

THE

BARRISTER-AT-LAW
Shah Chiragh Chamba
L.A.HORE.

Punjab Legislative Assembly Debates.

From 20th June to 22nd July 1938.

Vol. V.

OFFICIAL REPORT.



Lahore :

Printed by the Superintendent, Government Printing, Punjab.
1938.

Shah
LL.B.

**PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE
ASSEMBLY.**

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- Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar, C.I.E. (Dera Ghazi Khan South, Muhammadan, Rural).
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- Ranpat Singh, Chaudhri (Karnal North, General, Rural).
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- Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
- Rur Singh, Sardar (Ferozepore East, Sikh, Rural).
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- Sahib Ram, Chaudhri (Hissar North, General, Rural).
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- Setya Pal, Dr. (Amritsar and Sialkot, General, Rural).
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- Shah Nawas Khan, Nawab Khan (Ferozepore Central, Muhammadan, Rural).
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- Sohan Singh Josh, Sardar (Amritsar North, Sikh, Rural).
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- 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.

Monday, 30th June, 1938.

His Excellency the Governor arrived in procession with the officers of the Assembly and his personal staff at 12 noon, and took his seat on the throne.

His Excellency then addressed the Assembly as follows:—

Mr. Speaker and members of the Punjab Legislative Assembly:—

I must begin with a confession that one of the reasons which has influenced me in requesting your presence here to-day is a personal one. I wished to have the opportunity of meeting again those members who were for many years my colleagues in the old Legislative Council, of renewing my friendly relations with them and of congratulating them on their election to this enlarged and more representative body. I am glad too to have this opportunity of making the acquaintance of other members, whom I have not yet had the pleasure of meeting, and I hope that during the currency of this session I may have opportunities of forming new friendships with them on occasions less formal than to-day. Finally, I was anxious to have the privilege of paying a public tribute to you, Mr. Speaker, under whose authority I sat for many years in the old Council, for the manner in which, with the advantage of your long experience in the Chair and your intimate knowledge of parliamentary practice and precedent, you have so successfully maintained the dignity and honour of this Assembly.

The present Assembly has now been in existence for a little over a year and to-day is perhaps a fitting occasion to glance backwards at what has been accomplished during this period, and forward at the tasks that lie ahead. The past year may perhaps be best regarded as a period of preparation. It is true that since this Assembly came into being two budgets have been discussed and sanctioned, several minor bills passed into law and some important resolutions debated and adopted. I may remind you, for example, that it was in accordance with a resolution of this House that five additional Debt Conciliation Boards were set up during the last financial year. It was in accordance with another resolution that an important notification has recently been issued under section 81 of the Civil Procedure Code exempting from liability of attachment or sale in the execution of a decree the entire fodder crops of agriculturists as well as one-third of their foodgrains and other crops. But, as was inevitable at the commencement of the life of a new legislative body, much of your time has been devoted to the transaction of formal business and to the consideration of the rules which are to govern your own procedure.

With the prospect of these rules being adopted in the near future this period of preparation, if I may so call it, is drawing to a close and the stage is set for a bold and far-reaching legislative programme. For, while you have been engaged in framing rules to secure your own smooth functioning, several important committees appointed by my government have been quietly at work preparing reports and recommendations which it will soon be your duty to consider. Two of these committees, namely, the Unemployment Committee and the Resources and Retrenchment Committee, are still engaged on their labours. The third, the Land Revenue Committee, has

recently completed its task and its report will shortly be laid on the table. I do not doubt that these reports and the recommendations contained therein will in the near future claim much of your time and attention. I do not wish at this juncture to anticipate their conclusions, but I may perhaps briefly allude to certain measures already taken by my government which have a direct bearing on the problem which one of these committees was appointed to study. I refer to the problem of unemployment. Roughly speaking, 75 per cent. of the population of the Punjab is engaged in agriculture, and one of the difficulties to be overcome is the scarcity of opportunities for the employment of the educated classes in spheres outside agriculture. My government, therefore, without waiting for the recommendations of the Unemployment Committee, have already taken measures to foster industrial development. During the past year 8 lakhs of rupees were provided for assistance to industries under the Punjab State Aid to Industries Act, and a sum of 4 lakhs has been provided for the same purpose during the current financial year. The Industrial Research Laboratory, which undertakes investigations and experiments with a view to ascertaining the possibility of using Punjab raw materials for the starting of new industries, has been placed on a permanent basis with an increased staff. During the short period of its existence it has been instrumental in the establishment of a number of small industries, so that pencils, paints, starch, sandpaper and pottery may now be counted among the manufactures of the Punjab.

My government have also decided to establish an Industrial Research Fund in order to subsidize systematic industrial research and have sanctioned the staff necessary for the carrying out of a complete industrial survey of the province district by district; but the most striking, outward and visible sign of my government's interest in industrial development has been the All-India Exhibition of Arts and Industries which was held in Lahore in December and January last. This was the first big official exhibition in the Punjab, and it proved, I believe, the most representative ever held in India. I myself had the opportunity of paying a visit to it last Christmas and can testify from my personal observation to its success and popularity.

But, while success in industrial development cannot fail to be an important contribution to the solution of the problem of unemployment, it is evident that in the Punjab the cure of this disease lies mainly in the prosperity of the agriculturist, who is not only the primary producer but also the primary consumer. The greater his capacity for consumption, the greater his demand for the products of the labours of others. You may remember the lines:—

“Great is the sword and mighty is the pen
But over all the labouring ploughmen's blade
For on its oxen and its husbandmen
Our country's strength is laid.”

Our present Ministry are fully alive to the truth enshrined in these words and are endeavouring to raise the standard of living of the agriculturists by a comprehensive programme of rural reconstruction, which includes the consolidation of holdings, the improvement of cattle breeding, scheme for checking erosion, for afforestation, medical relief, public health

and reformed primary education. In all these fields committees have been appointed or conferences called to discuss plans and proposals and in certain instances experiments are already being tried out. I may briefly allude to a few of them. To promote cattle breeding steps have been taken to form co-operative cattle-breeding societies and to increase the output of pedigree stud-bulls. It has also been decided to construct 20 new Veterinary hospitals during the current financial year.

With a view to widening the scope of the work of medical officers, the interesting experiment has been tried of arranging for the medical officers in charge of dispensaries to visit regularly every week selected villages in the neighbourhood of their dispensaries. In March this year a Civil Surgeon's Conference—the first to be held in the Punjab—met at Lahore and discussed a wide agenda. The possibility of extending medical relief to rural areas, by subsidizing private practitioners, was one of the proposals examined.

In the sphere of education much attention has been given to women's education and Government is rapidly opening vernacular middle schools for girls in rural areas with the object of having a supply of educated village girls from whom trained teachers for primary schools can be recruited. Several high schools for girls have also been opened. A sum of Rs. 51,000 has been allotted for the construction of a training school for women teachers with a strong domestic science bias. The number of female Inspectors and Assistant Inspectors of Schools has been largely increased, and I am advised that in this respect the Punjab is ahead of any other province. A committee has considered the reorganisation of the vernacular training of teachers and recommended changes which, it is hoped, will give us a supply of teachers better able to work along modern lines. Another committee has been considering the various schemes which have been put forward in India recently for the improvement of vernacular education, such, for instance, as the Wardha Scheme. The report of this committee is expected very shortly.

Meanwhile, as you are aware, a select committee of this House is examining the new Primary Education Bill which was introduced this year.

It is the proud and, I think, the legitimate boast of the Punjab that it possesses the finest roads in India. But my government do not propose to rest content with the achievements of the past. They hope to maintain and even increase the lead which the province already holds. A beginning has been made on a 6-Year Road Programme costing 125 lakhs. When this programme is completed, the Punjab will have 4,000 miles of metalled and tarred roads, compared with 8,000 to-day and 10,000 miles of unmetalled roads which will have been made motorable.

The Forest Commission appointed in October last has examined the difficulties experienced by the dwellers in forest areas which arise from the administration of the forests in the interests of the province as a whole. Their investigations were conducted in the open air, in the presence of the villagers themselves, and hundreds indeed thousands, attended the meetings. The countryside is, I am assured, satisfied that they have had a full and fair hearing. The report of the Commission is in your hands, and you will yourselves have realised that while to some of their recommendations it has been possible for my Government to give immediate effect, there are others which demand the most careful consideration before a decision can be taken.

That consideration is now being given and the full implications of the reforms suggested studied. I am confident that there will result from the orders which have been and will be passed a greater interest by the people in the conservation of the forests, and closer co-operation with the Department in the management of these vast tracts, the preservation of which is so vital to the well-being of the province.

The budget which the House passed in March last reflected the financial stability of the province: not only was a substantial surplus anticipated on the present year's working, but it was possible to set aside a sum of Rs. 55 lakhs to inaugurate a fund to be devoted to rural reconstruction. Unfortunately the dark clouds of what threatens to be another period of depression are gathering over us almost before there has been a real recovery from the last depression, and during recent months the prices of agricultural produce have fallen to a disastrously low level. The fluctuations of world prices are of course due to causes outside the control of any provincial government or indeed of any single country, but I know that such measures as are possible for relieving the hardship which the low level of prices must cause to the peasantry are receiving the constant and sympathetic consideration of my Ministers. For example, where the price of the principal crops has fallen below the rates assumed at Settlement a proportionate remission of the land revenue demand will be given and measures, legislative and otherwise, are being taken designed to lighten the burden of the peasant debtor. Although it is hard to see at the moment any signs of the clouds lifting, it is at any rate reassuring to realise that prices are still some way above the level to which they fell in 1931 and there is, I think, ground for hoping that that level will not be reached.

Meanwhile, in spite of the depression, my Ministers are resolved to persevere in their programme of development and, indeed, the rapidity with which our population is increasing makes it imperative to push on measures designed to augment the production of food crops. Among schemes of this nature I may mention the Haveli Project, progress on which has been more rapid than was expected. The barrage at Trimmu is now nearing completion and if the expectations of the Engineers are realised, it may be possible to commence irrigation next summer. On full development the total areas that will benefit by irrigation from this Project will be nearly one million acres in the Multan, Jhang and Muzaffargarh districts. About one-half of this will be perennial irrigation. A second important scheme is the Thal Project, with which it is hoped to make an early start. The proposed area of annual irrigation from this Project is about 831,000 acres, and if the main canal and all branches are lined, which would increase the cost of the Project by 2½ crores, this would, it is estimated, give an increased area of irrigation of 200,000 acres as a maximum, mainly in the Khushab tahsil of Shahpur.

Thirdly, the prospects of the Bhakra Dam Project are being re-examined with the object of restricting, so far as possible, the area that would be flooded by the dam in the Bilaspur State, and thus improving the prospect of securing the State's consent, which is a necessary preliminary.

Apart from these ambitious projects, much attention is now being devoted to investigation of the possibilities of lining canals as a preventive

measure to counter the evil effects of the rise of sub-soil water levels and the spread of water-logging. Previously it was considered impracticable to line existing canals in the short period of closures available, but it has now been pointed out that, while existing canals cannot be lined, new lined channels can be constructed alongside. This should not only have the effect of retarding the rise of the sub-soil water table, but, in addition, the water so saved should be available to irrigate additional areas. An officer with special qualifications is being placed on special duty to carry out an investigation into this important matter.

The possibilities of tube-well development, particularly in arid areas of south-eastern Punjab, are also being investigated, and Government have recently sanctioned a project known as the Karol Tube-Well Irrigation Scheme designed to irrigate 10,000 acres by means of a number of electrically operated tube-wells in the neighbourhood of Lahore. A committee is also now sitting to investigate the fall of the water table in the Beas-Sutlej Doab and a supplementary demand will be presented to you for the opening of a sub-division at Jullundur to collect data and to make concrete proposals for the improvement of conditions in this important tract.

Gentlemen, I fear I have already trespassed unduly on your patience in this review of the administrative activities of my government, but there is one subject, that of the relations between the different religious communities, on which I have not yet touched. I am glad to say that I am advised by my Ministers that within the last few months these relations have improved and that at the moment they are more harmonious than for some time past. Let me express my earnest hope, in which I am confident that all of you will join, that this harmony may be maintained. In bringing it about no small share of the credit is due in my judgment to this Assembly, for I believe that on those occasions when communal topics have formed the subject of your debates, the Assembly as a whole has shown a commendable spirit of moderation and a realisation of its own responsibility in this matter.

During the session that opens to-morrow several important legislative measures will be laid before you. These include a Bill to amend the Alienation of Land Act in certain particulars so as to defeat what are known as 'benami' transfers of land. Another measure is designed to secure the liquidation on easy terms of mortgages effected before the Alienation of Land Act became law in 1901, which would have been illegal if effected after that date. There is a third Bill for the registration and licensing of money-lenders, and a fourth important measure is designed to improve the conditions under which the cultivator markets his produce. Finally, there is a Bill to render penal the publication of rumours calculated to cause fear or alarm or enmity between different communities and to protect government servants in the discharge of their duty against unwarranted attacks.

In the consideration you give to these measures, and to other business that may be laid before you, I am confident that your deliberations will be marked by moderation, by a tolerant attitude towards the views of political opponents and by that sense of responsibility for which the Punjab Legislature has always been conspicuous. (*Loud applause.*)

His Excellency then left the Chamber and the proceedings terminated.



7

Mr. K. L. Gauba
Barrister-at-Law
Shah Chiragh Chambers

PUNJAB LEGISLATIVE ASSEMBLY.
3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 21st June, 1938.

The Assembly met at the Assembly Chamber, Simla, at 2 p.m. of the clock. Mr. Speaker in the chair.

OATH OF OFFICE.

The following members were sworn in :—

- Dr. Satya Pal (Sialkot-Amritsar, General, Rural).*
- Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban).*
- Mr. M. Jafar Ali Khan (Okara, Muhammadan, Rural).*

STARRED QUESTIONS AND ANSWERS.

REPORT NO. 22 REGISTERED UNDER SECTION 411 IN POLICE STATION
WARBURTON.

***2682. Lala Bhim Sen Sachar :** Will the Honourable Premier be pleased to state—

- (a) the names of persons against whom report No. 22 of 11th May, 1936, under section 411 of the Indian Penal Code was registered in police station Warburton, in district Lyallpur; and the result of the police investigation, if any;
- (b) whether the Superintendent of Police, Lyallpur, ordered proceedings under section 182 of the Indian Penal Code to be taken against the complainants; if not, why not;
- (c) if the answer to (b) above be in the affirmative, result of the same;
- (d) the number of cattle that were taken possession of by the police during the course of the investigation of the report mentioned in part (a) above;
- (e) whether the said report was struck off the file; if so, the date on which it was so struck off;
- (f) whether the cattle have been restored to the accused; if so, when; if not, why not;
- (g) whether the accused submitted a petition to the Deputy Inspector-General of Police, Central Range, Lahore, on the 14th April, 1937, complaining that their cattle had not been returned to them and also sent a reminder to him on the 8th May, 1937, drawing his attention to their previous application; if so, the action taken on the same;

[L. Bhim Sen Sashar].

(h) whether it is a fact that the complaint mentioned in (g) above was also brought to the notice of the Superintendent of Police, Lyallpur; if so, with what result;

(i) in whose possession are the cattle at present?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) The police registered a report against Chiragh, Mahtab, Jalal, Ali Gauhar, Sadar Din and Jana under section 411, Indian Penal Code. In the course of investigation it appeared that the complainant had distorted the facts to make the case cognizable by police. It was, therefore, sent up to the *ilaga* Magistrate with recommendation for cancellation.

(b) The Superintendent of Police, Sheikhpura, passed orders for prosecuting the complainant under section 182, Indian Penal Code.

(c) The case was not actually put in court for want of sufficient proof and the papers were filed by the Superintendent of Police, on 2nd January, 1937.

(d) 22 cattle in all (including 12 buffaloes, 6 bullocks and 4 cows).

(e) The case was cancelled by the *ilaga* Magistrate on 27th July, 1936.

