly what you meant. Now coming to the provisions of the Bill as they stand, we find that no less than three-fourths of the councillors are to be elected, meaning thereby that one-fourth of them will be nominated. Further down, some seats have been considered by the Government as those coming under election, although to all intents and purposes they will be nothing but nominated seats. Coming to these seats one is to be chosen by the Trustees of the Lahore Improvement Trust. Can that seat be any other than a nominated seat pure and simple ? The members of the Lahore Improvement Trust are all nominated by the Government. Their number is so small as 5 or 6 and even if they were to elect one of themselves as a councillor, it cannot but be a pure and simple nomination, as they are themselves all nominated by Government. Again, sir, one is to be chosen by the North-Western Railway Administration. Can it be anything but a nominated seat pure and simple ? Again, the Government want the powers of nominating 4 lady members and they consider these seats also as elected seats. (*An honourable member :* There are amendments with regard to this.) We know the fate of the amendments. A very important member of the Unionist Party, Sardar Bahadur Sardar Ujjal Singh, gives notice of an amendment saying that instead of 51 elected seats, there should be 55 elected seats, and the next moment he withdraws that amendment. What reliance can one place on these amendments, unless they have been discussed and passed by this House ? That is the fate of the amendments that are given notice of by important members of the Unionist Party.

Minister for Public Works : Every member has a right to withdraw his amendment.

Sardar Sahib Sardar Santokh Singh : Now, sir, I was saying that a member to be chosen by the North-Western Railway Administration will be to all intents and purposes a nominated member. Can anybody in his senses believe that the North-Western Railway will nominate to the Lahore Corporation a labourer ? Certainly not. They will nominate one of the officers, big or small, who may be always expected and would always be relied upon to dance to the tune of the official majority on the Corporation.

As regards the lady members all the four are to be nominated by the Government. This is nothing but despotism. In what sense could these 4 seats be taken as elected seats ?

Sardar Bahadur Sardar Ujjal Singh : Out of the remaining seats. I request the honourable member to read the clause rather carefully.

Sardar Sahib Sardar Santokh Singh : I am sorry, I made a mistake. After considering all these, the nominated element will come to something like 36 or 37 per cent. Is there any justification for this ? Living as we do in this twentieth century, where is the necessity, I ask, of all these nominations ? What are the peculiar conditions that make it necessary for the Punjab Government to nominate as many as 37 per cent of the councillors to the Corporation ? The onus lies very heavily on the Government to prove that there are special peculiar conditions that exist in this province that justify this step, conditions which do not exist in any other province.

I have just quoted that except Calcutta, there are no nominations to the Corporation in any other province. In Calcutta they nominate 8 members out of 98 to provide for special interests, and also to have experts to guide the Corporation in their affairs. Now, if you were to look to the quality of the nominated members, who so far adorn our municipal committees, can anybody say that they represent any special interest? Can anybody say, much less assert, that they are experts and that their nomination to the committees was absolutely necessary? Can it be denied, sir, that all these persons who are nominated are not Government's own men? I have no reason to believe that in the future the position will be different. Perhaps it will be worse than what it has hitherto been. Only those people who dance attendance upon one officer or the other, and those who are in the good books of the Government in one form or another will get in, by the back door. If two Hindus are nominated, two or three Muhammadans are also nominated, just on the population basis or whatever other formula there may be. At this moment I am not discussing that formula. The question of all questions is, what special interests these people represent, what special ability these nominated people possess, to be nominated to the municipalities by that back door? There are many cases where people who could not face elections were nominated. There are instances where the people who were defeated in election and whom the public did not like, were nominated by the Government. I can quote instances after instances, to show that people who could not secure elections, people who could not dare face election, were sent to the committees by the back-door method. If you want nomination for certain particular interests, the Government should state so definitely, what those interests are that need to be represented on the Corporation. If the Government had said definitely that they wanted a medical man, that they wanted an expert engineer, although there may be several people, who will still be opposed to that nomination, there might have been some justification. But Government leaves the whole thing entirely indefinite. The Government want to get the power to nominate anybody whom they in their wisdom think fit to be nominated. The Government is not bound to nominate councillors either from the labouring classes or the scheduled castes. They want to be left free to nominate any one whomsoever they like on this Corporation or for the matter of that on any municipality under the Municipal Act. As I have said already, personally I am opposed to all forms of nomination, but where special interests were concerned and it is absolutely necessary to represent these interests, one might not object to that nomination. In the case of our Government the position is quite different. It wants to nominate as many as 37 per cent of the councillors, only to please their underlings. In the former days, in the days of irresponsible bureaucratic Government, as the administrative lists are fond of calling the previous Government, the nomination did not go beyond 25 per cent. All communities send their representatives on separate electorates. Every community, except perhaps the scheduled castes and Christians, do find their place on the municipal committees and they will find their place on the Corporation as well. If any special nomination for Christians, Europeans or scheduled castes is necessary, do have a small percentage of them—we may not object—but where is the necessity of having as many as 35 per cent of the people for nomination? Has anybody

[S. S. Sardar Santokh Singh.]
 who has spoken from the ministerial benches so far said a word in justification of that ? Not a word has been said. I was expecting that the Parliamentary Secretary, who had some hand in this measure, will at least tell us something. (*Interruption.*)

Mian Abdul Aziz : It is not he, it is the Administrator who has the hand.

Sardar Sahib Sardar Santokh Singh : Not a word has been said by him as to the necessity of this nomination. The Parliamentary Secretary went so far as to say that the Government was in fact putting a limitation on its powers by the form in which they had brought in this Bill. I am conscious of the fact that the Government, if they so wanted, could nominate all the cent per cent members of the Lahore Corporation. Constituted as this House is, they will be able to carry even that proposal, but considering the fact that this percentage of nomination will compare most unfavourably with other provinces, what has the Government to say in justification of that measure ? What are the peculiar conditions that are prevalent in this province to justify that step except of course the enhancement of their political power that this Government may have in view. To me there is nothing else but this, that this Government, day in and day out, by means fair or foul, wants to enhance its political prestige in the urban towns of this province and it is to this that I attribute this more—this desire—of their nominating as much as 97 per cent of the councillors on the Lahore Corporation. If the Government are following the other provinces in other matters, they will be well advised to follow other provinces in this particular matter too. Our legislature is no worse for the fact that the nominated element has been altogether eliminated from it. Lady members who could compete in elections when coming to the Assembly, can just as well compete for the elections to the Corporation. I do not understand what special difficulties there are in the way of lady members contesting those elections to the Corporation when they can contest elections for the Assembly and have actually been returned to it by that method. It is open to them to contest any number of seats that they like. Why depend upon this out-of-date method of nomination ? Why even worry the authorities over this ? The best thing would be that everybody, be he a man or woman, be he a labourer or of scheduled caste, be he a rich man or a poor man, should contest the election. That must be a principle which should be universally recognized and if that can be done in the case of the Assembly, I really do not see any reason why it could not be practicable in the case of the Corporation. After all, this Assembly is a much more important body than the Lahore Corporation. In the Lahore Corporation the position of the members is more or less deliberative. Executive functions have been separated and placed under the direct charge of the Chief Executive Officer. So, from whatever point of view we may look at things, to me at least the necessity for nomination is not at all apparent and the Government, on whom lay heavily the onus of proving that nominations are necessary, have signally failed in their duty to enlighten the House in that matter. With these words, I support the amendment that has been moved by my honourable friend.

Sardar Bahadur Sardar Ujjal Singh : That amendment also provides for nomination.

Lala Harnam Das (Lyallpur and Jhang, General—Reserved seat, Rural), (*Urdu*): Sir, some of my honourable friends have said that Achhuts should be given representation by means of nomination but I submit that the general desire of all Achhuts is that their representatives in councils and committees should be such people as are liked and approved by them, and that can be possible only if Achhuts are allowed to elect their own representatives.

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

Lala Harnam Das: Sir, the Government insists on having the power to nominate Achhuts on the ground that they are in many respects handicapped in elections. My submission is that that is neither right nor desirable. My honourable friend Seth Kishan Das has also spoken in favour of nomination. But I would point out to him that the Achhuts of Lahore do not want some puppets to be appointed to represent them. They want to send such persons in the Corporation as would represent their case adequately and get their grievances redressed. Therefore, they should be given an opportunity to elect their own representatives.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of January 1917

John J. [Name]

Superintendent of Schools



Attest:
[Signature] Secretary

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 20th February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

INADEQUATE REPRESENTATION OF MUSLIMS IN GOVERNMENT SERVICES IN MONTGOMERY DISTRICT.

***7541. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable the Premier be pleased to state whether it is a fact that the number of Muslim employees in the various Government Departments in the Montgomery district is very small ; if so, the action Government propose to take to redress their grievances ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Since this question has a communal tinge, I have decided to treat it as unstarred and a written reply¹ is being sent to the honourable member.

DETENTION OF PERSONS WITHOUT TRIAL IN DIFFERENT POLICE STATIONS IN LAHORE.

***7542. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state—

- (a) the names and number of persons now detained without trial in different police stations in Lahore ;
- (b) the date of arrest in each case and the period for which each of them is intended to be detained with the reasons for detention ;
- (c) the diet given to each of them ;
- (d) the names of newspapers and journals supplied to them to read, and if no newspaper or journal is supplied to them, the reasons therefor ;
- (e) the weight of each of them at the time of arrest and their weight at present ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) 6 (on 12th February, 1941), it is not in the public interest to give names ;

¹ The question is somewhat vague, but if the honourable member is referring to Government servants of departments recruited on a provincial basis, communal proportions have already been fixed and the disparity, if any, will be remedied in due course.

[Mir Maqbool Mahmood.]

(b)	i.	ii.	iii.
(1)	17-10-40	The period of detention has not yet been decided.	For having acted in a manner prejudicial to the public safety and to the efficient prosecution of the war.
(2)	24-10-40	Ditto	Ditto.
(3)	13-12-40	Ditto	Ditto.
(4)	17-12-40	Ditto	Ditto.
(5)	21-1-41	Ditto	Ditto.
(6)	21-1-41	Ditto	Ditto.

(c) Five are being given the diet prescribed for C class convicted criminal prisoners, and one is being given the same food as served in the Police mess of the Police Station—in addition, he is allowed tea and other 'extras' at his own cost.

(d) All are supplied with daily newspapers according to the rules under which they are detained.

(e)	Weight on arrest.			Present weight.		
(1)	126 lbs	..	..	..	..	126 lbs.
(2)	138 lbs	..	..	..	..	143 lbs.
(3)	148 lbs	..	..	..	..	146 lbs.
(4)	154 lbs	..	..	..	..	154 lbs.
(5)	126 lbs	..	..	..	..	126 lbs.
(6)	142 lbs	..	..	..	..	142 lbs.

CONFINEMENT OF PERSONS IN LAHORE FORT.

***7543. Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Premier be pleased to state—

- (a) the number and names of persons now confined in Lahore Fort and the period for which they have been detained, with the reasons for detention in each case;
- (b) the weight at the time of detention of each of them and the weight at present;
- (c) the names of newspapers and journals supplied to each of them and, if none is supplied, the reasons therefor?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Eight persons were detained in Lahore Fort on 7th February, 1941, for reasons connected with the public safety, the defence of British India and the efficient prosecution of the war.

(b) With the exception of one who had some slight urinary trouble, all have maintained or increased their weights since they were arrested.

(c) All are supplied with daily newspapers according to the rules under which they are detained.

ARREST OF MR. TILAK RAJ CHADDAH.

***7555. Dr. Sir Gokul Chand Narang:** Will the Honourable Premier be pleased to state—

- (a) under what law Mr. Tilak Raj Chaddah, a Professor in the D. A.-V. College, Rawalpindi, was arrested on the 10th of January, 1941;

- (b) where is the said Professor confined at present and what class has been assigned to him ;
- (c) whether his case has been sent up to any court for trial ; if not, why not ;
- (d) what are the charges against him ;
- (e) whether it is a fact that none of his relations has been allowed to see him ever since his arrest ; if so, why ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) He was arrested under rule 129 of the Defence of India Rules, 1939, on 11th January, 1941.

(b) (i) District Jail, Rawalpindi ; (ii) he is being treated as a Security prisoner and is being given the diet prescribed for a B class convicted criminal prisoner and can, with the permission of the Superintendent of the Jail, receive food from private sources in the same manner as civil prisoners.

(c) First part, no ; second part, the provisions of the law under which he is detained do not enjoin trial in a court of law.

(d) He had acted in a manner prejudicial to the public safety or to the efficient prosecution of war.

(e) No.

DETENTION OF COMRADE JOG RAJ.

***7557. Sardar Moola Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Comrade Jog Raj of Bhangali, district Lahore, was arrested on the 4th January, 1941, at Mughalpura Railway Station ;
- (b) if so, the reasons for the same, the place where he is detained at present and the period for which he has been detained.
- (c) the diet given to him ;
- (d) whether he is supplied any newspaper or journal to read, if not, why not ;
- (e) his weight at the time of his arrest and at present ;
- (f) whether the Government intend to try him in an open court, if not, why not ?

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

(b) (i) For reasons connected with the maintenance of public order ; (ii) in the Central Jail, Lahore ; (iii) the period of his detention depends on future events.

(c) He is being given the diet prescribed for C class convicted criminal prisoners.

(d) Yes, as permitted by the rules governing the detention.

(e) 120 lbs. (4th January 1941) and 116 lbs. (24th January 1941).

(f) First part, no ; second part, the provisions of the law under which he is detained do not enjoin trial in a court of law.

DETENTION OF COMRADE SOWARATH RAM IN POLICE CUSTODY.

*7558. **Sardar Moola Singh** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Comrade Sowarath Ram of Village Kohrian, thana Barki, in district Lahore, was arrested on the 16th October, 1940, from his village Kohrian and he is still in police custody in the Charing Cross Police Station, Lahore ;
- (b) if so, reasons for the same and the period for which the Government intends to keep him in police custody ;
- (c) does the Government intend to try him in an open court, if not why not ;
- (d) whether he is supplied any newspaper or journal to read, if not, why not ;
- (e) his weight at the time of his arrest and at present and also the general state of his health ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes ; he was, however, arrested on the 17th October, 1940.

(b) First part, to prevent 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; Second part, this depends on future events.

(c) This matter is under consideration ; the provisions of the law under which he is detained do not, however, enjoin a trial in open court.

(d) First part, yes ; second part, does not arise.

(e) Weight on 6th November 1940, 126 lbs. on 6th February, 1941, 136 lbs. general state of health good.

Sardar Lal Singh : Is he under detention under the Defence of India Rules ?

Parliamentary Secretary : Yes.

Sardar Lal Singh : What is the nature of his offence ?

Parliamentary Secretary : I have already said 'to prevent 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'.

Sardar Sahib Sardar Santokh Singh : Why is he kept in police custody ?

Parliamentary Secretary : For reasons I have just given.

Sardar Lal Singh : Why is he not sent to a judicial lock-up or to the central jail ?

Parliamentary Secretary : Persons are sent to judicial lock-up only in cases where a judicial trial is under contemplation. I have already said that the matter as to when he is going to be tried is still under consideration.

Sardar Lal Singh : Is there any enquiry being held so that the police may require him.

Parliamentary Secretary : I would like notice of that question.

Sardar Sahib Sardar Santokh Singh : So long as he is not tried, will he continue to remain in police custody even for two years ?

Parliamentary Secretary : I think my honourable friend would not like me to refer him to the relevant rules of the Defence of India. Rules under which there are specific provisions by which a person can be detained by the police or by the Government and if he is interested I would refer him to sections 126 and 129.

ARREST OF MR. V. D. CHOPRA, 6TH YEAR STUDENT OF THE D. A.-V. COLLEGE, LAHORE.

***7563. Sardar Mula Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Punjab Government arrested Mr. V. D. Chopra, a 6th year student of D. A.-V. College, Lahore, on the 10th January, 1941, afternoon, from the office of Punjab Students Federation ; if so, the reasons for his arrest, the place where he is detained and the period for which he is to remain under detention without trial ;
- (b) his weight at the time of arrest and his weight at present ;
- (c) the names of newspapers and journals he is supplied to read ;
- (d) does the Government intend to try him in an open court ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) First part, yes ; second part (i) for having acted in a manner prejudicial to the public safety or to the efficient prosecution of war ; (ii) he was released on 15th February, 1941.

(b) 198 lbs. on arrest and the same on 6th February 1941.

(c) and (d) Do not arise.

DAMAGE TO RABI CROPS BY HAILSTORM IN DISTRICT GURGAON.

***7548. Chaudhri Sumer Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that hailstorm has caused great damage to standing Rabi crop in several villages of Palwal Sub-Division of district Gurgaon during the current month ;
- (b) whether the local officers have paid a visit to the affected area to make an estimate of the damage so done to the crops ; if so, how many days after the hailstorm ;
- (c) what action the Government intend to take to compensate for the abovementioned loss caused to the standing crops ; and
- (d) whether he would be pleased to lay the list of affected villages on the table ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) On the night of 18th-19th January, a hailstorm damaged crops in 49 villages of the Ballabgarh tahsil and 46 villages of the Palwal tahsil but, with the exception of sarshaf, early sown barley and tara-mira, the damage to crops is not appreciable and they are likely to recover by the time they mature.

(b) Yes; the local officers visited the affected area on the very next day in some villages of the Palwal tahsil and after two days in others while in the Ballabgarh tahsil they did so after three days.

(c) Special instructions have been issued for the careful assessment of damage at girdawari. Remissions of land revenue will be granted in due course where admissible according to rules.

(d) A statement is laid on the table.

Chaudhri Sumer Singh: What about mustard seed crop?

Parliamentary Secretary: It has been damaged to some extent.

List of affected villages of the Palwal tahsil, district Gurgaon.

1. Nangla Bhiku, 2. Amro, 3. Miranpur, 4. Patli Kalan 5. Dudola, 6. Softa.
7. Gidhpuri, 8. Dandasa, 9. Jatola, 10. Medapur, 11. Saidpur, 12. Dongarpur,
13. Tarki, 14. Paroli, 15. Kalwaka, 16. Dahlaka, 17. Chachrola, 18. Sahrata, 19. Har-
- pali, 20. Asaoti, 21. Ladpur, 22. Pirthla, 23. Bagola, 24. Devli, 25. Tatarpur,
26. Sikandarpur, 27. Bhurja, 28. Hajipur, 29. Chandpur, 30. Dhatir, 31. Jaindapur,
32. Atarchata, 33. Kishorpur, 34. Rajopur, 35. Ferozepore, 36. Alapur, 37. Fazalpur,
38. Mandkol, 39. Kakripur, 40. Badrson, 41. Ghagot, 42. Sadapur, 43. Aghwanpur,
44. Janol, 45. Palwal and 46. Alawalpur.

List of affected villages of the Ballabgarh Tahsil, district Gurgaon.

1. Ajronda, 2. Majesar, 3. Tilori Bangar, 4. Dabwa, 5. Nawada Koh, 6. Bhankri
7. Nanga Gujran, 8. Sarah, 9. Gonchi, 10. Ballabgarh, 11. Pahladpur, Mazra Baroli
12. Baroli, 13. Sihri, 14. Chandraoli, 15. Machgar, 16. Sotai, 17. Sonper, 18. Lado,
19. Bahbalpur, 20. Panhera Khurd, 21. Panhera Kalan, 22. Piala, 23. Jawan,
24. Atarna, 25. Ahmedpur, 26. Nirhaoli, 27. Chaensa, 28. Mohiyapur, 29. Mohna
30. Hirapur, 31. Sikri, 32. Nangla Jogian, 33. Harphala, 34. Mohola, 35. Sagarpur
36. Shahpur Khurd, 37. Kilgaon, 38. Jajroo, 39. Bhanakpur, 40. Qabulpur Bangar,
41. Sakrona, 42. Khandaoli, 43. Dig, 44. Fatehpur Biloch, 45. Pahladpur Mazra Dig,
46. Paki, 47. Bajri, 48. Dayalpur 49. Phaponda.

DESOLATION OF VILLAGE AJMERE IN DISTRICT HOSHIARPUR BY ACTION OF A CHO.

*7562. **Malik Barkat Ali**: Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the village of Ajmere, Tehsil Dasuya, district Hoshiarpur, was practically washed away and rendered desolate as a result of the adjoining *Cho* over-flowing its banks on 3rd August, 1940; if so, the extent of the damage in land, houses, life and live stock suffered by the residents of the said Ajmere village;

(b) whether Government has so far done anything to alleviate the misery and destitution of the people of the said village of Ajmere; if so, what, and, if nothing has been done so far to

estitute the people for the loss of land, cattle, houses, grain and fodder, etc., whether it intends doing anything now in this direction ;

- (c) whether the people of Ajmere submitted any representation in this connection to the Deputy Commissioner, Hoshiarpur, and whether the Deputy Commissioner did anything by way of giving relief to the people ;
- (d) whether it is a fact that when the people of Ajmere wanted to see the Deputy Commissioner, he refused to see them and referred them to the Tehsildar ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes. Land was damaged and crops washed away but there was no loss of life. There were some 50 houses including two *pucca* houses and all but the *pucca* houses were damaged.

(b) Out of the land revenue amounting to Rs. 54 for kharif 1940, Rs. 52 were suspended on account of damage to crops and recommended for remission. As a special case action was also ordered by the Deputy Commissioner under the alluvion and diluvion rules in order to give relief to the sufferers whose land was either rendered unfit or less fit for cultivation.

(c) The people represented the matter to the Deputy Commissioner, Hoshiarpur, who at once sent an Extra Assistant Commissioner to the spot. The Tahsildar, Dasuya, also visited the village. The relief given has been specified at (b) above.

(d) No.

POLITICAL PRISONERS SENT TO DEOLI CAMP.

***7291. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) class-wise, the number and names of the political prisoners sent from the Punjab to Deoli Camp so far ;
- (b) the Government which has taken the responsibility of keeping these prisoners in the said camp and the Government which will bear the expenses ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) 13 class I and 60 class II prisoners have been sent to Deoli. It is not in the public interest for me to give their names.

(b) The camp is maintained under the direction of the Central Government which will share the cost with other Governments that avail themselves of the facilities provided.

REFERENDUM FOR REMOVAL OF LIQUOR SHOPS.

***7293. Pandit Shri Ram Sharma :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number and names of Municipal Committees where a referendum for the removal of liquor shops was taken since 1st April, 1937, and the figures and the percentages of the votes recorded ;

[Pandit Shri Ram Sharma.]

(b) whether any liquor shops have since been removed as a result of the referendum?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh): (a) The honourable member presumably refers to referenda under the Punjab Local Option Act. A statement is laid on the table.

(b) The country liquor shops at Kasur (Lahore) and Jagadhri (Ambala) were moved outside the municipal limits with effect from the 1st April 1938 and 1st April 1939, respectively.

Statement showing the names of municipal committees where a referendum for the removal of liquor shops was taken since 1st April, 1937 and the figures and the percentage of the votes recorded.

Serial No.	Name of municipality.	Total number of registered electors.	Number of votes for the removal of the shop.	Number of votes against the proposal.	Number of votes declared invalid.	Total number of votes recorded.	Percentage.
1	Jagadhari (Ambala) ..	3,580	2,534	7	5	2,546	71.12
2	Kasur (Lahore) ..	12,784	8,816	2	..	8,818	68.98
3	Ambala	9,461	3,471	10	..	3,481	36.79
4	Hoshiarpur	9,518	1,533	..	..	1,583	16.63
5	Ludhiana	21,548	32	4	..	36	.17
6	Raikot (Ludhiana) ..	5,367	1,076	..	..	1,076	20.06

NOTE.—As regards serial Nos. (3) to (6), the resolutions passed by the respective Municipal Committees were not confirmed by a two-thirds' majority of the total number of the registered electors as required by the proviso to Section 5 of the Punjab Local Option Act and consequently they were not given effect to.

LORRY ACCIDENTS.

***7532. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Public Works be pleased to state—

- the number of lorry accidents that took place in the Calendar year 1940 in the province;
- number of persons who died and also of those who received injuries as a consequence of these accidents;
- the nature of punishments awarded to lorry drivers for these accidents;
- the number of lorry drivers who died as a result of these accidents?

Parliamentary Secretary (S. B. Sardar Ujjaal Singh) : Statistics of motor vehicle accidents are collected quarterly. Those for the quarter ending 31st December, 1940, are not yet complete and the following figures relate to the first three quarters of the year and to all classes of motor vehicles. Since the statements are prepared in a prescribed form it would not be possible to give more than the information supplied without having all the files of accidents examined :—

- (a) 614.
- (b) 156 persons were killed and 746 injured.
- (c) That provided by the law in each case.
- (d) 44 passengers were killed. It is not possible to say how many of these were drivers.

COMMUNAL REPRESENTATION AMONG MEMBERS OF BHIWANI MUNICIPALITY.

***7537. Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of Hindu members including *Achhuts* in Bhiwani Municipal Committee, (i) elected, (ii) nominated ;
- (b) the number of *Achhut* members, (i) elected and (ii) nominated ;
- (c) the number of *Muslim* members, (i) elected and (ii) nominated ;
- (d) whether the present strength of members of all communities on the said committee is in consonance with the formula of the mean of population and voting strength of each community adopted in the line of the late Sir Fazl-i-Husain ?

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

	MEMBERS.		
	Elected.	Appointed.	Total.
Hindus and others ..	10	2	12
Achhuts ..	Nil	Nil	Nil.
Muslims ..	2	1	3

(d) Yes.

PROSECUTIONS UNDER SECTION 216, INDIAN PENAL CODE AND OTHER OFFENCES ON THE STATEMENT OF KOORA DACOIT IN LUDHIANA.

***7540. Sardar Lal Singh** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that in Ludhiana a dacoit and murderer named Koora and his woman accomplice made a statement to the

[Sardar Lal Singh.]

police incriminating quite a large number of persons for giving them shelter and protection ; if so, what is the total number of men so mentioned and how many of these are zaildars and lambardars ;

- (b) of the persons so mentioned how many have been challaned under Section 216, Indian Penal Code, and of those challaned how many are zaildars and lambardars ;
- (c) the total number of cases thus instituted and proceeded with under Section 216, Indian Penal Code ;
- (d) how many of these cases have so far been disposed of and with what result ;
- (e) whether a special magistrate has been appointed to try all these cases ; if so, why and what is the total monthly cost to the exchequer of maintaining this magistrate and his staff ;
- (f) the period for which this special officer and staff have been sanctioned ?

Parliamentary Secretary (S. B. Sardar Ujjal Singh): (a) Yes. Koora and his woman accomplice made statements before the Police incriminating 136 persons as harbourers of the gang. Of them, one was a zaildar and one a lambardar.

(b) 68 persons have been challaned under Section 216 of the Indian Penal Code. Neither of the village officials have so far been proceeded against.

(c) 46 cases under section 216 of the Indian Penal Code have been put in court.

(d) Two cases have been decided so far and the accused in both of them have been discharged.

(e) Yes. A special magistrate has been appointed to try these cases but he is doing other criminal work in addition on account of the heavy pending file in the Ludhiana district. The total monthly cost of maintaining the magistrate and his staff is Rs. 1,000, excluding charges on account of stationery, contingencies and travelling allowance.

(f) The special magistrate and his staff will continue to the end of March, 1941, as the cases are unlikely to finish before then.

Sardar Lal Singh : May I know the reason why the zaildar and the sufedposh have not been proceeded against ?

Parliamentary Secretary : The preliminary enquiry is still being held.

Sardar Lal Singh : Does not Government consider it very serious for these village officials to be implicated in protecting dacoits who had committed several murders ?

Parliamentary Secretary : Government certainly considers it a very serious matter, and if it is found that these two village officials were involved they will take very serious action against them.

Sardar Lal Singh : May I know, in reference to part (c) whether it was on the initiative of the district officer that the special magistrate was appointed, or the Government did it of its own accord ?

Parliamentary Secretary : I require notice for that question.

CONSTRUCTION OF A BRIDGE AT NALA ZAIR IN DISTRICT
GURGAON.

***7547. Chaudhri Sumer Singh :** Will the Honourable Minister of Public Works be pleased to state whether he is aware of the fact that the residents of village Ghori, tahsil Palwal, district Gurgaon, and also the residents of neighbouring villages have been representing to Government for the construction of a bridge at Nala Zair, near Ghori for the last several years ; if so, what action has been taken so far or is intended to be taken in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes, the residents of village Ghori and other villages have been representing for the construction of a bridge on Nala Zair near Ghori. The type of the bridge suitable for this Nala, and its rough estimated cost, are at present, being prepared by the District Engineer, Gurgaon.

APPREHENSION OF RESIDENTS OF TERRITORY BEYOND THE NORTH-WEST
FRONTIER OF INDIA.

***7551. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) how many persons, residents of territory beyond the North-West Frontier of India, have been apprehended by the Punjab Police during the last six months in incriminating circumstances ;

(b) the country of origin of the persons so arrested and whether they possessed passports entitling them to enter India ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) 66.

(b) (i) 47 belong to Afghanistan, 17 to Independent Territory and 2 to Chinese Turkistan.

(ii) 26 persons held passports.

APPREHENSION OF PERSONS COMING FROM ACROSS THE NORTH-WEST FRONTIER
TO INDIA.

***7552. Sardar Lal Singh :** Will the Honourable Premier be pleased to state—

(a) how many persons coming from across the North-West Frontier of India have been recently apprehended in or near Lahore under suspicious circumstances by the police, what arms and other implements were recovered from them ;

(b) whether they were challaned ; if so, under what Sections of the Indian Penal Code ; if not, what other action was taken against them ;

(c) what precautions have since been taken against the recurrence of such incidents ?

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

(b) and (c) Do not arise.

ALLEGATIONS AGAINST THE EXECUTIVE OFFICER, MUNICIPAL
COMMITTEE, JHANG.

*7556. **Dr. Sir Gokul Chand Narang** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the Ratepayers Association of Jhang made representations to the Government making serious allegations against the Executive Officer of the Jhang Municipality one of them being that he is physically unfit to perform the duties entrusted to him ; if so, what action has the Government taken on those representations ;
- (b) the special qualifications of the present Executive Officer of the Jhang Municipal Committee for which he was selected for the post ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) No.

(b) No special qualifications are prescribed for appointment to the post of an Executive Officer ; but he was considered to be the most suitable candidate at the time of appointment.

DIGGING OF WELLS FOR DRINKING PURPOSES BY HARIJANS.

*7152. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state whether he is aware that one Bhagat Phool Singh of village Moth, Hissar district, had, in September last, to undertake fast for the recognition of the right of *Harijans* to dig well for water for drinking purposes in that village and whether he is also aware that *Harijans* in all the villages in the province in which they reside are feeling the same trouble, if so, the action that Government intends to take to remove this trouble of the *Harijans* ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—The facts as ascertained are that the Chamars of village Moth, Police Station Narnaud, Hansi tahsil, arranged to dig a well for providing drinking water in the land of Chaudhri Sir Chhaju Ram. The Jats and Rajputs of the village raised no objection. Bhagat Phul Singh, an *ex-patwari* of village Bhenswal, Rohtak district, wished to put up marble slabs in the well with the inscription that it was meant for the exclusive use of Chamars and other menials. The Jats and Rajputs took objection to this, but Phul Singh insisted on his demand and attempted to enforce it by starting hunger-strike. The dispute was, however, amicably settled through the efforts of the Deputy Commissioner and Chaudhri Suraj Mal, M.L.A., (*Hear, hear*), and other public-spirited non-officials.

Second part.—Government are doing everything possible to mitigate the hardship experienced by *Harijans* on this account. Attention of the honourable member is invited to the answer to Assembly question no. 6709¹ (starred) in which it was stated that Government have spent about Rs. 10,000 for sinking 25 wells throughout the Province for the benefit of *Harijans*.

Khan Sahib Khawaja Ghulam Samad : May I know why no action was taken against the *patwari* concerned ?

Parliamentary Secretary : He is not a *patwari* ; I said '*ex-patwari*'.

MALARIA IN AMBALA DIVISION.

***7524. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that Malaria broke out with violence in all the plains districts of Ambala Division between 15th July, and 31st October, 1940;
- (b) if so, the number of patients, suffering from Malaria cases, who attended the Government and local bodies dispensaries during this period;
- (c) whether in this connection any preventive measures were taken by the Government before the commencement of rainy season of 1940;
- (d) number of deaths, occurred on account of Malaria in the Ambala division during that period?

The Honourable Mian Abdul Haye : (a) No. Malaria was, however, prevalent throughout the Punjab in general. The districts of Ambala division were affected equally with other districts, but to a lesser extent than some.

(b) 149,008.

(c) Yes.

(d) 108.

HIGH SCHOOL AT TIGAON IN DISTRICT GURGAON.

***7549. Chaudhri Sumer Singh :** Will the Honourable Minister of Education be pleased to state whether he is aware that the residents of Tigaon and of other villages in its neighbourhood situated in tahsil Ballabgarh, district Gurgaon, have several times represented to the educational authorities requesting that a High School be opened at Tigaon; if so, the action intended to be taken in the matter?

The Honourable Mian Abdul Haye : The honourable member is referred to the reply given on the 23rd January, 1939, to Assembly Question No. 4047¹ (starred) asked by him.

Khan Sahib Khawaja Ghulam Samad : May I ask the Honourable Minister to give us the contents of the reply referred to?

Minister : That reply was to the effect that the need for opening a high school in this village was not established.

LEAVE OF ABSENCE OF SETH SUDARSHAN AND
CHAUDHRI KARTAR SINGH, M.L.A.

Mr. Speaker : I have to read out to the Assembly the following applications received from two members of the Assembly, for permission to be absent from the Assembly :

Seth Sudarshan writes : I shall feel highly obliged if you kindly grant me leave and excuse my absence from the further sittings of the Punjab Legislative Assembly.

Chaudhri Kartar Singh writes : I shall feel highly obliged if you kindly grant me leave and excuse my absence from the further sittings of the Punjab Legislative Assembly.

The question is—

That the permission asked for by the honourable members be granted.

The motion was carried.

CITY OF LAHORE CORPORATION BILL.

Clause 7.

Mr. Speaker : The Assembly will now resume discussion on Clause 7 of the City of Lahore Corporation Bill.

Sardar Mula Singh (Hoshiarpur West, General Reserved Seat, Rural (Urdu): Sir, I have risen to support the amendment of my honourable friend Mian Muhammad Nurullah and I should like to point out that the principle of nomination is entirely opposed to democracy. The adoption of nomination in the Corporation would produce absolutely no good result. The reason for Government resorting to nominations in the municipal committees and the district boards is that it wants to have a hand in their administration and desires that the nominated members should be there to support it by being its yes-men. I assert with all the emphasis that I can command that the public cannot be truly represented by the nominated members who fail to give a correct lead to their nation. As a matter of fact the nominated members cannot voice their own opinions.

I should like to take this opportunity to declare on behalf of my own community that the Achhuts do not stand in need of nomination for getting representation in the Corporation.

Mir Maqbool Mahmood : Do not the Congress Working Committee and the Muslim League represent the nation and the country when they adopt the principle of nomination ?

Sardar Mula Singh : Sir, this Government does not stand any comparison with the Congress Working Committee and the Muslim League. They are institutions of a very high status and are engaged in the service of the nation and the country. Just consider the case of the Unionist Government which has obtained authority over the administration of the whole of the Punjab through the sanction of the general elections, but it fights shy of handing over the administration of the Corporation of Lahore to the representatives of the public and seeks to get the power of nomination. It is a patent fact that nominated members cannot faithfully ventilate the opinions of the people. All they do is to represent the Government point of view. If the Government is going to have nominations, it will undermine the very principle of democracy on the basis of which it came to power.

Sir, when women have refused to be nominated, as Begum Rashida Latif Baji has declared on their behalf, why should we male members of the scheduled castes seek the protection of nominations ? If our wards are carefully constituted, we are sure to capture a large number of elected seats in the Corporation. We have a very large population in the city of Lahore. When we resorted to a strike work in the recent past, we had put the whole of Lahore in a difficult position. We deserve separate wards for elections and given such wards, we hope to be elected in quite a large number. The nominated Achhuts cannot be expected to correctly represent the views of the community. On the other hand, they would become the

gramophone of the Government. If for the purposes of general elections to the Punjab Legislative Assembly wards are constituted on the basis of justice and fairness, the members of the scheduled castes would not be in such a hopeless minority of eight as they are at present. Their number in that case would be much larger than this. I am sure at least 16 members would be ours in that case.

It is a great injustice that out of 68 councillors of the Corporation 17 are proposed to be nominated. If this happens, the views of the public of Lahore will not be truly represented in the Corporation. The principle of democracy will be killed and it will ill-become the capital city of the Punjab. However, if the Government must have nominations in the proposed Corporation, let the maximum number of seats for nomination be eight only. The remaining 60 councillors must come through election so that they may be able to represent the true opinion of the public.

With these words, I support the amendment moved by my honourable friend Mian Muhammad Nurullah.

Sardar Gopal Singh (American) (Ludhiana and Ferozepore, General Reserved Seat, Rural) (*Punjabi*): Sir, I rise to oppose what my honourable friends, Sardar Mula Singh and Lala Harnam Das, have said in favour of this amendment. They were opposed to the nomination of scheduled castes in the Corporation of Lahore. Their argument was that just as other communities were given separate electorates, they too should be given separate electorates in the Corporation. For this reason they were blaming the Government. But the blame does not lie at the door of the Government. In fact it is the caste Hindus who are opposed to separate electorate being given to the Achhuts. They had sent, during the last summer, a number of bogus resolutions to the Government saying that if separate elections were held for the scheduled castes, the former would raise a great hue and cry against it and would move heaven and earth in the Punjab. Now the Government had to give due representation to the scheduled castes in the Corporation and the only way to do so was to fill their seats by nomination. To this my honourable friends are now opposed. They are blaming the Government for reserving any seat for their nomination. If separate elections are not held for the members of the scheduled castes, should they go unrepresented in the proposed Corporation? I would very much welcome the day when the caste Hindus and scheduled castes would come to terms between themselves. If that happens, the Government would be willing to hold separate elections for them (*hear, hear*). They have a very strong case for separate electorates. To all intents and purposes they are a separate community. It is beyond my weak apprehension as to why they are being yoked with the caste Hindus when even the Sikhs are not having joint electorates with them. If the Sikhs who inter-marry and inter-dine with the caste Hindus demand separate electorates and are averse to joint electorates, then what reason is there that the depressed classes whose very touch can pollute the caste Hindus, should be returned to the proposed Lahore Corporation by joint electorates with the latter? The caste Hindus are very much stressing the need of joint electorates for them and the depressed classes. There may be some ulterior motive underlying this political move. So long as the depressed classes do not decide in favour of

[S. Gopal Singh.]

joint electorates with the caste Hindus, they may be given representation on the proposed Lahore Corporation through nomination. But if later on they decide in favour of joint electorates, then the Government can also abide by their decision. At present the best course is to appoint one or two members from depressed classes through nomination. With these words I oppose the amendment now before the House.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural) : Sir, I am at a loss to understand why some of my friends sitting on the opposite benches are so much afraid of this system of 'nomination'. Why do they see red in the very word? Why are they so shy of this system as opposed to the system of election? They have condemned nomination as being not only vicious, but as malicious and pernicious. Every system, whether it be the system of election, or of nomination must be said to have its merits and demerits when very closely examined. Some of the members here, I am very sorry to point out, started, so to say, a relentless crusade against this system of nomination, whether it is considered in connection with the Lahore Corporation Bill or it is considered in connection with the Marketing Bill, in the constitution of the marketing committees, or in the Panchayat Bill, in the constitution of the panchayats, or in the Municipal Act or whether it is considered in connection with the District Board Act. (*Interruptions.*) I was submitting that my friends over there have criticised this system from all points, but it must be said at once that this system has its merits, like every other system. No. 1, as has been rightly pointed out by some members, it gives an opportunity to the local bodies for obtaining expert advice. No. 2, it gives an opportunity to maintain communal equilibrium. And No. 3, as has been discussed already, it gives an opportunity for representation of those interests which are under-represented or which are not represented at all. Applying this system to the local bodies, it has been said that this system has reduced the spirit of local self-government to a mere farce. Examined very closely, you will see that this is not so. It is true that I am merely concerned with the provisions so far as they relate to the Lahore Corporation Bill, but as the matter has been generalised in respect of the application of this system to local bodies, I make one or two remarks in that connection.

I am not a communalist, and I would be the last man to see communal representation continue, but as far as the system exists, I would say that this nomination is a necessary evil. As long as we unfortunately think in terms of Hindus and Muslims, as long as we have Hindu wards and Muslim wards, Hindu *roti* and Muslim *roti* and Hindu *pani* and Muslim *pani*, so long it is essential that this system should continue. I wish to see our province change its angle of vision to-morrow and that our people think in terms of one nation and one country rather than in terms of communalism. They should learn to be Indians first and Punjabis afterwards, to be Punjabis first and Hindus, Muslims and Sikhs afterwards. But that day unfortunately to our shame is going further away from us every day. The more we try to approach it, the more it recedes. Therefore so long as this system continues, it is essential that we should continue the system of nomination because otherwise in a place like Ambala where the Hindu population is

90 per cent you will not see on any local body any Muslim, while in a place like Campbellpur where the Muslim population is 95 per cent, it will be impossible to see a single Sikh or Hindu working on the local bodies there. So far about the general remarks.

The discussion has been narrowed down between the amendment of Mian Nurullah and that of Sardar Bahadur Sardar Ujjal Singh. My friends forget that the Bill has been sufficiently toned down on account of the tabling of the amendments and the nominated element now to be in the Lahore Corporation Bill has been reduced to 13 according to the amendment of Sardar Ujjal Singh. But my friend Mian Nurullah wants that the number should not be more than 8. Some of my friends have conceded that nomination is essential and that resort should be had to it, but now the question has come down to the number of people who have to be nominated. My friends, I am very sorry to add, were very unjust, uncharitable and unfair when they attributed motives to this Government. They said that while exercising its jurisdiction of nominating members, Government will nominate its own favourites and it will take an opportunity in this respect to strengthen its hands as a partisan. I have already stated on a previous occasion that this argument is not only commonplace, hackneyed, worn out, stale and stinking but it is very uncharitable. This Government does not stand in need of having any additional weapon in the form of nomination to establish its power or influence over the masses. It has been said many a time, and I would submit at once that Government should be judged on its own merits by the good which it is doing in its long programme for uplifting and ameliorating the condition of the poor living in rural or in urban areas. This argument, I would request my honourable friends of the Opposition, not to advance any more. Those of my friends who have a little experience of the working of local self-government of the municipal committees and the district boards will support me in what I am now going to say. You know that personal victories in these local bodies are scored in the garb of party politics. You know that in these committees nepotism and favouritism is the rule rather than the exception. It is only this healthy check, this safety valve as you call it, of nomination which keeps the vicious activities of party wrangling in check so far as the working of these local bodies is concerned. My friends there, were complaining that the elected majority is sometimes turned into a minority by the unwholesome influence of the nominated members.

Now I would submit in reply that many a working majority has been turned into a minority by elected members themselves. Referring again to communal representation I would refer you to my own municipality of Gujranwala. There is a majority of Muslims over Hindus, ten to eight, and yet so far as the election of the president is concerned, I have seen it that more than once the Muslim majority has always been turned into a minority because people there do not think in terms of Hindus and Muslims. They take things at their face value, with the result that parties are formed on the basis of merit and not on communal considerations. Therefore where these majorities of elected members can be turned into minorities by healthy influences, there is no harm of having nominated members belonging to one community or other or to one class or another, to maintain the balance of communal wrangling and to keep the scales even.

[K. B. Chaudhri Riasat Ali.]

Again, it was argued by my honourable friend, Sardar Sahib Sardar Santokh Singh and also by Sardar Ajit Singh, that nominated members do not command any influence with the public and as such they should be discarded. Here again I would refer my honourable friends to the local bodies of my own district. Sardar Bahadur Sunder Singh had been the president of the Gujranwalā municipal committee for two terms and he was a nominated member. My honourable brother over there, Chaudhri Nasir-ud-Din, M.L.A., is a nominated member and he commands the confidence of the elected members of his district of which he has been the chairman for more than two terms. Again Captain Raja Abdullah Khan has been the president of the municipal committee of Wazirabad for the third term in succession and he is a nominated member. I would not like to refer to myself, but I myself had been a nominated member and also the president of the Gujranwala municipal committee. Excluding myself, I have quoted instances of three persons who had been not only nominated members but had commanded influence. So far as Chaudhri Nasir-ud-Din is concerned he was returned unopposed as Chairman of the district board. This means that the argument that these people entered by the so-called back door to certain local bodies and do not command influence, falls to the ground and should be discarded as fallacious. My friends must have come across some rotten stuff.

Another argument which was advanced by the Leader of the Opposition was that such a provision did not exist in the Acts of other provinces. He admitted of course that in the very beginning the nominated element was there, though it disappeared later on. Now so far as this Bill is concerned we are also beginners and there is no harm if this nominated element is there to represent certain interests. He told us that except in Madras, the system of nomination has been wiped out in other provinces. Now in the first place I would remind him that conditions vary not only from province to province, from district to district, from tahsil to tahsil, but sometimes from village to village. The political thermometer of one province reads very high, while that of the other records lower. Therefore we have to see to the political necessity and the political feelings prevailing among the masses residing in the various provinces. The needs of one province differ from the needs of another province. One man's meat is another man's poison, as the proverb goes. Therefore we have to take into consideration the needs of our province. Therefore the rule that a certain provision exists on the statute book of one province and it should also exist on the statute book of another province, does not hold good. As I have said in the beginning we should refer to the Acts in force in our own province rather than the Acts existing elsewhere. I referred to the District Boards Act, the Punjab Municipal Act, the Marketing Act and other Acts and so far as our Acts are concerned, Government and the people have always recognised that this system of nomination is not only useful but indispensable.

Another thing which was said by one of the members on the opposite benches is that it is strange to bring in this provision of nomination in this 20th century. Now I would only refer him to one thing. In this 20th century a very relentless crusade is raised against democracy, against what freedom and liberty stand for. Of course this is only a passing remark and

I refer to the horrible war. When we see how the powerless neighbours are ransacked and how they are oppressed and when we see how the people are effacing the very name of liberty and freedom from the face of the globe in the 20th century it is not very surprising if we see this little system of nomination provided in our statute book. With these words I support the amendment of Sardar Bahadur Sardar Ujjal Singh and oppose that of my sister Bajji.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (*Urdu*): Sir, so far as the principle of nominations is concerned we are out and out against it. I fail to understand when the Provincial Legislature can acquit itself creditably without the aid of any nominated member. why, local bodies like municipalities and district boards will not be able to do without them. At a time when all people demand the right to elect their own members, our Government wants them to take a step backward by adhering to the old detestable principle of nomination. Even if we concede that the Government is anxious for the smooth and efficient working of the Lahore Municipality more than its inhabitants, it cannot be gainsaid that by insisting upon including a large nominated element it is stultifying the very object of the Corporation. I do not see any good in having a certain number of nominated councillors on the Corporation, even when it is intended to provide representation to a certain minority. Such representation can be wholesome only if the representatives enjoy the confidence of the electorate and thus aid the establishment of democracy in the country. Nomination is needed only where there is no possibility of a representative of a certain minority succeeding at the polls; otherwise all the members so far nominated to represent special interests or communities have failed to serve their particular interest or community. Barring a few exceptions, nowhere have they been able to perform their duties with any success, because after all the decision rests with the majority. I, therefore, beg to submit that the cry of providing representation to special interests or communities by nominations is a mere camouflage. If at all, nomination can serve a useful purpose only when it is intended to bring in experts and technicians for technical advice. As my honourable friend Mian Muhammad Nurullah also stated this would be the only laudable reason for making nominations, on a very limited scale of course, to any local body

Then my honourable friend Khan Bahadur Chaudhri Riasat Ali has cited the case of the Gujranwala Municipality and has tried to prove that nomination has been crowned with success there. True, but he seems to forget that Gujranwala is one of those few districts where communal differences are at their lowest ebb. Moreover, it is one of those progressive districts of the province where the experiment of having a non-official president was tried first of all. This spirit is lacking in most other districts and that is why we urge against nominations. If all districts were like Gujranwala it would make no difference whether the members of the local bodies there were elected or nominated. But on principle it is against the smooth running of our local self-government as well as against the prospect of a progressive realization of self-government by our country as promised by the British Government, to fall back upon a method resorted to by beauracacy for furthering its own ends. Notwithstanding the fact that we have

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time and again protested against this retrograde step, the Government remains adamant against all our amendments to that effect, however reasonable they might be. The Unionists insist on hampering our progress by introducing the nominated element against our wishes. The efficient working of the provincial Assembly without the aid of even a single nominated member is a clear proof that all local bodies can also do without them but here all our protests fall on deaf ears and in the words of Ghalib :

کوئی امید ہو نہیں آتی۔ کٹر صورت نظر نہیں آتی۔

It is like wasting words on one who does not want to understand what you are trying to make him understand.

In the end I urge upon the Government the desirability of reducing the nominated element to its barest minimum and strongly support the amendment moved by my honourable friend, Mian Nurullah.

Rao Pohop Singh (East Punjab, Landholders): Sir, honourable members on this side of the House as well as Baji Sahiba have raised vehement objections against the provision of nominated councillors in the Corporation. Their objections are mainly based on principles of democracy. They have argued that this House is composed entirely and exclusively of elected members and there is no justification to have nomination in the Corporation. Sardar Santokh Singh has said that there is no nominated element in all the Corporations in India except that there are three *ex-officio* members nominated in Bombay and some 8 or 10 councillors nominated in Calcutta Corporation to give special representation to some certain special interests. As far as democratic principles in abstract are concerned, this reasoning appears to be quite sound, but the honourable members forget that democratic institutions have always grown by stages. These principles to be followed to their full extent have a basic background that the electors and constituents understand these principles well, they realize their civic and political responsibility and can exercise their votes in such a manner as to choose men who will truly protect their rights and advance their interests. With the growth or increase of political consciousness, the elected element will also increase. Well, Sir, it would be very difficult or impossible to give even the outlines of constitutional growth in England, but even a casual reader of the constitutional history of England knows that representation by election was very meagre in the beginning and it took people of England many centuries to wrest their rights from their kings through sacrifice and to reach the constitutional stage in which they find themselves to-day. Our own constitution also has got its history. First came the Minto-Morley Reforms in which representation through election was extremely meagre and simply nominal. Then came the Montford Reforms in which representation through election was much greater, but nomination still remained. Now we have our present Government of India Act and we find that there is no nominated element and the members are all elected, and we aspire to-day to get dominion status in the near future, when we expect that the powers of the central and provincial legislatures would be almost unlimited and unfettered. In the case of Corporations too we find that in the beginning there was a nominated element in all of them. In Bombay the nominated element was 50 per cent of the total

number and in the other Corporations too the nominated element was much larger than 25 per cent. We will get, or Lahore will get, a Corporation for the first time, and it is not a new thing that nomination should appear in the Corporation in the beginning. It may be said that Lahore had a municipal committee for a long time and the citizens of Lahore are trained in the art of local self-government and that they have imbibed the spirit of civic responsibility. There is no doubt that at times the Lahore Municipal Committee worked exceedingly well. You will please excuse my personal reference when I say that the Lahore Municipal Committee did a great deal well when you were its President (*hear, hear*) though some persons wantonly accused you of communal bias. But the state of affairs in the time of the last Lahore Municipal Committee was simply deplorable. The administration was grossly inefficient and the members grievously lacked a sense of civic responsibility. They quarrelled on the appointments of Health Officer and Engineer. They had not the courage to impose any tax in order to raise money, which was badly needed. They created a deadlock, which culminated in the supersession of the Lahore Municipality. Mian Abdul Aziz and some other members accused time and again Dr. Sir Gokul Chand Narang for having issued orders for the supersession of the Lahore Municipality, but I maintain that the state of affairs was such that any person whosoever he might have been, who was at the head of the affairs at that time, must have issued those very orders. It may be said that the citizens of Lahore had learnt a lesson, because three or four years have passed since the supersession. But we heard a few days ago Mian Abdul Aziz saying on the floor of this House that 90 per cent citizens of Lahore were against the imposition of house-tax, as provided in the Bill and he claimed that the Government should not make it obligatory on the Corporation to impose that house-tax at no less than 10 per cent of the annual value. We know, Sir, that no civic life and amenities are possible without taxation. Even men like Mian Abdul Aziz, who had been for some time the President of the Lahore Municipality, have got such notions about civic responsibility and when they also speak against taxation, which was the cause of the deadlock in the last Municipal Committee, is it not incumbent upon Government and the members of this House to see that a constitution is made under which the Corporation would at least work fairly well? Sir, if the citizens of Lahore have not yet realized or have given up that sense of civic responsibility, is it not desirable that some persons of sound judgment and sane opinion be brought in through nomination who will, when occasions come for such a dead-lock, place before the Councillors of the Corporation, the right views and right opinion in their true perspective? They may hear them, or they may not hear them. On one side again, Sardar Santokh Singh declared that this side of the House was capable of enacting that all the members of the Corporation should be nominated. He wanted to convey that this side of the House was capable of framing unjust and unfair laws. But I would ask him whether these members are elected or not, and while he was so much enamoured of election, he condemned elections outright when he was pleased to make those remarks. According to him even the majority of elected members could make unjust and unfair laws. I would say, Sir, that so far as this party is concerned, they are actuated by motives of doing the greatest good to the

[Rao Pohop Singh.]

greatest number, and their past record amply proves it. But there is some force in what he has said that elections are not the sure test and that proper and best persons would always be elected. We have here, for instance, members representing labour constituencies. While they were speaking on this very clause on a previous occasion, they complained that the Chamber of Commerce had two representatives, but the Traders' Association of Lahore was not given a single seat and they were very vehement in demanding a third seat for the Traders' Association of Lahore. Some members on this side reminded them that they were representatives of labour and that they should say something about labour, but both of them did not say even a word regarding the labour seat. I would submit that Baji Rashida Latif very frankly declared in this House that you are reducing the elected element and this means that you are depriving the poor people of some money as elections afforded an opportunity to poor people to take something out of the rich persons. What she said was that because the people yet do not understand the value of their votes, they would give it for a drive in the car or for some sweets or for a small gratification to any person who stands for election and this proved to be true in the case of these labour constituencies. So, I would submit that even this also has got some force in it that election is not a sure test that proper persons will be elected.

Again, take the case of the scheduled castes. These persons are scattered in the whole city. It is very difficult to make a constituency; and if a constituency is made, because they are very poor, some rich person would come forward and would be elected. Sometimes people who are elected by popular votes, through some personal motives, leave the interest of their party and sit on the benches which are detrimental to the interest of those persons, who elected them. For instance, take the case of the scheduled castes they are a minority, they are a down-trodden people. People who have got vested interests and who have devoured the share of other persons might sit in the opposition so that they might come on the other side some day, but the scheduled caste representatives, who are down-trodden, would sit on the side of the opposition. That is a fatal thing for a minority and yet they would sit there and would do so against the wishes of their constituents, against the best interests of their constituents and electors. They might for some whimsical reason sit on the other side. These are the defects of election. They are sitting with the minority, a minority which has got vested interests, who were in power, and who have devoured the share of others. (*Interruptions.*) I submit that even election is not the sure test that proper persons would be elected. Under these circumstances, I would say that in order to ensure that the Corporation should work well, in order to ensure that some persons, who would not like to undergo the worry and botheration and expense of elections, may be brought in to give sound advice to the councillors, to give some representation to some special interests, to some special constituencies, nomination is very desirable and necessary at this stage. Therefore, I would oppose the amendment of Mian Muhammad Nurullah and would support the amendment of Sardar Sahib when it comes.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I would also like to support this amendment that has been moved from this side of the House.

But before proceeding with my speech I want to deal with the remarks that my honourable friend Rao Pohop Singh made during the course of his speech. If his remarks are true, then India is really unfit for *swaraj* for which we are all clamouring and for which the various political parties in India are working day and night. Let us consider what he said. His remark was that elections were not a sure test of public opinion. Now if it is impossible for the public to send its true representatives through elections, then the whole edifice of democracy falls to the ground. The efforts of the British Parliament, the Congress, the Muslim League and the Hindu Sabha are all in vain, because they too are based on the principle of elections. The ultimate aim of us all is that India should be governed by the elected representatives of Indians themselves. If that demand is not correct, what other justification can there be for *swaraj*? Why are we having elections in the local bodies like the district boards, the municipal committees and this Assembly? Let us take the case of the Lahore Municipality which the Government says was superseded on account of its members being incapable or inefficient. I would repudiate that suggestion with all the emphasis that I command. I remember having once enumerated the names of some of the members of that committee in order to show that they were all capable and learned people. Almost all of them were the masters of their respective professions. They were experts of their respective trades and were men who represented varied walks of life. But the question arises as to why they were unable to carry on the administration of the Lahore Municipality smoothly. I would reply to this argument by taking the example of the Punjab Assembly. May I ask if it is due to the inability or inefficiency of the Honourable Sir Chhotu Ram, Diwan Chaman Lall, Chaudhri Krishna Gopal Dutt, Sir Gokul Chand Narang or others that they sometimes quarrel between themselves? It is never, in my opinion, due to any lack of learning or ability that they quarrel. It is due to a conflict of their principles or due to honest difference of opinion. When the principles of one clashes with those of another, a dispute naturally arises and it can never be taken to mean that the two persons are incapable or inefficient. So let it be with the municipalities. Differences of opinion are bound to exist and hence the clash. It is wrong to argue that local bodies elect inefficient representatives. It is further wrong to proceed on this basis and replace elections by nominations. I am very surprised to hear my honourable friend Rao Pohop Singh making remarks which strike at the very root of democracy. There are differences here too. But we never ascribe them to the system of elections. We daily move amendments and when they are turned down, we remain quiet and accept the opinion of the majority. But we have got the right to ventilate the views of the public as we are their representatives. Now if the Government replaces the elected element by nominated element, the public will remain unrepresented, because the nominated members will dance to the tune of their nominators, that is the Government. It is on this account that we are opposing nominations in the Corporation.

Now that the principle of nomination has been absolutely discarded in the case of this honourable House, there is no reason why it should be maintained so far as the local bodies are concerned. I am against nominations *in toto*. It has been said that the principle of nomination has been

[L. Sita Ram.]

maintained in the case of the local bodies, etc., in order to safeguard the interests of minorities by nominating their members to them. That is very good. You can reserve one or two seats for the scheduled classes and one or two for labour or some other classes. But it is not necessary that their representatives should come in only through nominations. They can be very conveniently returned through election.

But the real intention points to something else. We know that the municipal area of Lahore has been considerably increased and many villages have now been included in it. This has been done in order to bring in the proposed Corporation members from rural areas so that the zamindars could secure a majority in the Corporation. It was with this purpose, we now understand, that the municipal limits of Lahore were extended. But it did not end here. Now the Government wants to secure this objective by introducing the nominated element and one can safely predict that the nominated members will be in the pockets of the present zamindar Government. Otherwise what was the need of maintaining the principle of nomination? If the representatives of the public can form a Government and can run the administration of a province as big as the Punjab itself, then why cannot in the case of the proposed Lahore Corporation, the representatives of the people be expected to run the affairs of the Corporation without the help of the nominated element? Instead of conferring more powers on the people you are taking away those that have already been conferred on them. And when you say that you have more confidence in a nominated member than in an elected member, or when you say that you can trust the Chief Executive Officer more than the Councillors of the Corporation you exhibit your slavish mentality. (*Interruption.*) Yes, I am an honorary magistrate. When I am doing the work of a magistrate I discharge my duties as an honest magistrate, and when I am in this House discussing a matter, I discuss it according to my conscience dictates. I have never sold out my soul in any case. When I see that Government is right, I am with the Government, but when I find them going against my principles, I shall certainly oppose them. Reverting to the discussion I say, Sir, that the real question is whether this step of the Government is progressive or retrogressive. It is certainly a retrogressive step and the Government has ignored to look at it from this angle. Previous to their forming the Government the honourable members on those benches always opposed the principles of nomination, but now that they are in power, they have changed their point of view and are now in favour of nominations. Similarly they were, at one time, against the placing of executive officers at the head of local bodies, but now they have turned right about like the weather cock. They would now prefer to put executive officers at the head of local bodies. It will not be out of place to mention here that one more reason for the supersession of the Lahore Municipal Committee was that the then president could not bear that most of his powers should go in the hands of the executive officer, through whom the Government wanted to keep the Committee solely under their thumb. Now the same thing is going to be repeated in the coming Corporation. The Government again shall be the master ruling over us through their appointed Chief Executive Officer, of course. With these words I support the amendment now under consideration.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : Mr. Speaker, I very much regret that on account of my indisposition during the last fortnight I have not been able to take my due share in the discussion on this most important Bill. I consider it a piece of good fortune that I am in a position to-day to take some share in the discussion which is centering round this pivotal clause of the Bill, namely, clause 7, which deals with the constitution of the Corporation. It appears to me that when this Bill was originally introduced in the House, the Government was certainly more fair in its statement of the case than it is to-day after the Bill has emerged from the Select Committee. In the original Bill the Government was honest enough to say that in this corporation, which shall consist of 68 members, only 45 shall be elected members, 6 shall be other members, not exactly nominated but more or less nominated, two nominated on behalf of the North-Western Railway and on behalf of the Trustees of the Lahore Improvement Trust and 4 elected by public bodies, such, for instance, as the Punjab University, the Indian Chamber of Commerce, the Northern India Chamber of Commerce and the District Board, and 17 full-fledged absolutely nominated members. Now, in this Bill, as it has come from the Select Committee, what do we find? We find that this Government has been bold enough to state in the opening part of this clause that the elected strength shall be not less than $\frac{2}{3}$ ths. In other words, the Government would have the public believe that they have raised the strength of the elected element from about 66 per cent in the original Bill to 75 per cent in the Bill as it has emerged from the Select Committee. A moment's consideration will show that this statement of the Government that 75 per cent shall be the elected strength of the Corporation is certainly not true and is terminologically an inexactitude. I put it to the Honourable Minister, who is facing me, can he honestly say that a member chosen by the North-Western Railway administration is an elected member? In this elected strength of 15 per cent, are included 45 members elected by wards constituencies as in the original Bill and 6 others which in the original Bill were not included in the elected strength. I put it to the Honourable Minister, can he honestly state on the floor of the House that these 6 members, who were originally not included in the elected strength of the Corporation, but have now been included in the elected strength of the Corporation, are really elected? Can members who are going to be chosen by the North-Western Railway administration and by the Trustees of the Improvement Trust by any stretch of human language be described as elected members? May I ask him what is the constituency that he has framed in his mind or possibly in his room, what is the constituency, for the North-Western Railway administration, for instance? Similarly, I put it to him, is it at all fair, is it at all honest to state before the public that a member chosen by the Trustees of the Lahore Improvement Trust shall be deemed to be an elected member? Is it not true that the Trustees of the Lahore Improvement Trust are all a nominated body, nominated by the Government? Then, is it the intention of the Honourable Minister that a person who is elected by a nominated body can really be called an elected member of the Corporation? I lay emphasis on this part of the case to show that the Government has, at any rate, realised that it is wrong really to start with an elected strength of about 66 per cent and with a view to delude the public, they have actually stated in th

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clause that the elected strength of the Corporation shall be 75 per cent. As a matter of fact, the elected strength is exactly the same as it was in the original Bill. Only by a sort of camouflage the Government have included these original 6 nominated members in the strength of the elected element of the Corporation. Coming to the other part of this clause, the Government originally fixed 17 as the strength of the nominated element in the Corporation. In the Bill as it has come before us from the Select Committee the nominated strength remains the same, namely, 17 in a house of 68. I put it to the Honourable Minister—I hope he is not leaving his seat—kindly to let us know his precedent for this constitution. There are already functioning in this country a number of Corporations. There is the Corporation of Calcutta, there is the Corporation of Bombay, there is the Corporation of Karachi, there is the Corporation of Madras and there is the Corporation of Rangoon. May I ask the Honourable Minister kindly to let this House know what is the strength of the nominated element in the Corporation of Karachi, the Corporation of Calcutta, the Corporation of Bombay, the Corporation of Rangoon and the Corporation of Madras? I ask this particularly—not that I am not aware of the fact that the nominated element has practically disappeared in the constitution of these most important Corporations—but I am mentioning this fact because the other day the Honourable Minister was pleased to tell the House that for some of these most reactionary provisions that figure in the Lahore Corporation Bill, he has got precedents. The House will remember that with reference to clause 52 in which extraordinary powers were given to the Chief Executive Officer, the Honourable Minister was pleased to tell the House that these extraordinary powers, undoubtedly they are very extraordinary, were not for the first time introduced in the City of Lahore Corporation Bill and that he has actually taken that provision from the Karachi Corporation Act. He is quite right in saying that there is a provision like clause 52 of this Bill in the Karachi Act, but is the Honourable Minister aware that in the Karachi Corporation Act the Chief Executive Officer is appointed not by the Government, as the Chief Executive Officer of the Lahore Corporation will be, but he is appointed and re-appointed by the Corporation, and if that is so and if that Chief Executive Officer of the Karachi Corporation is appointed and re-appointed by the Corporation itself, I put it to the Honourable Minister does it not follow that those powers analogous to clause 52 entrusted to the Chief Executive Officer are really powers entrusted to a person who is in every manner subject to the control and the authority of the Corporation and it is obvious that such a Chief Executive Officer will be the last person to dare to refuse documents, files and other papers to the Corporation? It is like a dead clause in that Bill. He has taken that most reactionary clause from that Act without telling the House the difference in the two positions. In the Lahore Corporation the Chief Executive Officer is going to be appointed and re-appointed by the Punjab Government and the House can very well understand the powers which this Executive Officer will exercise *vis-a-vis* the Corporation which has no sort of control over him and cannot appoint and re-appoint him. Now as he was pleased to tell us that he has taken the Karachi Act as his model for clause 52 I want to know which is that Corporation Act which he has selected as his model for the purpose of clause 7; and if it is true that no other Corporation in India has any nominated

element, with the exception perhaps that in Madras there is a provision for a few experts to sit and attend the House but without the power to vote—wherever there is a provision for experts it is equally provided that these experts shall not be allowed to vote—it follows that the Lahore Corporation Act is the solitary instance in which nomination has been retained for filling seats. Similarly in the Bombay Act there are three ex-officio members in a house of 150 but there is no nominated element in the Corporation. Karachi which originally began with a nominated element of a few has completely eliminated now the nominated element from the composition of the Corporation. Therefore if the Honourable Minister has studied the various Corporation Acts I want to know from him which is that Corporation Act which he is following for the purpose of clause 7.

Now I come to the third position. Why has he taken for his Government such a big slice of the composition of the House and why is he fond of nominating 17 members in a house of 68? These 17 members shall be in addition to the other 6 members, the majority of whom are bound to be persons who will share their fortunes with the fortunes of the Government. The House will agree with me that the person chosen by the Trustees of the Lahore Improvement Trust will be merely a nominated member. The House will agree with me that a person chosen by the North-Western Railway administration will be merely a nominated member. Personally I have no objection to a member being returned by the district board or a member being returned by the Senate of the Punjab University. I even go so far as to say that I have no objection even to persons who are elected to represent the trade and commerce of the Punjab, but I am entitled to know what will be the constituency for the trade and commerce of the Punjab which shall enjoy the franchise to elect that member. The Bill is silent. I therefore feel sure that even those persons who will be chosen to represent the trade and commerce of the Punjab will be more or less in the position of nominated members. Therefore it comes to this that it is not only 17 members in a house of 68 who will be nominated, but the Government will have really the power to nominate more than 17 persons in a house of 68. Now 17 in a house of 68 is a very large number in the year of grace 1941 and particularly after having enjoyed 4 years of provincial autonomy under a constitution which has completely eliminated not only the official but the nominated bloc from the composition of the House. I consider it a most unfortunate fact that the present Government should have really taken upon itself the responsibility of coming forward with a most retrograde provision of this kind. Nominations are absolutely doomed in the world to-day. Whatever purpose nominations might have served during the past, to-day they are certainly out of date. It is really very sad that a provincial Government constituted under the autonomous provisions of the Government of India Act should enact this provision. The responsibility for this is the Government's; and I have not the least doubt that a time will come—three years, four years or five years do not matter in the life of a nation—when this Government will be called to account for this. It is really very sad that a Government which is supported by an elected bloc should resort to this antiquated weapon taken from the armoury of dead bureaucracy. I entirely support the Opposition in the amendments it has tabled and I really regret that this

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Government should persevere in its course of keeping the nominated strength of the Corporation at 17.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*) : Sir, we have already had a very bitter experience of the attitude of the Government in respect of the suggestions made from this side of the House. Even the most reasonable and useful amendments have been rejected summarily and unceremoniously. (*Pir Akbar Ali* : Then why take the trouble of moving any more ?) It is our duty to put forward the views of our constituents and we have to perform that duty in spite of the most unreasonable attitude of the Government. This is the most important clause in the Bill and the working of the Corporation will depend on it. That is why we request the Government either to do away with nominations altogether as has been suggested by Baji Sahiba or else to reduce the nominated element proposed in the Bill. Even if you must have the nominated element at all costs, it should not be as much as one-fourth of the total strength of the Corporation.

Another thing which I wish to point out is that no schedule of the wards or constituencies has been appended to the Bill. We find that the constituencies of this Assembly present a strange study. Some of the constituencies consist of as many as thirty thousand voters while others have no more than five thousands. Again, there is a constituency consisting of only nine voters. Our fear is that similar tricks will be played in the case of the Corporation and the wards will be constituted in such a manner as would enable the party in power to get their own men elected to that body. In that case not only will there be a large army of nominated members under the thumb of the Government but even the elected members will be no better than nominated. My honourable friend Malik Barkat Ali has already explained the position of the Corporation when there will be 17 nominated members and 6 representatives of special interests. Now we find an amendment standing in the name of one of the Parliamentary Secretaries, Sardar Ujjal Singh, to reduce the nominated element by two and I do not know whether he is going to follow my honourable friend Sayed Amjad Ali Shah who gave notice of about 50 amendments but did not move any one of them. Any way, even this amendment is not going to make any appreciable improvement in the clause.

Now reverting to the question of the nominated element, I want to put it to the Honourable Minister that when the Government of this province is being run so ably as alleged by only elected members, several of whom have had no experience of any legislature or local body, why should he suppose that the affairs of the city of Lahore, which is comparatively of much smaller area, cannot be properly administered by the elected representatives consisting of the intelligentsia of the Province ? The need for having experts on the Corporation and giving representation to this interest or that is nothing better than a lame excuse. How many experts have you got in this Assembly ? Then what is there to prevent you from reserving some of the elected seats for experts, for women and for the scheduled castes ? Again, the argument that the nominated element will exercise a wholesome influence on the working of the Corporation also does not hold water. You will have so many powers under this Act that the Corporation will be only a puppet in your hands. Whenever the Councillors are found

going astray you can at once use those powers and make them behave like good boys. Under these circumstances, there appears to be no reasonable necessity for having the nominated element at all. It may, however, be argued that the experts will not like to go through the botheration of elections. In that case you should have no hesitation in accepting this amendment which gives you eight seats to be filled by nomination. You can have two or three experts and the remaining seats may be given to other interests which may be found unrepresented in the Corporation. I may also point out that generally two methods are adopted for the selection of members in municipal bodies, namely, election and nomination. But so far as this Bill is concerned, we find a new method of selecting people as councillors of the Corporation. In parts 2, 3, 4 and 5 of sub-clause (a) of clause 7 quite a new word has been used and I think it has been coined or invented by the Government for the Lahore Corporation only. That word is "chosen." I am at a loss to understand this point at least that when the word "elected" could have been incorporated there, why this word "chosen" has been put down. Moreover the word "elected" seems to be more reasonable and clear than the word "chosen". And so far as I know the word "elected" existed into the original Bill. But afterwards when it came back from the Select Committee we found that particularly for four constituencies the word "chosen" was substituted in place of the word "elected" and it was done by the Government perhaps with some ulterior motive at the back of their mind. And I am sure that it would have been done with the consent of the higher circle and the wire pullers of the Government. (*Interruptions.*) It was but natural that we suspected the intentions of the Government on the substitution of the word "chosen" in the Bill which we have never heard before so far as the two methods of selecting people, that is, election and nomination, are concerned.