(f) Under the orders of the *ilaga* Magistrate the cattle were restored to the complainant. An application submitted by one of the accused persons for the return of the cattle was rejected by the court on 16th November, 1936.

(g) and (h) Two applications were received by the Deputy Inspector-General of Police, Central Range, Lahore, asking for the return of the cattle to the accused persons. The applicants were informed by the Superintendent of Police, Sheikhpura, of the orders in part (f) above.

(i) The cattle, as stated, were returned to the complainant. Government have no information about their present whereabouts.

*2683. *Cancelled.*

*2684. *Cancelled.*

*2685. *Cancelled.*

*2686. *Cancelled.*

ENTRIES OF THE NAMES OF CHAUDHRI ANGAT SINGH AND LALA RAM
KISHAN IN POLICE REGISTER NO. X.

*2687. **Lala Duni Chand**: Will the Honourable Premier be pleased to state whether Chaudhri Angat Singh, a respectable Rajput, and Lala Ram Kishan, a respectable Bania of village Barwala, police station Mubarikpore, district Ambala, have been put or are about to be put on police register No. 10; if so, reasons for the same?

Parliamentary Secretary (Mir Maqbool Mahmood): The contents of Police Register X are not made public, and I regret it is not in the public interest to answer questions on this subject.

Lala Duni Chand: Is it a fact that the two gentlemen against whom action has been taken had never been suspected of any offence?

Parliamentary Secretary : If my honourable friend will give notice of that question I shall try to collect the information and answer him if it is not against the public interest.

Lala Duni Chand : The supplementary question that I put arises out of the main question. Do I take it that the Honourable Premier is helpless in getting this information from the police ?

Parliamentary Secretary : I am afraid my honourable friend did not catch my answer. What I said was that the contents of the police register are not made public. I regret that it is not in public interest to answer the question on this subject.

Lala Bhim Sen Sachar : Have the Government looked into the register and satisfied themselves that the proceedings taken against these gentlemen are correct ?

Premier : If the honourable member will give me the names of the *badmashes* whose record he wants me to look into, I shall do so if it is physically possible for me to do so.

Lala Bhim Sen Sachar : The names are given in the question.

Premier : It has been said definitely in reply that the information cannot be made public.

Lala Duni Chand : What objection has the Honourable Premier to give a mere statement of fact ? I do not want to know the contents of the police register.

Premier : I do not want to give out the names of these people, because it may be very embarrassing to some of them.

Lala Duni Chand : Is it a fact that they have been put in register X ?

Premier : I refuse to answer that question.

Pandit Muni Lal Kalia : Will it not be in the public interest to give out that such and such a person is a *badmash* so that other people may beware of him.

Premier : It is not in the public interest to divulge the names of *badmashes* in the province.

Pandit Muni Lal Kalia : With regard to the two gentlemen mentioned in the question, is it not in the public interest to disclose their antecedents which forced Government to put their names in the register ?

Premier : My honourable friend probably knows their antecedents better than I do.

Pandit Muni Lal Kalia : Is it because they are members of the Congress ?

Premier : I am not prepared to subscribe to the theory that members of the Congress are *badmashes*.

Chandhri Kartar Singh : Will the Honourable Premier be pleased to state whether the Police Register X is maintained under the orders of the Punjab Government or under the orders of Mr. Jenkins of the Intelligence Bureau ?

Premier : The register is prescribed by the Punjab Government.

Chaudhri Kartar Singh : Will the Honourable Premier be pleased to state what is meant by the expression ' public interest ' and how it is to be interpreted ?

Mr. Speaker : That question is disallowed.

Lala Duni Chand : Is the Honourable Premier aware that these two gentlemen occupy highly respectable position in that village ?

Premier : I am not prepared to testify one way or the other.

Dr. Gopi Chand Bhargava : Is it in the public interest to take action against these gentlemen in accordance with that register ?

Premier : What action ?

Dr. Gopi Chand Bhargava : Whatever disabilities and insults the police puts them to.

Premier : I am afraid either I am very slow to follow or else my honourable friend, the Leader of the Opposition, has not been able to make himself clear.

Lala Duni Chand : Is it true that action taken by the police against these two gentlemen is due to the fact that they secured conviction of certain accused persons whose conviction the police did not want ?

Premier : Now my honourable friend is raising questions on conjectures and surmises.

Lala Duni Chand : The Honourable Premier can verify the statement that I have made.

Mr. Speaker : The next question.

*2688.—*Cancelled.*

REALISATION OF MALBA.

*2689. **Sardar Hari Singh :** Reference speeches made by the Honourable Premier and Revenue Minister in reply to the debate on Land Revenue Demands on 29th March, 1938, will the Honourable Revenue Minister be pleased to state—

(a) whether Government intends to help lambardars to realise *malba* from individual land revenue payers who have refused to pay *malba* this year ;

(b) if answer to (a) above be in the affirmative, reasons for the same ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No. *Malba* can be realised from individual land revenue payers by a regular suit under section 77 (3), Second Group, clause (j), Punjab Tenancy Act.

(b) Does not arise.

FILING OF NOMINATION PAPERS FOR THE NORTH PUNJAB NON-UNION LABOUR CONSTITUENCY.

*2690. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether the 24th of March, 1938, was fixed as the last day for the filing of nomination papers for the North Punjab Non-Union Labour Constituency in the bye-election ;

- (b) whether orders were issued by the Government that the returning officer Mr. Abel, Chief Inspector of Factories, and his duly authorized substitute Mr. Indar Singh, Boiler Inspector, should remain in their offices on 24th March in order to receive the nomination papers ;
- (c) whether it is a fact that neither of these two gentlemen was in his office on that day to receive the said nomination papers ;
- (d) if the answer to parts (a), (b) and (c) be in the affirmative, the action, if any, which Government intends to take against the aforesaid officers for disobeying the Government orders ?

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

(b) No special orders were issued but the attention of the returning officer was, as usual, directed to the Rules.

(c) No. The returning officer reports that he was absent on urgent duty and had delegated his powers to the Chief Boiler Inspector, and the latter was in his office in the same bungalow as that of the Chief Inspector of Factories, during office hours.

(d) Does not arise.

Sardar Hari Singh : Up to what hour was the person to whom the power of the returning officer was delegated present in the office ?

Parliamentary Secretary : I want notice of this question.

Sardar Hari Singh : May I now ask the Honourable Minister to kindly look into the report made by the person to whom the power was delegated, in regard to the hour up to which the man appointed to receive the nomination papers was present in his office ?

Premier : His statement is that he was present throughout office hours.

Lala Bhim Sen Sachar : May I know whether some nomination papers were rejected on the ground that the returning officer was not there and therefore the papers were not properly handed in ?

Premier : Yes.

Lala Bhim Sen Sachar : At what time were these papers handed in ?

Premier : Well within time.

Lala Bhim Sen Sachar : Why was then the assistant to whom the power was delegated absent from his seat ?

Premier : He was not. That is what I have stated. My information is that he was present throughout the office hours.

Lala Bhim Sen Sachar : Do I take it that the position has been that the power could not be legally delegated and therefore the assistant could not receive the nomination papers ?

Premier : No. The rules lay down that if the returning officer is not present there is another officer (named in the next column) who could perform the duties of the returning officer so far as the receiving of the nomination papers is concerned. That is the real difficulty and on that technical ground the nomination papers were rejected.

Lala Bhim Sen Sachar : Why did not the Government take proper care to see that the second man was mentioned and there was no risk of the papers being rejected merely because a particular man was not present ?

Premier : The second man was present ; that is my information.

Sardar Hari Singh : May I enquire whether the second man was present in his own office or in the office usually occupied by the returning officer ?

Premier : I might take my honourable friend into confidence and say that I made very careful enquiries into the matter and into all these details. The reply which I got was that the returning officer could not be present on account of some accident and he left instructions that if he could not return in time the papers should be received by his assistant or whoever he was, and he also says that a notice was pinned to the wall to that effect, that nomination papers would be received by that other gentleman and this officer was the Boiler Inspector.

Sardar Hari Singh : Was he in his own office or in the office of the returning officer ?

Premier : According to the information given to me, a notice was put on the wall that nominations would be received by that other person.

Sardar Hari Singh : Was he present in the office of the returning officer ?

Premier : He was present in his own office which was next door.

Lala Duni Chand : Is any explanation asked for from these two gentlemen as regards the allegations made against them.

Premier : I have already given the information which I have received.

Malik Barkat Ali : Has the attention of the Honourable Premier been drawn to the fact that one of the candidates actually filed an affidavit to the effect that Sardar Indar Singh was not in his office and that he actually reached his office 5 or 10 minutes prior to 3 p.m., the last minute for the filing of nomination papers ?

Premier : It is a pity that that gentleman did not put in an election petition.

Malik Barkat Ali : Has the attention of the Honourable Premier been drawn to the fact that nomination papers were actually received by the head clerk of Mr. Abel who was not authorized to receive them and that this head clerk actually gave receipts for the receipt of these nomination papers to all the three or four candidates ?

Premier : That is my private information. But so far as official information is concerned, that question was also looked into and an explanation was asked for and the reply is as I have stated.

Malik Barkat Ali : Has the attention of the Honourable Premier been drawn to the fact that these facts were mentioned in the affidavit and will he kindly state whether in the light of the statements made in the affidavit he would institute an independent enquiry into the circumstances which led to the defeat of these three candidates ?

Premier : I did institute an enquiry and unfortunately—it is a pity—that an election petition was not put in.

Pandit Muni Lal Kalia : Was that enquiry instituted on private information ?

Premier : Both on private information and on the affidavit to which my honourable friend has referred.

Pandit Muni Lal Kalia : Was part of the information received in his private capacity utilised in public capacity ?

Premier : My honourable friend is too subtle.

Lala Bhim Sen Sachar : Has any departmental action or enquiry been instituted into the conduct of these persons who appear to have been guilty of a serious dereliction of duty ?

Premier : If we had come to that conclusion my honourable friend may rest assured that I would have taken very drastic action.

Lala Bhim Sen Sachar : That is not your conclusion ? That is good.

MISCHIEF-MONGERING IN CHOHA SAIDAN SHAH.

*2691. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether his attention has been drawn to the article under the caption "Mischief-mongering in Choha Saidan Shah", published in the *Inqilab*, Lahore, dated 1st January, 1938, which is likely to constitute incitement to violence ; if so, the action taken or proposed to be taken by the Government to punish and prevent such incitement to violence ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : I regret that the reply to this question is not yet ready.

ENTERTAINMENT TO MR. O'BRIAN, RETRENCHMENT OFFICER.

*2692. **Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether Mr. O'Brian, Retrenchment Officer, visited Simla district in the last summer ;
- (b) whether it is a fact that subscription was raised among clerks and candidates to entertain him ;
- (c) the steps, if any, that the Government proposes to take in the matter ?

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

(b) No.

(c) Does not arise.

Lala Duni Chand : Is it not the experience of the Honourable Revenue Minister that allegations of this kind are never invented and are invariably true ? Has the Honourable Minister made enquiries from the gentleman concerned whether he received any such entertainment or not ? Does the gentleman deny that subscriptions were collected in order to entertain him ?

Minister: I am afraid I cannot add anything to my answer.

Lala Bhim Sen Sachar: Is it or is it not within the knowledge of the Government or the Honourable Minister for Revenue that this gentleman was entertained to a sort of public or quasi-public or quasi-private party in which these clerks and other persons were present?

Minister: I have definitely replied to that part of the question "No" and I cannot add anything more to it.

Lala Duni Chand: Is this true that entertainment parties of this kind are forbidden under the rules?

Premier: All public parties are forbidden.

Lala Deshbandhu Gupta: Both for Indians and Europeans or for Indians only?

Premier: For everybody.

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LORRY AND TONGA STANDS AT VILLAGE GURUNANAKPURA ON LAHORE-
LYALLPUR ROAD.

***2693. Lala Duni Chand:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the lorry and tonga stands at Gurunanakpura (a part of village Buchake) on the Lahore-Lyallpur pucca road which had been sanctioned for the current year have been now ordered to be shifted to Nur Mandi; if so, reasons for the same;
- (b) whether it is true that the police now does not allow any lorry or tonga to stand near Gurunanakpura *abadi* and the lorry and tonga drivers are threatened with prosecution if they would do so;
- (c) whether the police is interfering with the tenants of the shops at Gurunanakpura and the intending tenants are warned not to hire these shops;
- (d) if so, the steps, if any, the Government propose to take?

The Honourable Dr. Sir Sundar Singh Majithia: (a) No.

(b) No.

(c) No.

(d) Does not arise.

Lala Duni Chand: Is it true that for many years there used to be a lorry and tonga stand at Gurunanakpura village and it has been recently shifted to a new place called Nur Mandi?

Minister: There may have been an unauthorised stand there.

Lala Duni Chand: Is it true that for many years the rights for tonga and lorry stands were auctioned publicly every year by the district board?

Minister: May have been an unauthorised stand.

Lala Duni Chand : If the tonga and lorry stand has been regularly auctioned by the district board for so many years, will the Honourable Minister consider it unauthorised or illegal ?

Lala Bhim Sen Sachar : Is the tonga stand at Nur Mandi an authorised stand now ?

Minister : It must be.

Lala Bhim Sen Sachar : What were the circumstances which made Nur Mandi a more desirable place than Gurusankpura which was in use for several years past ?

Minister : Reasons of suitability.

Lala Duni Chand : Does the Honourable Minister know that this Nur Mandi has been established recently and named after the Deputy Commissioner of the district ?

REVENUE ON *HARRAR* TREES IN ILAQA BHOJ NAGGAL, DISTRICT
AMBALA.

*2694. **Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether recently the proprietors of Bhoj Naggal comprising villages Khatwa, Raji, Barula, Chaniana, Hathia, Bhunr Singhwala, Sherhta and Badiala in the Ambala district, have been ordered by the Revenue Department to pay five annas and in some villages six annas per tree of *harrar*, whether already planted or to be planted, over and above the land revenue assessed ;

(b) under whose orders this has been done, and why ;

(c) the action, if any, that the Government propose to take in the matter ?

The Honourable Dr. Sir Sunder Singh Majithia : (a) and (b) An assessment of four to five annas per fruit bearing *harrar* tree in the villages of *ilaga* Bhoj Naggal, district Ambala, was imposed at settlement—vide paragraph 81 of the Settlement Report of the district. A fresh census of fruit bearing trees is taken every eighth year and the demand is adjusted accordingly.

(c) Does not arise.

Lala Duni Chand : Is it true that these villages are situated within the Sivalik area and the only main crop in that area is that of fruit trees like *harrars* ?

Minister : It is a very valuable crop.

Lala Duni Chand : Does the Honourable Minister know that hardly any other crop grows in that area ? How does the Government justify the assessment of land revenue along with the assessment on these trees ?

Minister : I will request my honourable friend to read the Settlement Report which contains many more things that will be of use to him.

Lala Duni Chand : Will the Honourable Minister be pleased to quote any law or rule under which an assessment of this kind is permissible? I want information on the point whether there is any rule or law?

Minister : I refer him to the Land Revenue Act.

Lala Bhim Sen Sachar : Does the Honourable Member know....

Minister : Minister please, I am not a Member (*laughter*).

Lala Bhim Sen Sachar : Is it a very valuable crop inasmuch as it is said to contain very rejuvenating qualities?

Minister : I am afraid some of my friends on the opposite side know it better.

PRESS EMERGENCY ACT.

***2695. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether Government has under consideration any proposal to tighten the provisions of the Press Emergency Act;
- (b) if so, the intention and purpose of the Government behind the proposed move;
- (c) the nature of the proposed measure which Government has in view?

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

(b) The intention is to arrest the tendency to give currency to distorted and unreliable rumours calculated to disturb the public peace and to discredit or prejudice public officers in the discharge of their duties.

(c) The Bill has been published.

Lala Deshbandhu Gupta : Will the honourable Parliamentary Secretary let us know what was the specific data with the Government to justify such a measure? Is it due to the fact that there has been a strong criticism of the Minister by certain papers?

Premier : If the honourable member will hold himself in patience he will find that all the data will be placed before him.

RECOMMENDATION OF THE SYNDICATE OF THE UNIVERSITY re REGISTRATION OF GRADUATES FOR PREPARING VOTERS' LISTS.

***2696. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether he has received the recommendation of the Syndicate of the University, dated 23rd February, 1988, regarding the registration of graduates for the purposes of preparation of voters' list for the University Constituency; if so, what action does the Government propose to take in the matter?

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

COMMISSION TO SPECIAL OFFICIAL RECEIVER.

***2697. Dr. Gopi Chand Bhargava :** With reference to answer to question *No. 1940¹ asked on 1st April, 1938, will the Honourable Minister of Finance be pleased to state whether any commission has been paid to the special official receiver and his assistants on the sale of Bharat Insurance Company shares of Lala Harkishan Lal so far, and also state the amount lying in current account with the Imperial Bank in Lala Harkishan Lal's account with the rate of interest that the Imperial Bank has agreed to pay for the amount so deposited ?

The Honourable Mr. Manohar Lal : Commission amounting to Rs. 55,000 has now been paid to the special official receiver on account of the sale of the Bharat Insurance Company's shares. The Honourable Judges state that the order for payment was passed by them in their judicial capacity. I regret that the other information asked for by the honourable member is not yet available.

Dr. Gopi Chand Bhargava : May I enquire whether the special official receiver has now been given a fixed pay and whether his appointment has been made permanent and pensionable ?

Minister : It does not arise out of this question, but it is not correct. The answer to this supplementary question is in the negative.

Dr. Gopi Chand Bhargava : Am I to understand that he is still on commission basis and gets only a commission and not a salary ?

Minister : That will be the natural consequence because he is not on any pay.

Lala Bhim Sen Sachar : Was the sale effected by public auction of through brokers ?

Minister : I am not in a position to answer, but I take it that there was a public auction in the High Court at which more than one person bid.

Lala Duni Chand : How long were the official receiver and his men required to work in order to get a remuneration of Rs. 55,000 ?

Minister : I could not say that, but the amount of commission is calculated at 5 per cent. of the sale price which under the ordinary Rules could be paid.

Dr. Gopi Chand Bhargava : Is it a fact that the special official receiver only inserted an advertisement in the papers under the orders of the High Court and did nothing else ?

Minister : I have no idea of what exactly the receiver did.

Chaudhri Kartar Singh : Does the Honourable Minister know that a high authority also has a share in this commission ?

Premier : What does the honourable member mean ? Will he make himself clear ?

Chaudhri Kartar Singh : I am prepared to make it clear.

Premier : Then make it clear. The honourable member should either have the courage of his conviction and say openly what he means or he should withdraw.

Chaudhri Kartar Singh : If the honourable member likes I am prepared for it. I accept his challenge.

Mr. Speaker : The next question.

Premier : May I request you to ask the honourable member (Chandhri Kartar Singh) either to withdraw the insinuations he made or to say clearly what he means ?

Chaudhri Krishna Gopal Dutt : It was only a question and not a statement.

Mr. Speaker : I do not consider it right to call upon him at this stage to make a public statement.

Premier : I merely asked him to withdraw the statement.

Mr. Speaker : In its effect the statement may, no doubt, be offensive and undesirable, but its language is not offensive (*Opposition Cheers*). A statement, which is not *prima facie* offensive, and which, though intended to attack some one or to defame somebody, is not directed against a person named or known cannot be directed to be withdrawn; but if the Honourable Leader of the House insists I will call upon the hon'ble member to explain.

Premier : I do not want him to explain, I merely want him to withdraw it or express his regret. He has made very serious allegations without mentioning any name.

Sardar Sampuran Singh : Then what is the complaint if he has not mentioned any name ?

Mr. Speaker : Before I call upon the honourable member to withdraw I would like to ask if he is prepared to name anybody.

Chaudhri Kartar Singh : A word to the wise is enough.

Dr. Gopi Chand Bhargava : May I submit one thing ?

Mr. Speaker : I have disallowed the question and as the Leader of the House insists, I see no harm if the honourable member says before the House.....

Pandit Muni Lal Kalia : On a point of order. (*Uproar*).

Mr. Speaker : Are you not prepared to name anybody ?

Chaudhri Kartar Singh : If you allow me to speak for two minutes, I will make my position clear.

Mr. Speaker : The honourable member may have 2 minutes.

Chaudhri Kartar Singh : I will finish within two minutes.

Pandit Muni Lal Kalia : A point of order, Sir.

Chaudhri Kartar Singh : If you allow me, Sir, to name the person, I am prepared to name him.

Mr. Speaker : If you are prepared to name, by all means do.

Lala Bhim Sen Sachar : My point of order is that a certain question was asked which the Chair was pleased to disallow and after a question has been disallowed, no further discussion in respect of that very question can take place before the House.

Mr. Speaker : When it is alleged on the floor of the House that an insinuation has been made against a particular individual and the Leader of the House insists upon that individual being named, I do not think there is any objection to the person being named.

Chaudhri Kartar Singh : I want to name the man.

Lala Bhim Sen Sachar : My submission is that a question cannot be said to be before the House unless it is allowed by the Speaker.

Mr. Speaker : The original question is not before the House but a further question that the honourable member should name the person is before the House.

Chaudhri Kartar Singh : I am enquiring from the Government whether such rumours are afloat and it is their duty to supply me with the information. (*Laughter*).

Premier : In other words the honourable member is making no insinuation. (*Laughter*).

LEAVE RESERVE I. M. S. OFFICER IN THE MAYO
HOSPITAL, LAHORE.

***2698. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state whether the I. M. S. officer Captain Garfit who was posted on general duty in Mayo Hospital, Lahore, as I. M. S. reserve (European) has been posted as Civil Surgeon, Jhelum ; if so, who is acting as the leave reserve now ?

The Honourable Mian Abdul Haye : Yes. Captain Garfit continues to be set off against the leave reserve authorized for European I.M.S. officers in civil employ in the Punjab irrespective of the post to which he may be appointed from time to time.

Dr. Gopi Chand Bhargava : Am I to understand that it is not necessary for leave reserve of I.M.S. Officers working in the Medical College to remain on the staff of the Medical College ?

Minister : No.

ELECTION RESULTS OF AMRITSAR MUNICIPAL COMMITTEE.

***2699. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the dates on which the last election results for Amritsar Municipal Committee were announced ;
- (b) the dates on which they were gazetted ;
- (c) the reasons for the delay in gazetting the results ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) and (b) The results of the last general elections of the Municipal Committee of Amritsar were announced in January last and notified in May 1938.

(c) As the selection of the appointed members with which these results had to be notified took time it was not possible to notify them earlier.

Dr. Gopi Chand Bhargava : May I know what took four months to notify ?

Minister : The constitution of the Municipal Committee was under revision and additional delay was caused in selecting the appointed members.

Lala Deshbandhu Gupta : Is there any provision in the Municipal Act fixing a time limit for gazetting the election results ?

Minister : Not to my knowledge.

Dr. Gopi Chand Bhargava : May I know whether the revision of the constitution of the Municipal Committee was before the Government after the elections had taken place or before the elections ?

Minister : Before and after.

Dr. Gopi Chand Bhargava : Therefore, the consideration started before the elections took place and the elections were ordered without deciding what the constitution of the Municipal committee shall be.

Minister : No.

Sardar Sahai Singh Josh : All the time the Government was, I think, in labour.

Premier : And produced a mouse.

Dr. Gopi Chand Bhargava : And produced a nominated member.

Chaudhri Krishna Gopal Dutt : Has similar delay occurred in other municipalities ?

Minister : Sometimes but not generally.

Chaudhri Krishna Gopal Dutt : What was the reason in the case of Jandiala Guru and Sargodha ?

Minister : The question does not relate to these cases quoted by the honourable member.

Lala Deshbandhu Gupta : Does it take six months or nine months ?

Minister : Sometimes nominations are decided quickly and at other times inevitable delay takes place, but the time taken is never six or nine months.

Lala Bhim Sen Sachar : Was not the number of members of Amritsar Municipal Committee definitely fixed before the elections were ordered ?

Minister : They were fixed.

Lala Bhim Sen Sachar : When the number of members was fixed what further was the matter to be considered? Was it merely the selection of candidates or anything further?

Minister : Adjustment had to be made with regard to the due representation of different communities, revealed after the preparation of the electoral rolls.

Dr. Gopi Chand Bhargava : May I know whether it was some canvassing for a certain object which the Government was carrying on that delayed the nomination of members?

Minister : No. I repudiate the insinuation.

Lala Duni Chand : Was it done in order to facilitate the election of the President who might be agreeable to the Government?

Minister : No. The defeat of the Congress candidate cannot be explained away in this way.

Lala Bhim Sen Sachar : How many months did it take for the Government to receive the information from Amritsar to Lahore regarding the results of the election?

Minister : I do not think it arises out of the main question. I have already said that delay took place due to different reasons.

Mian Abdul Aziz : Is the Honourable Minister in charge aware of the orders of the Government that the names for nomination of members should be submitted at least fifteen days before the expiry of the term of the existing committee?

Minister : I have not followed the question.

Mian Abdul Aziz : There are instructions of the Government that, in order to publish the names of the elected and nominated members, their names should be submitted to the Minister incharge fifteen days before the expiry of the last term.

Minister : Would you please quote the number of the notification you are referring to?

Mian Abdul Aziz : If you will kindly give me Beazley's Manual, I will point out the authority.

Minister : I have not got it with me.

Mian Abdul Aziz : If the Ministers have not got the books, the members cannot be expected to have them up at Simla.

Lala Deshbandhu Gupta : Does the whole Cabinet nominate members to the municipal committees or is the Minister-in-charge alone responsible for it?

Minister : Minister-in-charge.

Lala Deshbandhu Gupta : Is it necessary for him to consult some higher authority? If not, what is the delay of six months due to?

Minister : It is wrong to say that delay of six months took place.

Lala Deshbandhu Gupta : Five?

Minister : No. You are wrong again.

Lala Deshbandhu Gupta : Four?

BABAR AKALI PRISONERS.

***2700. Chaudhri Kartar Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the name of the disease of which Sardar Karam Singh, Babar Akali, died in the Multan Jail and the reasons for not releasing him prior to his death in view of his serious illness ;
- (b) whether it is a fact that Sardar Hazara Singh, Master Dalip Singh, Sardar Bhola Singh and other Babar Akali prisoners are in a very precarious state of health ;
- (c) whether Government has considered the question of their release in view of their serious illness ?

The Honourable Mr. Manohar Lal : (a) Karam Singh was suffering from malaria and jaundice. Government had no reason to suppose that his illness was likely to prove fatal.

(b) Master Dalip Singh has already been released. The remaining Babar Akali prisoners are not in a precarious state of health.

(c) The question of their release on account of health does not arise, but the general question of their release is otherwise under consideration.

Lala Deshbandhu Gupta : Will the Honourable Minister be pleased to state whether it was brought to the notice of Government by the members of the Opposition that the case of Sardar Karam Singh was one which needed the special attention of the Government in view of his illness ?

Minister : I do not remember this but what I can tell the honourable member is this that the release of Sardar Karam Singh was under consideration and he probably would have been released in a few days, if he had not died.

Lala Bhim Sen Sachar : Is the Minister perfectly satisfied that the death of this gentleman was due to malaria ?

Minister : That is my information, his death was due to malaria and jaundice.

Lala Deshbandhu Gupta : How long had he been ailing before his death ?

Minister : If the honourable member wants exact information I am afraid he must give me notice. I do not think he had been ailing for any great length of time.

Lala Duni Chand : Will Government learn a lesson from another case which proved fatal ?

Mr. Speaker : That question is disallowed.

ABOLISHING OF POLICE STATION AT SANGHAUR.

***2701. Lala Duni Chand :** Will the Honourable Premier be pleased to state the reasons for abolishing the police station at Sanghaur in Karnal district ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The Punjab Provincial Police Committee of 1926 recommended the abolition of Sanghaur

[Mir Maqbool Mahmood.]

thana for the reason that the work was light. The *thana* was accordingly abolished with effect from the 1st April, 1928, its villages being distributed between Ladwa and Radaur *thanas*.

Lala Duni Chand : Is Government aware of the fact that there is a demand in this part of the Karnal district for the establishment of the police station that has been abolished ?

Parliamentary Secretary : Not so far, Sir.

CASES OF CATTLE-LIFTING IN KARNAL DISTRICT.

*2702. **Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) the number of cases of cattle-lifting registered with the police between 1st April, 1937, and 31st December, 1937, in the Karnal district ;

(b) the measures, if any, the Government proposes to reduce cases of cattle lifting ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) 480.

(b) All possible measures are being taken. These include patrolling, *wakabandi*, simultaneous raids, proceedings under sections 109 and 110 of the Criminal Procedure Code, and under the Habitual Offenders Act, and the tattooing of cattle.

Lala Duni Chand : Is it true that a good many agriculturists in this *ilaga* live on cattle lifting ?

Parliamentary Secretary : I am not aware of that.

Lala Deshbandhu Gupta : Has the number of cattle lifting cases increased since the present Government took office or have they decreased ?

Parliamentary Secretary : I would require notice for that question.

Mian Abdul Rab : May I know if the Parliamentary Secretary is aware of the fact that the leniency shown by the police is responsible for the increase in the number of theft cases ?

Mr. Speaker : That question is disallowed.

SLAUGHTER HOUSE, SANDA ROAD, LAHORE.

*2703. **Chaudhri Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state the reasons why the slaughter-house situated on Sanda road, in close vicinity of Krishna Nagar, Lahore, has not been removed to some suitable locality in spite of the repeated representations made in this behalf and also the steps the Government now intends to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : For administrative reasons Government do not propose to consider the question at present. The question of raising the height of the walls of the slaughter-house at Krishna Nagar is under the consideration of the Administrator, Lahore Municipality.

Chaudhri Kartar Singh : Will the honourable Minister of Public Works be pleased to state whether it is a fact that the previous Government recommended the removal of the slaughter-house to the authorities ?

Minister : Not to my knowledge.

Chaudhri Kartar Singh : Is it a fact that recently Hindu, Muslim, Sikh and Christian residents of the locality held protest meetings and requested the Government to remove the said slaughter-house ?

Minister : I have received certain applications.

Chaudhri Kartar Singh : Can it not be removed to some other place ?

Minister : It is difficult to locate it elsewhere.

Chaudhri Kartar Singh : Could not a site be found on the banks of the Ravi or some such place ?

Minister : Can you guarantee that there will be no objection ? I will be glad to receive suggestions.

Dr. Gopi Chand Bhargava : Since how long has the matter been under the consideration of the Administrator ?

Minister : Some representations were made some time back.

Dr. Gopi Chand Bhargava : What reply did he give ?

Minister : I have just read out the reply that for administrative reasons Government do not propose to consider the question at present.

Dr. Gopi Chand Bhargava : Did not the Administrator say that he had written to Government to grant the money to build the slaughter-house ?

Minister : I am not aware of that.

Chaudhri Kartar Singh : Do the Government recognise it in principle that the slaughter-house should be removed from its present site ?

Minister : I have already replied.

Lala Deshbandhu Gupta : Is there any recent development necessitating the revision of Government's decision in this matter ?

Minister : What decision of the Government ?

Lala Deshbandhu Gupta : The Honourable Minister replied that the predecessor of the present Government recommended that this should be removed.

Minister : All I can say is that you have wrongly understood me.

Lala Bhim Sen Sachar : Did the Minister look into the file of the case while replying to the representations made to him ?

Minister : Yes.

Lala Bhim Sen Sachar : Did not the previous Government decide in favour of the removal of the slaughter-house from this place ?

Minister : I am not aware of that.