I want to make another submission and that is this. As some of my honourable friends on this side of the House have already said, the Honourable Minister in charge seems to have picked up only those clauses from the Acts passed in other provinces which, he thinks, are beneficial for the Unionist Government. I submit it is perfectly correct. And on seeing this attitude being adopted by the Honourable Minister, I have been reminded of an instance and that is this. It is said that once some asses were required in an army. People took some mules to the army and the mules said that they did not belong to the race of asses as they were horses. It so happened that the same army stood in need of some horses. People took the same mules to the army. But to their surprise the mules claimed themselves to be asses and said that they were not horses. May I point out that similar is the case with our Government who while supporting their arguments make references time and again to the Corporation Acts of other provinces like Madras, Karachi and Bombay. But when we find some loopholes in this Bill and ask the Honourable Minister in charge to amend them in the light of similar Acts of other provinces he replies to us in an evasive manner and says that the circumstances existing in Lahore are quite different from those of other provinces where Corporation is in force. I do not know which strange circumstances are existing in our province which are so often referred to by the Unionist side of the House. After all the Government of India Act is there and it is applicable to every province in

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India. The rules are the same everywhere. I, therefore, do not understand this fallacious argument of Government that the circumstances existing in this province are different from those in Calcutta, Madras, Karachi and Bombay. As I have already submitted, I do not want to repeat that there is absolutely no nomination in the Corporations of Bombay and Madras and so far as the Corporation of Calcutta is concerned, only eight seats are nominated and even those have been provided according to the percentage.

Malik Barkat Ali : And out of eight five are given to the scheduled castes.

Mian Abdul Aziz : Yes, If this Government out of 17 nominated seats, had given four seats to the scheduled castes, we would not have objected to it. I wonder why Government is taking so much power of nomination in its hands. May I submit that it is believed that the intentions of Government are not honest and sincere and that there is something like "*dal men kala*"? Why is the Honourable Minister providing so many nominated seats in the Corporation? I can well understand the reason and I can see through this game all right. As some of my honourable friends from this side of the House have already thrown sufficient light on this point, I need not dilate upon it any more. But so much I must say that as no schedule with respect to constituencies has been appended to the Bill, we fear that a trick will be played on the people of Lahore at the time of preparing that schedule, and it is no use denying the fact that a dodge is being played by Government on the people of Lahore by such unheard of provisions in this Bill.

Besides, in 1937 when the present Unionist Government came to power, they allured us by saying that they would put forward a Corporation in the legislature. We went on waiting till in October, 1939, that is after two and a half years' waiting, this Government came out with this Bill. Then this Bill came to this House from the Select Committee after another year and a half. Fortunately or unfortunately it happened just by chance that the other day when an amendment was moved by my friend Sardar Ujjal Singh, we got an indication from Government to the effect that this Bill will not be put into practice till 1949. Why all this delay? I therefore submit with due respect that Government should not delay a Corporation for Lahore; otherwise it would be mere waste of time and money of this province. May I again submit that I will not join issue with Government provided they are prepared to expunge those provisions from the Bill which mean the negation of the civil rights of the people? If they are prepared to take four, five or six councillors on special constituencies by nomination I would not mind so much. With these few remarks, Sir, I support the amendment.

Before I resume my seat I would like to say a few words with regard to the arguments advanced by my honourable friend Rao Pohop Singh. I wish my friend were a member of the Lahore Municipality. I am sure he would not have advanced such fallacious arguments if he had had an experience of the Lahore Municipal Committee. He has accused the municipal committee of corruption. May I ask my friend to name a single department working under the Governmen

which is free from this evil and where there is no corruption and where files are not destroyed intentionally? Will he be pleased to mention a single department of the Unionist Government where favours are not shown? My friend may say on the floor of the House whatever he likes, but so far as facts are concerned, nobody can deny that things have taken the worst shape during the present regime. Corruption has increased, and you will find favouritism and nepotism almost in every office. When this is the condition and when germs of corruption, favouritism and nepotism are found in every Government office, I do not understand how my friend Rao Pohop Singh can be justified in bringing this charge against the municipal committees. May I in this connection ask the opinion of the Honourable Minister of Education? He has been President of the Municipal Committee of Ludhiana and will be able to say on the basis of that experience if a large nominated bloc in a local body is really in the interest of the public or in the interest of Government only. I ask his honest opinion about this important matter. It is his personal opinion that I want and not his opinion as a member of the Unionist Government which he must support at all costs. Does he really like such a large number of nominated seats in the Corporation of Lahore?

Besides, I am grateful to my honourable friend, Sardar Santokh Singh who just reminded me of another incident and it is this. When the Executive Officers Bill was under consideration, the then Minister in charge of the Bill had called a meeting in which the Honourable Mian Abdul Haye was also present and he strongly condemned the principle of nomination in the local bodies. Has he changed his opinion now?

Minister for Public Works : Is there any harm in getting wiser by experience?

Mian Abdul Aziz : We have had sufficient experience and if we are going to have this experience from the present Unionist Government, then I think we are nowhere. Lahore is doomed. It is already mortgaged for a century or more. I would wish you make it part of Egyptian ports.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I have got up to say a few words so that my position might not be misunderstood and also because I want the Lahore people to understand where they stand or where they will stand under this Bill when it becomes law. Let me say at once that I am not in favour of nominations at all. I am supporting Mian Nurullah's amendment because though it does not go the whole hog, it is a good compromise between no nominations and some nominations and I think it is a reasonable amendment, eight members out of 68 to be nominated, added to the six who will also practically be nominated, at least five of them. This nomination would be quite sufficient. One can understand the utility of nominations where the question is how to make up communal inequalities. That question arises only where there are joint electorates and seats are not reserved for any community at all. Take the case of district boards, for instance. In the case of the district boards of the Punjab, no seats are reserved for any community and the electorates are joint. Why they were kept joint in the case of the district boards is a very thorny question and it might be painful to some people if any criticism in reference to that question were to be made

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here. I am only stating a fact, that in the case of the district boards a system of joint electorates prevails and no seats are reserved for any community. Now it sometimes happens that one community does not get representation which is commensurate with the strength of its population. For instance, in the Rohtak district the Muslims may not be able to get that amount of representation to which they are entitled on the basis of their population. The same may be the case in Hissar or Gurgaon or Karnal and possibly also in Kangra. Take also the case of the district to which my honourable friend over there has the honour to belong or which has the honour to have him as one of its residents, the Hindus may have no representation at all there by election and in probably two-thirds of the Punjab the Hindus may not have any chance to get either any representation or adequate representation. Therefore, nomination in the case of district boards is perfectly justified unless the system of electorates is changed and seats are reserved for communities. But the powers that were at the time when the system was introduced did not think it proper or advisable, for reasons best known to them, which of course we can only guess, that the system of separate electorates should be introduced in the district boards. But in the case of municipalities, as you know, with very few exceptions the system of separate electorates prevails. In any case in Lahore the system of separate electorates has prevailed ever since the reformed councils came into existence. In this case, therefore, there is no fear of any communal inequalities. Seats are reserved for communities and the members of those communities are called upon to elect members to fill those seats and a formula has been adopted which has been acted upon for the last 20 years, by which each community is entitled to a number of seats on the basis of the average of population and voting strength. Now if a community in Lahore can secure seats which are commensurate with the average of its population and voting strength, it has no further grievance, so long as that formula continues to be enforced and the elected members of one community cannot in any way be influenced by members of other communities. They get seats which are reserved for them and those seats are secured by their own votes. Therefore, they can have no grievance at all. No question of making up communal inequalities arises so far as the Lahore city is concerned. Therefore, my submission is that so far as Lahore is concerned, there is really no justification for keeping any nominated seats. Apart from all the arguments that have been given, I can speak from personal experience that the system of nominations leads to a great deal of demoralization. For one seat to be filled by nomination, there are sometimes a score of candidates and all sort of pressure is brought to bear on the Minister. Perhaps some of these honourable members are not aware of the system that is adopted for filling up nominated seats. The candidates for nominated seats have first to go to the Deputy Commissioner and secure his recommendation. Then they have to go to the Commissioner and secure his recommendation. Then they approach the Minister and they have to secure his recommendation. I call it 'recommendation,' because under the system that prevailed before the supersession of the Lahore Municipal Committee, the Minister was not fully authorized to nominate any one he liked. A very wrong notion prevailed among the people and even I, before I got into that office, was under the impression that it was the Minister who nominated people to the nominated

seats. It was found to be entirely wrong. I was surprised when I found that even in the time of the late Mian Sir Fazl-i-Husain, the Minister was not fully authorized, so far as nominations to the local bodies were concerned. Every case had to go to the Governor and no one could be nominated unless the Governor had given his assent. It is quite true that in most cases, the Governor did agree to the recommendations of the Minister, but there were some cases in which the Governor did not agree to the recommendation of the Minister who, I say, in practice had to be guided by the Governor, unless he was prepared to resign over this very question. Now, if to secure nomination a person has to approach four authorities, you can very well imagine what demoralization must set in among those who aspire to nominated seats. In order to secure the recommendation of the Deputy Commissioner, they have to approach junior officers, so that they might speak to the Deputy Commissioner and then they have to approach some one who can approach the Commissioner and then they have to approach some body who can approach the Minister and even then they are not sure that they would be nominated. And I can tell you, and the Minister should listen to it carefully, it is a bed of thorns and by no means a bed of roses for the Minister who is in charge of local Self-Government when he is called upon to make nominations. I did not make so many enemies by any other means as in this matter of nomination (*Laughter*). I never gave any offence to any one deliberately.

Minister for Public Works : تان سادے دشمن بن دیو-تہانو کی ہے جے گز دتیا
کوئی ودائے تے زہر دین دی کی ٹوڑ ہے۔

Dr. Sir Gokul Chand Narang : But so far as nomination is concerned, I confess I must have made a large number of enemies. It is a great-
nuisance to receive visits from aspirants for nomination. Day and night, letters from friends, letters from relations, letters from various officers and so on just for the sake of nomination to a municipal committee. It is the biggest nuisance for a Minister in charge of Local Self-Government to experience and I tell you that one of my best friends in the last Council became my enemy simply because I was not successful in nominating a gentleman to the Lahore Municipal Committee who had been recommended by him. He never believed that I was powerless in the matter. The gentleman he had recommended was not at all considered suitable by the Governor who, I must confess, knew more about the gentleman than I did. He knew more about him and for this reason he did not consider him a suitable person at all and when he explained to me what that gentleman was and what his previous record was, my lips were sealed and I could not say a word after that and his name had to be rejected, but the honourable member who was one of my best friends in this House, would not believe that it was not my fault and for ever afterwards he remained my enemy and never lost an opportunity to have a dig at me.

Rai Bahadur Lala Gopal Das : Is he still alive ?

Dr. Sir Gokul Chand Narang : I ask the Minister whether he is prepared to have this nuisance all the time that he remains the minister in charge. Any one who becomes a Minister for local Self-Government will have to face this nuisance, bed of thorns, I call it, a system under which he

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is bound to incur unpopularity and make enemies and at the least lose some of his friends. Therefore I say that in order to prevent demoralization among the people, among the aspirants for nomination and in order to escape this big nuisance and chances of incurring unpopularity and making enemies, the Minister will do well to do away with this system of nomination and if he cannot altogether give up this system of nomination, he can accept this amendment proposed by Mian Nurullah. I do not know, there might be some ministers who may like to have some power and patronage in their hands. They may like people dancing attendance upon them and knocking at their doors. They may like that such and such persons should write to them, and should fold their hands and press their claims before them and bring their books containing certificates from various officers for services rendered to the Government for giving evidence in court in political cases and this and that. All these things are brought to the Minister. Some people may like that, but I tell you on the whole it is a nefarious business and if a Minister wants to avoid this he should have nothing to do with nominations. Many times I had to say, ' why for heaven's sake has this system been introduced ' and sometimes I said that these things should never come to me and should finish with the Commissioners as was the case in second class municipalities ; but in the case of first class committees, the nomination had to come to the Minister and I always hated even to consider this question because there were so many requests from various sides that it became very difficult for me to please all. The result was where you pleased one, you displeased ten or half a dozen people. I would therefore submit that from all points of view, the system of nomination so far as municipalities are concerned is really a vicious system and should be given up. Arguments have been advanced on democratic grounds and so on. They are all valid grounds, but above all these the argument that appeals to me the most is the prevention of demoralization among people and prevention of nuisance to the Minister and if the Minister, as I have said, is not prepared to go the whole hog and if he wants to keep some patronage in his hands, he may have 8 seats to be filled by nomination and I am sure he will have 80 candidates for nomination to these 8 seats and he can satisfy his vanity and lay unction to his soul that he has this patronage in his hands.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : We have had a very lengthy debate on this clause and I think it is but fair, because it is a very important clause relating to the constitution of the Corporation. We have heard arguments for and against nomination and I know there are in this province, two schools of thought. There is a school of thought that has been putting forward arguments that nominations are positively a bad form of selecting representatives of the people, but there is another school of thought that thinks that perhaps it is a very good form and would even go to the extent of extremely praising it. I am not here to say anything for or against it. My justification for keeping nomination in the Bill is different. I feel that it is a necessity in the present conditions of the country. We have in this very House discussed this subject very often. The circumstances being what they are, we have failed to find out any other formula by which we can give representation to certain classes and interests. I am at one with my honourable friends opposite

that elections are perhaps the best mode of selecting representatives and we might have them and have no nominations. But we know that we are under a handicap in this respect. The creed under which we are working and the behests of the party which we represent lays down that a local body cannot be said to be properly constituted unless it includes the representatives of different minorities and classes and interests. It is for that reason that nominations have been provided for and as I said, they have existed in the past. We have not yet found a satisfactory mode of doing away with the system by finding a better substitute. I would, therefore, question my honourable friends if they have been able to put forward any constructive suggestion or an alternative formula instead of nomination. I have not heard of any, I must confess. Most of the arguments of the Opposition have been replied to by the speakers on this side of the House and I have no intention of repeating them. I will just touch some of the salient points on this occasion. First of all, as you would see, clause 7 (1) of the Bill is elastic enough. We have only laid down that certain portion must be elected. The rest may or may not be elected. We do not know whether any formula would be forthcoming to do away with nominations. But there would be no need of amending the clause if a suitable solution is formed as substitute for nominations. This clause is elastic and it should therefore remain as it stands now. We have only laid down that three-fourths of the councillors *shall* be elected, and the rest may or may not be elected.

Dr. Sir Gokul Chand Narang : What do you intend to do ?

Minister for Public Works : I will come to that also if you will allow me to proceed. We have purposely put in this elastic clause. It was stated that nominations do not exist in other Corporations. There are nominations provided in certain Corporations ; but I understand that in some cases they have been recently done away with. I do not take stand on those Acts in this matter, because we cannot get rid of these nominations at once. When all those Corporations were first started they had nominations. It was after considerable improvement and experience that the Government concerned eliminated the nominated element ; that I think is undeniable. Nominations were gradually eliminated and if the circumstances allow, that elimination can be achieved here also. But as things are at present, we must resort to nominations in order to give special representation to certain communities and interests. In this connection I would say a few words to prove what an improvement the present Bill is on the existing practice in this province. Why should we go to other Corporations ? Nominations exist in our own province. There are nominations provided in the Municipal Act. May I refer to section 12 of the Punjab Municipal Act, where it is laid down—

Every such committee shall consist of members appointed by the Local Government either by name or by office, or of members elected from among the inhabitants in accordance with rules made under this Act, or partly of the one and partly of the other as the local Government may, by notification, direct :

Provided that, unless the local Government shall otherwise direct, the appointed members shall not exceed one-fourth of the whole committee.

It is laid down that unless we direct otherwise the nominated members shall not exceed one-fourth.

Malik Barkat Ali : Under this Bill the number of nominated members is as large as 17. It is exactly within the power of the Municipal Act. Then what is the difference between the Municipal Act and the Corporation Act ?

Minister for Public Works : The difference between the Municipal Act and the Corporation Act is quite evident. Under the Municipal Act we can direct and increase the nominated element beyond one-fourth ; but here in this Bill we have rigidly fixed a limit to the nominated element. Certain seats are left open for nomination or election, as the circumstances may be. All the same I submit that nomination for protecting certain interests is necessary still.

Mian Abdul Aziz : Why no nominations for the Assembly ?

Minister : Very kindly let me go on, Mian Sahib.

Mian Abdul Aziz : Oh, go on please, I do not want to interrupt you.

Minister : I do not want to go into the past history of the municipality. If I do so it may hurt the susceptibilities of some honourable members. But we cannot forget that we are now bringing into existence a Corporation to succeed a superseded Municipality. It was superseded for reasons well-known to all concerned and if anybody says that it was superseded for insufficient reasons, I cannot believe it. It was superseded by no less a person than my worthy predecessor in office. He must have been obliged to take that step. He had the legal powers to do it and so he did it. The circumstances were such that there was no course left for him but to do this. He has been trying to explain it away that he had to come to that conclusion owing to the circumstances prevailing at that time. Is there any other provincial capital where the municipality or Corporation of that capital had to be superseded ? I pause for a reply. No reply, none. Therefore, in bringing into being this Corporation, especially in the beginning we have to be cautious. (*An honourable member :* Why are you keeping these nominations ?) I am coming to that. There are minorities, like Indian Christians, Europeans and scheduled castes and then there is the representation of labour. We have to give representations to all these interests. It has not been once said or contended on the floor of this House that none of these interests should be represented.

Mian Abdul Aziz : I have said so. I said, make special constituencies for all of them.

Minister : It is very easy, to say, make special constituencies for all of them. We know how difficult it is. The framers of the Government of India Act tried and the result was that some of the people who came through special constituencies, at least did not represent those special interests. The framers of the Government of India Act have blundered and they hopelessly failed to achieve the object. We do not want to follow them.

Dr. Sir Gokul Chand Narang : Do you mean to say that really deserving people are not elected in elections ?

Minister for Public Works : No, not in some cases. I may make it plain. I do not want to be personal. I was just trying to mention it in passing reference. But if the honourable member so wishes, I may make my meaning plain. I was referring to the labour representatives in this House. We feel that these special interests have not been represented at all. Therefore, we want to give them representation by nomination, until a satisfactory mode of getting their real representatives is devised or discovered.

Then, Sir, I was going to refer to another category of people to whom it is essential to give representation on the Corporation. In Lahore you have got a large body of men, who are retired lawyers, doctors or engineers, men of great experience and ability whose opinion and experience will be of great use and importance to the Corporation. Would they face the expenditure, annoyance and trouble of going to the polling booths?

Rai Bahadur Lala Gopal Das : Have they not faced it before?

Minister : Some of them have. It is only the millionaires who can spend money. I know my honourable friend can do so but what about a retired and experienced official who is living in Lahore? Why should he incur that expenditure? It is only by nomination that the experience of these people can be made available to the Corporation at least in its initial stages to avoid the recurrence of the trouble that we had in the last Municipal Committee. That is another important category of people that I would like to have. (*Interruption.*) Then there is the question of experts. It will take long to enumerate them all but if you count all these interests, there is hardly scope for all of them to be provided for on the Corporation in the present number of seats reserved for nominations. Though I do not want to refer to it, yet in the informal discussion I had with the honourable members of the Opposition they know that they could not but come to this figure when they tried to accommodate important interests. As far as the removal of communal inequalities is concerned, the honourable Dr. Sir Gokul Chand Narang was pleased to say that here in Lahore there are separate electorates. But there are also constituencies in which there are joint electorates. These are special constituencies and they might send representative of one community or another. He knows that the formula that he has been working is very rigid and we have to make up even that deficiency. This also we shall have to bear in mind.

Then, I would come to the question raised that honourable members want to have stable elements and experienced people represented on the Corporation in the beginning. That stability can come only from those representatives who can give their opinions without looking to the polling booths. We were told by the honourable lady member that there will be a calamity if after imposing house tax they had to go and seek election. She said that there would be satyagrahis at one's door and there will be *siapa* at another's. These nominated members have not to fear any such thing. They can give opinions with a clear conscience and that is the reason why I want stable element free from political bias or fear of electorates to give free and independent opinion in the beginning for the good of this Corporation.

[Minister for Public Works.]

The honourable Doctor Sahib went on to say that nomination is a difficult problem and it results in enmities. If such is the case, why should Doctor Sahib worry? Let us make enemies. I am not happy at all with the patronage of nomination but, as I have said, we cannot do without it as you could not do without it in your days. Therefore, it is our duty to go on with the system at present. Why did you not come forward in the last Council and propose a measure doing away with nominations if you did not believe in them? It looks like having one voice while in office and another while sitting opposite. I do not think that is fair. (*Interruption.*) With all respect to my honourable friend Dr. Sir Gokul Chand Narang, I know that in certain political matters, due to his being now concerned solely with business, he might be out of date but I never realized that he was hopelessly out of date so far as the scheme and working of the Government of India Act was concerned. He presumes that nominations go up to the Governor.

Dr. Sir Gokul Chand Narang : Now the Premier will take the place of the Governor.

Minister for Public Works : The Governor has nothing to do with nominations. It is the Minister in charge who nominates people on the recommendations of local officers because we cannot be expected to know each and every individual in a locality personally. We have to be guided by local officers as to these people but the Governor does not come in the picture. So, Dr. Narang, is hopelessly out of date.

Dr. Sir Gokul Chand Narang : Not at all. I was describing the past practice.

Minister : Past practice is forgotten. That Act is buried. One thing more about these nominations. It is not pleasant for a Minister to have people coming to him when he can please only a few out of them. I strictly go on merit. I confess that I have had no such special difficulty in selecting people for nominations. The local officers send up the names and according to their merits certain persons are nominated and the others refused nomination. It is not a question of satisfying any vanity. The saying that the lesser patronage one has the less enemies he makes, is true. But there should be an alternative formula for giving representation to the minorities and special interests. It has been said that the nominations made were defective. I cannot say what sort of nominations they had in the past but nominations by an elected Government, responsible to this House, are a quite different sort of thing. I maintain that such nominations are as good as indirect election.

Rai Bahadur Lala Gopal Das : Oh, I see!

Minister : Because these nominations are made by the people who command a majority in this House and, therefore, command the confidence of the majority of the people in this province. (*Interruptions and laughter.*) Therefore, these are not nominations made by a bureaucratic Government and an imposition from outside. These are nominations by the people themselves. Take the advanced political bodies. If the Muslim League and the Congress can have nominated working committees and High Command and yet they are representatives of the people, why is

it that we, when we command the confidence of the majority of people in this province, should be challenged if we make these nominations? We take care to select those persons who are the real representatives of the people. When the elected representatives of the people select them, they are as good representatives as those returned by indirect election.

Rai Bahadur Lala Gopal Das : Then why have elections at all?

Minister for Public Works : After all the direct method is better than the indirect method. (*Laughter.*) It is the force of circumstances that makes us resort to the latter. I was going to say that the mode of nomination that we exercise at present is different. It is not the old irresponsible Government where every Minister was not guided by the majority party but had to depend on individual supporters and his worry was to please individual supporters—hence his enemies and his worries. Here once the party decides, the Minister is immune from criticism. He makes no enemies. Let them change the creed of giving representation to all interests and I will carry out the orders. (*Interruption.*) Even in the Government of India Act we find that this House was to be represented in the Central Assembly and representatives had to be sent by indirect election. It might be a good or bad mode of doing things but it was put forward by the framers of the Act. The honourable member seems to be mixing up nomination by the bureaucratic Government with the nomination by the people's Government. This is people's nomination. (*Hear, hear.*)

I will now deal with the last point. The honourable members, when discussing these various special constituencies, had to concede that some of these constituencies should be reserved for special representation. My honourable friend Malik Barkat Ali conceded that point if I am not wrong. Let him challenge me if I am wrong. He conceded all except two instances. He said that as far as Commerce is concerned, it is all right. How can he deny it? You have from this very constituency a representative sitting here in the House. So, if he is an elected member, the man in the Corporation also will be elected. Then we come to the question of district board with an elected majority. There the representative sent cannot be called a nominated person. Then take the case of the Senate which is a statutory body. It is in no sense under the Government and is a very enlightened body. Can you deny that with twenty thousand students and a large number of colleges they should not have even one representative on the Corporation? (*Interruption.*) These special constituencies are there in all representative houses. If you go by the number of electors and you say that they are small, then I would say that we have in this House elected representatives who represent eight to nine voters only. How can you say that they are not elected? In the first category we had named two chambers before the Bill went to the select committee. What happened was that other chambers came along to demand special representation also. We could not, according to fair play and justice, give them more than two representatives. We have now jumbled them all together and said that they would constitute a special constituency and we will give them their due representation. It has been denied that even these would be really the elected representatives of the people.

[Minister for Public Works.]

Now, I come to those special constituencies mentioned particularly by my honourable friend, Malik Barkat Ali, that is the representative of the Lahore Improvement Trust—which is partially an elected and partially a nominated body, but it so happens at present that it is a nominated body because of the supersession of the Lahore Municipality—and second, the representative of the North-Western Railway. One can by a stretch of argument say that these representatives would be virtually nominated members. Therefore, in order not to go beyond the extent of nominated element laid down in the Municipal Act, an amendment has been put forward by the Parliamentary Secretary raising the elected element from 51 to 53, in the Corporation an increase of 2 and these 2 additional elected seats we propose giving to women representatives. An amendment to that effect is later coming along. What I maintain is that these representatives of special interests can by no stretch of argument be called nominated persons, except the last two for which we intend moving the amendment and even there we are on all fours with the existing practice under the Municipal Act. I have already said that circumstances may improve and nominations may become unnecessary. I wish it would be so soon, when minorities do not put forward their claims, when communal questions are not raised and when we are not asked to provide for special representation, but as things are at present, can any one assert that we can do without nominations? (*An honourable member* : No one can deny that we can do without nomination.) I might have uttered a word which perhaps does not convey the exact sense, but what I mean is that it is useless to assert that we can do without nomination. At present nominations are essential. If anybody denies it contrary to his belief it is different. As far as making a mistake is concerned, I have just made a reference to what an honourable member said. He said to-day on the floor of the House that nominations are made by the Governor. (*Dr. Sir Gokul Chand Narang* : Were made.) Just as he propounded a proposition like that on the floor of the House, I might have made a slip of the tongue. As I have said, these nominations, though they may not be the ideal form of selecting the peoples representatives, are necessary, and conditions being as they are, we cannot do without them at present. But they are of a different type from the nominations made by the bureaucracy in the past. As I said they will be in the form of indirect elections because they are made by the representatives of the people. I have to ask the House to pass this clause as it now stands amended.

One word more about the use of the word “chosen.” Some objection was taken to this word.

Mr. Speaker : That is not under discussion.

Minister for Public Works : Then I would refer to it later. With these words I would ask the House that the clause as amended now be passed.

Mian Muhammad Nurullah : Sir, many speeches have been made from the side of the Government, but none of them has been convincing and I am afraid the Honourable Minister, who has had his last say on this clause, had not made out any case why he wants 17 Councillors for the Lahore Corporation by nomination. He said : “ I do not want to break up with our traditions ”. None of us, therefore, has pressed an

amendment that we do not want nominations at all. This amendment was a half way measure and it was still giving to the Government 8 members to be nominated, so that if they wanted any experts they could have experts and if they wanted members to represent other interests, they could have it. The Honourable Minister has kept absolutely quiet over this question of 17 or 8. Eight would have been enough to meet the argument. Probably all the arguments that he has advanced, if taken together, would be sufficiently met if 8 nominated members had been accepted. He has referred to the question of experts. From my own experience I know that the authorities or powers that be, never care to see that experts are given preference. They go by party politics or whims. In a case in the Lyallpur district, I once had the chance to take a deputation to the Deputy Commissioner, a few miles away, while he was on tour, and pointed out to him that there was a Sikh gentleman of 32 years' experience as an overseer and engineer in the Municipal Committee as well as in the District Board and that he was the proper person to be nominated because the engineering department was in question in those days. He was the person who could come unofficially and guide us in the board. The reply was simply, "No, no, I have promised somebody else." That person was not an expert. Unfortunately, when Dr. Sir Gokul Chand Narang, the Minister in charge then who might now laugh over it, was approached by us, he said, "I cannot do anything, the Deputy Commissioner has not recommended that name." We were rather surprised when he said that there was no chance for the Sikh gentleman. So the fellow could not be brought in. That is what usually happens. The Honourable Minister also said that if they feel the necessity under the circumstances they would go on with the nominations. He also invited us to give him some formula. Municipal Committee elections last year gave him the proper reply and the formula he desires. Certain wards were framed on the basis of population and representation was given to all the communities at Lyallpur. It was he himself who made those wards. The wards were so made under the system of joint electorates that they should give us 9 Hindus, 8 Muslims, 3 Sikhs and 1 Christian. The result of the election was cent per cent as desired. Nine Hindus, 8 Muslims, 3 Sikhs and 1 Christian were returned. That was exactly what was provided for by you and as represented by the communities there. (*Interruptions.*)

Premier : Are you making a plea for separate electorates ?

Mian Muhammad Nurullah : Not at all. I say that even under joint electorate system, the representations turned out to be what you wanted and what the communities wanted there. The Honourable Premier was absent when the Honourable Minister in charge of the Bill said that there was no formula that has been put forward by the Opposition. Now I am telling you that the formula is there. You have worked it and it has come out true cent per cent. If you have joint electorates you are bound to achieve the object in view. That has also been the case in the Lahore municipal committee. There have been special seats provided for the Sikhs and they had been returned. The main argument advanced by Government therefore goes. Due share can be given to all the communities through that arrangement. The formula is there. You need not bother

[M. Mohd. Nurullah.]

about the formula. It is unfortunate that $\frac{1}{4}$ of the total number is fixed for nomination. In regard to certain clauses he has been quoting the Karachi Act and with regard to other clauses he has been quoting Calcutta and Bombay Acts. Nominations hardly exist there. Largest nomination is in Calcutta which is 8 out of 98 or so. We request for 8 out of 68 which is a much better percentage than in Calcutta which has a nominated bloc. As was pointed out by Malik Barkat Ali, in no other Corporation is there nomination except three experts in the case of Bombay. It has also been urged that it will be peoples' nomination. If you look at the Government of India Act you will see that they have provided that federation should be by indirect election. If you want to elect anybody to the central legislature, then a certain number of members of this House should vote for him (*An honourable member* : What are we discussing ?). I am replying to the arguments advanced by the Honourable Minister. His arguments are quite fallacious. Nominated members to the Corporation will be the choice of a dictator and nothing else. There is no election. This is what the Opposition always objects to. This is the main point of the Opposition that persons who deserve to be made councillors will never be given a chance and that only those people, as pointed out by Dr. Sir Gokul Chand Narang, who lick the shoes of the officials, will be chosen. I know of cases where people have been complaining that they have spent so much money over it. I do not think it is necessary that in this age of democracy in the twentieth century we need make nominations provided by the Act. If we at all think that nominations are necessary, then the number 8 should be quite enough.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : I will not take very long because I have sufficiently traversed the ground in favour of nominations when I spoke on the clause before this. The honourable Mian Sahib has kindly enlightened the House when, after my challenge that there was no formula of giving representation which would be acceptable to all and safeguard the interests of the minorities, except by the system of nomination, he said he had found one. The argument he has put forward is quite fallacious and therefore the formula he has suggested is also fallacious. It is based on the assumption that joint electorate would be agreed to by all concerned. What a formula ! I would ask him if he has got any other supporter from his own community ?

Mian Abdul Aziz : He did not say that.

Minister : The honourable member then went on to quote the instance of Lyallpur where, he said, a constituency was devised which returned an Indian Christian and asked, why can we not do the same here ? I will not reply to that.

Rai Bahadur Lala Gopal Das : May I ask the Honourable Minister how he intends to distribute those 17 nominated seats referred to in the Bill ?

Minister : My reply to that would be that I will have to enumerate all those categories ; if you want me I will do so. The honourable member bases his formula on the presumption that joint electorates are acceptable to all, and if that were the case then the nominations

can be done away with. I do not know if this formula, which my honourable friend has put forward, is his own voice. It might be his master's voice. In any case it is not the voice of the people of Lahore.

Mian Muhammad Nurullah : It is my own voice.

Minister for Public Works : You are the master of your own voice. (*Interruptions.*)

Mr. Speaker : No interruptions, please.

Minister : As to who is his master, whether he is on his right or on his left, we are not concerned. (*Interruptions.*) The trouble is that joint electorates and separate electorates are a very thorny problem on which I have no mind to take the time of the House. Malik Barkat Ali is there watching what I am saying and he knows what our views are on the subject. The view of the Government is to maintain *status quo* till an agreed solution is found. We stand committed to that and as long as we stand committed to *status quo*, the only alternative mode we have is to give representation to the minorities through nominations. If the honourable member can get the acceptance of the people of Lahore to do away with separate electorates and constitute joint electorates, I can give him my assurance here that I will be the first person to accede to the request that nominations are not necessary at all. The special interests of all the minorities are there. A representative of the scheduled castes has given his point of view that he is opposed to any mode of representation except through nomination. What am I to do? We have to look after their interests also and we cannot brush aside the rights of other minorities. Therefore we cannot do away with nominations merely to get the praise that here is an advanced measure and not a retrograde measure. We have to look after the special interests also and this form of selecting the people's representatives has got to go on. Then the honourable members dwelt on the number of elected members. I will draw his attention to the provisions of section 12 of the Municipal Act. In the most important political bodies there exists this principle of nomination. Here nominations are made by a Government of the majority party commanding the confidence of the electorates in the Punjab. This Cabinet is constituted by their support and depends on them. Nominations made by such a Government are made by the people and can be termed indirect election. I do not think this is a bad form of selecting the representatives of the people. Then the honourable member brought in the question of Lyallpur. Whenever we discuss any matter it has become customary for him

3 p. m

to bring in either the Lyallpur municipal committee or the Lyallpur district board. In the present case he brought in the district board. He was referring to a particular engineer. I would not go into the details of that case, but he must know that the engineer had to be removed because he was not qualified. By no stretch of imagination can a layman be expected to become an expert. If his claim is to be conceded, before long I too can claim to be an engineer, because I have been dealing with engineering problems. Anyhow the honourable member's grievance is not well founded.

Rai Bahadur Lala Gopal Das : How would you distribute the 17 seats reserved for nomination?

Minister for Public Works : There is nothing to compel us to fill in all the nominated seats. But assuming that we fill in all the seats, we will first of all have to wait till we get the census figures. The census figures would give us the population of the city. Then the electoral list will be prepared and this will show the electoral strength. Adding the two and multiplying it by two we will get the communal share of the various communities. We will then know which community is in a majority and which in a minority. We will then have to consider what interests and minorities there are which will not get adequate representation by election. In this category will come the minorities such as Christians, Europeans, labour and so forth. Then will come women representatives who would also get representation by nomination. Then comes the question of experts. Last of all come those people with experience and knowledge of municipal administration who may be living in Lahore but who may not be prepared to face the trouble, inconvenience and expense of an election. We would like to nominate some persons from this body of people, if not always, at least during the initial stages. In this connection I may point out that no corporation in this country started working without the nominated element. To-day they may have discarded nomination, because they have worked successfully so far; but we cannot forget that our Corporation is coming into existence in succession to a superseded municipality. That superseded municipality was not superseded by us. It was superseded by my great predecessor sitting opposite. He is greatly interested in local self-government and if he took this extreme step of superseding the Lahore municipal committee, it was because he considered it necessary. Otherwise he would not have taken this extreme step. That is why we feel that a stable element is necessary and that a certain number of nominated members must be there. I can well imagine that the two honourable members sitting opposite may not agree with my views now. But it is really strange — they say politics makes strange bed-fellows — that one who torpedoed the ship and the captain of the torpedoed ship should now sit together and oppose me to-day on this issue.

Mian Abdul Aziz : That is a wrong statement.

Dr. Sir Gokul Chand Narang : Mian Abdul Aziz was not the President of the municipal committee at the time it was superseded.

Minister : He was the previous captain of the ship. If you glance at the Dobson Report you will see that it was he who made the vessel of Municipal Administration unseaworthy.

Mian Abdul Aziz : You did not read the reply to Dobson's Report.

Mr. Speaker : If the honourable member has any personal explanation to offer he may do so after the Honourable Minister has finished his speech.

Dr. Sir Gokul Chand Narang : The Honourable Minister has finished his speech. He was about to resume his seat when Rai Bahadur Gopal Das put him a question as to how he proposed to distribute the seventeen nominated seats. That has got nothing to do with any ship being unseaworthy or being torpedoed.

Minister for Public Works : Both the gentlemen command my great respect. They are elderly gentlemen and I have all sympathy for them. I do not mean anything disrespectful to them at all.

Dr. Sir Gokul Chand Narang : A very fine way of evading the point.

Minister : I was going to say that we have taken the past into consideration and will take into consideration the future also, and bearing in mind the interests of all concerned in the city of Lahore, we have framed this constitution for the Lahore Corporation with the best of intentions. It might be like a bitter pill of quinine for a malaria-stricken patient, but a day will come when the people of Lahore will see the benefits of the actions of the Unionist Party and applaud them for the good they have done. I am sure a day will come when Lahore will compare very favourably with other clean cities in the country instead of being the dirtiest spot as it is at present in northern India.

Mian Abdul Aziz : I rise to offer a word of personal explanation. I am sorry that the Honourable Minister does not know that the Dobson Committee Report was published in 1931-32. I relinquished charge of the Lahore Municipal Committee two years before it was superseded. I do not see why any insinuation should be made against me in these circumstances.

Mr. Speaker : There is no insinuation. The question is—

That in sub-clause (1), lines 3-4, for the words "three-fourths", the word "sixty" be substituted.

The Assembly divided : Ayes 16, Noes 60.

AYES.

Abdul Aziz, Mian.	Muhammad Nurullah, Mian.
Barkat Ali, Malik.	Muhammad Wilayat Hussain Jee-
Faqir Chand, Chaudhri.	lani, Makhdumzada Haji Sayed.
Girdhari Das, Mahant.	Mula Singh, Sardar.
Gokul Chand Narang, Dr. Sir.	Rashida Latif Baji, Begum.
Gopal Das, Rai Bahadur Lala.	Santokh Singh, Sardar Sahib Sar-
Jalal-ud-Din Amber, Chaudhri.	dar.
Jugal Kishore, Chaudhri.	Sita Ram, Lala.
Muhammad Abdul Rahman Khan,	Uttam Singh Dugal, Sardar.
Chaudhri.	

NOES.

Abdul Hamid Khan, Sufi.	Ashiq Hussain, Major.
Abdul Haye, The Honourable Mian.	Chhotu Ram, The Honourable
Abdul Rab, Mian.	Chaudhri Sir.
Abdul Rahim, Chaudhri (Gurdaspur).	Dasaundha Singh, Sardar.
Abdul Rahim, Chaudhri (Gurgaon).	Faiz Muhammad, Shaikh.
Akbar Ali, Pir.	Faqir Hussain Khan, Chaudhri.
Ali Akbar, Chaudhri.	Farman Ali Khan, Subedar-Major
Allah Yar Khan Daulatana, Mian.	Raja.
Amjad Ali Shah, Sayed.	Fateh Muhammad, Mian.

- | | |
|-----------------------------------------------------------------|-----------------------------------------------|
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Muhammad Sarfraz Khan, Chaudhri. |
| Fazal Din, Khan Sahib Chaudhri. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Fazal Karim Bakhs, Mian. | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Few, Mr. E. | Nasir-ud-Din, Chaudhri. |
| Ghazanfar Ali Khan, Raja. | Nasrullah Khan, Rana. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Nur Ahmad Khan, Khan Bahadur Mian. |
| Gopal Singh (American), Sardar. | Pir Muhammad, Khan Sahib Chaudhri. |
| Gurbachan Singh, Sardar Bahadur Sardar. | Pohop Singh, Rao. |
| Hans Raj, Bhagat. | Prem Singh, Chaudhri. |
| Het Ram, Rai Bahadur Chaudhri. | Ranpat Singh, Chaudhri. |
| Jafar Ali Khan, M. | Ripudaman Singh, Rai Sahib Thakur. |
| Jagjit Singh Bedi, Tikka. | Roberts, Sir William. |
| Joginder Singh Man, Sardar. | Roshan Din, Chaudhri. |
| Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik. | Shah Nawaz, Mrs. J. A. |
| Kishan Das, Seth. | Shah Nawaz Khan, Nawab Sir. |
| Maqbool Mahmood, Mir. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Muhammad Akram Khan, Khan Bahadur Raja. | Sohan Lal, Rai Bahadur Lala. |
| Muhammad Amin, Khan Sahib Shaikh. | Sultan Mahmood Hotiana, Mian. |
| Muhammad Ashraf, Chaudhri. | Sumer Singh, Chaudhri. |
| Muhammad Azam Khan, Sardar. | Suraj Mal, Rai Sahib Chaudhri. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Tikka Ram, Chaudhri. |
| Muhammad Qasim, Chaudhri. | Ujjal Singh, Sardar Bahadur Sardar. |

Sardar Bahadur Sardar Ujjal Singh : I beg to move—

That in sub-clause (1), lines 3-4 for the words "three-fourths", the word "fifty-three" be substituted.

The motion was carried.

Rai Bahadur Lala Sohan Lal (North Punjab, Non-Union, Labour) (Urdu) : Sir, I beg to move—

That in sub-clause (1) (a) (i), line 1, for the word "two" the word "three" be substituted.

Before I enter into details about the object of my amendment, I would, with your permission, like to make a few observations with regard to the criticism which certain members have made on Lala Sita Ram and myself on our representing the labour constituencies. The Honourable Minister and certain other members are laughing that I being a representative of labour have moved an amendment in the interests of commercial classes. Sir, without being personal, I beg to submit that on certain previous occasions some members were pleased to make direct attacks on my honourable friend Lala Sita Ram and me but I did not mind them. To-day again a gentleman in the position of my honourable friend, the Honourable Minister, was pleased to remark that nominations were necessary because sometimes capitalists like myself were elected to represent the labouring classes. In this connection I need only say this much that when big

landlords like the Honourable Minister himself could so ably represent even the poorest of agriculturists, why cannot I represent the labourers with whom I daily come in contact? The Honourable Minister occupies a very important position. He is a Nawab or I should say he is a prince and he has no connection whatsoever with those half-naked zamindars or poor tenants, but still he is discharging his duties so ably and doing his best for those whom he represents. It is very creditable and generally his work is admired. So, therefore, such personal attacks, in my opinion, should not be made on one another.

Now I come to my honourable friends, Rao Pohop Singh and Chaudhri Ram Sarup's remarks. I want to stop this sort of attacks every day. May I enquire, if it will satisfy my honourable friends Rao Pohop Singh and Chaudhri Ram Sarup, if I myself say that I am not fit and not as able as they are and the love of community —.

Mr. Speaker : The honourable member has answered insinuations by insinuations, but that is not parliamentary and therefore I cannot allow it.

Rai Bahadur Lala Sohan Lal : You are perfectly right in giving this ruling, sir, but I want to make it clear that I would be the last person to make any personal attack. I am myself admitting my weaknesses so that my honourable friends may not have the occasion to allude to them so often.

Mr. Speaker : Please speak to the motion.

Rai Bahadur Lala Sohan Lal : All right, sir. I will not go further but will come to my amendment. In a House of 68 councillors giving only two seats to Trade and Commerce is denying adequate representation to them. The commercial classes have very large stakes in the city and it behoves the Government to increase the number of their representatives to three in a Corporation consisting of 68 members. The largest share of Corporation's revenue is contributed to by the commercial classes and besides their stake in property and business entitles them to a greater representation. Let us have a look round other Corporations to find out what is their position *vis-a-vis* the commercial interests from which the Honourable Minister has cited many instances. In Madras where the Corporation consists of 65 members, 11 represent commercial interests. The clause reads :

(b) six councillors elected by the members of the Madras Chamber of Commerce and the members of the Madras Trades Association in such manner as may be prescribed;

(c) five councillors elected, in such manner as may be prescribed, by the Southern India Chamber of Commerce, the Andhara Chamber of Commerce, the Nattukottair Nagarathars' Association, the Southern India Skin and Hides Merchants' Association and the Piece-goods Merchants' Association, Madras;

It means that in Madras out of a total number of 65 seats 11 have been allotted to commerce, while here in a House of 68 only 2 seats have been given. In Karachi out of 64 councillors 4 represent commerce. The

[R. B. L. Sohan Lal.]

important bodies which should be included in the constituency to represent commerce are :—

- (1) Northern India Chamber of Commerce,
- (2) Punjab Chamber of Commerce,
- (3) Punjab Trades Association,
- (4) Indian Chamber of Commerce.
- (5) Punjab Merchants Association, and
- (6) Federation of Industries.

If all these are to be represented, at least 3 seats should be assigned to them.

Now these six bodies represent thousands of businessmen and a capital of lakhs of rupees. On the one hand, the Government says that as the University represents thousands of students, it must be given representation on the Corporation, but, on the other, they deny adequate representation to trade and commerce.

With these words, I would request the Honourable Minister to accept my amendment.

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

That in sub-clause (1) (a) (i), line 1, for the word "two" the word "three" be substituted.

Sir William Roberts (European) : Sir, I should like to support this amendment. In this House, commerce and industry are only represented by one member and this is an opportunity for Government to correct a mistake made in making a representation of commerce and industry so obviously inadequate in this House. After all if we look at the future of Lahore you will see that it will depend on trade and industry, its prosperity will depend to such a large extent on the healthy development of trade and industry that it seems to me a matter to be condemned that commerce and industry is so meagrely represented. After all trade and commerce are live things and if they succeed, then only Lahore would be a congenial place to live in. Only if you can make other people come here from other provinces and other cities, will you be able to reduce the house tax and raise other taxes. Everybody ought to be in favour of this amendment that commerce and industry should get a better representation in the councils of the town. You will also then have the development of the city of Lahore on rational lines and you will be able to reduce such taxes as the house tax. In the case of a city like Lahore nobody earns anything from building houses. By taking the house tax, therefore, you are merely taking something from the standard of living, you are cutting down something from the unproductive capital. If you can take it from octroi or other sources, you are not directly interfering with the standard of life of the community. I, therefore, hope very much that the Honourable Minister will reconsider his decision about this and allow three members to represent commerce and trade out of 68 in the Corporation of Lahore.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) (Urdu) : Sir, I rise to oppose this amendment. Before I give expression to my views on

this point I would submit that it was very surprising to me that my honourable friend Rai Bahadur Sohan Lal, being a representative of a labour constituency, had tabled an amendment demanding more seats for trade and commerce on the Corporation.

Rai Bahadur Lala Sohan Lal : On a point of order. Sir, I made at the very outset this point clear at the time of moving my amendment and, secondly, you did not allow me to speak further, so that the discussion may not become personal. I am afraid the honourable member is personal at the very outset of his speech.

Pir Akbar Ali : I was submitting, sir, how strange it seems to be that a representative of labour has tabled an amendment with regard to trade and commerce with which, I believe, he has no connection whatsoever. Sir, it is very painful all the same that Lala Sohan Lal has conveniently ignored this fact while speaking in support of his amendment that trade and commerce have been given representations at the expense of certain interests which are no less important than both trade and commerce for which my honourable friend has been crying hoarse. I would, therefore, ask him not to lose sight of the hard facts which I want to point out to him through you. Firstly, as a matter of fact, it was most necessary for Government to see that agriculture was given special representation on the Corporation. But it is very regrettable that it has not been done, and I fail to understand why my honourable friends sitting on these benches who profess themselves to be the representatives of agriculturists are totally ignoring their own interests in the Corporation. On the one hand, we see that nothing is being done by Government to guard the interests of agriculture in the Corporation, and, on the other hand, that a representative of labour is expressing his feelings of dissatisfaction on two seats being given to trade and commerce and he demands three seats instead of two. I am surprised that in spite of this the representatives of agricultural interests are enjoying sound sleep and losing their case by default.

Mian Muhammad Nurullah : You better send in an amendment to that effect.

Pir Akbar Ali : Sir, it really pains me that the honourable member who sings the songs of agriculture very often in this House and outside too, feels averse to hearing the very word of agriculture. I understand this is not his fault but his faithlessness to agriculture is due to something else.

Mr. Speaker : Please do not be personal.

Pir Akbar Ali : I am not personal. What I want to submit is that some honourable members sitting opposite, who profess to be the representatives of agriculturists, have now become so faithless that they do not want to hear the word "agriculture" from me. The change of view in them is due to the company they keep—the non-agricultural friends, among whom they sit on those benches. Sir, I may further point out that Lahore City has a majority of agriculturists in it. I believe you will find other communities less in number than the agriculturists in this city. So far as I know more than 50 per cent people of

[Fir Akhar Ali.]

Lahore are agriculturists and as now the area of Lahore has been extended, the number has naturally risen to 70 per cent. May I, therefore, ask Government as to why they have not safeguarded the interests of agricultural classes in the proposed Corporation? I would also ask the honourable members hailing from Lahore as to how far they have drawn the attention of Government to this fact and if they have not done so, I would say that even they are not faithful to their own cause to plead which they have been sent to this august House.

With these few words, sir, I oppose this amendment and ask Government to reject it.

Mr. P. H. Guest (Punjab Commerce and Industry): I wish to support the amendment moved by my honourable friend. There has been a lot of talk about democracy but all this talk seems to be besides the point. These Corporation Councillors will in effect be a Board of Directors of a large business organization and it seems very strange to me that appointment of these directors is being made so casually. I cannot see any reason why in spite of the advantages which will accrue from the appointment of well-trained business people to this corporation, we have only been offered two seats on this Corporation. Now we have had many instances of where this Bill has been copied from other Acts and I am told that in the case of Karachi there are four representatives of Commerce and Industry and in the case of Madras they have been even wiser and they have, I am told, 11 such representatives.

In Lahore there are two seats. It is for these reasons that I support the amendment.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I want to support the amendment that has been moved by my honourable friend Rai Bahadur Lala Sohan Lal.

I am greatly surprised to learn that even important members of this House some times become narrow-minded and say things which one does not expect from such highly well-placed persons. It has been argued, for instance, that the representatives of labour must be labourers themselves and not from any other class which is not labour. This is a not a well-founded view.

Mr. Speaker: The honourable member should speak to the motion and not make such side remarks.

Lala Sita Ram: Sir, it is the view of some persons that only labourers should represent the labour constituency. Such critics obviously fail to realise that labour and industry are the two handmaids which depend on each other. If industries flourish, labour will also prosper. But if industries are ruined, labour would be crushed. This hard fact should not be forgotten. There is no harm, therefore, if a non-labourer or an industrialist represents the labour constituency. On the other hand, it is really creditable for an industrialist to ventilate the grievances of the poor labourers. I would rather go a step forward and say that there is no beauty in a Muslim representing the cause of Muslims and in a Hindu representing the cause of Hindus. The beauty lies in a Hindu representing the cause of Muslims,

and in a Muslim representing the cause of Hindus. (*Hear, hear.*) That is real progress. We should have faith in each other. I long for that day when such a change will be brought about in this unhappy Land of Five Rivers (*Applause*).

Another test of true representation is that the electorate should be satisfied with the conduct of their representative. So long as the voters are satisfied, others should not raise objections.

With these few words, sir, I strongly support the amendment that has been moved by my honourable friend Rai Bahadur Lala Sohan Lal.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : Sir, I would first deal with the merits of the amendment, before I refer to general matters that have been put forward in the course of discussion. Sir, as we find, no special representation was given to any such interest as commerce or trade in the municipality. It did not exist there. Therefore, the provision of these two seats is a positive advance, as far as these special interests are concerned. Then, we do not know how many other people will be elected in general constituencies, who are equally representatives of trade and commerce. So, these two seats are in addition to those representatives, who will be general representatives as well as representatives of trade and commerce. Therefore, I do not think that we have been in any way unfair to these special interests. I find that in Bombay, two seats have been provided for this interest. It cannot be said that trade and commerce of the Punjab is more important than that of Bombay. There might be some extra seats given in other Corporations, but you know the general strength of our Corporation is 68. Here we have set apart two special seats for this interest. I think it is quite a good and liberal representation that we have given them.

Then, sir, the honourable member from Ferozepore referred to agricultural interests. We have not forgotten them. A representative has been given to the Lahore District Board and he will take care of the agricultural interests, otherwise there are other villages now included within the Corporation limit and their representatives also will look after the agricultural interests.

Now, I would like to say one or two things more, as to who is the proper representative of a particular interest. It has been asked, why should one class of people if they are wealthy be called true representatives of the poor while another class of wealthy people are said not to represent the constituency and the people properly, the general population of constituencies in either case being poor? The reason is the mentality of the representatives. It is this which determines whether he is a right sort of representative or not. And, sir, the test is this: When a question about labour comes, the honourable members representing labour, do not take any interest and they do not even care to speak on behalf of labour. In this Bill they did not care to put forward any amendments in favour of labour interests, or claim that there should be larger number of seats allotted to labour whether by nomination or election. No amendments have been put forward to this effect by the representatives of labour in this House. (*Interruptions.*) That was an afterthought when some member gave an amendment. I know that. Anyhow, it was not a spontaneous move in

[Minister for Public Works.]

the first instance, but when it came to ask for representation of the commercial interests that they represented, and have claimed that they should get more representation. This is the mentality. This is one of the criteria. The second criterion for a true representative is common outlook with electors and that is, I think, determined by no less a thing than blood. (*Hear, hear.*) The theory of blood is an important one, and blood is thicker than water is a saying the force of which is admitted by all. A member of an agricultural tribe, though he may be wealthy, belongs to that tribe and has the same blood in his veins as the other tribesmen have. Religions may be different, that does not matter. For instance, take my tribe. Amongst Tiwanas you have Sikh Tiwanas, Hindu Tiwanas and Muslim Tiwanas, but they are the descendants of a common ancestor and have the same blood in them. It is an accident that one family had fewer members and they have consequently bigger holdings, or somebody was thrifty and acquired more property than others. In one case on account of large number of births the property might have been divided up or it might not be so divided up in another case, but the blood and common outlook is the same amongst all tribesmen. That is why a member of these tribes, whether he be a lawyer, a politician or an industrialist, has got agricultural outlook. (*Hear, hear.*) Another person who is just an exploiter and has not got the same blood—if he takes upon himself the representation of a class totally different in blood and interest, he is not a true representative. I will put this question to honourable members. I happen to represent a rural constituency. I claim that all my Tiwana tribesmen have descended from the same common ancestor. We inter-marry. We are related. We are all one. We share each other's sorrows and we share each other's joys. May I know from the honourable member—the labour representative, whose constituency comprises Khewra, Wah and Jhelum—has he any common interests or relations with his electors? Is he a descendant of the same common ancestor of the people whom he is supposed to represent or has any connection with any section of his electors?

Mr. Speaker : The honourable member is going too far.

Minister for Public Works : I was just saying that a person if he has the same blood running in his veins as his other tribesmen, can be a representative of that community, but not a man who has nothing in common. If the man has descended from the same common ancestor and has the same blood, he can at least claim to be their true representative.

Mr. Speaker : Please do not speak in that strain.

Minister : I was just trying to illustrate the difference between a representative of an agricultural tribe and of another wealthy representative of labour. One is related to those people and has the same blood and the other is not. This blood theory, whatever might be said against it, has stood the test of time. (*Hear, hear.*) This theory is now believed in by quite a big and important portion of the world. We might not agree with those people in some other matters but the blood theory of theirs has force and it will be very difficult to deny it altogether. So representatives of agricultural tribes sitting on these benches claim that true representative character on account of common ancestry, common

interests and common blood. (*Hear, hear*) (*Interruptions*). Mir Sahib has said something. I would not give a reply. If I did I would perhaps be unpleasant. These are my views. I have nothing more to say. That is the difference between a mere wealthy capitalist and a zamindar owning extensive lands but belonging to a tribe he represents.

Coming to indirect levy of octroi, let us take into consideration the income of Lahore Municipality. It was, before the levy of house tax, derived from two principal sources—I should say only one—that is, eatables and other produce coming from outside, i.e., from the villages. You may call it two sources or call it one. This indirect levy or tax was a levy on the poor and the proprietors of houses here have not paid any share. So, I do not think that on this basis they can claim that they should get any concession. If the poor of Lahore—and the poor alone—have paid this octroi so far, the trade and commerce is also liable to pay a fair proportion now. This levy would touch the producers and the poor and I think their representatives should have the absolute majority. A couple of seats are, however, being reserved for commerce. This is fair deal for those interests and I think they are not entitled to more. I oppose the amendment.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): I rise to support the amendment that has been moved. The importance of trade and industry of a rising city like Lahore cannot be denied. The prosperity of Lahore is bound up with the prosperity of its trade and commerce. It is but fair that as big a representation be given to the trade as it is possible under the circumstances. If it is feared that the allotment of three seats to representatives of trade and commerce will result in any inequalities, that is, if it is feared that members of one particular community will be returned to these three seats, the Government has the power in its hands to set right that inequality by nomination. It has been pointed out by my friend on the ministerial benches that the Madras Corporation has as many as eleven representatives of trade and commerce on it. The Honourable Minister has again made a misstatement in saying that Bombay has only two traders on the Corporation. Bombay certainly has three and not two. One of the three is elected by the Bombay Chamber of Commerce. The second is elected by the Indian Merchants' Chamber and Bureau, and the third by the Millowners' Association—

Mir Maqbool Mahmood : Out of how many ?

Sardar Sahib Sardar Santokh Singh : Out of 106 and in Madras they have eleven out of sixty-four. Let my honourable friends have that here too. Bombay has three and not two. I was only pointing out a misstatement that seems to have crept in the speech of the Honourable Minister of Public Works. About Madras it has not been denied, that they have as many as eleven people representing trade and commerce on that corporation.

Mr. Speaker : That is repetition.

Sardar Sahib Sardar Santokh Singh : All right. I have said already that if any inequality is to arise as a result of these elections, that is, if a particular community comes by means of election, this can be set

[S. S. Santokh Singh.]

right. So, I do not see any reason why the importance of trade and industry in this rising city of Lahore be overlooked.

Mr. Speaker : This also has been said already.

Sardar Sahib Sardar Santokh Singh : With these words I support the amendment.

(Voices : Question be now put.)

Mr. Speaker : Question is—

That in sub-clause (1) (a) (i), line 1, for the word "two", the word "three" be substituted.

The Assembly divided : Ayes 16, Noes 54.

AYES.

Abdul Aziz, Mian.	Muhammad Raza Shah Jeelani.
Faqir Chand, Chaudhri.	Makhdumzada Haji Sayed.
Gauba, Mr. K. L.	Muhammad Wilayat Hussain Jeelani.
Girdhari Das, Mahant.	Makhdumzada Haji Sayed.
Gopal Das, Rai Bahadur Lala.	Mula Singh, Sardar.
Guest, Mr. P. H.	Roberts, Sir William.
Harnam Das, Lala.	Sita Ram, Lala.
Jugal Kishore, Chaudhri.	Sohan Lal, Rai Bahadur Lala.
Muhammad Nurullah, Mian.	Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.	Fazal Din, Khan Sahib Chaudhri.
Abdul Haye, The Honourable Mian.	Fazal Karim Bakhsh, Mian.
Abdul Rab, Mian.	Ghazanfar Ali Khan, Raja.
Abdul Rahim, Chaudhri (Gurdaspur).	Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Abdul Rahim, Chaudhri (Gurgaon).	Gopal Singh (American), Sardar.
Ahmad Yar Khan, Chaudhri.	Gurbachan Singh, Sardar Bahadur Sardar.
Akbar Ali, Pir.	Haibat Khan Daha, Khan.
Ali Akbar, Chaudhri.	Hans Raj, Bhagat.
Allah Yar Khan Daulatana, Mian.	Het Ram, Rai Bahadur Chaudhri.
Amjad Ali Shah, Sayed.	Indar Singh, Sardar.
Balwant Singh, Sardar.	Jogindar Singh Man, Sardar.
Chhotu Ram, The Honourable Chaudhri Sir.	Karamat Ali, Shaikh.
Dasaundha Singh, Sardar.	Khizar Hayat Tiwana, The Honourable Malik.
Faiz Muhammad, Shaikh.	
Faqir Hussain Khan, Chaudhri.	
Farman Ali Khan, Subedar-Major Raja.	Kishan Das, Seth.
Fateh Muhammad, Mian.	Maqbool Mahmood, Mir.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muhammad Akram Khan, Khan Bahadur Raja.
	Muhammad Azam Khan, Sardar.

Muhammad Faiyaz Ali Khan, Nawabzada.	Ranpat Singh, Chaudhri.
Muhammad Qasim, Chaudhri.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Sarfraz Khan, Chaudhri.	Roshan Din, Chaudhri.
Muhammad Yusuf Khan, Khan.	Shah Nawaz, Mrs. J. A.
Muzaffar Khan, Khan Bahadur Captain Malik.	Shah Nawaz Khan, Nawab Sir.
Nasir-ud-Din, Chaudhri.	Sultan Mahmood Hotiana, Mian.
Pohop Singh, Rao.	Sumer Singh, Chaudhri.
Prem Singh, Chaudhri.	Suraj Mal, Rai Sahib Chaudhri.
Ram Sarup, Chaudhri.	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.

Minister for Public Works : Sir, I would like to say just one word by way of explanation. It has been represented to me that the words which were uttered by me in self-defence after a personal attack were misunderstood by some honourable members. I can assure them that I did not mean to offend anybody. If any one is offended I am extremely sorry for it. I assure you, sir, I did not mean any offence.

Rai Bahadur Lala Gopal Das (Kangra, North, General, Rural) (*Urdu*): Sir, I beg to move—

That sub-clause (1) (a) (iv) be omitted.

I fail to understand what interest the district board can have in the municipal affairs of the City of Lahore. At no time since the inception of the Lahore Municipality has there been a representative of the district board on that body. The only argument that the Minister may advance in favour of this part of the sub-clause is that people residing in the jurisdiction of the district board come here to sell vegetables, ghee, fodder, etc. But in that case how can you deny representation to Japan, to England and to certain cities like Delhi and Karachi? England has so many commercial interests in Lahore. Japan sends hundreds of commercial commodities to this city. Bombay and Karachi supply us with cloth and fish, respectively. (*Laughter.*) Why cannot you realize the absurdity of giving a seat to the district board in the Lahore Corporation? If you delete this part of the sub-clause, you can give this seat to labour which will be inadequately represented under the proposed arrangement. With these words I move my amendment.

Mr. Speaker : Question is—

That sub-clause (1) (a) (iv) be omitted.

The motion was lost.

Rai Bahadur Lala Gopal Das : Sir, I beg to move—

That leave be given to move—

That after sub-clause (1) (a) (v), the following new part be added:—

(vi) Four women members who shall be elected by the women of Lahore on a basis of joint electorates, with reservation of seats for each community.

The Assembly divided : Ayes 12, Noes 51.

AYES.

Abdul Aziz, Mian.
 Faqir Chand, Chaudhri.
 Ganba, Mr. K. L.
 Gopal Das, Rai Bahadur Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Muhammad Nurullah, Mian.

Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayed.
 Muhammad Wilayat Hussain Jeelani,
 Makhdumzada Haji Sayed.
 Mukand Lal Puri, Rai Bahadur Mr.
 Santokh Singh, Sardar Sahib Sardar.
 Sita Ram, Lala.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Allah Yar Khan, Daulatana, Mian.
 Amjad Ali Shah, Sayed.
 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.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Samad, Khan Sahib Khawaja.
 Guest, Mr. P. H.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Haibat Khan Daha, Khan.
 Het Ram, Rai Bahadur Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.

Khizar Hayat Tiwana, The Honourable Malik.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Nasir-ud-Din, Chaudhri.
 Naunihal Singh Mann, Lieutenant Sardar.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Roshan Din, Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Bahadur Lala.
 Sultan Mahmood Hotiana, Mian.
 Suraj Mal, Rai Sahib Chaudhri.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mian Muhammad Nurullah : I beg to move—

That leave be given to move—

That after sub-clause (1) (a) (v), the following new parts be added :—

(vi) one elected to represent the commercial and industrial interests of Lahore;

- (vii) one chosen by the landholders of the newly included agricultural lands within the municipal limits;
- (viii) one chosen by the Press;
- (ix) one elected by labour;
- (x) two elected women to be elected by female voters only;
- (xi) one chosen by the educational institutions of Lahore.

The motion was lost.

Mrs. J. A. Shah Nawaz : I beg to move—

That leave be granted to move—

That at the end of sub-clause (1), the following new sub-clause be added :—

- (vi) two women to be elected.

The motion was carried.

Mrs. J. A. Shah Nawaz : I beg to move—

That the new clause be taken into consideration.

In commending this new sub-clause to the House I hope you will allow me, sir, to give a brief history of what the women of India have been standing for and asking for in the political field. In doing so I may have to wander away from the subject in order to explain why I have tabled this amendment. From the very day we women of India tried to come into the political arena we decided that as far as the question of special privileges is concerned we are not going to ask for any of them. We made it clear both at the Round Table Conference and in the All-India Women's gatherings that the women of India did not want any special privileges either as nomination or reservation of seats, etc. What we asked for was that in defining the fundamental rights under the new constitution it should be made clear that sex shall be no disqualification for women to serve their country in any and every capacity. We made it clear both in the press and on the platform that we did not want any special privileges. We felt that asking for such things would only mean developing an inferiority complex, therefore we should ask for adult suffrage only, so that women's voting strength should become equal to that of men and there would be no necessity for women to ask for any special privileges—

At this stage the Assembly adjourned till 2-30 p. m. on Friday, 21st February, 1941.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of

January 1917

John J. [Name]



Witness my hand and seal this 1st day of
January 1917

PUNJAB LEGISLATIVE ASSEMBLY.

SEVENTH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 21st February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

TRAVELLING ALLOWANCE PAID TO OFFICERS IN ROHTAK DISTRICT FOR
TOURS UNDERTAKEN FOR COLLECTING WAR PURPOSES FUNDS.

*7420. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) the amounts of travelling allowance paid to each of the following officers of the Rohtak district in the month of September, 1940, in connection with tours undertaken for making collections of war purposes funds :—

- (1) the Additional District Magistrate,
- (2) the Revenue Assistant,
- (3) one Magistrate, First Class (Mr. Bashir Ahmad),
- (4) the Tahsildars, and
- (5) the Naib-Tahsildars,

(b) whether the officers mentioned in (a) have mentioned in their bills the object of their visits ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a)

	Rs.	A.	P.
(a) 1. The Additional District Magistrate..	197	14	0
2. The Revenue Assistant	62	7	0
3. Chaudhry Bashir Ahmad Tarar, Officer on Special Duty.	78	0	0

These tours were not devoted exclusively to war work. Ordinary official duties also were performed.

No Tahsildar or Naib-Tahsildar in the district drew any travelling allowance in the month of September, 1940, in connection with tours undertaken to collect war purposes funds.

(b) Yes.

REFUSAL TO GRANT PERMISSION TO DR. HANS RAJ CHADDAH TO ASK ABOUT THE HEALTH OF HIS BROTHER MR. DES RAJ CHADDAH CONFINED IN LAHORE FORT.

*7544. **Chaudhri Muhammad Abdul Rahman Khan**: Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Dr. Hans Raj Chaddah of Lahore Cantonment, a brother of Mr. Des Raj Chaddah, B.A., now confined in Lahore Fort, interviewed his brother Mr. Des Raj Chaddah on the 23rd January, 1941;
- (b) whether it is a fact that Dr. Hans Raj Chaddah was not allowed by the C. I. D. officials present at the time of interview even to ask about the health of his brother Mr. Des Raj Chaddah; if so, the reasons therefor?

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

(b) First part. No.

Second part. Does not arise.

DETENTION OF COMRADE FAZAL ELLAHI QURBAN.

*7546. **Chaudhri Muhammad Abdul Rahman Khan**: Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that Comrade Fazal Ellahi Qurban who was arrested on the 25th October, 1940, from Canal Park, Lahore, is still in police custody in police station Mozang in Lahore; if so, the reasons therefor;
- (b) whether Government intends to try him in the open court; and if not, why not;
- (c) his weight at the time of his arrest and his weight at present;
- (d) whether he is supplied any newspapers or journals to read; and if not, why not?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Yes; for reasons connected with the maintenance of public order.

(b) No; the provisions of the law under which he is detained do not enjoin trial in a court of law.

(c) 138 lbs (25-10-40) and 148 lbs (1-2-41);

(d) He is supplied with the *Civil and Military Gazette*.

ARREST OF SARDAR CHANAN SINGH.

*7559. **Chaudhri Muhammad Abdul Rahman Khan**: Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the police arrested Sardar Chanan Singh from 21, Aikman Road, Lahore, on the 17th December, 1940;
- (b) if so, the offence for which he was arrested and the period for which Government intends to detain him without a trial and the place where he is detained at present;
- (c) whether the Government intends to try him in an open court and if not, why not?

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

(b) (i) For having acted or being about to act in a manner prejudicial to the public safety or to the efficient prosecution of war; (ii) the period of his detention depends on future events; (iii) Police Station, Old Anarkali.

(c) First part, no; second part, the provisions of the law under which he is detained do not enjoin trial in a court of law.

ARREST OF MR. TILAK RAJ CHADDAH, M. A.

***7564. Sardar Moola Singh:** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the Punjab Government arrested Professor Tilak Raj Chaddah, M.A., of the D. A.-V. College, Rawalpindi, in the second week of January, 1941; if so, the reasons therefor, the place where he is detained and the period for which he is to remain under detention without trial;

(b) his weight at the time of his arrest and his present weight;

(c) the names of newspapers and journals supplied to him; if no newspaper or journal is supplied to him, the reasons therefor;

(d) whether Government intend to try him in an open court; if not, why not?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) First part he was arrested on 11th January, 1941.

Second part, (i) for having acted in a manner prejudicial to the public safety or to the efficient prosecution of war.

(ii) District Jail, Rawalpindi.

(iii) This depends on future circumstances.

(b) 124 lbs on 11th January, 1941, 119 lbs on 13th February, 1941.

(c) A daily newspaper is given according to the rules and more than a dozen books have also been supplied.

(d) This matter is under consideration; the provisions of the law under which he is detained do not however enjoin trial in open court.

SEARCH OF THE OFFICES OF PUNJAB STUDENTS FEDERATION AND LAHORE STUDENTS UNION.

***7565. Sardar Moola Singh:** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the offices of Punjab Students Federation and Lahore Students Union were searched on the 10th January, 1941, afternoon; if so, the reasons therefor, the

(b) period for which the search lasted and the names of students arrested at that time and now detained;

(c) the list of books and files removed from those offices and whether Government intends to return these articles to the persons concerned; if not, why not;

[S. Moola Singh.]