Dr. Gopi Chand Bhargava : Did the Municipal Committee press for the removal of the slaughter-house ?

Minister : If the honourable member will give notice, I will furnish the information.

Dr. Gopi Chand Bhargava : Did the Minister for Local Self-Government and Public Health meet the representatives of residents of Krishna Nagar and Sanda Road, and ask the Medical Officer of Health to remove the slaughter-house ?

Minister : If the honourable member will give notice, I will furnish the information.

Lala Deshbandhu Gupta : Does the Minister say that the previous Government did not decide that ?

Minister : I have already replied.

COMPENSATION TO PUNJABIS KILLED IN HARDWAR TRAIN ACCIDENT.

***2704. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) the number of the Punjabis killed and wounded in the Hardwar train accident on 15th April, 1938 ;

(b) steps taken by the Government to obtain compensation from parties concerned for the relatives and dependants of the killed persons and for the injured ones as a result of this accident ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) (i) 8 persons were killed of whom 6 belonged to provinces other than the Punjab. The other two remain unidentified.

(ii) 11 Punjabis were injured.

(b) The East Indian Railway have intimated that they are prepared to pay reasonable compensation to sufferers but they add that no claims have yet been received.

BIHTA TRAIN DISASTER.

***2705. Sardar Hari Singh :** Will the Honourable Premier be pleased to state the steps taken by the Punjab Government consequent on the findings of the judicial tribunal into the Bihta train disaster in order to obtain compensation and damages for the victims of the accident who belong to the Punjab ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I would invite the honourable member's attention to the answer given to question *884¹ in the last January session. The report of the tribunal was published in April last. As long ago, however, as December, the East Indian Railway instituted enquiries as to the persons to whom compensation, if due, would be payable, and asked for the assistance of district magistrates in this connection. As stated in reply to question *884¹, claimants were advised to address the Chief Commercial Manager of the Railway either direct or through the district magistrates of their districts. A press *communiqué* was issued to the same effect. If the honourable member knows of any would-be claimant who is uncertain as to his proper course, I would suggest that he advise the claimant to approach the district magistrate of his district.

Sardar Hasi Singh : May I ask the honourable member please to state whether there has been any concrete result of the Government efforts in this direction ?

Parliamentary Secretary : This question does not arise out of the question tabled by my honourable friend, but if he puts a separate question, that would be attended to.

TEACHERS' CONFERENCE AND AMELIORATION OF THE LOT OF
TEACHERS.

***2706. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state whether proceedings of the Punjab Board Teachers' Conference held at Lahore in April last have been brought to his notice ; if so, action taken or proposed to be taken by the Government in order to ameliorate the lot of the teachers concerned ?

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

TREATMENT OF CHILDREN OF TEACHERS AS FREE SCHOLARS.

***2707. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state whether he has received any representation to the effect that children of teachers should be treated as free scholars in schools and colleges ; if so, action proposed to be taken by the Government in the matter ?

The Honourable Mian Abdul Hays : Yes ; but finances do not permit of the extension of the existing fee concessions for the children of teachers referred to in Article 121 of the Punjab Education Code.

Sardar Hari Singh : Will the Government consider the question of extending this concession to the children of teachers when the finances do permit ?

Minister : Certainly.

Sardar Hari Singh : Will it be considered within the life-time of the present Ministry ?

Minister : Future is in the dark.

ACTION ON CIRCULARS ISSUED BY THE EDUCATION DEPARTMENT.

***2708. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state whether the various circulars issued by the Education Department or inspectors of schools regarding the conditions of service, etc., of teachers of board, municipal and aided schools are being fully carried into effect by the various authorities concerned ; if not, further action proposed to be taken by Government with a view to securing adherence to them ?

The Honourable Mian Abdul Hays : Government has no reason to doubt that these instructions are not being carried out. If, however, it is within the knowledge of the honourable member that a certain school is not following the departmental orders in the matter, he may bring it to the notice of the Department.

CROWN versus MIRZA SULMAN AHMAD AND OTHERS.

2700. Sardar Hari Singh : Will the Honourable Premier be pleased to state whether the recent judgment of the High Court in the cases Crown versus Mirza Sulman Ahmad and others under section 302, Indian Penal Code, has been brought to the notice of Government with particular reference to the words "we have in this case, however, one piece of evidence which in our opinion shows us conclusively that the prosecution was not averse to producing false evidence"; if so, action taken or proposed to be taken by the Government in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood): Government had not seen a copy of the judgment in question before attention was drawn to it by the honourable member. A copy has since been requisitioned from the High Court, who have specifically informed Government that the strictures in that judgment related not to the prosecuting authorities of the Crown but to the complainant's own party. The High Court have already ordered the prosecution of one of the complainant's witnesses, and Government see no need for any further action.

Lala Bhim Sen Sachar : Is there any ground which makes it necessary for the Government to receive such information?

Parliamentary Secretary : I have stated that in this case the prosecuting agency of the Crown was not involved.

Sardar Hari Singh : May I know whether the words "We have in this case, however, one piece of evidence which in our opinion shows us conclusively that the prosecution was not averse to producing false evidence" actually occur in the judgment which has been received by the Government?

Parliamentary Secretary : I am afraid, my honourable friend has not followed the answer given. I have stated that the matter was referred to the High Court who informed the Government that in this case the fault lay with the private complainant and not with the Crown prosecuting agency and that the High Court had already ordered the prosecution of one of the witnesses concerned.

Sardar Hari Singh : I want to know whether those words do actually occur in the judgment received by the Government.

Parliamentary Secretary : I cannot say what the exact words were at the moment, but presumably my honourable friend's quotations are ordinarily correct. The High Court has, however, explained that by 'prosecution' they meant 'private prosecution agency.'

Pandit Bhagat Ram Sharma : Is the honourable member aware that there is no private prosecution in cases under section 302, Indian Penal Code? They are all Crown cases.

(Voices from the Treasury Benches : No, no.)

Lala Duni Chand : Is it not true that under the law a complainant is a prosecuting agency?

Parliamentary Secretary : I am afraid it is not for me to add anything to the interpretation by the High Court of their own judgment.

Lala Duni Chand : Is it not true that the prosecuting agency is responsible for false evidence that might be given by the complainant ?

Premier : The honourable member may take that view, but the High Court have definitely stated that the officials were not concerned so far as these strictures were made.

Lala Duni Chand : Will the Honourable Premier be pleased to state whether this legal view is not correct ?

Premier : I am not prepared to put my honourable friend's view at a premium as compared with the view of the Honourable Judges of the High Court.

Lala Duni Chand : Was not the public prosecutor conducting the case ? Was he not representing the Crown in this case ?

Premier : It does not arise.

Sardar Sampuran Singh : The words are :—

" We have in this case, however, one piece of evidence which in our opinion shows us conclusively that the prosecution was not averse to producing false evidence."

We are concerned with prosecution and prosecution under section 802 is always from the Crown.

Parliamentary Secretary : I beg to invite honourable member's attention again to the remarks sent to us by the High Court where they have specifically informed Government that the strictures in that judgment related not to the prosecuting authorities of the Crown but to the complainant's own party.

EXTERMINMENT ORDER SERVED ON SHRIMATI SATYAVATI AT LAHORE.

*2710. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the grounds on which an externment order was served by the Punjab Government on Shrimati Satyavati at Lahore on 13th April, 1988 ;
- (b) whether a statement issued by her before her arrest on 14th April and published in the *Tribune* of 15th April, has been brought to his notice ;
- (c) whether any modification of the original order is contemplated in view of her statement ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daultana) : (a) For having acted and being about to act in a manner prejudicial to the public safety and peace ;

(b) Yes ;

(c) No.

Sardar Hari Singh : May I ask the Honourable Premier to state whether Shrimati Satyavati had made any violent speeches within the jurisdiction of the Punjab Ministry ?

Premier : I am afraid I cannot go on answering questions time after time. My honourable friend will remember that during the adjournment motion debate on the last occasion, I gave several reasons why she was asked to leave the Punjab.

Lala Deshbandhu Gupta : She was brought to the Punjab Central Jail in connection with certain charges and has since been released. Is she now allowed to stay in the Punjab ?

Premier : She is now in Delhi and it would be better if she stays in her own province.

PROCEEDINGS AND RESOLUTIONS OF THE PUNJAB NON-OFFICIAL JAIL VISITORS' CONFERENCE.

***2711. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state whether the proceedings and resolutions of the Punjab non-official jail visitors' conference held at Lahore in April this year have been taken into consideration by the Government ; if so, action proposed to be taken by Government in the matter ?

The Honourable Mr. Manohar Lal : No proceedings or resolutions passed by the Conference in April last have so far been received by Government.

STATE PRISONER WASDEV SINGH.

***2712. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether state-prisoner Wasdev Singh confined in Central Jail, Lahore, has been ill recently ; if so, the nature of his illness, his present condition, his present weight and his weight before illness in January, 1938 ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : In April this State prisoner complained of ear-ache in the right ear and of some deafness. On examination at the Mayo Hospital some inflammation was found and this was treated. The visiting surgeon reports that the condition was not a serious one. The prisoner's weight on admission to the Lahore Central Jail was 117 lbs. ; it is now 145 lbs.

ARTICLE IN THE TRIBUNE BY DR. N. R. DHAMVIR.

***2713. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether attention of the Government has been drawn to an article in the *Tribune* of April 28rd, 1938, in which Dr. N. R. Dhamvir has told the public how the sweeping by sweepers and the watering of even the broadest and best kept roads of Lahore may prove cause of tuberculosis ;
- (b) whether the watering of Lahore roads is very scanty and insufficient ; if so, the action that the Government proposes to take in the matter ?

The Honourable Nazim-ud-Daula Majar Malik Khizar Hayat Khan Tiwana : (a) Government have seen the article in question.

(b) Watering is neither scanty nor insufficient. Six watering lorries, 30 watering bullocks carts and 624 *bhishtis* are employed for road watering at an annual cost of Rs. 55,980.

Lala Duni Chand : Is the Honourable Minister aware how the problem of dust nuisance has been solved in places like Calcutta, Bombay and Madras?

Minister : The dust problem exists there still to my knowledge.

MALBA FUND.

*2714. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Revenue authorities of district Hoshiarpur are in receipt of representations recently submitted by the land revenue payers and the Panchayat at village Lambara, tahsil and district Hoshiarpur, on the question of *malba* fund; if so, substance of those representations;

(b) the action taken or proposed to be taken by the authorities in this matter on the representations made?

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

DAMAGE DONE TO CROPS BY HAILSTORM.

*2715. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) the extent of damage done to the crops in a number of villages in Zail Bhanupli, thana Anandpur, tahsil Una of district Hoshiarpur, on the night of 7th April, 1938, as a result of hailstorm;

(b) remissions in land revenue allowed or proposed to be allowed to the people affected by the calamity?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Details are not available but the damage was considerable in 7 villages of the zail.

(b) The land revenue of the damaged area has been suspended and the question of remission is under consideration.

COMPLAINT AGAINST THE PATWARI OF VILLAGE DHAT.

*2716. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that people of village Dhat, tahsil and district Hoshiarpur, have recently submitted representations to the Revenue authorities of the district on the subject of alleged irregularities committed by the village Patwari in making certain entries in Revenue Records with him, if so, the substance of the representations;

- (b) whether an inquiry has been instituted into the complaint and if so, with what result ;
- (c) the action proposed to be taken by the Government in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes. One Sardar Shankar Singh and another represented that false entries were made by the patwari regarding some *gurdawara* land exchanged with one Sardar Ujagar Singh.

(b) An enquiry was made by the Naib-Tahsildar before whom Sardar Shankar Singh gave a statement that the patwari's records were correctly prepared and he withdrew the complaint.

(c) Does not arise.

IMPORTED CASES OF CHOLERA IN THE PUNJAB.

*2717. **Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of imported cases of cholera in the Punjab from Hardwar after the Kumbh fair and the number of deaths among them ;
- (b) the number of cholera cases due to infection in consequence of the imported cases and the number of deaths among them ;
- (c) the measures adopted by Government to meet the menace ?

The Honourable Mian Abdul Haye : (a) 386 cases, 162 deaths from 9th April to 30th April, 1938. Special trains continued to run up to the 30th of April bringing pilgrims back to the Punjab after which the normal running of trains was resumed.

(b) 7,063 cases and 3,680 deaths up to 11th June, 1938.

(c) The Kumbh Fairs at Hardwar have invariably been attended by outbreaks of cholera and its dissemination into the various Provinces of India through the dispersal of pilgrims. It was apprehended that if cholera broke out amongst the pilgrims at Kumbh Fairs which were being held at Hardwar and Brindaban from 1st February, 1938, to 30th April, 1938 and 1st February, 1938, to 21st March, 1938, respectively, there was very grave danger of the disease being spread to other Provinces and particularly to the Punjab, and, therefore, as early as 21st December, 1937, certain principles were laid down and the officers of the Public Health Department were instructed to make arrangements to prevent the importation of cholera into the Province according to those principles. In pursuance of these principles, the following measures were adopted beforehand to prevent the importation of cholera in the Punjab from these fairs :—

- (i) Wide publicity was given that all intending pilgrims should receive protective inoculation prior to their departure and were warned regarding the risk entailed in consuming food or water from unauthorised sources.
- (ii) Elaborate arrangements were made for early detection of cases of cholera and minor illnesses such as vomiting and diarrhoea which may precede the major disease among passengers

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by establishing Railway and Road Inspection Posts at a large number of strategic points in most of the districts from where a large number of pilgrims had gone. All the special and ordinary trains were met and inspected and all road traffic was inspected at these posts and a number of suspected cases were removed from trains and treated.

- (iii) Arrangements were made for immediate isolation and treatment of cases and suspected cases of cholera and the segregation, following up, and inoculation of contacts and also for disinfection of infected articles.
- (iv) The Epidemic Diseases Act was applied to several districts from which the largest number of pilgrims had gone to the fair.
- (v) All available Public Health staff in each district was mobilized for anti-cholera measures and 8 additional Sanitary Inspectors were sanctioned to strengthen the staff in the neighbouring districts and to man the inspection posts. Disinfectants, vaccine and essential oil mixture were kept in readiness for emergency at definite points selected in each district.
- (vi) The Inspector-General of Civil Hospitals, Punjab, was requested to supplement these arrangements by provision of accommodation for cases at dispensaries and hospitals.
- (vii) Special precautions were adopted for prevention of spread of infection in hill areas, such as Kangra Valley, Kulu Valley and Simla. Inspection posts were established at strategic places.

Cholera seems to have assumed epidemic proportions at Hardwar about the middle of April. This information, however, was not communicated by the authorities concerned to the Health authorities of the neighbouring Provinces. The disease was imported into this Province through the agency of the returning pilgrims. The incubation period of cholera ranges from a few hours to six days. It can, therefore, be readily understood that most of the persons who contracted the disease at Hardwar passed through the inspection posts in a healthy condition and developed the disease 2, 3 or 4 days after reaching their homes. Within about 8 days of the principal bathing day at Hardwar, i.e. 13th of April, from which date the pilgrims began to return, 26 districts in the Punjab were infected, infection having been reported from as many as 84 localities. Uptil the 30th April up to which date the pilgrims were still returning, all the districts had become infected and the number of infected localities had increased to 231. This would show the seriousness of the situation with which the Public Health Department had to cope, but it may be added that the Department, with the assistance readily afforded by Government, was ready to deal with the situation.

The measures taken after cholera was introduced into the Province are detailed below :—

- (8) The Epidemic Diseases Act was extended throughout the province at once to give enhanced powers to the local authorities to deal with any situation that may arise.