(c) whether it is a fact that even text-books and note-books of some of the students present in the office were also taken away by the police; if so, why?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) First part, yes; second part, (i) for illegal literature, (ii) under 1½ hours; (iii) V. D. Chopra;

(b) It is not in the public interest to supply a list of the articles recovered, but anything which it is found later can be returned to its owner, will be returned.

(c) First part, no; second part, does not arise.

SLIDING SCALE OF ASSESSMENT OF LAND REVENUE.

*7533. **Khan Sahib Khawaja Ghulam Samad**: Will the Honourable Minister of Revenue be pleased to state whether sliding scale of assessment of land revenue has been introduced in the whole province; if not, the names of the districts in which it has been introduced so far?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The sliding scale system of remissions has so far been introduced in the following areas only:—

- (i) Lyallpur district;
- (ii) Rakh Branch colony circles of the Sheikhpura district;
- (iii) Lower Bari Doab Colony;
- (iv) Nili Bar Colony, other than proprietary areas receiving non-perennial irrigation;
- (v) Lahore district (except urban and sub-urban circles which are still under re-assessment.);
- (vi) Amritsar district (to take effect when the new demand is imposed in 1945).

Mian Abdul Rab: May I know whether the Government intends to introduce the sliding scale system in the whole of the province?

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

PROSECUTION UNDER THE CHOS ACT.

*7534. **Khan Sahib Khawaja Ghulam Samad**: Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of prosecutions and convictions under the Chos Act of 1900 in Ambala district in 1940;
- (b) the nature of punishment given to each of the offenders mentioned in (a) above?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) 8 cases were already pending and there were 44 fresh cases of prosecution; 29 cases ended in conviction the number of offenders convicted being 47.

(b) Details of the punishment awarded to offenders are as follows:—

<i>Number of offenders.</i>	<i>Punishment awarded.</i>
2	Fined Rs. 2 each.
18	Fined Rs. 5 each.
12	Fined Rs. 10 each.
3	Fined Rs. 15 each.
5	Fined Rs. 20 each.
4	Fined Rs. 25 each.
1	Fined Rs. 50 each.
1	Simple imprisonment for one month.
1	Rigorous imprisonment for one month.

Total .. 47

Khan Sahib Khawaja Ghulam Samad: Were these fines paid by the convicts or not?

Parliamentary Secretary: I have no knowledge. I would like to have notice of that question.

DEATH OF MR. HAZURA SINGH, DETAINED IN MUZAFFARGARH JAIL.

*7295. **Pandit Shri Ram Sharma**: Will the Honourable Premier be pleased to state—

- whether it is a fact that Mr. Hazura Singh, a prominent congress worker of Hoshiarpur district, detained in Muzaffargarh jail under rule 129 of the Defence of India Rules, died in the 3rd Week of September last;
- the circumstances and the disease which led to his death;
- the steps which were taken to save his life;
- whether his family was informed in time and his dead body delivered to them?

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

(b) and (d). Security prisoner Hazura Singh reported sick with malarial fever on September 12th and was admitted into hospital that day. His temperature dropped to normal by September 15th, but the next day he had a slight rise in temperature accompanied by vomiting and diarrhoea, indicating an intestinal crisis of malaria from which he died on the 19th morning. Telegrams informing his relatives of his serious illness and later of his death were sent on September 17th and 19th respectively. His body was delivered to his relatives.

(c) Three medical officers gave him all possible attention. These were the Civil Surgeon, the District Medical Officer of Health and a Sub Assistant Surgeon.

HEALTH OF CHAUDHRI MEHAR SINGH, A PRISONER IN FEROZEPORE DISTRICT JAIL.

*7296. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Finance be pleased to state—

- (a) the present state of health of Chaudhri Mehar Singh, a prominent congress worker of district Rohtak, now serving his sentence of imprisonment under section 124-A, Indian Penal Code, in the Ferozepore District Jail;
- (b) the sort of labour which has been allotted to him from time to time;
- (c) the calculated date of his release and the days of remission earned by him so far?

Parliamentary Secretary (Rai Sahib Thakur Ripudaman Singh) :

(a) Satisfactory. His weight on admission to Jail was 102 lbs. and his present weight is 112 lbs.

(b) He was employed on twisting Ban (medium labour) from 4th July, 1940, to 10th July, 1940, and on spinning cotton (medium labour) from 11th July, 1940, to date.

(c) He has earned 18 days remission up to the end of the third quarter 30th September, 1940, and his probable date of release is the 22nd May, 1941.

CONSTRUCTION OF A *BUND* ON THE *NADI* NEAR SADHAURA IN AMBALA DISTRICT.

*7535. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the *bund* constructed in the *Nadi* flowing on the north of Sadhaura, district Ambala, has been completed or not; if not, when it is likely to be completed;
- (b) whether any permanent watchman has been appointed to look after the *bund* and effect ordinary repairs to the *bund*, when necessary, if not, reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The present works in connection with protection of Sadhaura town are likely to be completed by the end of the Financial year ending March, 1941.

(b) An estimate for maintenance in which the principal item is watching during flood has been submitted to the District Board for providing funds.

CONSTRUCTION OF A *BUND* AT BANDHWANI, DISTRICT GURGAON.

*7550. **Chaudhri Sumer Singh** : Will the Honourable Minister of Revenue be pleased to state the estimated cost on the construction of new *bund* at Bandhwani, district Gurgaon, and hare of the cost which the Government is asking the villagers to contribute in connection with the construction and the reasons for which the villagers are being asked to contribute their share of the cost?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): *First part.*—Rs. 8,687.

Second part.—Rupees 1,000 in cash plus kankar, stone, upla, etc., worth Rs. 2,687.

Third part.—The object of requiring the villagers to make this contribution is to evoke a much closer and more real co-operative interest on the part of the villagers themselves and to execute a larger number of schemes of public utility with limited aid from Government.

UNSTARRED QUESTIONS AND ANSWERS.

EMBEZZLEMENT CASES REPORTED TO THE PUNJAB HEALTH DEPARTMENT.

1366. Sardar Muhammad Azam Khan: Will the Honourable Minister of Education be pleased to state—

(a) the number of embezzlement cases reported to the Public Health Department, Punjab, between the years 1937 and 1940 and the number of the officers and their subordinates who were found guilty in these cases and punished, together with the nature of the punishment awarded to each such culprit;

(b) whether the Government proposes to give any reward to the informants of the embezzlement cases mentioned above; if so, the nature of the reward?

The Honourable Mian Abdul Haye: (a) No embezzlement case was reported to the Public Health Department, Punjab, between the years 1937 and 1940.

(b) Does not arise.

LAMBARDARS IN THE NILI BAR COLONY.

1367. Chaudhri Sumer Singh: Will the Honourable Minister of Revenue be pleased to state—

(a) the number of Lambardars in the Nili Bar Colony;

(b) the number of statutory agriculturists among them, and of those among them who are not statutory agriculturists;

(c) the reasons for preferring a non-agriculturist to a statutory agriculturist in the appointment of lambardar in this Colony;

(d) the number of non-statutory agriculturists who were appointed as Lambardars in this Colony after first April, 1937?

The Honourable Dr. Sir Sunder Singh Majithia: (a) 1,239.

(b) Statutory agriculturists 1,143

Non-statutory agriculturists 96

(c) In making appointments of lambardars the points referred to in land revenue rule 15 read with paragraph 618 of the Punjab Colony Manual are taken into consideration. Other considerations are irrelevant.

(d) 15.

VACANCIES OF CLERKS FILLED BY THE MEMBERS OF THE SCHEDULED CASTES.

1368. Bhagat Hans Raj : Will the Honourable Minister of Revenue be pleased to refer to answer to starred question No. 5472 asked by Seth Kishen Das, M.L.A., on the 8th December, 1939 (printed on page 1503, Volume X of the Punjab Legislative Assembly Debates) and state the total number of vacancies of clerks filled by the members of the Scheduled castes in the Irrigation Department so far ?

The Honourable Dr. Sir Sunder Singh Majithia : The total number of vacancies of clerks filled by members of the Scheduled Castes in the Irrigation Branch so far is five.

REPRESENTATION OF MUSLIMS IN P. C. S. (EXECUTIVE AND JUDICIAL BRANCHES).

1369. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Premier be pleased to state—

(a) the total number at present of posts in the Punjab Civil Service, Executive and Judicial Branches, separately ;

(b) the number of such posts held by the Muslims in both branches separately ;

(c) whether it is a fact that Muslims are not adequately represented in these branches of service ; if so, the action he proposes to take to give them their due share in these services ?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) The honourable member is referred to serial No. 37 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. A copy of this is available in the Library of the House. The statement showing the proportions as they stood on the 1st January, 1941, is under preparation and will be issued shortly ;

(c) The Muslim percentage falls short of the standard 50 per cent but this will be gradually righted as fresh recruitment takes place.

REPRESENTATION OF MUSLIMS AMONG CLERKS IN STATIONERY OFFICES UNDER SUPERINTENDENT, GOVERNMENT PRINTING, PUNJAB.

1370. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Development be pleased to state—

(a) the total number at present of posts of junior and senior clerks, separately, in the recently established stationery office under Superintendent, Government Printing, Punjab ;

(b) the number of Muslim junior and senior clerks, separately, among them ;

(c) the total pay paid to such clerks and the Muslims share in the pay drawn by them ?

The Honourable Chaudhri Sir Chhotu Ram : A statement is laid on the table.

	Junior Clerks.	Senior Clerks.	Total pay per month.
Total number of posts ..	2	4	Rj. A. P. 201 8 0
Muslims' share ..	1	1	60 0 0

REPRESENTATION OF MUSLIMS AMONG SUB-ASSISTANT HEALTH OFFICERS AND SANITARY INSPECTORS.

1371. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Education be pleased to state—

- (a) the total number of Muslims at present employed in the Punjab as Sub-Assistant Health Officers, as Sanitary Inspectors and as laboratory assistants and clerks in the Public Health Department ;
- (b) if the number of Muslims employed for these posts be inadequate the action proposed to be taken by him to give due share to the Muslims in these services ?

The Honourable Mian Abdul Haye :

(a) (i) Sub-assistant health officers ..	3
(ii) Sanitary Inspectors ..	18
(iii) Laboratory assistants ..	6
(iv) Clerks ..	29

(b) Recruitment to the various appointments is now made according to the Block System irrespective of the previous representation of a community in the department.

COMMUNAL REPRESENTATION AMONG RANGERS AND DEPUTY RANGERS, FOREST DEPARTMENT.

1372. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Development be pleased to state—

- (a) the total number, communitywise, of Forest Rangers and Deputy Rangers at present employed in the Punjab ;
- (b) the minimum qualifications that a candidate must possess to be eligible for appointment as a Ranger and as a Deputy Ranger ;
- (c) number of candidates, communitywise, accepted for employment in December last for the post of Deputy Rangers and Forest Rangers ?

The Honourable Chaudhri Sir Chhotu Ram :

	Muslims.	Hindus and others.	Sikhs.	Total.
(a).				
(i) Forest Rangers	28	26	6	=60
(ii) Deputy Rangers	14	20	2	=36
(b).				
(i) Forest Rangers	Intermediate Examination of a recognised University.			
(ii) Deputy Rangers	Matriculation Examination.			

REPRESENTATION OF MUSLIMS IN THE FOREST DEPARTMENT.

1373. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Development be pleased to state the steps proposed to be taken by him to make up the deficiency of *Muslims* in all cadres of service in the Forest Department in which they are not adequately represented ?

The Honourable Chaudhri Sir Chhotu Ram : Recruitment will be made in accordance with the accepted formula by which 50 per cent of vacancies will be allotted to *Muslims*.

REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRINTING, PUNJAB.

1374. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Development be pleased to state whether it is a fact that the *Muslims* are inadequately represented in all branches of the office of Superintendent, Government Printing, Punjab, if so, the steps, if any, taken by him to make up the proportion of *Muslims* in all these branches of the said Department ?

The Honourable Chaudhri Sir Chhotu Ram : Government can not undertake to secure the representation of various communities in different branches of a Department according to approved proportions. These proportions are — *Muslims* 50 per cent ; Hindus and others including scheduled castes 30 per cent and Sikhs 20 per cent. The present representation of communities in the Printing Department as a whole is as follows :—

	Per cent.
Muslims	67.2
Hindus and others	27.7
Sikhs	5.1

As *Muslims* are already over-represented, the second part of the question does not arise.

RESTORATION OF LANDS IN AMBALA DIVISION UNDER THE LAND
ALIENATION (2ND AMENDMENT) ACT.

1375. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Revenue be pleased to state district-wise—

- (a) the total area of land restored to the actual owners in the Ambala division since the enforcement of Land Alienation (2nd Amendment) Act ;
(b) the approximate value of the lands so restored ?

The Honourable Dr. Sir Sunder Singh Majithia : (a) and (b)—

District.	Total area of land restored to actual owners in the Ambala division under the Punjab Alienation (Second Amendment) Act, 1938.	Approximate value of land so restored.
		Rs.
Hissar	1,110 bighas 6 biswas ..	13,942
Rohtak	102 acres	81,350
Gurgaon .. .. .	.. .. .	..
Karnal .. .. .	.. .. .	..
Ambala .. .. .	.. .. .	..
Simla .. .. .	.. .. .	..

INSUFFICIENCY OF RESIDENTIAL QUARTERS FOR CHAMARS
OF TOHANA.

1376. **Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Minister of Development be pleased to state—

- (a) whether he is aware that the Chamars of Tohana are feeling great inconvenience on account of insufficiency of residential houses ;
(b) whether it is a fact that they have been repeatedly asking by means of representations, memorials and applications for grant of land in Depot ground on payment of reasonable price or as a free gift for building their residential houses ;
(c) the final order passed on their applications ?

The Honourable Chaudhri Sir Chhotu Ram : (a) There are two Pattis of Chamars in Tohana town. The Chamars of one Patti are feeling inconvenience on account of insufficiency of residential accommodation. It appears that many other Kamins and Zamindars are in the same position.

(b) Yes.

(c) Attention is invited to the reply to part (c) of starred Assembly Question 6283¹. The District Board, Hissar, has been requested to draw

[Minister for Development.]

up proposals for the utilisation of this ground for public purposes. It is unlikely that any area will be available for allotment to Chamars or other Kamins and Zamindars for residential purposes.

LIST OF CANDIDATES MAINTAINED BY DISTRICT JUDGES.

1377. Khan Sahib Khawaja Ghulam Samad : With reference to the reply to the unstarred question No. 776,¹ will the Honourable Minister of Finance be pleased to state whether the lists of candidates maintained by the District Judges which contained a number of candidates out of all proportion to the vacancies likely to occur contained sufficient number of *Muslim* candidates to enable the District Judges to fill the vacancies with *Muslims* according to their communal share in services ; if not, the action that Government intend to take in the matter ?

The Honourable Sir Manohar Lal : I regret that the time and trouble involved in collecting this information will not be commensurate with any possible benefit to be obtained.

OFFICERS POSTED IN AMBALA DIVISION IN VETERINARY,
CO-OPERATIVE AND AGRICULTURE DEPARTMENTS.

1378. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Development be pleased to state, community-wise, and tahsil-wise the number of officers posted to the Ambala division barring Simla in the following departments—

- (a) Veterinary Department—from Veterinary Assistants up to Superintendent, Veterinary Department ;
- (b) Co-operative Department—from Sub-Inspectors of Banks and Credit Societies up to the Assistant Registrar of Co-operative Department ;
- (c) Agriculture Department—from Agricultural Sub-Inspectors up to Deputy Director of Agriculture ?

The Honourable Chaudhri Sir Chhotu Ram : Three statements giving the required information are laid on the table.²

GAZETTED POSTS IN RAILWAY POLICE.

1379. Khan Sahib Khawaja Ghulam Samad : With reference to reply to the question No. 1307 unstarred³ will the Honourable Minister for Public Works be pleased to state—

- (a) whether, in view of the glaring paucity of *Muslim* Gazetted Officers in Railway Police, Government contemplate to give due share

¹Volume IX, page 568.

²Kept in the Assembly Library. ³Page 54 ante.

to the majority community of the province in the gazetted posts of the Railway Police ;

- (b) whether the officers mentioned in reply to the question No. 1307 are attached to the office of Assistant Inspector-General, Government Railway Police at Lahore ;
- (c) the respective ranks of the seven officers mentioned in reply to part (a) of the question ?

The Honourable Malik Khizar Hayat Tiwana : (a) Gazetted officers are borne on a provincial cadre and their postings are made for administrative reasons and not for any communal consideration.

(b) No. Only three of them are attached to the office of Assistant Inspector-General, Government Railway Police, Punjab, at Lahore.

- (c) 1 Assistant Inspector-General .. (of the rank of Superintendent of Police).
- 1 Assistant to the Assistant Inspector-General. (of the rank of Assistant Superintendent of Police.)
- 4 Sub-Divisional Officers in charge of 4 Sub-Divisions at Delhi, Lahore, Multan and Rawalpindi. (of the rank of Deputy Superintendent of Police).
- 1 Honorary Deputy Superintendent of Police in charge of the Central Investigating Agency. (with a substantive rank of Inspector.)

LEAVE OF ABSENCE OF PANDIT BHAGAT RAM SHARMA, M. L. A.

Mr. Speaker : I have received the following applications from Pandit Bhagat Ram Sharma ;—

I shall feel highly obliged if you will kindly grant me leave and excuse my absence from the further sittings of the Punjab Legislative Assembly.

The question is—

That the permission asked for be granted.

The motion was carried.

HOURS OF SITTING.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana) : Sir, my idea is that the remaining clauses of the City of Lahore Corporation Bill should be disposed of today and the Bill be referred to a drafting committee so that the third reading might be taken up on a subsequent day. I have had a talk with the honourable Leader of the Opposition on this matter and we have arrived at a mutual understanding to see that this is done. I formally move :

That the Assembly do sit today till all the clauses of the City of Lahore Corporation Bill are considered.

The motion was carried.

CITY OF LAHORE CORPORATION BILL.

Clause 7.

Mrs. J. A. Shah Nawaz (Outer Lahore, Muhammadan Women, Urban) : Sir, I was explaining the other day that we, women of India—

Mr. Speaker : Will the honourable lady member please read her amendment No. 21 along with sub-clause (1) (a) and see whether it reads well ?

Mrs. J. A. Shah Nawaz : I agree to modify my amendment. I would omit the last three words of my amendment.

Minister for Public Works : I have no objection to the modification of the amendment.

Mrs. J. A. Shah Nawaz : I was explaining yesterday that we, women of India, have not stood for any special privileges (*An honourable member* : Question.) It is true that we are asking for special privileges because we know that adult suffrage is not immediately possible. When only one per cent of the population was enfranchised, even Mahatma Gandhi proposed in the second Round Table Conference that an indirect method of franchise should be introduced, although the Congress was standing for adult suffrage. When we realized that it would not be possible for the women of India to get their full voting strength under the existing circumstances, we had to ask for special privileges such as reserved seats, etc., and they were granted. Now under the new constitution both in the Provincial and in the Central Assemblies we have been given reserved seats and in the last municipal committee which was superseded, we had three women appointed by the honourable member who was in charge of local self-government. Yesterday when Dr. Sir Gokul Chand Narang was speaking, he said that almost all the persons who were nominated to the local bodies were recommended by the deputy commissioners of the respective districts and that the Minister himself did not make any appointments. I wanted to put a question to the honourable ex-Minister as to who was responsible for the nomination of the three women members of the Lahore Municipal Committee, because I know it was Sir Gokul Chand Narang himself who had nominated them and no recommendations whatever were made by the deputy commissioner. But let me not go into that question now. All that I want to say is that it was because of that nomination that the municipal commissioners realised that women also can make themselves useful in municipal affairs. I will cite only one instance. When we first entered the Lahore Municipal Committee, my colleagues and I were surprised to find that whereas we were not spending more than Rs. 2,400 or Rs. 3,000 a year on the Provincial and Red Cross Child Welfare Centres, the Lahore Municipal Committee was spending Rs. 17,000 on one Centre alone. We called for the file and were surprised to find that the welfare centre was working more on the lines of a maternity hospital. The two Health Visitors in charge of the Centre who were supposed to look after the babies were charging fees from all the rich people round about the area and maternity work and no child welfare work was being done. Within the year four welfare centres were opened with that same amount of money. I have given only one instance. I am one of those who think that whether

in politics or in other spheres woman has a place of her own and I am thoroughly convinced, as I am sure my honourable brothers also know, that in local self-government there is a sphere that can be successfully worked by women alone. (*Hear, hear.*) Now comes the question whether it is not possible to have adult suffrage introduced in the elections to the Corporation and if the present Corporation Bill is going to be based on adult suffrage, why ask for reserved seats for women? There again there are two questions that are before us. First of all, if adult suffrage is introduced, will it give us our full voting strength? Unfortunately not. As you are aware, there are ten million more men than women in India and the disparity between women and men in the Punjab is even greater than in some provinces. Bearing that in mind and also that women are not masters of their own fate and unless their men-folk allow them to do so women cannot go to the polling booths and that hundreds of women because of *purdah* or for some other reason fail to record their votes, their full voting strength is not reflected on the voting registers. With all these things before us, we, the members of the various women organisations, came to the conclusion that the best thing for us would be to ask for reserved seats. Should these seats be filled by nomination or should women have only elected seats? We considered this question in a very representative meeting of our organisation. As far as the question of electorate is concerned, unfortunately in the absence of any agreed settlement between the major communities, it is not possible to change the system of electorates. I am here to voice the sentiments of my constituency and unfortunately the Muslim women of my constituency are not prepared to accept joint electorates. The best example that I can cite here in illustrating this is of my sister sitting on my right. She also comes from my constituency. Ask her whether she is prepared to accept joint electorates. That is why I opposed the amendment proposed by my honourable friend Rai Bahadur Lala Gopal Das. Now comes the question, as the things stand why should I not ask for the word "four" instead of the word "two", proposed by me so that all the four seats which are going to be given to us under the Corporation Bill should be elected seats for the women of Lahore? Why should not the representatives of women of Lahore be returned through election when we women sitting in this hall have come by means of election? This is a very important question and was, as I said, fully discussed in our meeting. It so happens that unfortunately many of our leading women workers, women workers who are devoting their time, money and energy in the service of their sisters, in fact several of them, we find, will not be able to enter the Corporation. We want some of them who are well-acquainted with municipal affairs to get a chance. That is why we are asking that women should be allowed to enter the Corporation by election as well as by nomination. I can mention a few names here. Take for instance, the case of Mrs. Nanak Chand Pandit (*hear, hear*), who worked with us in the last municipal committee. I wish Rai Bahadur Lala Gopal Das had been here, rather all those who have taken part in the discussion had been here, because I want to ask him a question whether elections run on party lines would afford any chance to able sisters like Mrs. Nanak Chand Pandit or Miss Prem Vati Thapar, some of our leading women workers to enter the Corporation?

Rai Bahadur Lala Gopal Das : Why not ?

Mrs. J. A. Shah Nawaz : Then why are they not here to-day ? A deputation waited on the Honourable Minister for Public Works on behalf of no less a representative organisation than the All-India Women's Conference, Central Punjab Branch, and the deputation was led by Mrs. Brij Lal Nehru, the lady who presided at the Annual Session of the All-India Women's Conference at Madras in December last and that deputation asked the Honourable Minister to give us four seats in the Lahore Corporation, two through election and two through nomination. I take this opportunity of thanking the Honourable Premier and the Honourable Minister for accepting the deputation's proposal and it is according to that request that I am placing this amendment before the House. With these few words, I request my brethren to pass it unanimously as women's questions are women's questions.

Rai Bahadur Lala Gopal Das : May I ask a question of my honourable friend, the lady member ? She has just said that she wants two ladies to be nominated and two to be elected. Will the two ladies whom she just now mentioned, namely, Mrs. Nanak Chand Pandit and Miss Thapar, be nominated or elected ?

Mrs. J. A. Shah Nawaz : I have cited two names only, there are a number of other women, who stand no chance of success. With these few words I place this amendment before the House. This is a request unanimously made by the women of Lahore and the deputation that came to see the Minister was headed by an All-India leader. I am sure that all my men colleagues here will realize that we women know what we want and I hope they will unanimously vote for this (*hear, hear*).

Mr. Speaker : Question is—

That the new sub-clause, namely, the addition of “(vi) two women” at the end of sub-clause (1) be taken into consideration.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women Urban) (*Urdu*): Sir, The amendment moved by my honourable sister Begum Shah Nawaz has surprised me much as she has proposed in that amendment that out of four lady councillors, two should be elected and two should be nominated. I do not agree with this view and I think it would be the height of absurdity to say that the Government should nominate two women by putting a yoke of obligation and slavery round their necks. I regarded my sister a lady of advanced views as she had opportunities to visit independent countries and I thought that she might be a staunch supporter of the first principle of democracy, namely election. But having heard her views I feel ashamed of them. She has made an eloquent speech in support of nomination and I do not know on whose prompting she has done so. So far as the opinion of the women of this province is concerned I submit on their behalf, with all the force at my command that they want representation on the Corporation by election and not by nomination. I am sure the House would bear me out in saying that the women-folk in India are oppressed and therefore only those women can represent their cause

efficiently who would be given seats on the Corporation by election only. As my honourable sister has referred to the All-India Women's Conference during her speech I would also refer to it in passing. In this connection I would read out to you the letter which I received from the President of the All-India Women's Conference. The letter says:—

میری بیاری بہن باجی جی—کارپوریشن بل میں میری رائے—مستورات
مبار گورنمنٹ کی نامزدہ ہونی چاہئیں یا ٹیلک کی طرف سے جلی ہوئی
ہونی چاہئیں—اس سوال پر پہنچی ہے۔ پنجاب ووٹرز کانفرنس کی طرف
سے تو اس سوال پر ایک بیان شائع ہو چکا ہے لیکن میری ذاتی رائے اس
سے کچھ مختلف ہے۔ میں نامزدگی سے بالکل متفق نہیں ہوں۔ جہہ ویت کو
پختہ کرنے کے لئے یہ ضروری ہے کہ چٹاؤ کے ذریعہ سے ہی مرد اور عورتیں بی
کارپوریشن کے ممبر ہوں اور میں سمجھتی ہوں کہ اگر یہ حق عورتوں کو
دیا جائے تو اس سے وہ زیادہ فائدہ اٹھا سکیں گی۔

راقمہ

راماشوری نھرو

۲-واٹ روڈ-لاہور

That is the opinion which was held by the President of the All-India Women's Conference. Now let me acquaint the House of
3 p. m. something about the meeting of which my honourable
sister made mention during the course of her brilliant speech. I, too,
was present at that meeting. Now the procedure of holding meetings is
a matter of common knowledge to all. Everywhere the usual practice
adopted is that when a member is interested in a particular matter and he
wants to get it passed by that meeting, he comes to an understanding with
his associates. He asks them to rally round the meeting in full strength
so that the matter may have a smooth sailing. This is exactly what transpired
at that particular meeting of the Conference. Besides, it was stipulated
that a deputation consisting of some members should wait upon the
Honourable Minister for Public Works and make a demand that women
should receive nomination in a fixed number. My name was included in
that deputation. But I was not prepared to go for this purpose and consequently
I refused to be a party to it.

Then my honourable sister was pleased to make a reference about
purdah. She said that women voters refused to go to polling booths on
the mere pretext of *purdah*. This statement is absolutely incorrect. I
myself observe *purdah* and experience no difficulty on that account. I
declare on the floor of this House that not to speak of women I can give a
battle royal to men even. (Cheers.)

[**Begum Rashida Latif Baji.**]

Besides, I would submit that even if a child grows up to a man, his position in the eyes of his mother remains the same. She considers the young man still the same child whom she reared up with great difficulty. Now if the child goes astray, it is the business of the mother to endeavour to direct him to take the right course. It is her duty to tender him advice of the right type. I also counsel the Honourable Minister-in-charge of the Bill in the spirit and capacity of a mother. I would suggest to him not to accept this amendment which on the very face of it is out and out a reactionary one. I would advise him to do away with this pernicious method of nomination and allow all the members of the Corporation, regardless of whether they are men or they belong to the fair sex, to get themselves elected by the public vote.

Then, Sir, if you permit me, I might give a reply to the speech made by the Honourable Minister.

Mr. Speaker : The honourable lady member should speak to the motion now under discussion.

Begum Rashida Latif Baji : I would refer only to that particular speech. He was pleased to remark that the members nominated by the Congress or the Muslim League were considered to be the representatives of the people. As they, too, consist of a body of public representatives they have an inherent right to make nominations. But may I ask in what category will he place these nominated members? Will they be considered as full-fledged elected members? If the Honourable Minister is of the opinion that they would be on par with the elected representatives of the people, then he is entirely mistaken. I am sure, the House is fully aware of the fact that the manner in which the Congress or the Muslim League nominate their candidates and the method which the Government would adopt in nominating members to the proposed Corporation, are quite different in character.

Mr. Speaker : Please speak to the motion.

Begum Rashida Latif Baji : Sir, my remarks relate to nominations and I want to lay emphasis on the fact that not only two but all the four women should be elected. The Honourable Minister said that the members nominated by Government would be considered as elected ones. I say he is labouring under a gross misapprehension. When any person stands as a candidate for the seat of a legislature or a local body on the ticket of the Congress or the Muslim League, then if the public do not like him for one reason or the other or think him unfit to safeguard their interests, they can put up another candidate against the nominee of the Congress or the Muslim League. May I ask the Honourable Minister whether the public will have a right to set up a candidate against the person nominated by the Government? (*A Voice:* That is altogether a different matter.) Yes, you always interpret things in a manner which suits your convenience. (*Hear, hear.*)

Then the Honourable Minister kept harping on the tune during his speech that not only this clause or that clause but also the whole Bill was an exact copy of the Karachi or the Bombay Act. He said that it had been taken word for word from those Acts. But he was silent about clause 7 of the Bill. I presume this clause has not been copied from other Acts because he did not take the Karachi or the Bombay Act from his Parliamentary Secretaries

for the purpose of quoting reference. (*Laughter.*) Then another important matter to be noticed is this. The Honourable Minister has missed the real point which he ought to have copied from the Karachi Act. Now the House will be interested to know that nominated element is non-existent in this model Act. Even in Bombay Corporation out of 117 Councillors there is not a single nominated member. With the exception of 3 *ex-officio* members all are duly elected representatives of the people. In the Madras Corporation the block of nominated members is conspicuous by its absence. Of course in Calcutta only 8 out of 98 members of the Corporation are nominated. The Central Provinces have surpassed all other provinces in this direction. They have done away with nominations in the local bodies lock, stock and barrel. But so far as the Punjab is concerned, "*yahan ka bawa adam nirala hai*". Our Ministers take great pride in saying that they lead other provinces in every respect. May I know if this is the way of giving a lead; that the rights of the people be trampled underfoot by them; that the liberty of speech of the people be suppressed; that the representatives of the people be not elected by the people themselves but appointed by the Government and so forth? Is this the lesson which the Government want to teach the other provinces? May I know if nomination is a matter of glory and honour to them? In this connection I am reminded of a couplet which aptly applies to the Government:

گر زمین مکتب (سک و این ملان

کار طفلان تمام خرابد شد

(*Cheers.*)

Then the Honourable Minister for Public Works remarked that as the people lacked the experience of the working of the Corporation, nomination would help them to acquire this. This kind of argument does not appeal to me. My submission is that in this august House, we have honourable members of all types. There are weak, sturdy, rich and poor members and on the top of it there are women members as well. There is one characteristic which is common to all and that is that all of them have been returned by public votes. May I know if they have not acquired any experience of the working of the legislature; whether the work of this Assembly is not going on smoothly and properly? If everything has been working satisfactorily, then on what grounds is the retention of nominated element in the Corporation being considered necessary? The Honourable Minister should realise that he is sitting in the Assembly of public representatives and not the nominees of any Government. It pains me to find that the Government want to deny the right of election to others while they themselves are deriving full benefit out of it. It is a pity that while they themselves wield power, they hesitate to delegate it to other people. They think that the presence of a block of people who would be at the beck and call of the Government, is essential in the Corporation. If the Ministers think that elected members do not discharge their duties well, why do they not replace elections by nomination in the whole of the province? (*Hear, hear.*) It goes without saying that if nominations hold the field, democracy will come to a standstill while Great Britain is waging war against Germany and Italy in order to save democracy. I firmly believe that democracy and truth

[Begum Rashida Latif Baji]

will come out victorious in this war. (*Cheers.*) But it is passing strange that whereas the rest of the world is prepared to sacrifice everything that it values to uphold democracy, the Punjab Government is dealing a death blow to democracy by upholding the principle of nomination.

May I ask my worthy sister, Mrs. Shah Nawaz what she has in view when she advocates two nominated seats for women in the Corporation and two elected ones? Probably the intention is that two big guns should get nominated and the election with all its bothers should be left for the smaller fry. Why is my worthy sister in such a dreadful terror of public opinion and why can she not support the principle of elections for all? The Honourable Minister has stated that the Bill had been modelled upon the Karachi Corporation Act. I should like to know why the Honourable Minister is insistent upon having nomination when this has been abolished in the Karachi Act.

Sir, the fact is worthy of a little thought that out of the 68 Councillors of the Corporation only 4 will be women and out of these 4, two will be dumb creatures, that is to say, nominated, who will not be free to represent the views of the public and would only echo their master's voice. The other two women will seek election. Although four women in a house of 68 members will be in a hopeless minority, yet if all of these four women are elected that would be something. The first best thing would be to increase the number of lady councillors in the Corporation because women have a special aptitude for statercraft. In fact they hold the portfolio of finance in every household. Similarly there are various other departments which the women can run very efficiently, for example, industries and law and order.

Mr. Speaker : Please speak to the motion.

Begum Rashida Latif Baji : I was stating as to which departments the female members could suitably manage.

Mr. Speaker : No such motion is before the House.

Begum Rashida Latif Baji : Sir, only four seats have been reserved for women in the proposed Corporation and I was speaking in that connection. I will, however, mention these points on some other occasion and conclude my speech at this very stage by opposing the motion of my honourable sister.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I want to say just a word before the amendment is put to the vote of the House. The original proposal in the Bill was to have two elected representatives of women and two nominated representatives. (*Interruption.*) This was done in pursuance of a request made by the All-India Women's Conference. This request was made to me by a deputation of that body. Subsequently, when the Bill was in the select committee stage, the honourable lady member, who has just spoken, suggested that all the four seats should be filled by nominated members. (*Ironical cheers.*) With the consent of the lady members I made all the four seats "nominated". Subsequently they have again asked for reversion to the old provision and as the suggestion is for raising the elected element, we have put in that provision. Some of them are even wanting that all the four seats should be

"elected". I would not, at this stage, like to take up the general question of nomination *versus* election, so I would say that the amendment be accepted.

Begum Rashida Latif Baji (Urdu) : Sir I want to make a personal explanation.

Mr. Speaker : If the honourable lady member wishes to make a personal explanation or contradict a statement of fact, she is welcome to do so, but she is not entitled to make a speech.

Begum Rashida Latif Baji (Urdu) : I want to repudiate the charge that the Honourable Minister has brought against me. I never said in the House or in the select committee that all the four women should be nominated to the Corporation. The proceedings of the House are there to corroborate my statement.

Mrs. J. A. Shah Nawaz (Urdu) : Sir, it is a thousand pities that there should be, in this august House, a great divergence of opinion with regard to the representation of women in the proposed Corporation of Lahore. What aggravates the whole position is the deplorable fact that there are only two lady members in this House and even they are finding it difficult to agree between themselves. But previously there has always been a complete unanimity of opinion over this question. Whatever my own personal opinion may be, I am here to voice the opinion of my class, and in this connection I cannot help mentioning that the great organisation of women has decided with the majority of votes that there should be nomination of women in the Corporation. Now I am bound by that decision of the majority and to this I must sacrifice my own opinion. It is, therefore, that I have moved this amendment. I am not speaking for myself at all. I am voicing the opinion of the great organisation of women which decided that two seats of women should be filled by open election and two by nomination. The reason which led to this decision was the fear lest those ladies who are conversant with the work of the Corporation may not be returned by election. In the select committee when we prevailed upon the Honourable Minister to agree to our point of view my sister on my right remarked that either all the four members should be elected or nominated and that to return two by election and to get the other two on the Corporation by nomination was not a good proposal. I have placed before the House the views of women as expressed in the meeting referred to and I hope the House will carry out their wishes by giving four seats to women in the way I have mentioned above.