- (ii) Twenty sub-assistant Health Officers and 20 Sanitary inspectors were sanctioned by Government as emergency staff in addition to the existing epidemic staff of 10 doctors and 15 sanitary inspectors. Twenty-one doctors and 10 sanitary inspectors out of this emergency staff have so far been employed and concentrated in the most heavily infected localities. In addition to this staff, on the urgent representations of the Health authorities in various districts, local bodies have also come forward with generous response and have employed additional staff to cope with the situation in each district.
- (iii) 447,397 c.c.s. of cholera vaccine have been issued free of charge up to the 11th of June for use in rural areas, costing about Rs. 55,000. Three hundred and twenty-nine thousand, eight hundred and fifty-two inoculations had been done up to the 4th of June in the infected localities.
- (iv) The Director of Public Health, Punjab, has visited the most heavily infected districts, such as Gurgaon, Karnal, Ambala, Ludhiana, Amritsar, Kangra and Ferozepore and discussed the anti-cholera measures with the local authorities.
- (v) The Assistant Director of Public Health and District Medical Officers of Health are constantly on tour visiting infected localities to supervise anti-cholera measures and also to tender advice to local authorities.
- (vi) The civil authorities on the advice of the Public Health Department have prohibited fairs in several places and the public is advised to postpone marriages and other gatherings which help in the spread of the disease. The civil authorities are otherwise co-operating whole-heartedly with the Public Health staff and rendering every possible assistance.
- (vii) Public is kept informed by weekly press *communiqués* regarding cholera situation in the Province and of the mode of the spread of the disease and methods of personal protection. A short radio talk about cholera is broadcasted every day from Lahore.

Although it is not practicable to elaborate a plan as the spread of such epidemics depends on factors over which no control can be exercised in the present state of our knowledge, it is, however, proposed to submit a resolution to the Central Board of Health to advise the Government of India to require the various Provincial Governments to take steps to prohibit the entry into a fair of any person not inoculated against cholera immediately before coming to the fair.

DEMAND AND FORFEITURE OF SECURITIES FROM PARTAP, MILAP, ETC.

*2718. **Sardar Hari Singh:** Will the Honourable Premier be pleased to state the objectionable articles which are the basis of the demand and forfeiture of securities ordered recently from the 'Partap', 'Milap', and 'Vir Bharat', and 'Hindi Milap' and the printing presses in which these papers were printed?

The Honourable Major Sir Sikander Hyat-Khan : The objectionable articles which formed the basis of the demand or forfeiture of securities from the *Partap, Vir Bharat and Hindi Mīlap*, respectively were (1) *Hissar ke fasad ke silsile men sansani khez inkishafat, Muqami police aqaron ke barhe hue honsale. Lala Hardev Sahai, Member, District Board, Hissar, ka bijan.* (2) *Hissar ke Hindu Muslim fasad ki tafasil—zakhami Hindu nau jawan chal basa : Musalmanon ne khud hi Musalmanon ke chhappar ko ag laga di aur fasad kara dia* and (3) *Hissar men danga.*

As regards the *Mīlap*, the attention of the honourable member is invited to the answer given to Assembly question No. * 1022¹.

Action against the printing presses in which these papers were printed was taken on the basis of the aforesaid articles.

DEATH OF KARAM SINGH, A BABAR AKALI PRISONER.

*2719. **Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state the circumstances under which Karam Singh of village Jhinjar, district Jullundur, a Babar Akali prisoner in the Multan Central Jail, died recently ?

The Honourable Mr. Manohar Lal : The attention of honourable member is drawn to the reply given to part (a) of question No. *2700².

JUDGMENT OF THE HIGH COURT IN A MURDER CASE FROM ATTOOK DISTRICT.

*2720. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether his attention has been drawn to a recent judgment of the High Court in a murder case from Attock district, extracts from which were published in *Tribune*, dated April 8, 1938 ;

(b) if answer to (a) above is in the affirmative, action taken in this case and generally to improve police investigations so as to inspire public confidence ?

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

(b) The Deputy Commissioner has been requested to hold an enquiry and to report the result to Government. A similar course has been followed in other recent cases in which the High Court have passed strictures upon the investigating agency, and suitable action will be taken against any official who may be found to have behaved improperly.

FAILURE TO CHALLAN A BOGUS VOTER IN MUNICIPAL ELECTIONS, MURREE.

*2721. **Sardar Hari Singh :** Will the Honourable the Premier be pleased to state whether it is a fact that one Mr. Ram Nath, President, Congress Committee, Rawalpindi, has sent a representation to the Inspector-General of Police, Punjab, recently regarding the failure of the Sub-inspector of Police, Murree, to challan a bogus voter in the Murree municipal elections, although

¹Vol. II, pages 387-88.

²Page 22, ante.

he was instructed by the presiding officer named Mian Muhammad Zakir, Magistrate, 1st Class, to register a case under section 171 (f), Indian Penal Code,—vide order, dated 28th September, 1937; if so, the action taken in the matter on that representation?

The Honourable Major Sir Sikander Hyat-Khan : The Inspector-General received no representation. The Rawalpindi authorities report that in September, 1937, in Murree two men were prosecuted under section 171 (f), Indian Penal Code, for personation, under the orders of the presiding officer, Mian Muhammad Zakir Qureshi. In both cases the men were convicted and were ordered to furnish bonds under section 562, Criminal Procedure Code.

ADEQUATE SUPPLY OF DRINKING WATER FOR SCHEDULED CASTES
OF NARAINGARH TAHSIL.

***2722. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the three wells intended for the use of the members of the scheduled castes of Naraingarh town in Ambala district dry up in the summer season and yield no water;
- (b) whether a representation has been made by all untouchable communities in Naraingarh town to the authorities concerned that they constitute one-third of the population of the town and that the drying up of the wells has subjected them to unbearable hardships;
- (c) whether it is a fact that they are denied the use of other public wells;
- (d) if the answers to the above be in the affirmative the action that the Government proposes to take in the matter?

The Honourable Mian Abdul Haye : (a) So far as information is available, there is only one well intended for the use of members of the scheduled castes in the Naraingarh town, Ambala district. It dries up in the summer season.

(b) Yes.

(c) Yes.

(d) An application for a grant-in-aid for the completion of a well constructed by Chamars at Naraingarh has been received from the District Board, Ambala, and will be considered by the Sanitary Board, Punjab, at its next meeting. Moreover Government have issued instructions to local authorities to secure the free enjoyment of the use of all public wells by the members of the scheduled castes on the same terms as by persons belonging to other castes and communities and to put permanent notice boards in conspicuous places on each public well stating therein that it is open to all classes of public including the scheduled castes.

ASSAULT UPON PANDIT DEV DUTT, SECRETARY, CONGRESS COMMITTEE, MULLANA, BY SUB-INSPECTOR MOHAN LAL.

***2723. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Superintendent of Police, Ambala district, went to Mullana, district Ambala, on the 28th.

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March, 1938, to investigate the case of assault upon Pandit Dev Dutt, Secretary, Congress Committee, Mullana, by Sub-Inspector Mohan Lal ;

- (b) whether the Superintendent of Police recorded any evidence in support of the charge, if not, the reasons for the same ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Mr. Brar, the then Superintendent of Police, Ambala, inspected Police Station, Mullana, on the 28th March, 1938, but made no direct enquiry into the allegations against Sub-Inspector Mohan Lal as he had already on the 18th March deputed a Deputy Superintendent of Police to do so.

- (b) Does not arise.

NON-PAYMENT OF BILLS TO LOBBY-WALAS BY POLICE AT AMRITSAR.

***2724. Sardar Hari Singh :** With reference to answer to question No. *2319¹ will the Honourable Premier be pleased to state—

- (a) whether the complainants in the case were asked to substantiate the charge that certain police constables had commandeered lorries for which no payment has been made ;
 (b) if answer to (a) above be in the negative, whether Government intend to order further inquiries ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The answer appears to be in the negative.

- (b) I am making further inquiries.

SUSPENSION OR DISMISSAL OF CORRUPT POLICE OFFICERS.

***2725. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

- (a) the number of corrupt police officers who have been suspended or dismissed so far since April, 1937 ;
 (b) the number of police officers who have been re-instated in their posts during the same period as in (a) ;
 (c) the number of such assistant sub-inspectors, sub-inspectors and inspectors of police as have been granted promotion over the head of their seniors since April, 1937.

The Honourable Major Sir Sikander Hyat-Khan : I regret that the answer to this question is not ready.

ASSISTANT PROFESSOR OF PATHOLOGY IN THE PUNJAB VETERINARY COLLEGE.

***2726. Chaudhri Ahmad Yar Khan :** Will the Honourable Minister of Development be pleased to state—

- (a) whether the present incumbent of the post of Assistant to the Professor of Pathology in the Punjab Veterinary College possesses the M. B. C. V. S. qualifications or has been trained at Muktsar ;

- (b) whether any persons possessing the M.R.C.V.S. qualifications or with Muktesar training are available for the post of Assistant to the Professor of Pathology; if so, what action Government propose to take in the matter?

The Honourable Chaudhri Sir Chhota Ram : (a) No.

(b) Yes; but the four years course of study in English that was introduced in the Punjab Veterinary College in 1921 is based on that adopted in the colleges of Great Britain and in some directions it is more comprehensive. Government consider that an L. V. P. (Licensed Veterinary Practitioner) graduate, from the Punjab Veterinary College is as qualified for the post as a M.R.C.V.S. Muktesar training is not considered a necessary qualification. Appointment to the post has to be made on the recommendation of the Punjab and North-West Frontier Provinces Joint Public Service Commission. In the requisition forwarded to the Commission in connection with filling up of the post of Assistant to the Professor of Pathology, it has been stated that "candidates must either possess the M.R.C.V.S. diploma or be graduates of the Punjab Veterinary College."

MOTIONS FOR ADJOURNMENT.

STOPPAGE OF CANAL WATER SUPPLY, GUGERA BRANCH.

Dr. Gopi Chand Bhargav : (Lahore City, General, Urban) : I beg to move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the serious situation created by the stopping of canal water supply (Gugera Branch) by residents of Chak No. 154—154, District Lyallpur, and the failure of the canal authorities to redress their grievances and settle the matter.

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Mr. Speaker : Will the honourable member please say whether in reducing the size of the outlets the canal authorities acted against or in accordance with the rules in force ?

Chaudhri Krishna Gopal Dutt : They have acted against the convention in vogue for the last twenty years and more.

Dr. Gopi Chand Bhargava : While the canal authorities wanted to reduce the size of the outlets there was agitation and the authorities agreed not to reduce the size. When they subsequently reduced the size they acted distinctly in violation of the agreement. There is no question of violation of any law. The point is that the authorities have acted in a way which has created dissatisfaction among the people.

Mr. Speaker : Is the honourable member aware that this dispute has been compromised and that the case has been finished ?

Dr. Gopi Chand Bhargava : Neither is it finished nor is it finishing.

Premier : Nor will it finish so long as the people do not allow it to be finished.

Mr. Speaker : I do not think it is fair on the part of the Honourable Premier to stand up and interrupt while Dr. Gopi Chand is still speaking.

I am inclined to hold the motion to be out of order. It appears that some gentlemen wish to discuss certain matters on resolutions; but

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they are not balloted or reached, they give notice of adjournment motions. I may point out that adjournment motions are exceptional motions but not substantive motions. (*Hear, hear.*) Such motions can be moved only when the matter is of public importance and urgent and involves some administrative responsibility of Government, that is to say, there is a departure from the ordinary law. If no such departure is involved, such motions cannot be moved. I may also point out for the information of honourable members that if they resort to standing order 87 they will perhaps be able to move more substantive motions than they are at present able to do, provided their motions are really important.

Chaudhri Krishna Gopal Dutt : May I point out that in the present case the Government have departed from the practice of the past twenty years? This has created a very serious situation in the chak.

Mr. Speaker : I hold that the motion is out of order, as there has been no departure from law.

DEATH OF DALIPA, A CARPENTER OF VILLAGE KHANGWARI.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the mal-treatment and torture by the police of one Dalipa, a carpenter of village Khangwari, thana Hariana, district Hoshiarpur, during the course of investigation of a theft case at a neighbouring village Malbot in which he was detained as a suspect as a result of which he died on the night between 3rd and 4th of May last. The idea of this motion is to throw light on the police methods of investigation in the Punjab. Here is a case of a carpenter who has fallen a victim to the tyranny and torture of the police. He has died leaving behind destitute dependants. Unless an open enquiry is held into this matter, the public will not be satisfied. There is a great sensation in the whole district on account of this incident. So far the enquiry held by the Government has not satisfied the people. Unless this matter is discussed in this Chamber, there is going to be a very great encouragement to the police to continue their methods of torture in investigating crimes.

Mr. Speaker : Are not the judicial courts competent to take any action in this matter?

Sardar Hari Singh : I do not think the authorities are going to take any cognisance of this matter. Anyhow, they have not taken cognisance so far.

Mr. Speaker : If a complaint is made to the District Magistrate or the Magistrate of the *ilaga* that such and such a person was murdered by the police, in the course of investigation, will no notice be taken of such complaint?

Sardar Hari Singh : Telegrams were sent to the Superintendent of Police and to the Deputy Commissioner on behalf of the wife of the victim of the police torture. But no action has so far been taken. They say that it is a case of suicide and not the result of police torture.

Premier : May I point out that it is incorrect to say that no action has been taken. May I also point out that the wording of the motion does not depict the facts as stated by the honourable member in his speech, that is, the question of the person jumping from a cliff. He has very cleverly suppressed that fact in his adjournment motion.

Mir Maqbool Mahmood : May I supplement the very important point made by the Honourable Premier by stating that enquiries were held immediately by the magistrate of the *darya* and by the Superintendent of Police and the Deputy Commissioner when the whole panchayat was present ; zaildars and others were there when Dalipa was questioned by the police. The unanimous verdict of the enquiry, as further supported by the *post-mortem* report, was that death was probably due to a fall.

Munshi Hari Lal : Can a discussion now go on on the merits of the case, before the motion is allowed ?

Sardar Hari Singh : We have also made certain enquiries and come to a certain conclusion ; they have made certain enquiries and come to a certain conclusion. My idea is to have an independent enquiry consisting of non-official members of this House.

Premier : My honourable friend thinks that non-official members of the Assembly are more independent than judicial officers (*An honourable member :* Members sitting behind him ?) both members sitting behind me and sitting opposite. I am not prepared to concede that they are more independent than the judicial officers. May I submit that the real point at issue is as put by yourself, that is, whether as a matter of principle we should allow such adjournment motions. Supposing anybody, in any investigation—there are thousands of investigations going on—comes forward and says that torture has been committed, he has got several remedies. He can make a complaint to the Deputy Commissioner or the Superintendent of Police and if necessary he can go to a judicial court. But if my friends were to move an adjournment motion with regard to every investigation going on in the province, it would be impossible to carry on any work. Now take this very case. My honourable friend is perfectly at liberty to ask his friends or other persons to lodge a complaint in a court of law if they are not satisfied with the enquiry held by the magistrate and the matter will be decided judicially. This is not the way in which to bring the matter to the notice of the Government. My honourable friend published it in the press. If my honourable friend's object is to create a certain amount of notoriety or publicity he is welcome to do so. But he rushed into the press and published a statement which as a matter of fact would have greatly prejudiced the enquiry he wants. But that enquiry was held even before my honourable friend published his statement.

Sardar Hari Singh : On a point of order. I take objection to the statement made by the Honourable Premier. He says that I published the statement in order to gain notoriety. He ought to withdraw those words.

Premier : To create a certain amount of advertisement or publicity.

Sardar Hari Singh : Let him withdraw those words.

Premier : I said that if that was his object.....

Mr. Speaker : Motives should not be attributed.

Premier : No motives are attributed. I said that he rushed into the press and published the statement, and that instead of publishing it in the press he should have come forward with the information in his possession. He merely suspects that the police did not play the game. He should have gone to the Deputy Commissioner and said " here is the evidence which I have got, will you please hold an enquiry " and if the Deputy Commissioner refused to do so, he should have come to me. I received a copy of a telegram sent by the wife of the deceased which she subsequently denied having been sent by her. However, an enquiry was held immediately by a first class magistrate. My honourable friend has a remedy that if the relations of the deceased are not satisfied with that enquiry they can go to a court of law.

Dr. Gopi Chand Bhargava : I beg to draw your attention to one matter. The Honourable Premier said that Sardar Hari Singh published a statement in the press for the sake of notoriety. He has not withdrawn those words.

Premier : I thought that that episode had closed. I have not made any insinuation.

Mr. Speaker : Did the honourable member use those words ?

Premier : I meant no insinuation whatsoever against my friend. (*Interruption*). I said ' notoriety ' and ' publicity ' and if my honourable friend objects, I said that I would withdraw the word ' notoriety . ' (*Laughter and applause*).

Mr. Speaker : What is the object of the honourable member in making this motion ?

Sardar Hari Singh : The primary object is to censure Sikander Ministry and the secondary object is to have an independent enquiry.

Mr. Speaker : Sardar Hari Singh has given notice for asking 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 maltreatment and torture by the police of one Dalipa, a carpenter of village Khangwari, thana Hariana, district Hoshiarpur, during the course of investigation of a theft case at a neighbouring village Malbot in which he was detained as a suspect, with the result that he died on the night between 3rd and 4th of May last.

Premier : May I point out that I have no objection to the motion being discussed if you rule that it is in order, because I should rather like to have this opportunity to expose my honourable friend opposite.

Mr. Speaker : The motion will be taken up at 4-30 P.M. to-day.

PRESENTATION OF SUPPLEMENTARY ESTIMATES.

Minister for Finance(The Honourable Mr. Manohar Lal) : I beg to present the Supplementary Estimates for 1938-39 (First Instalment). I beg also to intimate that the demands made therein are being made on the recommendation of the Governor.

**THE PUNJAB DEBTORS' PROTECTION (AMENDMENT)
BILL.**

Minister for Finance (The Honourable Mr. Manohar Lal) : I beg to present the report of the Select Committee on the Punjab Debtors' Protection (Amendment) Bill.

THE PUNJAB MOTOR TRAFFIC OFFENCES BILL.

Minister for Revenue (The Honourable Dr. Sir Sandar Singh Majithia) : I beg to present the report of the Select Committee on the Punjab Motor Traffic Offences Bill.

RESOLUTION.

EMPLOYMENT STATISTICS.

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

This Assembly do resolve that it is desirable that the following matters, being matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature, namely :—

- (1) Statistics of employment ;
- (2) Offences against, and the jurisdiction and powers of courts with respect to the said Act of the Federal Legislature.

Mr. Speaker : Will the Honourable Minister please point out which number of the Legislative List he is referring to ?

Minister : Item 2 of list 2.

Mr. Speaker : What about item 87 of that list ?

Minister : I think 87 is more appropriate and comprehensive, I will say just a few words about the resolution. It is a very innocent and non-controversial resolution. But I may briefly explain the history of this resolution. There are certain matters with respect to which power to make laws rests entirely with the Federal Legislature, there are certain other matters with respect to which the power to make laws rests entirely with the provincial legislature. There are yet other matters in which the Federal and Provincial Legislatures have concurrent jurisdiction to make laws. The subject of unemployment is one which falls in the list of provincial legislation but it appeared to the Government of India that it would be a desirable thing to have central legislation with regard to the question of collecting figures relating to employment of educated middle classes. Accordingly in May, 1937, the Government of India made a reference to provincial governments asking their views with regard to the desirability of an Act being passed by the Central Legislature on the question of collecting those figures. Provincial governments in their turn ascertained the views of commercial and industrial concerns and other important public bodies. The weight of opinion was found to be in favour of this legislation being undertaken by the Federal Legislature. On receipt of these opinions the provincial governments unanimously came to the conclusion that this legislation should be undertaken by the Federal Legislature. When provincial governments had conveyed their views the Central Government

[Minister for Development.]

again addressed these governments suggesting that the resolution which I have moved should be placed before provincial legislatures because under section 108 of the Government of India Act unless such resolutions are passed by two or more provincial legislatures the Federal Government has no authority to undertake this legislation. It is with a view to give effect to this universal desire that I have moved this resolution.

Pandit Muni Lal Kalra : On a point of order. I had a mind to raise this point earlier but I wanted to hear the Honourable Minister who moved this resolution. There are two points which I want to bring to the notice of the House. The first is that at present there is no Federal Legislature. The second is that under section 100 of the Government of India Act it is not open to the Provincial Legislature to deprive itself of a power entrusted to it under List 2 of Schedule 7 of the Government of India Act. As a matter of fact this enactment for unemployment is to be dealt with under item 32 of List II and what the Honourable Minister wants is that the Provincial Government will have nothing to do with the legislation that may be moved in this House for removing unemployment. My submission is that this motion is out of order because, as given in List II, it is not for the Federal Legislature to legislate an enactment which is specifically mentioned in the Provincial Legislative List. As you are aware, there are three lists. First is the Federal Legislative List, second is the Provincial Legislative List and third is the Concurrent Legislative List. Matters that are referred to in List II are exclusively to be enacted or acted upon by a Provincial Legislature and not by the Federal Legislature. It is only in those cases where a certain province has not enacted that the Federal Legislature may make certain enactments to that effect. Section 100 itself is quite clear and is as follows :—

" 100.—(1) Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the 'Federal Legislative List'). "

Sub-section (3) of the same section is as under :—

" (3) Subject to the two preceding sub-sections the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the 'Provincial Legislative List'). "

Mir Maqbool Mahmood : But read section 108.

Premier : He is not reading the section properly. He ought to read section 108 as well.

Chaudhri Krishna Gopal Dutt : When the Legislature divests itself of the power of its own accord, then the subject becomes a federal subject.

Pandit Muni Lal Kalra : That will be entering into the merits whether the House divests itself of that power.

Mr. Speaker : Resolution moved is—

This Assembly do resolve that it is desirable that the following matters, being matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature, namely :—

- (1) Statistics of employment;
- (2) Offences against, and the jurisdiction and powers of courts with respect to the said Act of the Federal Legislature.

Dr. Gopi Chand Bhargava : May I know the names of the legislatures which are in favour of this resolution?

Minister : All the Provincial Governments.

Chaudhri Krishna Gopal Dutt : While supporting this motion I am glad to say that this principle has been conceded that the Provincial Legislature has got the power of transferring a Provincial subject so as to be dubbed as a federal subject. I am always of the opinion that there are certain Provincial subjects which ought to have been included in the federal list and it is for the Government to divest themselves of powers to legislate for certain other subjects which ought to have been federal subjects.

Parliamentary Secretary (Mir Maqbool Mahmood) : In supporting this resolution I only wish to submit one point and it is this. When the honourable member concerned or the Government writes to the Government of India conveying to them our acceptance of the resolution, if it is passed, I submit that they should make two points clear in the forwarding letter. Firstly that our acceptance of this resolution is under Section 108 of the Government of India Act, 1935, and that section specifically gives us the right to repeal or amend any Act that may be passed by the Federal Legislature on such matters as we may delegate to it.

Chaudhri Krishna Gopal Dutt : No.

Parliamentary Secretary : The only section of the Government of India Act under which this resolution could be passed is Section 108 and that section definitely lays down that—

“.....it shall be lawful for the Federal Legislature to pass any Act for regulating that matter accordingly, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province.”

I wish, therefore, to make it clear that on this item we are not abdicating but we are only delegating certain powers for the purpose of uniformity in the whole of India. We are co-operating for that purpose, but we shall have the right to revoke or repeal or alter any Act that the Federal Legislature may pass on this matter. Secondly, let it be made clear in our forwarding letter that we take it as understood that we retain the liberty of inviting further points of information or further statistics which we may require for purposes of our own Government in this province in addition to any which may be called under any Act of the Federal Legislature. Moreover, in case of repeal of the Federal Act on this item by the Provincial Legislature it shall be open to the latter to pass any Act with regard to it.

Chaudhri Krishna Gopal Dutt : I beg to oppose the proviso moved by Mir Maqbool Mahmood. I take it that the honourable member does not understand—

Mr. Speaker : I cannot allow the honourable member to make a second speech.

Chaudhri Krishna Gopal Dutt : I may have to withdraw my support.

Mr. Speaker : The honourable member may do that but he cannot make a second speech.

Minister : As I read section 108 I have absolutely no doubt that the Provincial Government and the Provincial Legislature have the right to repeal or amend any law passed by the Central Legislature if at any time they feel that they should do so. Therefore, I think that the suggestion made by Mir Magbool Mahmood is not really called for, but if on further examination the Government is advised that the matter is not free from doubt, then, of course, in communicating this resolution to the Central Government we will make it clear that if the Punjab Government and the Punjab Legislature at any time feel that they should revoke the authority which they are giving to the Central Government, they will be at liberty to do so.

Pandit Muni Lal Kalra : Has any other Provincial Government been consulted in this matter ?

Minister : Each one of the Provincial Governments has been consulted and each one has expressed a view that on this point there should be central legislation.

Pandit Muni Lal Kalra : Has any Provincial Government been consulted by the Punjab Government ?

Minister : No, Sir.

Pandit Muni Lal Kalra : Then section 108 may again be read. There it is said that—

108. If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly.....

In this case the main point is that if two or more provinces think it desirable that such a legislation may be passed by the Federal Legislature, whether the matter can be moved in the Federal Legislature on its own initiative or whether any other provincial government has also to be consulted. This point is not clear. No case has been made out under section 108 of the Government of India Act.

Mr. Speaker : Pandit Muni Lal Kalra's objection does not appear to be valid. If only one provincial legislature passes a law, the Central Legislature cannot amend it; but if some of the remaining legislatures also pass similar enactments, then the position will be different.

Dr. Gopi Chand Bhargava : Sir, with your permission I would like to have information on one more point whether this Government have taken the assurance that the Central Assembly shall start the work of legislating on this point immediately or whether they shall wait till the Federal legislature has been constituted.

Minister : We have not called for any such assurance.

Dr. Gopi Chand Bhargava : I want to know whether the Punjab Government has enquired from the Central Government that the Central Legislative Assembly shall pass a legislation to this effect after they have received a request from at least two legislatures.

Mr. Speaker : Yes. The Government of India Act is an Act of Parliament and therefore it is as much binding on the Government of India as it is on the provincial governments.

Mr. Chand Bhargava : I want to know whether we shall not wait for the Federal Legislature to be formed.

Mr. Speaker : Of course. The question is—

This Assembly do resolve that it is desirable that the following matters, being matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature, namely:—

- (1) Statistics of employment;
- (2) Offences against, and the jurisdiction and powers of courts with respect to the said Act of the Federal Legislature.

The motion was carried.

THE PUNJAB ELECTRICITY BILL.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I beg to introduce the Punjab Electricity Bill.

I beg to move—

That the Punjab Electricity Bill be referred to a select committee consisting of the following:—

Rai Bahadur Lala Gopal Das.
Rai Sahib Lala Sohan Lal.
Mr. K. L. Gauba.
Pir Akbar Ali.
Chaudhri Ram Sarup.
Tika Jagjit Singh.
Nominer of the Honourable Speaker.
Sheikh Faiz Muhammad.
Chaudhri Krishna Gopal Dutt.
Munshi Hari Lal.
The mover, and
The Advocate-General.

The necessity for this measure is amply given in the Statement of Objects and Reasons. It is a non-controversial measure which seeks to explain and amplify Section 7 of the Indian Electricity Act of 1910 in its application to the Punjab and to give the Punjab Government the powers of a licensee when it engages in the business of supplying electrical energy while at the same time placing it under the same responsibilities as a licensee.

Mr. Speaker : The motion moved is—

That the Punjab Electricity Bill be referred to a select committee consisting of the following:—

Rai Bahadur Lala Gopal Das,
Rai Sahib Lala Sohan Lal,
Mr. K. L. Gauba,
Pir Akbar Ali,
Chaudhri Ram Sarup,
Tika Jagjit Singh,
Nominer of the Honourable Speaker,
Sheikh Faiz Muhammad,
Chaudhri Krishna Gopal Dutt,
Munshi Hari Lal,
The Mover, and
The Advocate-General.

Rai Bahadur Mr. Mukand Lal Puri : May I suggest that the name of Mian Muhammad Nurullah be added to the select committee?

Minister : I have no objection.

Mr. Speaker : The question is—

That the Punjab Electricity Bill be referred to a select committee consisting of the following:—

Rai Bahadur Lala Gopal Das,

Rai Sahib Lala Sohan Lal,

Mr. K. L. Gamba,

Pir Akbar Ali,

Chaudhri Rana Sarup,

Tika Jagjit Singh,

Nominee of the Honourable Speaker,

Shaikh Faiz Muhammad,

Chaudhri Krishna Gopal Dutt,

Munshi Hari Lal,

The Mover,

The Advocate-General, and

Mian Muhammad Nurullah.

Chaudhri Krishna Gopal Dutt : Government have from time to time been appointing select committees for various subjects, but we on this side of the House have got a complaint to make, viz., that the members sitting on the Government benches have always a preponderance on such committees and very little representation is given to us. I would request the Honourable Minister for Public Works that in this matter of the Electricity Bill he should give us more representation than he has given.

Mr. Speaker : Why not suggest any names?

Chaudhri Krishna Gopal Dutt : I only wanted to make a request so that he may have a chance of acceding to my request.

Shaikh Faiz Muhammad : It is open to the House to add any number.

Chaudhri Krishna Gopal Dutt : I suggest that Lala Duni Chand's name be added.

Lala Duni Chand : May I say one word? I am thankful to my honourable friend, Chaudhri Krishna Gopal Dutt, for proposing my name, but I am afraid I shall not be able to make any appreciable contribution to the Bill.

Minister for Public Works : Sir, the general custom is to get nominees from various groups and the same practice was followed in this case. I think the Leader of the Opposition was approached and he suggested the names on behalf of the Opposition. It was open to him then to have suggested more names than those given in the list. But I do not think it is fair to add any more names now.

Mr. Speaker : The question is that—

That the Punjab Electricity Bill be referred to a select committee consisting of the following :—

Rai Bahadur Lala Gopal Das,
 Rai Sahib Lala Soban Lal,
 Mr. K. L. Gamba,
 Pir Akbar Ali,
 Chaudhri Ram Sarup,
 Tika Jagjit Singh,
 Nominee of the Honourable Speaker,
 Sheikh Faiz Muhammad,
 Chaudhri Krishna Gopal Dutt,
 Mundi Hari Lal,
 The Mover,
 The Advocate-General, and
 Mian Muhammad Nurullah.

Mr. K. L. Gamba
Barrister-at-Law
Shah Chiragh Chambers,
LAHORE.

The motion was carried.

Mr. Speaker : What should be the quorum of the Committee ?

(Voices : Five.)

Mr. Speaker : The question is—

That the quorum of the Committee be 5.

The motion was carried.

THE PUNJAB ALIENATION OF LAND (FURTHER AMENDMENT) BILL.

Minister for Revenue (The Honourable Dr. Sir Sunder Singh Majithia) :
 Sir, I beg to introduce the Punjab Alienation of Land (Further Amendment) Bill. I also beg to move—

That the Punjab Alienation of Land (Further Amendment) Bill be referred to a select committee consisting of the following :—

The Honourable Minister for Development,
 Sardar Kapoor Singh,
 Sardar Partab Singh,
 Khan Bahadur Nawab Chaudhri Fazal Ali Khan,
 Khan Bahadur Nawab Musaffar Khan,
 Pir Akbar Ali,
 2nd-Lieut. Bhai Fatahjang Singh,
 Rai Bahadur Mr. Mukand Lal Puri,
 Chaudhri Jalal-ud-Din Amber,
 Mian Muhammad Nurullah,
 Captain Ashiq Hussain,
 Raja Ghazanfar Ali Khan,
 Nominee of the Honourable Speaker,
 The Mover, and
 The Advocate-General.

Chaudhri Krishna Gopal Dast : May I request the Honourable Minister for Revenue to add the name of Lala Duni Chand ?