Mr. Speaker : The question is—

That the new sub-clause be taken into consideration.

The motion was carried.

Mr. Speaker : The question is—

That the new sub-clause be added to the clause.

The motion was carried.

Sardar Bahadur Sardar Ujjal Singh : Sir, I beg to move—

That in sub-clause (1), part (b), line 2, between the words "women" and "shall", the words "one shall be a member of the scheduled caste and one shall represent labour" be inserted.

[S. B. S. Ujjal Singh.]

The object of this amendment is to make a statutory provision for the representation of the scheduled castes and also of labour.

The motion was carried.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*):
Sir, I beg to move—

That at the end of sub-clause (1) (b), the words "within two months of the last date of election" be added.

Sir, often we have seen that nominations are delayed for an inconsiderably long time during which legitimate and illegitimate means are used to secure the nomination of such members and in such numbers as may be calculated to put the local body under the perfect control of the officers. Even the elections of the president and vice-president are interfered with sometimes to get an official elected as president and sometimes to secure the election of a non-official who may be a favourite of the officers as president of the local body. It is, therefore, necessary to make the appointments within as short a period as possible after the general elections. In the absence of any such provision as I have proposed, self-government does not mean anything. There are many instances to show how in the absence of such a provision the officers interfere with the right of the municipal committees to govern themselves but I would refrain from mentioning them. In brief, the purpose of my amendment is that after the elections for the proposed Corporation the nominations should be made as soon as possible in order to reduce the chances of the officers to interfere with right of self-government of the proposed Corporation.

Mr. Speaker : The question is—

That at the end of sub-clause (1) (b), the words "within two months of the last date of election" be added.

The motion was lost.

Mr. Speaker : The question is—

That clause 7 as amended stand part of the Bill.

The motion was carried.

Clause 8.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (*Urdu*):
Sir, I beg to move—

That in sub-clause (1), lines 3—5, for the words "the Provincial Government prescribe in this behalf", the words "are prescribed in the schedule attached to this Bill", be substituted.

Sir, what I want is that whatever the method the Government may prescribe in this behalf should be attached to this Bill in the form of a schedule. It is possible that the Honourable Minister may get an impression to the effect that since a large area has been included within the Lahore municipal limits—

Mr. Speaker : Honourable member's amendment does not appear to be in order. There is no schedule.

Rai Bahadur Lala Gopal Das : I want that a schedule be added.

Mr. Speaker : The question is—

That clause 8 stand part of the Bill.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I rise to oppose this clause. Most important matters involving the successful working or otherwise of the Corporation are covered by this clause, and all the powers therein have been reserved for the rule-making power of the Government. These are matters which ought to be decided on the floor of the House and embodied in the Act itself. If you refer to the Acts of other provinces you will find that so far as Bombay is concerned they have not only defined the method of election, but have also added to the Act a schedule of the boundaries of the wards. Not only that. They have further given powers to the Corporation itself and not reserved it for the Government to make changes in these wards as may be necessary from time to time, subject of course to the sanction of the provincial Government. Karachi has just the same thing. In Calcutta the city is divided into constituencies and they are specified in Schedule III of the Act. Thus in all the Corporation Acts of other provinces, the wards, the method of election, whether by joint or separate electorates and all connected matters are embodied in the Acts themselves. On the other hand, we find no such thing in this Bill. Here even the method of election is not decided, that is, whether it should be by joint electorates or by separate electorates. (*An honourable member* : Status quo.) It has not been decided how many seats will be allotted to each of the communities. Our experience of the past tells us that in the past trouble arose over this matter and one of the communities even boycotted the municipal committee for quite a number of years because according to them the number of seats allotted to them were inadequate. I do not propose to go into the merits or demerits of that question at this stage, but it passes my comprehension that a matter of this importance should be left to the rule-making power of the Government. It should be decided on the floor of the House and incorporated in the Bill itself. That is why I oppose this clause.

Mr. Speaker : The question is—

That clause 8 stand part of the Bill.

The motion was carried.

Clause 9.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural)
(*Urdu*) : Sir, I beg to move—

That in the proviso to sub-clause (3), lines 5—13, the words "or any person..... in question in any court", be omitted.

In clause 12 many disabilities have been laid down, any one of which will render the seat of a councillor vacant. Not only that. It is also provided in that clause that the Government will be in a position to prescribe many other disabilities under its rule-making power. In spite of that the Government wants this power to arbitrarily refuse to allow any chosen representative of the people to take his seat in the Corporation. This is highly undesirable and I hope the Government will accept my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proviso to sub-clause (3), lines 5—13, the words “ or any person..... in question in any court,” be omitted.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I rise to support the amendment. Open to reason as I am, I admit that sometimes the Government has not to notify the name of a certain person even after his election by the public for certain given reasons. But for that purpose there are sufficient powers for the Government under clause 12. If in addition to those powers, you give Government more powers to refuse to notify the election of a councillor “for any reason”, it is no use establishing the Corporation. The proviso provides that the Government may refuse to notify the election of any person whom :

for any reason which it may deem to affect the public interest may consider to be unfitted to be a member of the Corporation, and upon such refusal the election of such person shall be void.

This means that the Government will have the power to declare any election null and void at its sweet will. After so much of worry and expenditure when he secures the largest votes and the public have shown their confidence in the man, you keep quiet and do not notify his name for any reason. This amounts to playing jokes upon the public, nay, upon democracy itself. And the pity is that the person so affected is not allowed to get the wrong redressed, as it is provided that :—

the decision of the provincial Government shall be final and shall not be called in question in any court.

This provision alone should suffice to condemn the proviso as a flagrant negation of all principles of democracy. It reduces the Corporation to a mockery and a huge farce.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban) (*Urdu*): Sir, I have given notice of the following amendment—

That in the proviso to sub-clause (3), lines 12-13, the words “and shall not be called in question in any court”, be deleted.

Sir, the object of my amendment is that the right of appeal against such orders of the Government should be conceded. When even murderers are allowed to prefer appeals, why should not persons duly elected by the people whose election is declared void by the Government be conceded that right? Is it not a clear negation of justice? I fail to understand why when suits can be instituted even against the Crown and when appeals can be made in such cases, the representatives of the public should not be allowed to appeal against the orders of the Punjab Government. I hope my honourable brothers Rai Bahadur Mr. Mukand Lal Puri and Mian Abdul Aziz will throw light on this matter from the legal point of view.

With these words I commend my amendment to the acceptance of the House in view of its importance with regard to the public interests.

Sardar Sahib Sardar Santokh Singh : I rise to support the amendment that has been moved by Rai Bahadur Gopal Das. The powers which the Government wishes to take into its hands by this proviso are very arbitrary. I am unable to understand with what object they want to retain.

this power into their own hands. People who are elected are to be responsible to their electorate and it must be left to the electorates to elect whomsoever they want. After a person has gone through all the stages of election and comes out successful, this Government in its wisdom wants to retain in its hands the power of notifying his election or refusing to notify it. I doubt if the Minister in charge has any very convincing reasons for taking such a power. If he would refer to the Acts of other provinces he will find that this provision does not exist in any of them. As a matter of fact, if I am not letting out a secret, in the conversation we had with the Honourable Minister the other day, he was perfectly prepared to delete this provision. That is at any rate what I and my honourable friends on this side understood him to say. Now he does not seem prepared to keep to his word. I may draw his attention to the Acts of other provinces. In the Bombay Act, sections 10 and 32 lay down definitely that the names of those elected at the polls are to be published in the Government Gazette or that the names should be affixed in some conspicuous place in the Commissioner's office. The Bombay Government assumes no power of refusing to notify the name of the successful candidates. In Madras section 60 lays down that the councillor elected is to be notified in the Gazette. There also it will be seen that Government has nowhere deemed it fit to retain into its hands the power of refusing to notify the elections of successful candidates. Coming to Calcutta, I would refer the Honourable Minister to section 29. It requires that the names of successful candidates should be reported to the Chief Executive Officer by the Returning Officers and the names shall be published in the official Gazette. It will thus be seen that even in Calcutta no such arbitrary provision exists as our Government wants to provide in this Bill.

Coming to Karachi, section 12 provides that the names of persons elected shall be published in the official Gazette as soon as convenient, so that in the case of Karachi too no such power as our Government wants has been thought necessary. In the case of Rangoon, section 11 lays down that only oath is essential and nothing more. Thus it will be observed that none of the Governments of the provinces I have just mentioned has found it necessary to retain into its hands the power of refusing to notify in the Gazette the names of successful candidates. In our case certain limitations have been provided for in clause 12, such as, if a member does not attend three consecutive meetings his name may be removed; if anybody is retained or employed in a professional capacity in connection with the affairs of the Corporation his name may be removed and so on. We have no objection to these provisions contained in clause 12. I would therefore ask the Honourable Minister what other object he has in view in retaining the power under discussion with the Government except that he may desire by means of this clause to exclude the successful candidates who may happen to belong to the party opposed to him. The record of this Government has not been above board in the matter of these notifications. My honourable friend Mian Nurullah has time and again brought to our notice on the floor of this House the cases of certain gentlemen whose successful return was not notified in the Gazette simply to break the majority of the party at Lyallpur, so that that party may not be in a position to elect its executive officer with the requisite majority. These allegations have not

[S. S. Sardar Santokh Singh.]
 been denied, much less refuted. Therefore this Government must be the last to be given any such arbitrary power of refusing to notify the names of successful candidates for any reason whatsoever. Let us not forget that this provision does not require the Government even to give reasons why it refuses to notify the election of successful candidates.

Not only that. There is a further provision that this act of the Government cannot be questioned in any court of law. If this is not going back to the black ages, I fail to see what else it is. We are now in the twentieth century and we have got to encourage democratic institutions. I ask the Honourable Minister whether such a power in the hands of a party Government will lead to good results. In these circumstances, when no other province has thought fit to retain such power, I fail to see why our Government alone should take the odium of taking such power as to entitle them to refuse to notify the election of successful candidates. I do hope that wiser counsels will prevail and that the Honourable Minister will not insist upon having this proviso in the Bill which will do no good to anyone but only bring bad name to the Government.

Mr. Speaker : The honourable Mian Muhammad Nurullah's amendment to delete the proviso may also be discussed now.

Mian Muhammad Nurullah : Rai Bahadur Gopal Das has moved only for the deletion of the words "or any person.....in question in any court of law" in the proviso. But I am opposed to the whole proviso and therefore I suggest that it may be deleted altogether.

Rai Bahadur Mukand Lal Puri : If discussion on the two parts of the proviso were kept distinct, it would facilitate the discussion, because the two relate to two different matters altogether, and besides one finds place in the existing legislation while the other is a recent innovation which has no parallel in the world.

Mr. Speaker : All amendments may be discussed together, but, if so desired, they will be put to vote separately.

Rai Bahadur Mukand Lal Puri : The one deals with disqualification, while the other deals with the arbitrary will of the Government, and we do not want that the Government should in replying to the whole clause reply only to the first part and entirely refuse to take note of the other. There is no valid reason that can be advanced against Rai Bahadur Gopal Das's amendment while the other may be open to a difference of opinion.

Mr. Speaker : That shall make no difference. In both cases, though reasons shall be different, their object shall be the same.

Rai Bahadur Mukand Lal Puri : No doubt they ask for deletion of parts of the same paragraph, but the matter dealt with in both is entirely different.

Mr. Speaker : They deal with two different aspects of the same matter, that is to say, their names should not be published in the Gazette, in one case for one reason and in the other case for another reason.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): If my amendment No. 6 is accepted, then I need not move for the deletion of the whole clause. The proviso reads :—

Provided that the Provincial Government may refuse to notify the election as Councillor of any person who could be removed from office by the Provincial Government under any of the provisions of section 12 or of any person whom the Provincial Government for any reason which it may deem to affect the public interests may consider to be unfitted to be a member of the Corporation, and, upon such refusal the election of such person shall be void. The decision of the Provincial Government shall be final and shall not be called in question in any court.

The honourable leader of the Opposition has just now remarked that I have on several occasions quoted a case which happened in Lyallpur, a case where an elected member was not notified, and the consequences of his not being notified. I must make that case very clear, so that the honourable members of this House may realise how reasonable or unreasonable, just or unjust, Government is and how by going out of the way it wants to crush the spirit of opposition or wants to turn a majority into a minority or wants to put in such obstacles which nobody would like or appreciate, so that the Corporation may not get a proper majority, say of 58 or two-thirds or any other majority that may be decided upon. The case is that of the election of the Lyallpur Municipal Committee which took place in January, 1939. There were 21 elected members to be returned. Four of them were returned who were members who wanted to obey the mandate of the Deputy Commissioner and who were being pushed up and encouraged and their election was approved by the party in power and the officers there. Seventeen were returned who were opposed to the policy of the Unionists or the party in power or the officials in the district, or the policy carried out by the people who were intermediaries between the officials and the people and who were trying to influence the views of the public through those agencies. What happened was this. One Malik Fazal Husain was elected by a very strong majority. He had been a member of the Municipal Committee and also the Vice-President of that Committee for a number of years, and probably he was one of the exceptional members who had earned very good chits from the Commissioner of the division to the effect that he had done very good work in regard to the Municipal Committee of Lyallpur. He had about five or six years ago along with the other Muslim members of that Committee boycotted the Committee, with the result that for four years there was no Muslim representative on that Committee. This Government, however, came to the conclusion that they must accede to the wishes of the Muslims and they nominated Muslim members to the Municipal Committee and he being one of their best members was nominated to the Committee. Great pressure was brought on him from the officers and the officials in power and by the party in power to help their nominees. But he said, "no, I am not coming with you in this case, I must side with Mir Abdul Qayum", the Ahrar leader. He did not agree to the proposals of the reactionaries or officials, though great pressure was brought to bear on him and the gentleman who wanted to oppose Malik Fazl Husain was one of our old honourable members, Khawaja Ghulam Hasan, but he too could not persuade him. He had to give up the elections but he put in another candidate in his place. Now what was the result of stopping his notification. We could not get a majority of 17. All non-Muslim members were Congressites or Socialists.

[Mian Mohd. Nasrullah.]

Then there was a bloc of Ahrars, three of them. There were two other independent persons like myself who had got in through our own efforts, although the Unionists tried their level best to oppose us. I was siding with the opposition. Government was afraid that if we got a majority of 17, the Government would not be able to appoint their own Executive Officer. That is the general feeling in the town among the public. We come and repeat these incidents because we know what the Government does. I was very sorry to hear from the Minister himself that I am always mentioning such cases about Lyallpur. I do so because I know all about them personally. I take all the responsibility for quoting them and I know how things are managed and therefore I do not come and say anything that is hearsay or that I have heard or that I do not know anything about. I come and say things for which I can vouch or I can say that they are cent per cent true. What happened? That fellow's name was not registered. Why was it not registered? Because some application was sent against him.

I asked this man to send in the case to me, but I do not know why he could not send me the notes. He has, however, sent me details, and they are absolutely astonishing. He says. No. 1—

(۱) میونسٹری کے خلاف جو درخواست پہلے دی گئی تھی وہ بالکل جعلی تھی۔

کوئی آدمی ایسا اچانک پیدا ہی نہیں ہوا۔

No. 2—

(۲) واقعات بالکل غلط تھے۔

Then No. 3—

(۳) گورنمنٹ کو اگر جرأت تھی تو جب میں نے کہا تھا کہ مجھ پر مقدمہ دائر کرو تو کیوں نہ دائر کیا۔ اصل میں یہ بات تھی کہ مقدمہ دائر کرنے سے درخواست کی اصلیت ظاہر ہو جاتی کہ وہ شخص پیدا ہی نہیں ہوا۔

Then the fellow who signed got it signed by many more persons. He says that all those persons would have been brought to book if the Government had made enquiries or had the boldness to take action against them.

اور اصل درخواست دینے والے اور جعلی دستخط کرنے والے گرفتار ہو جائے اور گورنمنٹ کے کم از کم پانچ آدمی سزا پاب ہو جائے۔ جن لوگوں نے جعلی دستخط کئے تھے۔ گورنمنٹ کو بے حد ڈر تھا۔ پھر ایسی جائیداد کے متعلق مجھ پر الزام لگایا گیا جو کہ نہ تو میرے نام پر ہے اور نہ ہی میں ابھی تک اس کا مالک ہوں۔ وہ جائیداد تمام کی تمام میونسٹری کے والد صاحب کی ہے۔ تمام یہ واقعات میونسٹری کے ممبر کمیٹی کے ہدف سے پہلے کے تھے۔ یعنی میں جنوں سنہ ۱۹۳۸ء میں دوبارہ ممبر بنا تھا۔ واقعات اس عرصہ کے ہیں جب میں نے تمام مسلمان ممبروں کے ساتھ استیغفی دے دیا تھا۔ اور اس کو دوسرے پانچ سال کا ہو گیا تھا۔

As a matter of fact the statement he makes is that he was charged for only Rs. 4-5-0 in connection with certain arrears of house tax which did not belong to him and he has given instances where persons owing Rs. 1,400 and more were still nominated as members. Secondly, he says that there is nobody who actually lodged the complaint. It was made to be lodged against him and no enquiry was made and if there were any charges against him, they were absolutely untrue. In these circumstances, can we have this provision added for the benefit of the Minister or for the benefit of the Corporation or for anybody else? If it does not suit the Government to have a particular man, they will rake up all old things and on one pretext or other, without making any enquiry, and just simply to sway the majority one way or the other and to influence the elected majority of Lahore, they will disqualify that man. They can justify their action under this provision.

Mr. Speaker : The honourable member is irrelevant.

Mian Muhammad Nurullah : I am showing that if this proviso is there, certain things will be repeated as was the case elsewhere. I may mention many things as to how Government tries to destroy the two-thirds majority. For instance, there is a Christian member against whom a complaint has been lodged. The tahsildar called him and said, "your house is in your father's name and it is not worth Rs. 2,000". This was said to him after he was properly elected, after he was notified and after he started work as member of the Lyallpur Municipal Committee. This was only to sway the two-thirds majority. I am saying this to show how the Government will work the Act. Ultimately that Christian member had been influenced to a great extent. The proper remedy for the Government, after a man is duly elected and after his election is notified and he actually starts work in the municipal committee, is to go to an election tribunal. But that is not done, because there is nothing against him but some false charges are brought against him and he is harassed. I know of another case where in order to get the majority they wanted, the Government exerted its influence. There is another official in the deputy commissioner's court who is now on extension.

Mr. Speaker : The honourable member is not relevant.

Mian Muhammad Nurullah : There was a member who was unpopular, who could not stand and who dare not stand. He was notified as a member and next time when the same constituency fell vacant his pet was brought in. That is how they manage things. Sir, this action of the Government has led to further friction within the municipality. It affects the majority. Now leaving out the other body let us take the proposed Lahore Corporation. It is going to have 68 members and they have laid down that the Corporation cannot even turn out the executive officer unless there is a three-fourths majority. That brings you to the figure of 51. That would be impossible. I think that the Government will make an improper use of this provision. Therefore it should be deleted.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) : There is the amendment of Rai Bahadur Lala Gopal Das and there is the amendment about the deletion of the whole proviso. You will be pleased to see that this proviso which has been read out by Mian Nurullah and which I need not repeat is a very funny sort of a provision. You will be pleased to

[Mian Abdul Aziz.]

see that in the clause, lines 8-9, where it is given that the Provincial Government for any reason which it may deem to affect the public interests may refuse to notify the election of a person considered to be unfitted to be a member, are like the Punjabi proverb :

Tera khande da sir hildai main tere ghar nahin wasdi.

It appears to me that the Government may wield that power unfettered and may turn out any member whomsoever it wants to turn out. It seems to me that Mian Nurullah's amendment is sounder. In this connection, before we proceed further, I would request you to see that the Government have already got big power in their hands in clause 12. There are ever so many restrictions before a person can be elected. There is the preparation of the electoral roll ; if he is not qualified to be a voter, he cannot come in. Next is the nomination papers. If he is not a proper person and is unfit to be a candidate, he can be chucked out. Then comes the election, and after the election there is another check—the rival candidate has got the right to file an election petition. You will be pleased to see that quite a number of checks there are. How many bars he has to cross, before he can come in as a member. With all that, the Government wants to have another power which may be very strong in the interests of their party and by these means they want to have their own candidates returned by the back-door. Clause 12 refers to the effect of subsequent disabilities and the first is that if any person subsequently becomes subject to any of the disabilities which the provincial Government may by rule prescribe in this behalf. You will be pleased to see that the Government have to frame rules in this behalf and these rules are not before the Assembly and we do not know what sort of rules they will frame. But what has occurred during the past is enough to show how strong those rules will be. Over and above that is the proviso to clause 9 and then there are the provisions made in (b), (c), (d), (e) of clause 12. These are all weapons which the Government has got in its hands to oust a member. And above all they want to have this uncontrolled power, and the wordings of this power are. 'Any reason which it may deem to affect the public interest'. This can be interpreted in any way by the Government at any time. Supposing I do a rightful thing in the interests of the city of Lahore, but the Government says: no, it is not in the interests of Lahore—and the example which has been quoted by my honourable friend Nurullah illustrates the position, what will happen then? We are afraid that if these powers are given to the Government, then there is no necessity for having this Corporation or having the elections. Instead of having 51 or 53 elected members, why do not the Government have the whole power of nomination into their own hands? I would submit that these are the dodges which are being played with the Lahore people and I have a right to very strongly protest against these provisions. In spite of the fact they have taken the power to nominate 15 members and return 6 special seats, they want to wield another power over the public of Lahore and this is in a way the sword of Damocles. By means of this the Government will convey some kind of idea to the member who is public spirited and who wants to serve the country and the city of Lahore that they can take some action against him or he should cease from these activities which he indulges in the interests of public. My submission therefore is that there is

no necessity for the whole of this proviso. However, if the Honourable Minister is not prepared to delete the whole of the proviso, then he should accept the amendment moved by my honourable friend Lala Gopal Das. I appeal to the Honourable Minister and to his very acute commonsense and to his impartiality and justice that these are very great restrictions that are being placed on the Councillors. You say that good people do not come forward for election. How can they come forward when such like provisos are there? Do you think that persons with independence will ever try to seek election? It is all right if you want to crush the spirit of independence which should prevail in these Corporations and local bodies. Then the Government should have the power at any time to cancel the election or not to notify. With these few words, I submit that this so-called important proviso ought to be deleted, otherwise it will crush the spirit of the elective system.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): Sir, I would like briefly to explain why this proviso has been put in and relate the history of how it found its place in the Municipal Act. I find that this particular proviso to clause 9 as it stands to-day is an exact replica of a proviso to section 24 of our present Municipal Act. This proviso, as far as I can see, was passed in 1933 and the author of that amendment was the Honourable Dr. Sir Gokul Chand Narang. I am sorry to find that he is not here in his seat today, otherwise he would have convinced his neighbours as to the reasons that prompted him to bring forward this proviso. The object of the proviso is neither to bar people of political views nor to misuse it for party purposes. The object is to purify the municipal administration and nothing more. It is a pity that even an innocent attempt like that has been misunderstood by my honourable friends opposite. The necessity for the proviso is this. We find that we have got the power to remove a member who misuses his position as such when he is a sitting member. But if corruption or any other abuse has been discovered subsequent to that or towards the later end of that local body's term the trouble arises, because by that time the life of the local body ceases and he can again contest election to a new committee. It was discovered that no action could be taken in such cases and it was with this object in view that this proviso was brought in. What we do at present is as soon as corruption is discovered and the member has been given a chance to explain and we find that act of corruption is proved against him, we issue a warning to him that if he is elected, his election is not likely to be notified because he has been found guilty of corruption in the last committee. Can the honourable member say that these powers should not be exercised by the Government? The reasons for passing this proviso are well-known to those honourable members who were members of the last Council in 1933. Particularly my honourable friend from Lyallpur, I must repeat again that the honourable member is very fond of repeating and quoting matters connected with Lyallpur. It would have been better if the honourable member had raised this question of a particular gentleman at the time of the budget or on some other occasion. That would have been the proper occasion for it. But as he has mentioned a specific case to-day, I must reply to it. He has mentioned the case of a particular gentleman who was removed from a local body. There were a great number of charges against this person. He had been

[Minister for Public Works.]

realizing money from the municipal employees at the time of their promotion. He had under-assessed his house. The honourable member said that it was his father's house. Whether it was his house or his father's house, if as a municipal commissioner he was responsible for under-assessing his father's house, the offence in any case cannot be minimised. (*Mian Muhammad Nurullah*: No.) Then, he has been using municipal employees as private servants. There was an application made against him *re* these allegations and on that application an enquiry was started and subsequently the case was forwarded to Government through proper channel. The Deputy Commissioner himself made that enquiry and came to the conclusion that the man was corrupt. Therefore, the only case which the honourable member has quoted justifies that we should have such powers in the interest of the local bodies and in order to purify the municipal administration. The person concerned was a member of the out-going municipality. It is for these reasons that we want this power. This power has been very sparingly used. And I assure the honourable members that this power will be used sparingly in future also if used at all, and in every case it will be in the interest of the local body.

Mian Abdul Aziz: May I ask a question from the Honourable Minister? Were these complaints against this gentleman made 5 years ago when he was not a member of the Municipal Committee?

Minister for Public Works: I do not know the dates of the allegations and the number of allegations against him. I have mentioned only three that were proved. I may mention here that I am not in a position to tell you all the facts of this particular case. I have not come prepared with this. The honourable member has raised this question suddenly. I drew the Honourable Speaker's attention to the fact that the honourable member was raising an irrelevant question. If the honourable member will give me proper notice, I shall give him the full details of the case. How could I have anticipated that the honourable member will raise this question now? At the moment I cannot give him a detailed reply. I have given him some of the salient points of that case. The enquiry was made by the Deputy Commissioner. These are the salient features that I can remember. I will be able to give further information if he so wishes after due notice. This proviso has not been misused in any way. It is a very wholesome provision. It is in the interest of the local bodies and to rid them of undesirable people. I think this proviso is very necessary and should remain there. Dr. Sir Gokul Chand Narang is not in his seat at the present moment, otherwise he would have been able to tell us why that proviso was included in the Municipal Act. He was responsible for this proviso originally. I oppose this amendment.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, before the Honourable Minister spoke, I really intended to put a question to him and that question was whether he really believes in self-government and in giving to the town of Lahore a self-governing institution? If he really believes in self-government—

Mr. Speaker: That question is not at present under discussion.

Malik Barkat Ali : Sir, this is a part of my speech. I intend to begin my speech with that question. If he really believes in self-government, will he not admit that it is the right of an electorate to declare whether a certain individual is fit or is not fit to be a member of its self-governing institution? Undoubtedly in every Act it is the right of Government to lay down proscriptions, to lay down prohibitions, and if a certain person is ineligible under these prohibitions and somehow or other he has been returned I concede, the Government has a right to refuse to notify his election. But where a member is not ineligible, and where under the rules and under the statute he can stand for a seat and where he succeeds in acquiring the understanding and the confidence of the electorate, what right has the Government to sit in judgment upon the verdict of the electorate, and say that this person, who has been returned by the constituency, is not a fit person? The Honourable Minister says that such a power is necessary in order to purify the local bodies. He was pleased to say that in some cases, Government has found that a member of a local body was guilty of any number of illegalities and corrupt practices and any number of offences, but before Government could bring him to account, the term of the local body expired and Government found itself helpless. Therefore, when such a member offers himself for election and is returned by the electorates, then the Government must have some power to rid the local body of the services of such a member. Now, I will ask the Honourable Minister to kindly consider this matter dispassionately and calmly. It is no good to tell us that such a power exists in the present Municipal Act and that such a power was taken up by Government in the year 1938 when the Department of Local Self-Government was presided over by Dr. Sir Gokul Chand Narang. Dr. Sir Gokul Chand Narang may have committed any number of sins—and I make bold to say that certainly in this matter and in several other matters he committed any number of unpardonable sins—but it does not follow that because Dr. Sir Gokul Chand Narang was the author of a proviso of this character in the Municipal Act of the year 1933, therefore, you should blindly take this power to yourself.

The Honourable Minister says, what is the remedy? If you find that a certain municipal commissioner has been guilty of corruption, has been guilty of embezzlement or has been guilty of any crime, then hand him over to a court of law. You cannot be the judges. It is a question of the liberty of the subject. If you think that a man is undesirable because he is guilty of offences, hand him over to a court of law and if the court of law declares that the man is guilty, there is an end to this man, but without handing him over to a court of law, how can you take it in your own hands to destroy the public career of any individual? I am reminded on this occasion of a statement made recently by the Chancellor of the Exchequer, Lord John Simon. He was referring to a speech made by Mr. Roosevelt, the President of the United States of America. The President referred to four great freedoms. He said that a man must be free to think as he likes and a man must be free to do this and do that. He said that these four freedoms were the very essence of individual liberty. It was reserved to the English Chancellor of the Exchequer to say that there was a fifth more important freedom without which the liberty of the subject could not be complete, and that was the right of every individual freely to have access to courts,

[Malik Barkat Ali.]

and if you take away this right of an individual to go to courts and clear himself of any imputations that may be cast on him, you put an end to all liberty of the subject. Therefore, my respectful submission is that if the Government really wants to purify local bodies and wants to take this power to itself, then let it be free to that individual to knock at the doors of the courts and get himself cleared through the courts. If you think that your action is just, then you should certainly allow that man to go to a court of law. And yet what do you do here? You take to yourself absolutely unfettered, unconditioned powers of refusing to notify any individual whom you may not like. It is not that you put down the reasons in black and white in the statute. Your discretion is absolutely unfettered. It is the widest discretion and we know how many illegalities have been committed in the name of public interest, law and order. Even the bureaucrats in the darkest days of the history of the country never took a power like this to themselves. I can understand people who have not had any occasion to exercise power, being anxious for power, anxious to catch at everything which may give them power. Surely this should not be the position, this should not be the conduct of any popular government. I, therefore, respectfully submit that it is really negating all self-government. Why give Corporation to the town of Lahore, why have a Municipal Committee, why not run all local affairs through your own departments, why tell the world that you are going to give a Corporation? This was the boast of the Honourable Minister that the present Government, instead of giving the town of Lahore the superseded municipal committee, is going to give to the citizens of Lahore a much higher apparatus in the art of self-government, namely a Corporation—and what kind of a corporation?—a corporation the Chief Executive Officer of which is to be appointed by the Government, a corporation in which the entire executive authority of the corporation is going to be exercised by the Government, a corporation the members of which, even if they have been returned by the electorates, can be thrown out by a mere notification of the Government and without any remedy, without any power to that individual of getting himself cleared at the hands of a court of law. I, therefore, respectfully submit that a power like this that it shall be open to this provincial Government, for any reasons, to refuse to notify the election of a member and that on such a refusal the election of that person shall be void, is really a denial, I respectfully submit, of the right of self-government. The Honourable Minister has made it clear that such a provision nowhere exists in any other part of the world, it nowhere exists in any of the Municipal Acts that obtain in India. He has only been able to cite the instance of the Punjab Municipal Act and that instance dates from the year 1933. I submit that you have your own Government of India Act before you. Have the Parliament laid down that after a person has been returned a member of the Legislative Assembly, it shall be open to the Governor to negative his election by a bare fiat, by a bare refusal? Such a provision, if it had been introduced in the Government of India Act, would have led to an uproar, the whole country would have been up in arms and yet this Government is blackening its face by openly defending a provision of this kind in this Bill. *(Cheers.)*

Mr. Speaker : I ask the honourable and learned member to withdraw the remarks which he has incidentally made against Dr. Sir Gokul Chand Narang.

Malik Barkat Ali : With all due deference I draw your attention to the fact that the expression "blackening its face" is not unparliamentary.

Mr. Speaker : The honourable member said that he had committed numerous unpardonable sins and offences. That is the expression which I request him to withdraw.

Malik Barkat Ali : I would gladly carry out your wishes and withdraw those words and say that the policy of the Honourable Dr. Sir Gokul Chand Narang was open to the gravest objections. (*Interruption.*)

Mr. Speaker : Question is—

That in the proviso to sub-clause (3), line 5—13, the words " or any person..... in question in any court" be omitted.

The Assembly divided : Ayes 11, Noes 54.

AYES.

Abdul Aziz, Mian.	Rashida Latif Baji, Begum.
Barkat Ali, Malik.	Sahib Dad Khan, Khan Sahib Chaudhri.
Gauba, Mr. K. L.	Santokh Singh, Sardar Sahib Sardar.
Gopal Das, Rai Bahadur Lala.	Sita Ram, Lala.
Mohy-ud-Din Lal Badshah, Sayed.	
Muhammad Nurullah, Mian.	
Muhammad Raza Shah Jeelani,	
Makhdumzada Haji Sayed.	

NOES.

Abdul Haye, The Honourable Mian.	Jafar Ali Khan, M.
Abdul Rab, Mian.	Jagjit Singh Man, Sardar.
Abdul Rahim, Chaudhri (Gurdaspur).	Karamat Ali, Shaikh.
Abdul Rahim, Chaudhri (Gurgaon).	Khizar Hayat Tiwana, The Honourable Malik.
Ahmad Yar Khan, Chaudhri.	Kishan Das, Seth.
Akbar Ali, Pir.	Maqbool Mahmood, Mir
Amjad Ali Shah, Sayed.	Muhammad Akram Khan, Khan Bahadur Raja.
Chhotu Ram, The Honourable Chaudhri Sir.	Muhammad Ashraf, Chaudhri.
Dasaundha Singh, Sardar.	Muhammad Azam Khan, Sardar.
Faiz Muhammad, Shaikh.	Muhammad Faiyaz Ali Khan, Nawabzada.
Faqir Hussain Khan, Chaudhri.	Muhammad Saadat Ali Khan, Khan Bahadur Khan.
Fateh Khan, Khan Sahib Raja.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Fateh Muhammad, Mian.	Muhammad Yasin Khan, Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muzaffar Khan, Khan Bahadur, Capt. Malik.
Fazl Din, Khan Sahib Chaudhri.	Muzaffar Khan, Khan Bahadur Nawab.
Fazal Karim Bakhsh, Mian.	Nasir-ud-Din, Chaudhri.
Few, Mr. E.	Nasir-ud-Din Shah, Pir.
Ghazanfar Ali Khan, Raja.	Pir Muhammad, Khan Sahib Chaudhri.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.	Pohop Singh, Rao.
Gopal Singh (American), Sardar.	
Gurbachan Singh, Sardar Bahadur Sardar.	
Hari Chand, Rai Sahib Rai.	
Harnam Singh, Captain Sodhi.	

Ram Sarup, Chaudhri.	Shah Nawaz Khan, Nawab Sir.
Ripudaman Singh, Rai Sahib Thakur.	Sikander Hyat-Khan, The Honourable Major Sir.
Roberts, Sir William.	Singha, Diwan Bahadur S. P.
Roshan Din, Chaudhri.	Sumer Singh, Chaudhri.
Shahadat Khan, Khan Sahib Rai.	Talib Hussain Khan, Khan.
Shah Nawaz, Mrs. J. A.	Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The question is—

That clause 9 stand part of the Bill.

The motion was carried.

—

Clause 35.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural)(Urdu):
Sir, I beg to move—

That in sub-clause (1), lines 4—6, for the words "Provincial Government..... three years" the words "Corporation at its first meeting by a resolution and shall continue to act till his successor is appointed or he is reappointed by the new councillors" be substituted.