Minister : I have consulted the Leader of the Opposition and he has suggested two names only.

Mr. Speaker : Has no other member a right to propose another name ? I think he has.

Motion moved—

That the Punjab Alienation of Land (Further Amendment) Bill be referred to a select committee consisting of the following :—

The Honourable Minister for Development,
Sardar Kapoor Singh,
Sardar Partab Singh,
Khan Bahadur Nawab Chaudhri Fazal Ali Khan,
Khan Bahadur Nawab Musaffar Khan,
Pir Akbar Ali,
2nd-Lieut. Bhaj Fatchsing Singh,
Rai Bahadur Mr. Mukand Lal Puri,
Chaudhri Jalal-ud-Din Amber,
Mian Muhammad Nurullah,
Captain Ashiq Hussain,
Raja Ghazanfar Ali Khan,
Nominee of the Honourable Speaker,
The Mover,
The Advocate-General and
Lala Duni Chand.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, I beg to move—

That the Punjab Alienation of Land (Further Amendment) Bill be circulated for eliciting public opinion thereon by the 15th November, 1938.

As you are all aware, the typed copy of the Bill, which was sent to members, bears the date of 15th June 1938 at Simla. So it must have been despatched from Simla on that date and would have reached some of the members at least not earlier than the 17th. The members intending to reach Simla must have left their places on the 15th to reach here on the 17th for the purpose of attending the Assembly session on the 20th. I am aware—and many members have made complaints—that they were absolutely unaware of the notices of this Bill and the contents thereof. Sir, the object of the publication of such an important measure in the Gazette and sending it to the members is that the public at large may know the purport of the intended legislation, so that the persons who are likely to be adversely affected by that legislation may, if they think it necessary, send in their representations to the Legislature for consideration, or at any rate acquaint their representatives with their points of view, which may be ventilated in this House. Even to a most non-contentious measure, a certain amount of publicity is given. I regret to find that in a matter of such great importance, which affects the property of a large number of citizens of this province, that amount of publicity has not been given. It is not with any desire of putting forward any dilatory motion or with the object of delaying the consideration of this Bill that I have put forward this motion. My object is that people, who are likely to be affected by it, should know the nature of the legislation proposed. To the best of my knowledge, this Bill has not so far been published in any English or Vernacular newspapers. Ordinarily, I submit there should be a reasonable interval between the publication of a measure and the day on which it is brought before the Legislature. But in this case even the members of the Legislature had not received any intimation before their arrival in Simla. The persons who are likely to

be adversely affected have had no time to form any opinion on this matter or to acquaint their representatives with their opinion. Therefore, I request the Government to consider the advisability of giving it the publicity which I have claimed for this measure. I have put the date as 15th November, so that it should, in any case, be available for consideration before the next session of the Assembly. I could put an even earlier date, but I have put 15th November because during the next two months, August and September, the High Court and other courts observe holidays and the officers, whose opinions will be invited, should have sufficient time to send their views to the Assembly office. On these grounds I would ask the Government to consider my request.

Coming to the merits, you must have noticed that one of the fundamental principles involved in the Bill is, that matters which are ordinarily considered to be fit subjects of adjudication by courts are proposed to be transferred by this measure for determination to collectors and commissioners who under the present system of Government would always be under the influence of the party executive. It is, therefore, a matter for serious thought how far such important matters should be left to the discretion of an agency which, whether it likes it or not, has to carry out the behests of the Government in power, whether it is the present Government or the government which may be constituted by the party which is now in the Opposition. Therefore before proceeding with this legislation, apart altogether from non-official opinion, Government should at least acquaint itself with the opinions of its officers, the collectors, commissioners, financial commissioners, sub-judges and district judges who have experience of these matters, people who are in a position to give an authoritative opinion on the proposals, especially as they have been dealing with the questions and have an intimate knowledge of the difficulties that arise in determining these questions.

It is proposed as already pointed out to transfer to the collector the adjudication of certain matters which he has not done so far. Is it not desirable that the opinion of the collectors at least should be sought as to whether they are fit persons to adjudicate upon this matter, whether they consider themselves fit to adjudicate on complicated questions which might arise in a dispute as to whether a person is a member of a statutory agricultural tribe or not, whether a contract is void, whether a transaction is benami and such questions which require a certain amount of technical training of a specialised character? It is very necessary that the Government should not deny itself the opportunity of getting opinions on these matters of its own subordinate officers who have to adjudicate on these matters later on. On these grounds I submit that the Government should circulate this Bill for eliciting public opinion. After all, there is no great hurry. A delay of three months in passing this legislation will not injure any one. I submit that legislators should not be deprived of the technical advice they require on this measure.

Another principle of this Bill is that the collectors are asked, in coming to a decision whether a person is a member of a notified agricultural tribe or not, to ignore altogether the decisions which may have been given by courts, even if the court may happen to be the highest court in the province, that is the High Court. It is necessary, therefore, to know the opinions of these

[R. B. Mukand Lal Puri.]

collectors as to whether they would like to be placed in a position in which they will have to give a decision contrary to highest judicial opinion.

Sufficient attention has not been devoted by the framers of the Bill to the various matters which arise and even a cursory perusal of the provisions relating to benami transactions has convinced me that nothing could be of greater danger to the members of the notified agricultural tribes who happen to own a mortgage than the provisions which are enacted in the last three or four clauses under the head "benami transactions". Fancy the plight of a poor member of a notified agricultural tribe who happens to have a mortgage in his favour say for Rs. 500. It is open to any enemy of such mortgagee after two years or five years or eighteen years or even after his death, when property has passed to his minor children, to go and put in an application before the deputy commissioner and say "Sir, this is a *benami* transaction and such and such a *sahukar* is deriving the advantage" and it will be open to the collector on that report to set aside the mortgage. Note the harassment and trouble to which such people would be put and the insecurity under which they would labour during the continuance of the mortgage. What I wish to emphasise is that the real import of this measure has not been realised even by the supporters and protagonists of those for whose benefit it is intended. It is, therefore, absolutely essential that not only those persons who are likely to be adversely affected but also those for whose benefit it is intended, should know the contents of this legislation, before the House proceeds to consider it. Hasty legislation is always defective legislation. Government should not refuse to avail itself of the opportunities for valuable advice by non-officials and especially by officials who have expert knowledge of the working of these matters. I beg most respectfully but most earnestly to press upon the Government the necessity of my proposal.

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab Alienation of Land (Further Amendment) Bill be circulated for eliciting public opinion thereon by the 15th November, 1938.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I must congratulate my friend Mr. Puri on having shown a little courage in moving the motion that he has moved, placed as he is in the present circumstances. I hope he will show more and more courage every day. (*Hear, hear*). The very short speech that he has made is sufficient to convince any fair-minded person that the motion moved by him is perfectly sound. I am one of those unfortunate persons who did not receive a copy of this Bill till a few minutes ago or at the most half an hour ago. (*An honourable member :* A busy person). There is no question of busy person. Perhaps it was lying on my table here before I came here. The Bill bears the date 15th June 1938. Certainly there was not sufficient time for the copies to reach all the members of the House. I do not know whether the copies were sent to every member by post, but I presume that they were so sent. Considering that the Bill bears the date 15th June 1938, it may safely be assumed that the copies were not sent by post the same day. They might have been posted on the 16th. Certainly they could not have reached all the members the next day. Sometimes it takes three or four days. It means that there must be many like myself who did not receive a copy until they came to this:

Chamber. I think that on the face of this the action of the Government deserves the highest condemnation. They are making a mad rush to ruin those who are either not in their party or who do not belong to the agricultural tribes. Surely there ought to be some method in their madness. Unfortunately I do not see any method in their madness. In ancient times when a ruler wanted to rob a person who had some money, he sent his man with a gun or a sword and this servant told the moneyed man "The Raja (or the Nawab or the King or whatever he was) wants so much money. Pay it now or your head will be off." Subsequently, as civilisation advanced people began to have recourse to the device of notifications and still later, to certain laws. Under the British Government we have been seeing that they have been doing things in a methodical manner, by showing some sense of system, some sense of fairness to people whom they wanted to penalise.

But it seems that with the advent of provincial autonomy, the blessed provincial autonomy, in this province, all system, all method, all reason, are being thrown to the winds. Have you ever heard any government placing a Bill before a legislature and making a motion that it be referred to a select committee within 5 or 6 days of the typing of that Bill? No one in the province, either the press or the public or other persons concerned, knows anything about this Bill so far as I am aware and as I have said, there must be many members who have not read even up to now the Bill if ever it was supplied to them. For myself I have just glanced at the copy because it never reached me before I came to this Chamber and there must be others also in the same predicament. But even supposing that the copies reached the members before they left their homes for Simla, although they ordinarily leave one or two days before the date of the meeting, assuming that the copies reached them, have they had any time to consider this Bill, any time to consult those who are likely to be affected by the provisions of the Bill? Mr. Mukand Lal Puri has very correctly pointed out that the Bill may adversely affect even those whom it is unwisely intended to benefit. It may in fact ruin them. But all that is on the merits of the case and I am not going into the merits at all. I am only trying to point out the abnormal course, most inordinate and unfair course, adopted by the Government in placing this Bill without any preliminary information to the members or to the public and in asking this House to agree to a select committee. I think the motion made by Mr. Mukand Lal Puri is very fair and sound and if the Government has got a grain of reason and fairness and justice left in them, they should have no hesitation in accepting the amendment proposed by him which I strongly support.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I have listened with interest and if I may say so, with respect, to the views put forward by my honourable friend, Mr. Mukand Lal Puri. As a matter of fact there is just a slight mistake about the date. The Bill was actually published in the Gazette on the 13th June. However that is beside the point because a difference of two or three days will not make any real difference at all to the point which he has made. The main burden of his speech was to suggest that Government had rushed into this legislation without considering the implications, according to him, or the far-reaching effects of the enactment. He also went on to say that district officers and commissioners, and other people who will have to work this Bill if it is passed into law, should

[Premier.]

have been consulted and he and my honourable friend Dr. Sir Gokul Chand laid great stress on that point saying that the matter should have been properly ventilated and opinions from various quarters secured before Government rushed into this, what they might call from their point of view, revolutionary legislation. Now let me for the information of my honourable friend who has just spoken, point out that Government has been considering this measure not merely during the last week, not merely during the last month, but ever since it has come into office and I can assure my honourable friend that the reason why this measure was not brought before this House earlier was that we wanted to consult our officials, and we did consult not only commissioners and deputy commissioners, but several other officials before we drafted this Bill. Therefore so far as the main argument is concerned, I can assure my honourable friend that Government have taken every precaution to consult district officers and commissioners and after studying their views carefully have come deliberately to the conclusion that it was time that this enactment should be brought before this Legislature. Now, Sir, why is it necessary to bring this legislation before this House and to get it passed? I have during the course of the last 12 months, on more than one occasion in this House, clearly indicated that we had proposed to undertake legislation with a view to put a stop to *benami* transactions. My honourable friends are perfectly aware that during the budget session and even prior to that when we appointed tahsildars on special duty for this purpose, I made it quite clear that these tahsildars were being appointed to find out the nature and the extent of the existing malady and if the Government came to the conclusion that the malady was widespread, it would be necessary to pass appropriate legislation to put a stop to it. That was several months ago and therefore the matter was not only within the cognisance of the members of this House but also before the public because my speeches were published in the press. I also made it clear during the budget session that the information which Government had received by that time clearly indicated that there was a very large number of such transactions in every division, because, as you are aware we had appointed officials on special duty in every one of the five divisions of the province to find out the nature and extent of these *benami* transactions, and the information which is with the Government at the moment is that there are numerous such transactions in every tahsil. Now after the Government was satisfied that a large majority of these experienced officials were in favour of a measure of this kind, after it was satisfied that the disease is widespread, was it not the duty of the Government to bring forward legislation at the earliest possible opportunity so as to stop this evil in the future? That is the reason why we have brought this measure, not immediately after taking office, though some of us who hold strong opinions on the matter would have wished to bring in the measure then, but the argument which was put forward by my honourable friends also weighed with us and therefore we consulted our officials before drafting a Bill of this kind. That disposes of that point.

Now why is it necessary to legislate and take away the jurisdiction of the civil courts and give it to the revenue courts or the collector or the deputy commissioner? The reason is this. My honourable friends who are lawyers—I am a layman and I speak subject to correction—are fully aware that there is a ruling that no remedy, no effective remedy under the law lies

because the courts have held that the person who is a party to a fraud cannot claim immunity merely by pleading that it was *ultra vires* of the Land Alienation Act. This is the real thing and it was necessary to rectify the position. Now my honourable friend Dr. Gokul Chand Narang said that there should have been a limit to this madness. Now what is this madness on the part of the Government to which he refers? The madness is this that the Government wants to put a stop to dishonest and fraudulent transactions (*Hear, hear from Unionist benches*). If this is madness then I am prepared to assert on the floor of this House that I would repeat that madness everytime if I can stop dishonesty and fraud in the province (*Here, hear from the Unionist benches*). That was the burden of his speech and I do not think I need labour that point any more. I am sure the House will agree with me that we gave the fullest possible consideration, very mature consideration in consultation with experienced officers of Government before adopting this legislation; and after all what is this Bill? It is not a very complicated measure. My lawyer friends know perfectly well that there are only two substantive clauses in this Bill and it should not take an intelligent and a leading lawyer like my honourable friend Dr. Gokul Chand Narang more than 5 minutes to get at the gist of the thing and to suggest any amendments of a technical nature or in the phraseology of the Bill, but so far as the principle of the Bill is concerned I am almost certain that this House will be at one with me that it is the duty not only of the members of this Legislature but every body who has at heart the welfare of the people of this province and who is genuinely satisfied that dishonest malpractices should be stopped to support this measure, and I would request my honourable friend Mr. Puri that in view of the statement that I have made he will not press his motion (*Hear, hear*).

Mr. Speaker : The question is—

That the Punjab Alienation of Land (Further Amendment) Bill be circulated for eliciting public opinion thereon by the 15th of November, 1933.

The motion was lost.

Minister for Revenue : May I suggest that Rai Hari Chand's name be added to the select committee?

Mr. Speaker : Question is—

That the Punjab Alienation of Land (Further Amendment) Bill be referred to a select committee consisting of the following:—

The Honourable Minister for Development,
Sardar Kapoor Singh,
Sardar Partab Singh,
Khan Bahadur Nawab Chaudhri Fazel Ali Khan,
Khan Bahadur Nawab Muzaffar Khan,
Fir Akbar Ali,
Sad-Lieutenant Bhai Fateh Jang Singh,
Rai Bahadur Mr. Mukand Lal Puri,
Chaudhri Jalal-ud-Din Amber,
Raja Ghazantar Ali Khan,
Nominée of the Honourable Speaker,
Mian Muhammad Nurullah,
Advocate-General,
The Mover,
Captain Ashiq Hussain,
Lala Duni Chand and
Rai Hari Chand.

The motion was carried.

Mr. Speaker : I suggest that the quorum of the committee be seven.
This was agreed to.

THE PUNJAB DEBTORS' PROTECTION (AMENDMENT) BILL.

Minister for Finance (The Honourable Mr. Manohar Lal) : I beg to move—

That the Punjab Debtors' Protection (Amendment) Bill as reported on by the Select Committee be taken into consideration.

In commending this motion to the House I need only say two words. The Select Committee has made certain recommendations which were unanimously adopted and they are only two. One is a purely formal one as regards arrangement of the section and the second is with regard to a new clause and makes the language less ambiguous and more clear. No substantial change has been made by the Select Committee at all.

Mr. Speaker : The question is—

That the Punjab Debtors' Protection (Amendment) Bill as reported by the Select Committee be taken into consideration.

The motion was carried.

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

That the preamble be the preamble of the Bill.

The motion was carried.

Mr. Speaker : Question is—

That clauses 2 and 3 stand part of the Bill.