Sub-clause (1) reads as follows :—

The Chief Executive Officer for the Corporation shall be, from time to time appointed by the Provincial Government for a renewable period of three years.

My amendment seeks to give this power of appointment to the Corporation. You know, Sir, that the widest possible powers have been given to the Chief Executive Officer. He will be, so to say, the nucleus of the Mayor, the Standing Committee and the Councillors. All the powers have been concentrated in him and he will be in a position to do whatever he likes. Under these circumstances if his appointment is left in the hands of the Government there will be no end of friction in the Corporation and the whole edifice erected by this measure will fall like a house of cards. Moreover, it will be a retrograde step taking us back to the dyarchical form of Government which has been replaced by the reforms introduced by the Government of India Act, 1935. In fact it will do away with local self-government itself. It may be argued that our Government is following the example set by Dr. Sir Gokul Chand Narang. But that is not correct. He allowed the municipalities to appoint their Executive Officers by a majority of five-eighths and even that provision was stoutly opposed by important members of your party like the Honourable Chaudhri Sir Chhotu Ram. I assert without any fear of contradiction that this provision is much worse than that relating to the appointment of Executive Officers contained in Dr. Narang's Bill. It aims at taking away what the Government of India Act of 1935 gave us.

As I have already submitted, we do not find dyarchy even in thin provincial legislature but now our Government is going to introduce it in the proposed Corporation. It may be said by the other side that nothing new has been introduced in this clause as they have only adopted the previous rules which were introduced in the Municipal Act of Sir Gokul Chand Narang. I must, however, submit that the present Government should not forget that occasion when Sir Gokul Chand Narang wanted to make a

provision which meant that five-eighths of members could appoint Executive Officers of the municipal committees and the Honourable Sir Chhotu Ram and Sardar Ujjal Singh with their party who were then sitting in the Opposition strongly opposed this provision. May I ask the present Government whether this clause as provided by them is not worse than that? Surely it is. I may further submit that if the Government is empowered to appoint the Chief Executive Officer with all the unlimited and unfettered powers practically concentrated in him it would be a source of inconvenience and trouble to both the Government and the Corporation. And I may be permitted to say that it would be nothing but a reactionary step. Anyhow I may also point out in passing that yesterday being tired of such unheard-of amendment that was going to be made, I drafted a humorous amendment with respect to the long title of this Bill but I have not yet given notice of that amendment. It may run as follows:—

A Bill to authorise the Unionist Ministry to appoint the Chief Executive officer of the Lahore Corporation, arm him with the powers of a Dictator and then support and protect him from the vagaries of a sham Corporation.

Sir, if the Government do not accept any of our amendments I will propose this long title for the Corporation Act. I was, however, submitting that the powers of making appointment of the Chief Executive Officer should not rest with the Government as it will certainly bring friction in the Corporation which would be a farce and mock Corporation under the present provisions. Now let me point out as to how these powers of appointment and vacancies if vested in the Government are likely to create trouble and inconvenience in the Corporation itself. As every honourable member is well aware of the fact that 90 or 95 per cent powers will be placed in the hands of the Chief Executive Officer and if such an officer is appointed by the Government and not by the Corporation the result will be serious and fatal. Most naturally what will happen is this. The Corporation will be divided into two parties as is ordinarily the case in every municipal committee. Again my honourable friends sitting opposite would say that I have cited an example from Lyallpur. But I cannot help doing so because I quote here true facts which I see in my own district. What did the Government do there? They appointed a person as Executive Officer of the municipality but a large majority was deadly against that person. The result was obvious. The municipal committee divided into two parties and its condition became worse than before because if the man concerned asserted on the support of the Government the majority of members quarrelled. The result is going to be supersession. They are not paying his salary. He has also been fined by the President. Now we are trying to find out some working formulas on the principle of give and take. By quoting this instance what I want to point out is that the Government should adopt such measures for the Corporation as may enable them to please people in general and the councillors in particular. Therefore, I submit that the Corporation should be able to work so smoothly that none will be able to raise a finger against it. But, Sir, it is very regrettable that larger number of councillors will be taken by nominations. And I am confident that the same trouble which I have already submitted will arise, that is to say, only the Corporation will stand to suffer and the local Government of this province will again earn a bad name. Therefore my point is that the Government should see that the

[Mian Muhammad Nurullah.]

people of Lahore may not undergo the same troubles and difficulties which they have been undergoing before the supersession of the municipality.

Besides, the Government should first give a trial to the councillors by placing some powers in their hands and if they fail to give a satisfactory account of them, then it may be open to the Government to appoint a Chief Executive Officer over them. And the Government may select a Chief Executive Officer from the panel of the councillors if so desired. In this way, if you read clause 4 you will find that it is reasonable enough and if adopted the object of the Government will be served on the one hand and the Corporation will be pleased on the other.

The clause shows that the Government can appoint a person whom it desires to appoint and besides that the Corporation has also the powers to do so. In this way, I think the person appointed as Chief Executive Officer will be able to enjoy the confidence of the whole Corporation, on the other hand he will also have the trust of the councillors. I, therefore, request the Honourable Minister incharge to accept my second amendment if not the first and if he assures me I will not press my first amendment.

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

That in sub-clause (1), lines 4—6, for the words "Provincial Government..... three years" the words "Corporation at its first meeting by a resolution and shall continue to act till his successor is appointed or he is re-appointed by the new Councillors", be substituted.

This as well as all the other amendments excepting those regarding new clauses, relate to the same matter and can be discussed together.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I rise to support the amendment that has been moved. The Government are having a local body in the name of Corporation, but at the same time they are trying to take away from the municipal committee all the little power which they enjoyed before this Bill. As all of us are aware, formerly the municipal committees had the right to appoint their own Executive Officers. The status of the Chief Executive Officer of the Lahore Corporation is just the same as that of the Executive Officer of a municipal committee at the present moment. If anything, the Chief Executive Officer will enjoy more powers. The question that naturally arises is whether the Corporation will be the master in its own house or whether it will be a subordinate branch office of the Local Government. Sir, if the appointment of its servants is not to be made by the Corporation itself but is to be left to the Government, I really fail to see why we should have at all the farce of the Corporation. Why put people to the trouble of going to the elections and returning their representatives to the Corporation, if those representatives have not even the power to appoint their own servants? I will refer the Honourable Minister to the Acts of other provinces. He is very fond of quoting the Karachi Act but for the last two days unfortunately he has given up that practice because he finds that everything contained in that Act goes directly and overwhelmingly against the provisions he wants to make in this Bill.

Minister for Public Works : If you want I can quote even on this clause—

Sardar Sahib Sardar Santokh Singh : Not the Karachi Act. We find that the Karachi Corporation appoints its own Chief Executive Officer. Calcutta Corporation appoints its own Commissioner and Rangoon appoints its own Commissioner. Above all, even our municipal committees under the old Act have the right to appoint their own Executive Officers. It is quite another matter that in some cases or even in most cases they are not able to appoint them with the requisite majority and it is left to the Government to appoint for them the Executive Officers for the municipal committees, but the first power of appointment lies in the hands of the committees. It therefore passes my comprehension why the Government should take in its own hands the power of appointing the Chief Executive Officer of the Corporation. If their fear is that the Lahore Corporation will not be able to appoint its own Executive Officer all the good for them, the matter will be again referred to them and they can exercise their discretion and make the appointment for them. But there is no reason why the Corporation should at its very initial stage be deprived of the power of appointing its own officers. I would submit again that the question is whether the Corporation is to be the supreme body or the Chief Executive Officer is to be their overlord and one in whose appointment the Corporation will have no hand but who will be appointed directly by the Government. I have not been able to find any reason why it is necessary for the Government to take this appointment in their own hands. To me it appears that it will be a negation of local self-Government. I hope that the Government will allow the Corporation to appoint its own Chief Executive Officer even though it be by five-eighth majority, and if the councillors are not able to make an appointment then alone should the Government step in and make the appointment. With these words I support the amendment.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*) : Sir, I want to make a few observations in regard to the subject under discussion. When the Executive Officers Act was passed into law, the Government, whether out of mere show of its solicitude for the public or otherwise, made a provision to the effect that a municipal committee could elect or appoint its own Executive Officer under certain conditions. When the Lahore Municipal Committee elected its own nominee, as Executive Officer, the condition required to be fulfilled was that the person concerned should be elected by a five-eighth majority of the municipal commissioners. But we were quite in the dark as to what interpretation would be put by the Government on the provision. (*Interruptions.*) The Honourable Minister says that Dr. Narang was responsible for this. I may tell him that I have always pointed out to him to his very face that his action regarding this matter was most unjustified and uncalled for. I quite agree with you, Mr. Speaker, that we should refrain from criticising his person. As a matter of fact I have the greatest respect and admiration for the outstanding ability and towering personality of Dr. Narang. But we cannot help saying that he did commit an unpardonable sin in this respect. However, I must ask the Honourable Minister in charge of the Bill to be clear on one thing and that is that he should not play the double game. Either he should discard the acts of omissions and commissions of Dr. Narang or accept them unequivocally, while framing this measure. It does not behove him to use them as the occasion suits him

5 p. m.

[Mian Abdul Aziz.]

When we object to the retention of a certain clause, he at once, if it suits his purpose, points out that he has not done anything new. The provision is already there in the Executive Officers Act sponsored by the venerable Doctor. On the other hand if he does not like a thing, he says that he wants to do away with the evil which has been in existence as a result of the enactments brought on the statute book by Dr. Narang. This way of doing things is not fair.

Well, Sir, I was submitting that the Lahore Municipal Committee keeping in view the condition of five-eighth majority, elected a person as an Executive Officer by 28 votes. But the Government, in their wisdom, did not approve of the election of that person on the ground that five-eighth majority when calculated on the basis of the strength of the Committee worked out to be 28.2, and the votes secured were only 28. In order to make up the deficiency of .2 votes, the Government suggested that the votes to be secured should have been 29 instead of 28. This suggestion was quite unfair on the very face of things. You are aware, Sir, that if a fraction is less than .5, it is not considered as a whole number, but if it exceeds .5, say it is .6 or .8, it is taken as a whole number. In the light of this observation, the honourable members would realise that the objection raised by the Government was contrary to the accepted principle of Arithmetic. But the Government unmindful of their mistaken view, persisted that 29 votes should be secured. I have no mind to dilate upon this matter but what I want to drive at is that even the previous bureaucratic Government vested the power in the Municipal Committee to elect its own Executive Officer and only kept the right of approval with it. I, would, therefore, request the Honourable Minister that if he desires to see the proposed Corporation running its administration efficiently and properly, he should leave it to the latter to elect or appoint its own Chief Executive Officer, who, of course, would be subject to the approval of the Government. Then I am sure, the Government would have no objection or hesitation in cooperating with the person elected by the Corporation and approved by them. I would ask the Government not to bother about the calculations of three-fourths or five-eighths majorities but by bare majority. We are prepared to accept the arrangement that Government should have the right or power to approve of the person elected by the Corporation. I am fully aware of the fact that no proposal, howsoever useful, emanating from the Opposition, would find favour with the Government and all our reasoning would prove a voice in the wilderness. I know that the Honourable Minister in charge is kind at heart and his intentions are good, but the difficulty is that when he takes his seat in this House he changes his mind. (*Laughter.*) I would appeal to him to refrain from sowing seeds of bickerings amongst the groups in the Corporation. He should reserve the right of approval but leave it to the Councillors to elect their own Chief Executive Officer. That will be the best policy to begin with. But later if the question of his removal arises, then the Government may provide for a certain amount of power being vested in its own hands. The appointment should on no account be in the hands of the Government. Councillors should be given full powers for the appointment of their own Chief Executive Officer.

Even in the case of the previous Executive Officer of the Municipality of Lahore, the root cause of the trouble was that he wanted to usurp all the powers of the members and he had begun hatching up conspiracies against the members. It was his high-handedness that was the real cause of the whole trouble. He was sure that members could do him no harm as long as the Government wanted him to remain there.

I would repeat my suggestion that the Government should empower the Councillors to appoint as their Chief Executive Officer whomsoever they like. The Government should not interfere at this stage. But it may reserve to itself the power of removing him if need be. That is the only way to avoid bickerings as I have already pointed out.

With these few words, Sir, I support the amendment that is now before the House.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (*Urdu*): Sir, one amendment stands in my name and it runs thus—

That for sub-clause (1), the following be substituted:—

"The Chief Executive Officer for the Corporation shall be elected by a majority of not less than five-eighths of the total members, and shall hold office for a renewable period of three years".

Sir, during the discussion of clause 9 which has been passed already the Honourable Minister incharge of this Bill pointed out that the clause was a copy of section 24 of the Municipal Act as approved by Dr. Sir Gokul Chand Narang in his own time. But if he is prepared to copy a certain clause, may I ask him why he does not copy other similar clauses also? It is strange that he should copy what suits his purpose and leave out what does not suit him. So, ultimately it is his choice that we have to discuss and not the choice of Dr. Sir Gokul Chand. Why does the present Minister seek sanction in the action of his predecessor when he is not prepared to go the whole way with him? For instance, Dr. Sir Gokul Chand Narang had provided for a majority of five-eighth for the appointment of the Executive Officer. But the Honourable Malik Sahib has ignored this altogether and left the appointment to be made by the Government alone. How does he justify this? He should be prepared to give the councillors a chance of selecting their own Chief Executive Officer as the learned Doctor had done in the case of the appointment of the Executive Officer. Why does the present Ministry fight shy of incorporating this wholesome provision in this Bill? I hope the Honourable Minister will kindly see his way to accept this amendment.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir,

Mr. Speaker: Please do not repeat the arguments and reasons given by other members.

Lala Sita Ram: Very well, Sir, in obedience to your orders I will not repeat the arguments and reasons given by others but will try to advance entirely new arguments in favour of this proposition. To begin with, I will ask one question. Will the Chief Executive Officer be a servant or the master of the Corporation? There is no doubt that he will be a servant, though a Chief servant. Now it is a question of common sense that a servant serves him better who employs him, and does not serve the fellow who has no say in keeping or dismissing him. If the Corporation has to take work from

[Lala Sita Ram.]

that officer, let the Corporation have power to select the best man for itself. Why should the Government thrust a man of its own choice on the proposed Corporation? If the Corporation has no voice in the appointment of its servant and if the servant is appointed by the Government he will certainly owe allegiance to the Government and not to the Corporation. Obviously the Chief Executive Officer will look up to the Government and not to the Corporation for his protection. So whosoever will appoint him, will be his true master and him alone will he serve best. The Chief Executive Officer will not care a bit for the pleasure or displeasure of the Corporation which has no power to appoint him or dismiss him straightaway. His appointment will be directly in the hands of the Provincial Government and surely he will dance to the tune of the Government and may even disregard his duties towards the public of Lahore. Moreover, this step will be an extremely retrograde step and will retard the progress of true democracy in the Punjab. Against this proposal of the Government, any other proposal would be welcome. Even if the condition of five-eighth majority is imposed for his appointment or dismissal by the Corporation, the results would have been happier than under the present clause. Let me go a step further and say that I will not object even if the Government lays it down that the Chief Executive Officer will be appointed by the unanimous vote of all the Councillors of the Corporation. That would have given the Corporation at least this satisfaction that they are the masters of their own fate. But the Government is not going to give even a remote chance to the councillors. That is really deplorable.

One word more and I have done. It has been said that the previous experience of empowering the municipality of Lahore to appoint its own Executive Officer did not prove a success. I must hasten to say that the charge is not right. Has the Government ever cared to find out its reasons? The first was that the Government had given too much powers to the Executive Officer and the Municipal Committee was reduced to a group of persons who had no powers left to exercise. The second reason was that the majority community of the committee could not tolerate those big powers in his hands and so the President could not pull together with the Executive Officer. And, even if we admit that such experience will not prove a success in this case, as it had not previously, the Government would have been saved from this blame. It would have been the Councillors to blame. I see no reason why the Government should invite risk for themselves, and act like a dictator, which is undemocratic.

With these words, sir, I support the amendment.

Minister for Public Works (The Honourable Malik Khizar Hyat Tiwana) : Sir, I am, to start with, very grateful to the last speaker who has just sat down that he has in his concluding words amply justified if any justification was necessary, why I have separated the powers of the Executive Officer from that of the Corporation. There were quarrels and fighting and the result was that the committee had to be superseded and the further consequence is the Corporation Bill. I hope now these difficulties will not recur. I have heard the arguments of my honourable friends opposite. The Honourable Leader of the Opposition said, "You are fond of quoting other Corporation Acts, but why have you not done so in this

case?" There are four Corporations at the present moment in this country besides this the fifth one that is still to be brought into being. There are the Corporations of Bombay, Madras, Calcutta and Karachi. I would refer the honourable member to sections relating to appointments in these Acts. The power to appoint an executive officer in Bombay and Madras vests with the Provincial Governments. I hope that is not challenged. Then in Calcutta and Karachi, the power is vested in the Corporation but it is subject to the approval of the local Government which virtually comes to the same thing. I therefore submit that no person can be appointed as Chief Executive Officer or Commissioner of a Corporation unless his appointment has been approved by the Provincial Government concerned; so it is the Provincial Government that in fact appoints him. We have honestly put forward that clause in a clear form and I will give reasons. Cases have occurred where the Government have refused to give their approval and the Corporation has continued to send the same name again and again. The result has been a deadlock. To avoid this sort of deadlock we have put down this provision. Cases of Executive Officers Act have been quoted. The trouble we have experienced in working the Executive Officers Act has led me to put in this clause. An Executive Officer should be free from party alliances and intrigues. If we had laid down that the Corporation shall send up names, the Executive Officer shall have to run from door to door and to be under obligation of some one or the other. What this obligation means is well-known to honourable members. Each one would ask for one thing or the other to be done by him if he is appointed. If a man has to be appointed virtually by the Provincial Government where is the harm in saying so in the Act? This is more honest. We have not camouflaged matters. We have not put down and worded the clause in a way that might show that the power is given to the Corporation while virtually the Government has got the power. The power is now left openly with the Government and the Government can exercise that power without any prejudice in selecting the best man as Chief Executive Officer for Lahore. It may be that the people of Lahore are very much concerned with the city of Lahore, but it is also the Provincial capital. We cannot forget that fact and it is the responsibility of the Provincial Government to see that the Municipal Government of the city is well managed and efficient and it is worthy of the capital of this great province. It is, therefore, essential that we should have supervisory powers. Some one might say that these powers in the two other corporations were kept for the Government by bureaucracy. But that is not the case. The Acts of Bombay and Madras were recently revised by the Congress Governments. They were responsible Governments and they have amended the Corporation Acts extensively, but as far as this provision is concerned it has been left intact. When I was in Bombay, I am now submitting this on the authority of the Parliamentary Secretary for Local Self-Government there, I was told that hundreds of amendments had been moved to the various clauses of that Bill but as far as this provision was concerned, even the Congress Government was convinced of the soundness of this provision and not a single amendment was moved to it. I am, however, speaking subject to correction, I have not referred to the proceedings in that Assembly and I may be wrong, but this is what I gathered from the Parliamentary Secretary in charge of the Bill and if any further proof is wanted then kindly refer to the Bombay Act itself. If powers are given to

[Minister for Public Works.]

a foreign body or to bureaucracy, those may be resented but powers given by the legislature to a Government responsible to a representative legislature like this should not be considered objectionable. It is a power vested in the Government and is to be exercised subject to your approval. If you do not want that power given you can throw it out and with it the Government. These powers are not to be exercised by myself for all times. I may not even be in charge of this portfolio when the appointment is to be made. Honourable members over there or somebody else may be here. It is for the Government of the time to exercise the power of making the appointment. I have no way out but to reject the amendment moved on the subject. Experience will show that this is an honest attempt at solving the difficulty. If the House at any time thinks that this power should not be there with Government they can amend the Act.

Mr. Speaker : Question is—

That in sub-clause (1), lines 4—6 for the words “provincial Government..... three years” the words “Corporation at its first meeting by a resolution and shall continue to act till his successor is appointed or he is re-appointed by the new Councillors.”

The motion was lost.

Rai Bahadur Lala Gopal Das : I beg to move—

That for sub-clause (1) the following be substituted—

The Chief Executive Officer for the Corporation shall be elected by a majority of not less than five-eighths of the total members and shall hold office for a renewable period of three years.

The motion was lost.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (*Urdu*):
Sir, I beg to move :—

That in sub-clause (2), line 8, between the words “time” and “if” the words “after consultation with the Corporation” be inserted.

This sub-clause gives the power to remove the Chief Executive Officer to the Corporation as well as to the Government. While the Corporation can move him only by a majority of five-eighth the Government can do so at its sweet will. My suggestion is that if and when the Government wants to remove him it should do so after consultation with the Corporation. It has been said by the Honourable Minister in respect of so many clauses that they have been copied word for word from the Karachi Corporation Act. My submission is that the provision suggested by me is contained in the Karachi Act and when the Government has followed that Act in so many instances why not include this wholesome provision also ?

Mr. Speaker : Question is :—

That in sub-clause (2), line 8, between the words “time” and “if”, the words “ after consultation with the Corporation” be inserted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural)
(*Urdu*): Sir, I beg to move :—

That for sub-clause (2), the following be substituted :—

“He shall be forthwith removed if 9/17 of the total number of councillors pass a resolution to that effect in a special meeting convened for the purpose”.

Our experience in respect of the old Executive Officers Act, which provided for the removal of that officer by a majority of five-eighths shows that it is never possible to have that majority. There were certain Executive Officers who deserved to be removed at once but the municipalities concerned were not able to remove them on account of this provision. The same will be the case with the Corporation. No less than 43 votes will be required for the purpose. The 17 nominated members and 6 representatives of special interests will never vote in favour of the proposition unless the Government so desires. This leaves us with 47 councillors and I am sure that it will be difficult even to secure the attendance of 43 out of them. It is, therefore, desirable that the requisite majority be reduced. I have suggested 9/17, that is, 36 which will be more than a bare majority and the Government should have no objection to this proposition. You should give the Corporation a reasonable opportunity to remove this officer if there is any friction which affects the administration of municipal affairs adversely.

Mr. Speaker : Question is :—

That for subclause (2), the following be substituted—

“He shall be forthwith removed if 9/17 of the total number of Councillors pass a resolution to that effect in a special meeting convened for the purpose”.

The motion was lost.

Mr. Speaker : Question is—

That clause 35 stand part of the Bill.

The motion was carried.

— — — — —
Clause 37.

Rai Bahadur Lala Gopal Das : I beg to move—

That in lines 3-4, for the words “fifteen hundred”, the words “one thousand” be substituted.

The motion was lost.

Sardar Bahadur Sardar Ujjal Singh (Parliamentary Secretary)
I beg to move :—

That leave be given to move—

That in line 13, after the word “force” the following proviso be added :—

Provided that the Corporation may permit the Chief Executive Officer to perform such other duties on such conditions as they may think fit.

The motion was carried.

The new proviso was then considered and added to the Clause.

Sardar Bahadur Sardar Ujjal Singh : I beg to move —

That in the proviso, line 1, after the word “provided” the word “further” be added.

The motion was carried.

Mr. Speaker : The question is—

That clause 37, as amended, stand part of the Bill.

The motion was carried.

Clause 88.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) (Urdu): Sir, I beg to move:—

That in sub-clause (1), line 1, for the words "Provincial Government" the word "Corporation" be substituted.

I need not make any lengthy speech on this amendment. The Government have not allowed the Corporation to appoint its own Chief Executive Officer but it is only fair that at least the power of granting him leave of absence should be given to the Corporation.

Mr. Speaker: Question is—

That in sub-clause (1), line 1, for the words "Provincial Government," the word "Corporation" be substituted.

The motion was lost.

Mr. Speaker: The question is—

That clause 38 stand part of the Bill.

The motion was carried.

Clause 104.

Begum Rashida Latif Baji (Inner Lahore, Muhammiadan Women, Urban) (Urdu): Sir, I beg to move—

That in line 1, for the word "less" the word "more" be substituted.

Sir, with regard to the House-tax it has been provided in this Bill that it shall not be less than 10 per cent of the annual valuation of the property. By my amendment, I seek to change this minimum to the maximum of tax that could be charged. The Government has only recently imposed property and sales taxes and both these will have to be borne by the citizens of Lahore. The house tax to be imposed by the Corporation will be in addition to them. Now, if in regard to the house-tax 10 per cent is fixed as the minimum the actual tax may be imposed at 20 or 25 per cent. It is in order to prevent such a possibility that I have moved this amendment. Moreover, no distinction has been made between the rich and the poor in so far as the imposition of this tax is concerned. Whether a person owns ten houses or two houses or whether he has only one residential house the tax will be levied at the same rate.

Since I want the other amendments to be discussed I desist from making a lengthy speech and with these words I commend my amendment to the acceptance to the House.

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

That in line 1, for the word "less", the word "more" be substituted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I rise to support this amendment. As we all are aware a property tax of 20 per cent plus another 10 per cent by way of war tax has already been passed by this House. The Honourable Premier gave an assurance that he would see that the property tax, plus the corporation tax, will not exceed 25 per cent and that is why the Premier said that he wanted to begin

with, to start with, a tax of 10 and 5 per cent respectively, in all 15 per cent. This amendment wants to limit the corporation tax to not more than 10 per cent, so that by accepting it, the Government will only be honouring the assurance of the Honourable Premier. The Premier's verbal assurance, given to this house, will now be translated into action and reduced to writing. By accepting this amendment the total of the taxes, namely the property as well as the corporation tax, will come up to 25 per cent. I hope the Honourable Minister will accept this amendment and thus honour the assurance that the Honourable Premier had given to this House.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, amendments Nos. 6 and 7 also stand in my name which are almost to the same effect, but I will take up No. 5 which reads:—

That in line 1, for the words "less" the word "more" be substituted.

First of all, I am of the opinion that when we have given the Corporation the power, or rather made it obligatory on it to impose a tax the question of the rate ought to have been left to be decided by the Corporation itself. But if you must prescribe a rate you should have fixed the maximum and not the minimum. Moreover, it is not desirable to fix the minimum rate at such a high pitch. It will be a temptation for the authorities concerned to incur a heavy expenditure even before the Corporation comes into being. Anyway, 10 per cent should be the maximum although I am of the opinion that a maximum of 5 per cent should have been enough.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, this minimum of 10 per cent would mean that the rate can be fixed at the highest possible pitch. It is a matter of common knowledge that in every law usually a maximum and not a minimum is prescribed in such cases, but our Government has adopted this strange policy of fixing a minimum of 10 per cent which means that the house-tax may go up to 20 per cent or 50 per cent or even 100 per cent. You are not unaware of the fact that the people residing in the civil station area of Lahore have to pay land revenue also and then the inhabitants of this city are paying many other taxes like income-tax and motor tax. Again, they are going to pay property tax and sales tax. On the top of all this it is hardly desirable to insist on this minimum of 10 per cent. Why do you not stick to your original intention of having 10 per cent as the maximum rate? We do not insist on a rate of 5 per cent in the beginning. You may fix it at 6 or 7 per cent if you want but 10 per cent should be the highest limit. With these words I support the amendment.

Minister for Public Works (The Honourable Malik Khizar Hayat Tiwana): I would first of all, like to point out, Sir, that the rates of taxes laid down in this clause are going to be more or less what they are at present. Notice has already been given of an amendment to be moved to the clause about rebates. At present the rates levied are 4 per cent in certain areas, 3 per cent in another area and 2 per cent within the walled city. And when the full rates come into force in 1942 they would be raised and will be 8 per cent where the drainage will be working and in the areas where the drainage has to be extended later on 6 per cent and 3 per cent in the walled city. I have said that this is the amount which is to be levied under the present Municipal Act, and nothing more has been provided for

[Minister for Public Works.]

on the minimum side. That concession is to remain in force till the end of 1941. After that the rates will be still less than the full rates, if the rebate is allowed. This is nothing abnormal and the rates here are similar to those provided in every Corporation Act. Bombay provides 8 per cent as the minimum. Karachi provides 7 per cent as the minimum and it also provides a top limit. I have in this Bill not provided a top limit. The reason is that I am almost convinced that the Corporation is not going to increase any tax. We know from past experience that until this power was taken over by the Government the local body concerned was reluctant to levy any tax. That is our experience in other local bodies as well. As to raising money for the repayment of loan is concerned, we have only provided for the loan for sewerage scheme. Beyond that we are leaving it to the elected members, and I am sure they will never misuse their powers as they are always to be responsible to the citizens of Lahore.

There is one limiting factor of course and that is the undertaking given by the Honourable Premier that the cumulative effect of all these property taxes, that is, the tax levied by the Lahore Corporation and the urban property tax, will not go beyond 25 per cent and that undertaking, and that limit applies to the total levy on these properties concerned.

Regarding the municipal share of it, as I said the other day according to the present rates we are expecting to get 4½ lakhs. That amount is primarily meant for the cost and the maintenance of the sewage scheme and the interest on the loan. Later on when we begin to get Rs. 9 lakhs after full rates have come into operation, then the cost of the sewage scheme will also have increased accordingly. This is the amount that will see us through as far as the completion of the sewage scheme and the repayment of the loan goes and consequently this is a tax that I do not think anybody should grudge. As a comparison take, for instance, the case of rural areas. They have, right from the beginning of the British Raj been paying a tax of 12½ per cent of land revenue on every bit of land where land revenue is levied. Why should the citizens of Lahore not pay something also ?

Dr. Sir Gokul Chand Narang : Are we not paying land revenue ?

Minister for Public Works : No.

Dr. Sir Gokul Chand Narang : We are paying.

Minister : The land revenue is given in a consolidated grant back to the city. The city gets it back.

Dr. Sir Gokul Chand Narang : We pay a higher rate.

Minister : Even there you will admit that it is only on certain portions of the city that the land revenue is levied ; in other portions, it is not levied at all.

Mian Abdul Aziz : But that does not all go to the municipality.

Minister : But look at the amenities that the municipalities give instead.

Mian Abdul Aziz : May I put a question to the Honourable Minister ? Is it a fact or not that exorbitant revenue rates are paid by the Lahore people barring the internal city ?

Minister for Public Works : Well, I know that in certain portions of the city land revenue is levied, but that is at a very light rate. I do not call it exorbitant and in view of the fact that Government will give back to the Corporation as it used to give the old municipality a consolidated grant for the development of the new *abadi* not to speak of the amenities enjoyed by the citizens of Lahore or what they would have after the completion of the schemes that are under consideration, it is certainly light. Compare this with the tax paid by people living in rural areas and amenities enjoyed by them. There they are paying 12½ per cent as the local rate. There cannot be any justification for any reduction in the rate we have proposed in the case of Lahore. I think that this is the least amount of tax that we can levy. We have not asked for a penny more than is necessary and I would say that this should be ungrudgingly agreed to.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): The Honourable Minister made two points in his speech. One was that the Lahoris are going to have this great amenity and therefore 10 per cent tax is not a heavy one. I would have agreed with him if he had limited the duration of the time for which this tax would be enforced. We moved amendments. We tried our best to have it limited to a certain time, but the Government did not agree to limit it to a certain time. It did not agree even to the suggestion that I made that the Government should reserve to itself the power of ordering the Corporation to impose this tax and that the Government may also fix the period for which this tax would be imposed. Government did not accept even that. Government wanted this tax to be an everlasting and eternal burden on the people of Lahore for the sewerage scheme and thereby mortgaging the whole town of Lahore for eternity.

Minister : If you refer to clause 131 of the Bill, you will see that it is not necessary to impose a time limit to terminate the tax. This tax will always be necessary for the benefit of the people as far as I can see, but as the statute would stand after the passage of the Bill the honourable member's remarks are misplaced.

Dr. Sir Gokul Chand Narang : The fact remains that he did not agree to limit the imposition of this tax for a certain time. If the Government is not prepared to listen to amendments at this stage can you expect from this Government or for the matter of that from any Government of this type that may follow them that they would utilise the provision of section 131 and remove this tax? This is one fact. Therefore my submission is that considering that it is going to be an eternal burden and a perpetual mortgage of the citizens of Lahore, the rate of taxation is very heavy. Everyone who has spoken on this point has pointed out that 10 per cent should be the maximum and not the minimum.

The other argument advanced by the Honourable Minister was that he repeated the assurance which, according to him the Honourable Premier had given on the floor of the House. Perhaps, the Honourable Premier had said something to the effect that the total burden on the citizens of Lahore, inclusive of the provincial tax and the corporation tax, would not exceed 25 per cent. That is what he said. Are the honourable members

[Dr. Sir Gokul Chand Narang.]

on this side satisfied with the words of any of those gentlemen who constitute the Government at the present moment? (*Mian Abdul Aziz*: Certainly not.) This is the reply given to me by one of the senior members who can be relied upon to have full knowledge of the credentials of the gentlemen constituting the Government. Have we not got the example of this Government going back upon its words? Have we not a recent example when the Premier stated on the floor of the House that the tax would not be, in the first instance, more than 5 per cent and then the very next day he came forward and said that the minimum to begin with would be 10 per cent? I am sorry that he is busy with his Parliamentary Secretary discussing some arrangement for a dinner or for some other party. I did not want to speak in his absence. Therefore I wanted to draw his pointed attention. He was practically absent from this House when I was dealing with that part of the argument. For his benefit, with your permission, I would like just to repeat one sentence. The honourable Minister in charge of this Bill wants us to rely upon the words of this Government that altogether the burden of taxation, so far as house tax is concerned on the citizens of Lahore, will not exceed 25 per cent.

Premier: That is perfectly correct.

Dr. Sir Gokul Chand Narang: Yes, that is perfectly correct. In so far as the factum of such a statement having been made on the floor of the House is concerned, it is perfectly correct. But is it correct that everybody takes the Government or even the Premier at his own words? Certainly not. I had this emphatic "No" from the honourable member on my right.

Premier: It is their misfortune and not mine.

Dr. Sir Gokul Chand Narang: All right. Then they have to provide against that misfortune. The Premier is not a person whose word can be trusted.

Mr. Speaker: Please do not be personal.

Dr. Sir Gokul Chand Narang: I do not want to give any offence to anybody. I said as soberly, as deliberately, as calmly and as gently as possible that we cannot be diddled by the words either of this Minister or that Minister or even the words of the Premier. I was referring, when he was not attentive, to what he said in connection with the Urban Property Taxation Bill that in the first instance he would impose only 5 per cent and the very next day he came forward and said that he would impose 10 per cent and he gave a reason. I need not discuss that reason, although in passing I may point out that the reason that he gave was unsound and did not carry conviction. But let us say for the sake of argument that there was something plausible in that reason. Again, a similar reason can be devised later on and again he would say, "what I promised was conditioned by the well known legal saying *res sic standibus*, and things have changed and my promise was conditional and now I have every right to go back upon my promise. I thought that Lahore would become a second *Jannat* in two years, three years or five years, but with this 10 per cent or 25 per cent, it has not become *Jannat*, therefore, I am sorry we have to raise the rate of taxation and therefore we should have 20 per cent under that Act and 10

per cent under this Act. So, it would come to 80 per cent and during the period of the war, it might be 80 per cent plus 10 per cent that is, it might be 40 per cent." He will say, "what I thought I could not do, because the circumstances are changed and my party does not agree. I cannot go against my party and therefore, we are doing this." He will be perfectly justified in his excuses on constitutional grounds. He will say, "well, I do not go back upon my promise, but my party does not agree and the circumstances have changed, therefore, the rate of taxation must be increased." I would submit, with due respect, that if the Government really intends that the aggregate shall not exceed 25 per cent, it should have been embodied in the Bill itself, or they should accept the amendment which may now be proposed or which is under discussion, so that it may be possible for them to keep the taxation fairly low and the corporation tax and the property tax may not exceed the limit proposed by the Premier. When a party wants an assurance, that assurance can only be effective which is embodied in the statute itself because there are various kinds of pressures and circumstances which may be urged as unavoidable and so on, and, therefore, an undertaking which is not embodied in the statute is always liable to be departed from. If the Premier or his Ministers really want to give an assurance to the people on this side or to the people of Lahore outside this House, they should accept this amendment and if they are not prepared to accept this amendment, I would request the Honourable Minister to accept another amendment which may place this assurance on a more solid foundation than the mere word, howsoever weighty it may be, of the Minister or even of the Premier. I hope, I have not said anything which might have given any offence to anybody. I do not mean to give any offence to anybody. I was only stating that people are not always satisfied with the words of the Ministers whether in this House or even in other Houses. Even if a Minister in England gives a verbal assurance, people would not be so satisfied as they would be satisfied with a clause in the Bill itself because then they would know that this clause cannot be changed unless it is brought before the House and the House is given an opportunity to discuss the proposed amendment again. That is all I have to say.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I am sorry that I have been dragged into the discussion on this Bill. As you know, Sir, I have absented myself throughout the period of this discussion in this House because I am not concerned with this Bill. I am sorry that my honourable friend, Dr. Sir Gokul Chand Narang, as usual made certain assertions in this House which were wholly incorrect. He tried to put something in my mouth which I never said and then he controverted it like a section of the press—

Dr. Sir Gokul Chand Narang : For instance ?

Premier : For instance, he said that I gave an assurance that the tax would not be more than 5 per cent in the first instance and the next day I said that it would be 10 per cent. I never said anything of the kind.

Dr. Sir Gokul Chand Narang : Good heavens !

Premier : As if you believe in heavens. I doubt if you will be there
(*Loufhter.*)

Dr. Sir Gokul Chand Narang : I would not be there if you are there.

Premier : I would not take you with me. What I said was that in the original Bill we had provided $\frac{1}{4}$ of one per cent of the capital value of land. The next day in the select committee the Bill was amended after we had taken the opinion of the House, and we decided that we should not levy the tax on the capital value but that it should be based on rental value. Therefore I said that instead of $\frac{1}{4}$ of one per cent it would be proper if we have 20 per cent but that I would start with 10 per cent only. I said that in the Bill you have got 20 per cent and that we shall not ask for more than that. I said so. The two incidences were quite different : one was $\frac{1}{4}$ of one per cent of the capital value and the other was 10 per cent or 20 per cent of the rental value. If my honourable friend will look up these speeches he will find that I am perfectly correct. Probably either through lapse of memory, or through basing his statement on hearsay, or perhaps for some other reason, he has committed that mistake. He then went on to say that nobody outside or in the House was prepared to accept the word of this Minister or that Minister or that of the Prime Minister. Well that may be his view. I am certain that it is not the view of the people outside this House or of the majority inside this House. I cannot stop my honourable friend from generalising from his own experience or his own ideas :—

نہ ہر کس بقدر ہم اوست

Then he cited my honourable friend sitting on his right :

(laughter)

خواجہ کا کسے ڈکو

No ill-will was meant. (*Interruptions.*) Sometimes Punjabi is more expressive than any other language. My honourable friend went on to say that nobody has got any reliance in the word of a Minister and he later on qualified it, to tone down his very obnoxious statement, by saying that in other parliaments similar things happen. I will not say anything more on it. We have given in this House an undertaking that the total levy of the property tax, whether it is by the municipal committee, by the new Corporation, or by Government combined, shall not exceed 25 per cent. I here give an undertaking that a provision will be made and instructions will be given accordingly. Even if after that my honourable friend does not believe in it it is his misfortune.

Dr. Sir Gokul Chand Narang : On a point of personal explanation, with your permission. The Premier was pleased to say that I put words in his mouth. He is very fond of proverbs which sometimes bring trouble. I quote to my honourable friend a Punjabi proverb : *pai nahin char*

پائی نہیں چڑ

It is a very common proverb in the Punjab. It means whether you call it "pai" or "4 topas" it means the same thing.

Now the hollowness of the attack which he made on me that I put words in his mouth, is exposed by the fact that what he said then and even now comes exactly to what I have said. The capital value was to be determined under the Act : it was to be X into 20, X being the annual rental of the place, and then $\frac{1}{4}$ per cent of that was to be taken. (*An honourable member : Is this personal explanation ?*) Yes, he says he did not say 5 per cent and that I am putting 5 per cent in his mouth. He either used identical words which

I have used or used words which were not capable of any other interpretation. The best evidence of that is that Sardar Santokh Singh, while discussing that matter, said that he had made a promise to levy only 5 per cent and now he was saying 10 per cent. I also said something to the same effect and I said he might have reasons and he moved his head and said good reasons. He gave reasons, but did not say that it was not 5 per cent, he gave reasons that so far as land is concerned it would be difficult to estimate the annual value and therefore he was starting off with 10 per cent. If he would sit down calmly and dispassionately he will find that the assurance which he had given to the House and the people outside was that it would be 5 per cent and then the next day he said 10 per cent. The newspapers of Lahore are witness to that fact and we find the very thing in the newspapers which reported his speeches. At first when I read 10 per cent in the vernacular papers I thought that there was some mistake. Then I read English papers and found the same thing again. I was surprised to see how the Premier had gone from 5 per cent to 10 per cent.

Premier : On a point of personal explanation (*Laughter*). My honourable friend is a very clever and experienced lawyer. He has forgotten that when I introduced this 20 per cent instead of $\frac{1}{4}$ of one per cent I made it clear that the original Bill as introduced contained $\frac{1}{4}$ of one per cent of the capital value of property including land. In the select committee we decided to do away with the capital value of land. Now Sardar Santokh Singh will remind you whether it is correct. In the select committee it was decided to give up land altogether and take only the annual rental value and not the capital value of property. My contention was that it would be somewhat more than 20 per cent. That was the point. If my honourable friend wants to satisfy himself he can read in his leisure the proceedings of the Assembly.

Begum Rashida Latif Baji (Urdu) : Sir, my amendment is based on the principle of justice and fairness. It is known to you all that the inhabitants of the inner Lahore are mostly poor. This part of the city badly stands in need of better sanitation. If the Government have the good of the poor people at heart, most of the proposed funds should be spent on the improvement of this area, the inhabitants of which urgently need such a help. It would be well to widen the streets which are so narrow at present, and underground drains should also be constructed there. The Government should improve the existing arrangements for removing the refuse and the funds raised from that locality should be liberally spent on the improvement of that very vicinity. As a matter of fact even most of the funds to be raised from the outer Lahore should also be spent on the inner Lahore. But I am afraid that will never be done. One can very well judge from what is being done at present. The utmost that will be done is that one drain will be roofed. I will therefore ask as to why a tax should be imposed on the inhabitants of the inner Lahore in order to afford better facilities to the wealthy people living in grand palaces in the outer Lahore, especially when the poor people living in the inner Lahore are not going to be benefited by the funds to be raised through this taxation? It is a thousand pities that no amendment, however minor it may be, is accepted by the Government even though it might have been moved with a view to benefiting the poverty-stricken people and orphans.

Mr. Speaker : The question is—

That in line 1, for the word "less", the word "more" be substituted.

The Assembly divided : Ayes 10, Noes 39.

AYES.

Abdul Aziz, Mian.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Lal Singh, Sardar.
Muhammad Nurullah, Mian.
Muhammad Raza Shah Jeelani,
Makhdumzada Haji Sayed.

Muhammad Wilayat Hussain Jee-
lani, Makhdumzada Haji Sayed.
Rashida Latif Baji, Begum.
Santokh Singh, Sardar Sahib Sar-
dar.
Sita Ram, Lala.

NOES.

Abdul Bahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable Chau-
dhri Sir.
Dasaundha Singh, Sardar.
Fajz Muhammad, Shaikh.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Baha-
dur Maulvi.
Gopal Singh (American), Sardar.
Guest, Mr. P. H.
Jagjit Singh Man, Sardar.
Jogindar Singh Man, Sardar.
Karamat Ali, Shaikh.
Khizar Hayat Tiwana, The Honour-
able Malik.
Maqbool Mahmood, Mir.
Mubarik Ali Shah, Sayed.

Muhammad Ashraf, Chaudhri.
Muhammad Faiyaz Ali Khan, Na-
wabzada.
Muhammad Sarfraz Khan, Chau-
dhri.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Nasir-ud-Din, Chaudhri.
Naunihal Singh Mann, Lieutenant
Sardar.
Pir Muhammad, Khan Sahib
Chaudhri.
Pohop Singh, Rao.
Ripudaman Singh, Rai Sahib Tha-
kur.
Roberts, Sir William.
Roshan Din, Chaudhri.
Shah Nawaz, Mrs. J. A.
Shah Nawaz Khan, Nawab Sir.
Sikander Hyat-Khan, The Honour-
able Major Sir.
Suraj Mal, Rai Sahib Chaudhri.
Talib Hussain Khan, Khan.
Ujjal Singh, Sardar Bahadur Sar-
dar.

Rai Bahadur Lala Gopal Das : Sir, I beg to move—

That in lines 3-4, for the words "valuation determined under this chapter", the words
"rent realised" be substituted.

The motion was lost.

Mian Muhammad Nurullah : Sir, I beg to move—

That leave be given to move—

That at the end, the words "Provided all taxes on that property combined do not
exceed 25 per cent of the annual rental value" be added.

The motion was lost.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, (Urban) (*Urdu*): Sir, I beg to move—

That leave be given to move—

That at the end, the following words be added:

“The house tax levied by the former Administrator of the Lahore Municipal Committee shall, unless the Corporation decides otherwise, cease to be levied when the Lahore Drainage Scheme is complete.”

The motion was lost.

Mr. Speaker The question is—

That clause 104 stand part of the Bill.

Dr. Sir Gokul Chand Narang: I do not want to make a speech on the merits of the clause, but I want only to bring out clearly that although the Government professes that it would not allow the burden of taxation on the citizens of Lahore to exceed 25 per cent in the aggregate, it is not prepared to embody that assurance in this Bill. If they are prepared to give that assurance and if they intend to stick to that assurance and to carry it out in future, there seems to be no reason why they should not satisfy the public mind on this ground by accepting this amendment proposed by Mian Muhammad Nurullah. The mere fact that they have refused to accept that amendment shows that there is *dalmen kala*,

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that their mind is not clear on that point.

Mr. Speaker: The honourable member is discussing the same thing over and over again.

Dr. Sir Gokul Chand Narang: I am not discussing the clause. I am only pointing out that this amendment was not moved at that time. This amendment was not before the House at the time I spoke first. The members of the House did not know what this amendment was going to be except those who had gone through the list of amendments. The people outside this House, the parties concerned, who have to bear the brunt, did not know that this amendment was there and it was, therefore, necessary for me to draw pointed attention of this House to the amendment and to the attitude adopted by the Government with respect to this amendment that they did not even give leave for this amendment to be moved.

Mr. Speaker: The question is—

That clause 104 stand part of the Bill.

The motion was carried.

Clause 105.

Rai Bahadur Lala Gopal Das: I move—

That in sub-clause (1), line 6, for the word and figures “1940 and 1941”, the word and figures “1942 and 1943” be substituted.

The motion was lost.

Mian Muhammad Nurullah: I move—

That in sub-clause (1), lines 5—8, the words “provided that said tax” be deleted.

[Mian Mohd. Nurullah.]

They do not apply because the Corporation would not come into existence before 1942 and, therefore, "1940 and 1941" are absolutely redundant.

Mr. Speaker : Question is—

That in sub-clause (1), lines 5—8, the words "provided that said tax" be deleted.

The motion was lost.

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

That in sub-clause (1), lines 5—7 the words, "half the tax from three quarters of" be deleted.

The Honourable Minister has admitted so often that the sewerage scheme cannot be extended to the area within the city walls. It cannot be denied that the sanitation of that area requires much more attention than that of the Civil Station area. But since you say that it is not practicable to extend the benefit of the scheme to the old city, there is no reason why the people residing in that area should pay even half the tax which is to be spent on that scheme. With these words I commend this very reasonable amendment to the acceptance of the House.

Mr. Speaker : Question is—

That in sub-clause (1), lines 5—7, the words "half the tax from three quarters of" be deleted.

The motion was lost.

An Honourable Member : What about Amendment¹ No. 3-A?

Mr. Speaker : It is out of order; because when a new clause is to be moved to take the place of an existing clause, unless the existing clause is deleted or omitted, no substitution or new clause can take its place.

Begum Rashida Latif Baji : I beg to move—

That leave be given to move—

That after sub-clause (1), the following new sub-clause be added:—

"2. All houses belonging to widows or minor children in which they themselves live or which bring income sufficient for their own living shall be exempted from the payment of the tax."

The motion was lost.

Rai Bahadur Lala Gopal Das : I beg to move—

That in sub-clause (2), line 2, between the words "schools" and "hospitals" the words "colleges and all buildings the rent of which is used exclusively for educational purposes, or for the purpose of public utility" be inserted.

The motion was lost.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*): Sir, I beg to move—

That in sub-clause (2), line 3, between the words, "houses" and "and" the words "and any property attached thereto" be inserted.

¹3-A. By LALA SITA RAM: That in sub-clause (1), lines 5—8, for the words "Provided said tax" the words "Provided that the money thus realised be spent for the first three years on acquiring land inside the city for the purpose of building roads in narrow localities" be substituted.

Sub-clause (2) reads as follows :

All mosques, temples, churches, dharamsalas, gurdwaras, schools, hospitals, dispensaries, orphanages, alms-houses and drinking-water fountains shall be exempt from the payment of the tax.

My amendment is self-explanatory. I want the Government to spare the places consecrated to God by exempting from the payment of this tax the property attached to the places mentioned in the sub-clause because the income from such properties is spent on maintenance and repairs of these places.

Mr. Speaker : Question is—

That in sub-clause (2), line 3, between the words "houses" and "and" the words "and any property attached thereto" be inserted.

The motion was lost.

Begum Rashida Latif Baji : I move—

That leave granted to move—

That after sub-clause (2), the following new sub-clause be added:—

"(3) the buildings and property, the income derived from which is spent upon the maintenance of schools, colleges, hospitals, alms-houses, mosques, temples, gurdwaras, and other institutions of public welfare and utility shall be exempt from the payment of the tax".

The motion was lost.

Begum Rashida Latif Baji (Inner Lahore, Muslim Women, Urban)
(Urdu) : Sir, I beg to move—

That in sub-clause (3), line 2, for the word "five" the word "fifteen" be substituted.

Sir, this is a very important amendment inasmuch as it relates to the minimum of rent taxable under this Act. It is a well known fact that there is not a single house in Lahore which bears a rent of Rs. 5 per mensem. Even the smallest attic is let out for 6 or 7 rupees. The Honourable Minister will excuse me if I say that not being a resident of Lahore he is not in a position to know the real facts about this city. He belongs to Shahpur where huge palatial buildings do not fetch more than two or three rupees per month by way of rent. I have resided there for a sufficiently long time. My husband, who was posted there, rented a big bungalow for his office for Rs. 30 only whereas if it had been in Lahore it would have been let for no less than Rs. 200. Again, Sir, the Railway Department got a bungalow built for him at a cost of fifteen thousand rupees, but it could not bring more than Rs. 2,500 when it was sold. Such is the return of property in the district of the Honourable Minister. Now, by exempting rents up to a sum of five rupees the Government seem to have shown the height of magnanimity, but may I know as to how many persons the Government hope to benefit by their generosity? Scores of women come to me daily and say that they had to sell their utensils in order to pay the tax. You, Mr. Speaker, have been the President of the Lahore Municipality and the conditions here are very well known to you. I, therefore, beg to submit that this amendment is in the interest of the poor and if it is not accepted it is likely to expose your claims of sympathy with the poor.

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

That in sub-clause (3), line 2, for the word "five", the word "fifteen" be substituted.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I rise to support this amendment, but I would not say much in this respect. As a matter of fact the exemption of houses whose rental value is five rupees is an exemption only in name. May I ask the Government how many houses there are in a city whose monthly rental value is less than Rs. 5? Even the ordinary residential houses of the very poor people are assessed at Rs. 15 or Rs. 20 as their rental value. Thus it comes to mean that you are forcing them to pay this tax. Had you substituted "fifteen" in place of "five" a large section of the poor people would have got the relief. But your adamant attitude shows that the Government have now come to tease the poorer section of the urban population. You will remember, Sir, that when Urban Immovable Property Tax Bill was under discussion the Government made a provision in the said Bill that houses with a yearly rental value of Rs. 240 or monthly value of Rs. 20 would be exempted from the imposition of the property tax. But here it is laid down that houses with rental value of Rs. 5 per mensem or Rs. 60 per annum would be exempted from the tax. It shows that Government has only lip sympathy with the poor. What concession the Government gave to the poor the other day with one hand it is taking away with the other. It is really very strange that in one Bill concession is granted while in another Bill the same is nullified. As this amendment is quite reasonable and will afford much needed relief to the poor if accepted, I lend my wholehearted support to it.

Mir Maqbool Mahmood (Parliamentary Secretary) (*Urdu*): Sir, I rise to oppose the amendment just moved by my honourable sister Begum Rashida Latif Baji. I respectfully submit that there can be absolutely no difference of opinion on either side of the House so far as the exemption of poor people from property tax is concerned. But I would like to tell my honourable sister that her amendment for exempting houses and lands of a rental value not exceeding 15 rupees would in no way serve the interests of the poor and I am of the opinion that its acceptance would rather bring hardships to the poor. She might remember that when Urban Immovable Property Tax was under discussion it was stated by the Government that houses and lands situated inside and outside Lahore whose rental value is 25 and 20 rupees respectively would be immune from the tax. But she must realise that this Bill deals with quite a different matter and in this connection I would refer her to clause 130 which runs as follows:—

130. (1) The Corporation may exempt in whole or in part, for any period not exceeding one year, from the payment of any such tax, any person who by reason of poverty may in their opinion be unable to pay the same, and may renew such exemption as often as may be necessary.

I think now it would be clear to my honourable sister that it is open to the Corporation to exempt any person from the imposition of tax if it so desires. Supposing the Corporation thinks that certain respectable people living in houses whose rental value is 50 rupees and who have to educate their young daughters and have to meet their other expenses are unable to pay the tax, the Corporation can exempt them from the payment of that

tax. But what my honourable sister insists upon is that those people should be exempted from the payment of tax whose houses bring them 15 rupees as rent. She wants to fix this amount for exemption and it is, therefore, not justifiable. I understand that the Government have very generously given powers to the Corporation to exempt people from the tax at any time it likes. When this power of discretion or alternative is with the Government I think it is no wisdom to bring in sentiments regarding this matter.

Besides, I may also point out that we would not have given support to this measure if proper and reasonable protection had not been provided to the poor in this Bill. Clause 130 is there as I have already submitted and I do not think that in its presence there is any chance of misapprehension to occur. With this I would also like to draw the attention of my honourable sister to the subsequent parts of this clause 130 in which it has been provided that the tax which has not been exempted by the first part of the clause can be exempted, abolished, suspended or reduced by the Government at any time they like. I, therefore, respectfully submit that if the object of moving this amendment is to make ground for election then it is all right. Otherwise I would request the honourable lady member that if she has really a soft corner for the poor in her heart she should not press her amendment as far as clause 130 is there in the Bill.

Rai Bahadur Lala Gopal Das : If the Government does not want to accept this amendment, I think my amendment¹ next to it must be more acceptable and the Government should not, therefore, hesitate to accept it.

Sardar Sahib Sardar Santokh Singh : The speech of my honourable friend Mir Maqbool Mahmood does not alter the situation. The point at issue is as to what should be the limit of exemption, whether it should be Rs. 5 or Rs. 15? My sister, Baji Latif, has proposed this exemption at Rs. 15 and it should not be confused with the right of the Corporation of making remissions. Remissions will not be easy to obtain. My honourable friends should not forget that people will have to run to the doors of the commissioners for these remissions and even then everybody will not get them. The subject-matter of this discussion is, as to what should be the limit of exemption and whether it should be Rs. 5 or Rs. 15. I may point out that in Madras a house the monthly rental value of which is less than Rs. 18 is exempt from this tax. In Calcutta a house the monthly rental value of which does not exceed Rs. 20 is exempt. I do not see why the exemption in the case of Lahore should be so low as Rs. 5 and I would request the Honourable Minister to accept the very reasonable request of my honourable sister and exempt from the payment of tax the houses which have a rental value of Rs. 15 and less.

Begum Rashida Latif Baji (Urdu) : Sir, the Parliamentary Secretary, Mir Maqbool Mahmood, has remarked in the course of his speech that I am not safeguarding the interests of the poor by moving this amendment. If it is so, let me ask him as to why a limit of Rs. 5 has been fixed in this clause. I have not the

¹That in sub-clause (3), line 2, for the word "five" the word "ten" be substituted.

[Begum Rashida Latif Baji.]

least doubt about Mir Sahib's ability, but I must say that I have also brains to reply to his points. (*Cheers*). I regret to say that he though a citizen is ignoring the hard facts in this matter. Let me, therefore, tell him that he can be successful in hoodwinking men, but he may rest assured that he will never be able to throw dust in my eyes so far as the plight of people living inside Lahore is concerned. (*Hear, hear.*) Because I am well aware of the conditions prevailing in the city. It is most lamentable that I tabled these amendments on behalf of the women living in the city but the Government has not accepted even one of them. Now let me again point out to the Government as I have already submitted many a time before, that women come to see me and they weepingly ask me to voice their sentiments and feelings in this House so that the Government may not remain in the dark so far as their miseries are concerned. Even the other day fifteen women came to me for help. I wrote an application for them and directed them to go to the Town Hall. But it was all in vain as it is a custom there that the Town Hall people do not care a fig for ladies even. Now I tell you, what happened to them. A clerk took the application from them and said 'Give me this application. In future it will be considered.' I wish the Government had redressed the grievances of ladies and by paying some heed to their hue and cry had exempted houses of more rental value than the houses whose rent is five rupees only. But as they had not done so I tabled an amendment to the effect that small houses whose rent was Rs. 15 should be exempted. As you are aware, Sir, it is very expensive to build a house in Lahore as the land is very dear. Let me, therefore, tell the Honourable Minister in charge that this is not a village where you can order people to bring some *Miti and Gara* and build up a house by merely joining bricks with one another. No this is not the case here. This is Lahore where much is spent on building a house and where land is extremely costly. And these petty houses on which you are levying tax now have been built by poor women by selling their ornaments and all they had. Just imagine how big those houses would be whose rent is Rs. 15 only. They must be small. (*Interruption from the Minister in charge.*) This hue and cry of mine will not stop unless you accept my amendment. (*Laughter*)

7 p. m.

I have the privilege to represent womenfolk and I am here only to plead their cause. I would, therefore, certainly voice the feelings of my electorate. No power on the face of the earth can stop me from doing so. I pray to God to create pity in the minds of these stone-hearted people and as I do not want to take much time of the House, I finish my speech by citing an appropriate verse which says:—

ما زب وہ مائے حیرت وہ اللہ کے مری بات
 دے اور دل اُنکو جو نہ دے مجھ کو زبان اور

Mr. Speaker : The question is—

That in sub-clause (3), line 2, for the word "five" the word "fifteen" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 105 stand part of the Bill.

The motion was carried.

Clause 273.

Mr. Speaker : The question is—

That clause 273 stand part of the Bill.

The motion was carried.

Clause 273-A.

Shaikh Faiz Muhammad (Parliamentary Secretary) : Sir, I beg to move—

That leave be given to move—

That after clause 273, the following new clause be added:—

273-A. Save as otherwise expressly provided, no civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this chapter required to be settled, decided or dealt with by the Corporation or the Chief Executive Officer.

The motion was carried.

Shaikh Faiz Muhammad : I beg to move—

That the new clause be taken into consideration.

Mr. Speaker : Motion moved—

That the new clause be taken into consideration.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, this new clause is sought to be brought in at the eleventh hour.

Minister for Public Works : No, it was moved at the right time but, with the permission of the House, was postponed for later consideration. It is not being flung upon the House as a surprise. Perhaps the honourable member was not in the House when this new clause was postponed.

Dr. Sir Gokul Chand Narang : Well, it has come up for discussion at the eleventh hour when the people are tired and everybody is anxious to leave this Chamber. My submission, Sir, is that whatever provision there is already in this Bill should suffice to prevent frivolous litigation, but to place on the Statute Book a clause to the effect that—

Save as otherwise expressly provided, no civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this chapter required to be settled, decided or dealt with by the Corporation or the Chief Executive Officer.

is not justified. Sir, my submission is this that ordinarily, no doubt, every one would agree that permission should not be given to people to go to a court on every point which a Municipal Committee or a Corporation or its Chief Executive Officer may decide, otherwise the working of the municipal laws would become impossible, but to shut the doors of civil courts against people, who feel aggrieved in all cases which are not expressly provided is most unjustifiable. (*Interruptions*). Oh, please let me proceed with my speech. The clause says that so far as the provisions of this Chapter, namely, Chapter 24, commencing with clause 260, are concerned, no one shall be allowed to seek redress in a civil court unless it is expressly provided for in the Act. My submission is that this Chapter

[Dr. Sir Gokul Chand Narang.]

deals with the sanction of buildings and building plans and so on. To take only one section, section 262 lays down that—

The Chief Executive Officer shall refuse to sanction the erection or re-erection of any building in contravention of any scheme sanctioned under section 259 or in contravention of any rule or by-law made under the provisions of this Act.

The Chief Executive Officer may refuse to sanction the erection or re-erection of any building for any reason to be communicated in writing to the applicant which it deems to be just and sufficient as affecting such building.

Now, Sir, here is a Chief Executive Officer, who thinks that in a certain place, a house should not be built and he does not give any legal reasons. It is his discretion alone which is to be the binding factor.

Minister for Public Works : There is an amendment coming to that effect.

Dr. Sir Gokul Chand Narang : Oh, please do not interrupt. I know my business well. This Government does not know its mind. Here we have to deal with amateurs or, as was once reported by one of the Reporters when I used the word amateurs, "immatures". (*Interruption*).

Minister for Development : We are not dealing with senile people.

Dr. Sir Gokul Chand Narang : I assure the Honourable Minister who is just stepping into senility and incipient lunacy that there are many people who seriously and sincerely doubt the sanity of this Minister and let me warn him that—(*Interruption*).

Mir Maqbool Mahmood : The grapes are sour (*Interruption*) but the honourable member should not use that language. He has used the word 'lunacy'—

Mr. Speaker : Order, order.

Mir Maqbool Mahmood : He has used the word 'lunacy' with regard to the conduct of one of the Ministers here. I submit that unless he, in the interest of decency, withdraws—

Dr. Sir Gokul Chand Narang : If his Minister, the man over there, has the decency of withdrawing the words he used against me—(*Interruption*). He used the word 'senility'.

Mir Maqbool Mahmood : 'Senility' is a compliment.

Dr. Sir Gokul Chand Narang : Then my honourable friend does not know what English is. 'Lunacy' may be excusable.

Mr. Speaker : If that word was used, it is as good or as bad as 'lunacy'.

Minister for Development : I did not impute senility to my friend.

Mir Maqbool Mahmood : You withdraw.

Dr. Sir Gokul Chand Narang : Withdraw what? (*Interruptions*).

Mir Maqbool Mahmood : Let him say that he did not use the word 'lunacy'.

Dr. Sir Gokul Chand Narang : I am truthful and more frank. The Honourable Minister used the word about me and I used the moral about him. I am not going to tell a lie. (*Interruptions*).

Mir Maqbool Mahmood : The position is clear. The Honourable Minister has said that he did not attribute that word to the honourable member opposite.

Sardar Sahib Sardar Santokh Singh : He actually used the word attributed to him.

Mir Maqbool Mahmood : If Dr. Sir Gokul Chand Narang says that he did not attribute the statement to that Minister—(Interruptions).

Mr. Speaker : If the Honourable Minister of Development withdraws the word 'senile', the honourable member will withdraw the word 'lunacy'.

Minister for Development : I do not want him to withdraw. Let us proceed with the business.

Dr. Sir Gokul Chand Narang : The Honourable Minister says that we should proceed and with your permission I will proceed to business.

Minister for Development : I did not use the word for any individual.

Minister for Public Works : The Honourable Minister has said that he word was not used with regard to any one.

Dr. Sir Gokul Chand Narang : It would be anything but truth on my part to say that. I did use it for him but if he says that he did not mean to cast any reflection on me or abuse me, I have no intention to offend him.

Mr. Speaker : He withdrew it.

Dr. Sir Gokul Chand Narang : Then I withdraw.

Minister for Development : I did not withdraw. I said that I did not use the word for any individual.

Dr. Sir Gokul Chand Narang : I was discussing this clause which is sought to be added and I am opposing it on the ground that it deprives the citizens of Lahore of a most valuable right, that is, a right of seeking redress in a civil court. The other day I pointed out what Sir John Simon had said about the fifth liberty and it has become now a settled practice with this Government that the people are deprived of this fifth liberty. So this is going to be a 'blessing' which this provincial autonomy has brought to us that we are, at every stage, being deprived of this most valuable right, which a subject in every country possesses, of going to a court of law if he feels that he has a grievance. If this clause is accepted, it would mean that we cannot go to a civil court even on the question whether a decision of the Chief Executive Officer or the decision of the Corporation is against the very rules under which the Corporation or the Chief Executive Officer claims to have proceeded. That is always open to the civil court to decide whether an action taken by the Corporation or by its Chief Executive Officer is according to the law as contained in the Corporation Act itself and if the court finds that the action of the Corporation or of the Chief Executive Officer is *ultra vires* or is in contravention of the provisions of the very Act itself which is the charter of the Corporation or of the Chief Executive Officer, it will be an excellent ground for the court to interfere; but if this clause is accepted, it would mean that even in such cases we cannot go to a court of law. I give you

[Dr. Sir Gokul Chand Narang.]

one instance and it is probably to prevent the recurrence of that instance that this clause has been proposed by the Government. It may be at the instance of the Administrator or of someone who hopes to be the Chief Executive Officer of this Corporation. The instance to which I want to refer is this. There is a certain quarter in Lahore not very far from this place where a large number of plots were sold by a land-owner of this town. Various people — most of them of very ordinary means — purchased those plots. Six marlas or a little more or less was the area of each plot. Some people put in applications before the Municipal Committee and those applications were granted and some people who had the means erected their houses on those plots while some other people, although their plans were sanctioned because they did not have the means, delayed the erection of their buildings with the result that sometime after, the Administrator in charge of the municipal affairs at present, decided that no more houses could be built on those plots. Those plots are now lying idle and the money of the purchasers is locked up. They can neither sell nor erect buildings because they have been stopped from building thereon and they cannot sell because no one would buy the plots in the face of such attitude of the municipality as represented by the Administrator and as the people are very poor, they cannot even fight. One person, I understand, had the courage and means to go to a court of law. He filed a suit probably for a declaration and injunction that he had the right to build on that spot and injunction should be issued against the Administrator, representing the Municipal Committee, restraining him from preventing the purchaser of that particular plot from building his house there. That case, I understand, went to the High Court. I speak subject to correction — the Honourable Minister would oblige me by correcting me if I am wrong on a question of fact. The High Court, I understand, has decided that the decision of the Administrator was wrong. The High Court decided that it was *ultra vires* on his part to prevent the construction of a house on that plot. There are other people who have not gone to court. They expected that once a ruling had been given by the High Court, the Administrator would not stand in the way of erection of buildings on the remaining plots, but I understand that the attitude which the Administrator has taken up is that this decision given by the High Court only binds the municipal committee so far as the plaintiff in that particular case is concerned and that the Administrator is not bound by the decision of the High Court because the High Court has decided only that case. The purchasers expected that once the High Court had given its decision, it would be accepted by the Administrator and restrictions on the erection of buildings on such plots would be removed and the advantage of this decision of the High Court would be allowed to be extended to the plots similarly situated. But technically, no doubt, the benefit of that decision can be taken only by the plaintiff in that suit. It might technically be argued that if any person wants to build a house let him go up to the High Court and secure a decision in his favour. The result now is that there is a deadlock so far as erection of houses on those sites is concerned. My submission is that if this clause had been in existence at that time that case would have never gone to the civil court and the verdict of the High Court could not have been obtained. Having that instance in view why should the Government shut the

deors of civil courts against the people who might be similarly dealt with in future. This is my contention. If the decision is according to the law and according to the provisions of this Act, the civil courts will say, "we have no jurisdiction to interfere because the decision is according to the provisions of the Act." If it is not in accordance with the provisions of this law, the civil courts would have jurisdiction. Ordinarily under section 9 or some such section of the Civil Procedure Code, you know that every grievance of a civil nature can be taken to the civil courts and the civil courts have jurisdiction to deal with those matters. Now, to try to shut out by statute all those cases from the jurisdiction of civil courts, in my humble opinion, is doing a great wrong to the people. The Honourable Minister behaved very nicely and fairly on a previous occasion when the Parliamentary Secretary wanted to move an amendment which did not appeal to this side and he refused to put it forward. That act of his was greatly appreciated by the members on this side because that was, if I may so put it, the solitary example so far as this Government is concerned of showing some concession to the opinion of this side. I think, this clause is in fact more dangerous than the clause which was under discussion on that day. I do not know what the Honourable Minister means by putting his pencil on a particular page of that book. Probably he has got the Municipal Act before him and he is referring to the provision in that Act which says that if a building plan is rejected an appeal would lie to the Commissioner and so on. But so far as I recollect, there is nothing in that section on that page, which shuts out all such cases connected with building operations from the jurisdiction of the civil courts. If he thinks that the provision existing in the Municipal Act is enough, he should have been content with it and it should not have been necessary to bring forward the present clause. Even now, I would request the Honourable Minister to confine himself to the existing provisions and not to press this clause. I know if he wants to have it passed, he can have it passed. All those gentlemen are at his beck and call and they would support him even if they do not realise the implication of having such a clause on the Statute Book. Just now they have rejected an amendment regarding five rupees and ten rupees and so on. Those gentlemen are very very anxious to help the poor people, but they did not accept that amendment. The Honourable Minister can carry anything he likes, but I would appeal to him not to press this clause.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Mr. Speaker, I also want to oppose this clause. If you were to read this new clause along with the clause 260 or 278, which relates to the building control, you will realize the wide powers it contemplates to confer on the Executive Officer. Every person who will intend to erect or re-erect any building shall have first to acquire the permission of the Executive Officer who will have powers to refuse permission or even to direct modification of a sanctioned plan of a building before its completion—

Mr. Speaker: That is not the point.

Lala Sita Ram: It is there, Sir, let me show it to you. Section 265 to which this new clause corresponds reads thus:

If at any time before the completion of a building of which the erection has been sanctioned under section 262, the Chief Executive Officer finds that any

[L. Sita Ram.]

modification of the sanctioned plan is necessary, the Chief Executive Officer may subject to compensation for any loss to which the owner may be put, direct that the building be modified.

My contention is, that you are making the Executive Officer also the judge, whereas he is only a party. Naturally many questions will crop up in connection with the erection and re-erection of buildings, modifications and alterations in them requiring a court of justice to settle them. But by this new clause you are depriving the people of their right to seek redress in a court of law against the orders of the Chief Executive Officer. You are giving such wide powers to the Chief Executive Officer without placing any control or check over him. The Chief Executive Officer will not be superhuman that he will always pass just orders in all cases. The civil courts must be given powers to hear appeals against the orders of the Chief Executive Officer. You are placing the whole public of Lahore at the mercy of one man, which is not just.

This is, therefore, a very stringent provision. You deny the people the right to seek remedy against the orders of the Chief Executive Officer in a court of law. This is the worst clause in this whole Bill and I hope the Government will see their way to withdraw it.

Sardar Sahib Sardar Santokh Singh : Sir, I rise to oppose this new clause. The Chief Executive Officer under this Act will be more—

Minister for Public Works : Sir, I move—

That the House do now adjourn.

The motion was carried.

The House then adjourned till 12 noon on Tuesday, 25th February, 1941.

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