The motion was carried.

Mr. Speaker : Question is—

That clause 1 stand part of the Bill.

The motion was carried.

Minister for Finance (The Honourable Mr. Manohar Lal) : I beg to move—

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

The motion was carried.

THE PUNJAB MOTOR TRAFFIC OFFENCES BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : I beg to move—

That the Punjab Motor Traffic Offences Bill as reported on by the Select Committee be taken into consideration.

Dr. Gopi Chand Bhargava : I want to object to this motion moved by the Revenue Minister. I beg to invite your attention to standing order 47 where it is said—

After the presentation of the final report of a select committee on a Bill, the member in charge may move—

(a) that the Bill as reported by the select committee be taken into consideration : Provided that any member of the Assembly may object to its being so taken into consideration, if a copy of the report has not been made available for the use of members for seven days, and such objection shall prevail, unless the Speaker, in the exercise of his power to suspend the standing order, allows the report to be taken into consideration.

The report of the Select Committee has been presented to-day and it was in our hands as an advance copy and a confidential paper only last evening. We had no time to go through this report or to move any amendments that we may want to move. The Government this time, I beg to submit, has acted in a very irresponsible manner. No report and no Bill was sent to us in time. Even the date of the session was fixed very late and if the Government wants to treat us like that I would suggest to them to pass a resolution to the effect that because they have got a majority they would do anything they liked without timely notice being given to the Opposition. With these words, I object to this report being taken into consideration.

Mr. Speaker : What has the Honourable Minister to say ?

Minister : I have nothing to say.

Mr. Speaker : Then, I refuse to exercise my special powers.

MOTION FOR ADJOURNMENT.

DEATH OF DALIPA, A CARPENTER OF VILLAGE KHANGWARI.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to move—

That the Assembly do now adjourn.

Chaudhri Krishna Gopal Dutt : May I draw your attention, Sir, to the fact that the Premier and other Ministers are not in their seats while this adjournment motion is going to be discussed?

Minister of Public Works : But the Parliamentary Secretaries present in the House represent the departments concerned.

Sardar Hari Singh : I would first of all ask my friends not to disturb me by talking. While moving this adjournment motion, I have to say that the case, which is the subject matter of this adjournment motion, shows the serious and scandalous mishandling of a certain criminal case by the police of the Hoshiarpur district which has resulted in the death of a certain Dalipa, a poor carpenter of village Khangwari which is situated in the Siwalik Hills and has created a sensation in the whole of the district. No proper enquiry has been conducted into this case by the Government so far. This Dalipa was a poor man and has left behind two sons, two daughters and a widow to mourn his loss and none to support them. I may also inform this House that this man has had no previous convictions to his credit or discredit. He was never challaned by the police before and was never convicted. He had in fact a clean slate and as a result of our enquiries I have come to the conclusion that he was perfectly innocent in this case as well. The police methods of investigation in the countryside of the Punjab have also been the subject of severe strictures by the highest tribunal of the province. It is not yet clear whether his death is homicidal or suicidal. I have got no evidence with me to show that the death of Dalipa was due to direct force resulting in his death at the spot but I have got evidence to show that he was beaten, kicked, tortured by the investigating police and certain circumstances were created which left no option for him but to give up his life. The popular impression, Mr. Speaker, is that the police murdered him and threw him down from a certain height and in order to hide the crime they had begun to say that the man fell down of his own accord out of shame

[S. Hari Singh.]

because he was guilty of the crime of committing a theft. It may come to light in the course of time that he was killed by the police and the police in order to hide the guilt did certain things to shield themselves. When that evidence comes to our knowledge, we shall place it before the public and we shall begin to agitate that the police people should be challaned and hauled up for an actual homicidal murder. During the course of my enquiry I was accompanied by my friend Sardar Harjab Singh, Member, Legislative Assembly, and we visited the village on the 10th of May last. We had no axes of our own to grind. We wanted to arrive at the truth. We did not desire to take advantage of this occasion and use it as a fit stick to beat the Government with in order to *badnam* the Government. That was certainly not our motive at all. We wanted to get at the truth and the truth that we got at is this. A theft was committed in village Malhot towards the end of April last. On 7th May the police of Hariana police station reached the spot in order to make enquiries into the matter. Enquiries went on for two days and Dalipa was called in as a suspect. Munshi, a resident of village Malhot, was also called in as a suspect. They were beaten. Munshi has stated before myself, Sardar Harjab Singh and other respectable gentlemen that he and his co-suspect were beaten with sticks, stones, etc., outside the view of the public in the *khad* in the Siwalik Hills. As a result of beating and torture, goes on the statement before us, Dalipa had to confess under pressure that he had committed a theft but when he was asked to state what things he had stolen, he said that he had stolen eight *bughtis* and one *inam*. When the complainant Piroo, blacksmith, in whose house the burglary was committed, was asked whether these articles were stolen from his house, he said that those articles were not his. Dalipa was asked to state from where he had stolen those articles. He said he had stolen them from the house of a certain man belonging to village Nharur, whose name was Tulsi, barber. He was also called by the police and in the presence of a large number of people Tulsi said that he had not lost those articles, *i.e.*, eight *bughtis* and one *inam*. Dalipa had, therefore, stated under pressure that he was guilty of the offence of theft. He said that he was guilty only because he was tortured and beaten and in spite of the fact that both the complainants in the theft cases had stated that those articles had not been stolen from their houses, the police took this fellow along with them to his house for the purpose of making a search and recovering the articles. The story goes that Dalipa slipped away in the way and escaping to the hills felled himself from a height of 75 feet. We have visited the spot and have seen that hill. He died as a result of a fall which was due to the police torture. He was so much tortured that he thought that perhaps the police might torture him still more and he might thus die at their hands and he thought that it was better for him to die before he was tortured further. We have also been told that this man had been tortured so severely a few years ago that he had to keep himself in bed for a number of weeks before he could attend to his work. I admit, no doubt, that the magistrate who made enquiries into this case did his best to arrive at the truth but he could not under the circumstances get at the truth because there was a very thick screen between the magistrate and the truth in the shape of the police, *saidars*, *subedars* and *sufedpostes*. Witnesses made certain statements before the magistrate in order to shield the police which was responsible for the death of Dalipa. Allow me to make a remark regarding what the Premier said only a few minutes back that if

this adjournment motion were brought up he would expose me. He is not here at present. May I remind him through his friends on the opposite benches that we are not afraid of these threats. We have made the cause of the down-trodden and oppressed people of the Punjab our own cause, (*loud applause*)—of the people who are being daily crushed under the iron heels of the Unionist regime and we are not going to be cowed down by the threats of the Premier or any body else. According to our enquiries Dalipa had died as a result of circumstances created by the police torture. I rely for my conclusions on evidence which I believe to be quite unimpeachable.

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

The police mishandled the case, and that resulted in the death of the poor man ; and in order to hide the guilt they have committed certain other irregularities by bringing forward tutored witnesses before the Magistrate. I have also been told that the Superintendent of Police, Hoshiarpur, also went to that place. The *zaidar* of the *laqa* knew the arrival of the Superintendent of Police beforehand and got up certain witnesses who stated before the Superintendent of Police that it was we people—I myself and my friend—who wanted the people to make certain statements against the police. I know the Premier may have got such reports from the Superintendent of Police. We know what is the value of the reports of the police who are involved in such cases. No one in the whole district, any magistrate, or even a constable is pleased with Mr. Unit, Superintendent of Police of Hoshiarpur district. I am not afraid of exposure : let him come forward with any charges against me. While making these enquiries we spent hours together on the spot. We examined a number of people, and respectable people including Thakur Das, Bikram, a *lambardar* of the village, the three *panches* : and these people stated before us, in particular Bikram, that Dalipa had stated before the three *panches* that he had made the confession before the police out of fear and nervousness. He had stated that he had been hungry for two or three days, that he had been pressed by the police and that he had no option but to make the confession in order to get rid of the police oppression. I know that Munshi had been made to say before the Superintendent of Police that he was not beaten by the police at all. He did admit before us—he took us into his confidence—that under pressure and under fear he had stated that he was not beaten and Dalipa was not beaten. I believe that what he said before us was not out of fear or any pressure. We went to the people as their friends and as their sympathisers. No pressure was exercised from our side. We believe the story related to us by Munshi and others to be true and the story related by Munshi and others before the police and the magistrate to be untrue because it was stated under pressure and fear. The time at my disposal is short and I will finish my speech by throwing a challenge to the Government that they should make an independent and impartial enquiry into the matter by appointing an enquiry committee consisting of independent men. They may be members of this House or may be people from outside and we shall accept the findings of that enquiry committee.

Mr. Deputy Speaker : The motion is—
That the Assembly do now adjourn.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, let me state at the very outset what is the position of Government in this and similar cases. The position of Government is clear. We do not claim that in all cases in this province the police does not exercise torture. Unfortunately there are cases where torture is exercised and whenever any such cases are brought to our notice due enquiries are made. Whenever it is proved that any police officer or any officer of any service has resorted to torture in connection with the investigation of a case Government is determined to take deterrent action. There is no difference of opinion on this point. On the other hand, I feel confident that my honourable friend opposite who moved the motion and his other colleagues will concede that unfortunately in this country as in most other countries, the friends of the persons implicated in an offence are apt to exaggerate or conceal matters and at times they even concoct facts which do not exist in order to help their suspected friends and they even resort some time to falsely maligning the investigating officers. Therefore, Sir, in a matter of this nature it is the duty of the Government, and more so of a popular Government, to see that, on the one hand, we have true facts and, on the other hand, that those who are guilty either on the official side or on the public side are properly dealt with. But if without justification the officers of police are defamed and attacked, it is our duty to defend the officers concerned. I can assure the House that we have approached this question very dispassionately and very anxiously with a view to get at the truth. We did so, with a bias in favour of the persons who brought forward the complaint. But before I state the facts as we found them, let me state what has been our information with regard to the enquiry held by my friend opposite. I understand, and this is also confirmed by his own report, the alleged beating took place on the 2nd and the death took place on the 8rd. My honourable friend and his colleagues went to the spot on the 10th night, stayed there only one night, made enquiries from a few staged persons with a hurricane lamp and left the place the next morning. That is the basis of their enquiry. I understand that enquiries were made from my friends opposite by the District Magistrate and they replied that they did not record any statements in writing, and that they merely took down some stray notes and presumably certain interested persons brought certain facts to the attention of my honourable friend opposite. Surely my honourable friend does not expect the House to accept such a hurried, staged, belated and partial enquiry. Let me now state the facts as reported to us. Two burglaries took place in that area : one on the 29th April and the other on the 1st of May. Investigation started and in the course of the investigation suspicion fell on one Munshi and the other Dalipa. They were called on the 2nd May in the presence of the village *panches*. Thereafter Dalipa was allowed to go to his house. The next day he came and in the presence of the village *panches*, while Munshi did not confess, Dalipa confessed. On that confession he along with others started for the house where certain spots and articles were to be pointed out. They had to pass through a narrow hilly path through hedges. It was dark. He suddenly disappeared and was found dead the next day. He probably slipped or jumped and died. These are the broad facts of the case so far as our information goes. Now let me invite the attention of the House to one point. My friend in his statement to-day definitely stated that he is not sure whether Dalipa was killed by the police or whether he died as a result

of the circumstances which created a certain mental confusion in his mind. If I understood him correctly, he said that either he committed suicide or was murdered, but he had no definite opinion at the moment and therefore, we are asked to meet the charge that either Dalipa was killed by the police or he committed suicide as a result of the circumstances created by the police. Now, Sir, this also is agreed that Dalipa made a confession in the presence of the *panchayat* and this fact is mentioned in the report of his enquiry which my honourable friend opposite sent to the Honourable the Premier. These are the facts. Before the whole *panchayat* he confessed and what is more, when he was taken aside by certain members of the *panchayat* he stuck to his confession. These are the basic facts of the case. Then, Sir, it is the story of my honourable friend opposite that the beating took place on the 2nd. (*Sardar Hari Singh* : I never said that the beating took place on the 2nd). Dalipa was allowed to go home on the evening of 2nd. He came back on the 3rd and made a confession and thereafter from the time of his confession up to the time of his disappearance, he was in the presence of the police, and of the *zaidar* and of other respectable people of the *thana*, numbering 40 to 50, and there was no torture of any kind. I beg to invite the attention of honourable members to the fact that Dalipa is alleged to have been beaten on the 2nd and to have been killed by the police, on or about the 3rd June, yet it is curious that on the 5th, when the Sub-Inspector reached the spot, when the magisterial enquiry was held later, when the Superintendent of Police and the Commissioner went there, no allegations were made by any one either that the person had been killed by the police or that he had been tortured. That is the first point. Secondly, if he had been tortured on the 2nd as alleged before he was allowed to go home, the time for his death should have been on the morning of 3rd or on the night of 2nd, but it is agreed that after this alleged incident, he came on the 3rd before the whole *panchayat*. Thirdly, and it is very important, the *post-mortem* report states that his death was caused by fracture of ribs. This is according to the statement of the Civil Surgeon.

I understand that the main informant of my honourable friend opposite is *Munshi* who was a co-suspect and who is also alleged to have been tortured. But it is significant that he has not been medically examined up to date and though he is still surviving I feel that in the absence of any direct evidence or independent corroboration my honourable friend himself would not like the tainted statement of this man to be taken seriously.

There is another point to which I beg to invite attention. According to the statement of my honourable friend opposite this incident took place on or about the 2nd, after which magisterial enquiry took place but no allegations of torture were made. My honourable friend opposite went to the spot 7 days after the incident. It is curious that in these 7 days no report was lodged before the police or district magistrate or in a court, and yet my honourable friend contends that this belated statement after 7 days should be accepted. Surely he is asking something which is legally untenable.

There is another point to which I would draw the attention of my honourable friend. The person whose house was burgled is married to the sister-in-law of Dalipa. Dalipa in his confession stated that the theft

[Mir Maqbool Mahmood.]

took place in his *ham-zulf's* house and that the things stolen belonged to his sister-in-law. Obviously, when a man has been found to have committed burglary in the house of his sister-in-law and has had to confess before the whole *panchayat*, and stolen articles are recovered from him, in that mental confusion he might have slipped away or jumped down in desperation.

So far as the death of Dalipa is concerned, we all sympathise with the bereaved members of his family.

I repeat that the main informant of my honourable friend opposite is Munshi, a co-accused in this particular case. It is curious that in his statement Munshi before my honourable friend opposite, alleged that he was himself tortured and yet my honourable friend in his earlier written statement or even to-day has not brought out any medical inspection of Munshi to show that he had been tortured. Presumably if Munshi had been tortured, the first thing done would have been his medical examination, but after 7 days till my honourable friend reached the spot, he was not medically examined. And what is more? He made an oral statement later, as the Honourable Premier reminds me, when he appeared before the Additional District Magistrate, and he denied the statement attributed to him by my honourable friend opposite. We do not mean that my honourable friend opposite has concocted this story. Far from that. But surely we have a right to conclude that these people have been trying to mislead my honourable friend. Our conclusion is supported not only by the official enquiry held, but an honourable member of this House, Bana Nasrullah Khan, also went to the spot. You will hear from his own lips what he actually heard from these people on the spot. He will give you all the details. That will show that these people are telling false things to the members on this side of the House or that side. It is obvious that on the basis of such flimsy material statements should not be made in the press or here on the floor of this House by responsible members like my honourable friend opposite. In view of these remarks, I would recapitulate again that the position of the Government is quite clear. We do not want to condone any torture by any officer. Far from that. We have declared that if honourable members bring any genuine case to our notice, we will take action against any police officer or any officer of any department, who is proved to have tortured any member of the public. But at the same time, let us frankly shoulder our responsibility. Unfortunately some of our countrymen do exaggerate matters and try to exploit our enthusiasm and patriotism. That being so, I would appeal to my honourable friend opposite, that we should hold the scales even and where officers are wrongly maligned, the members of public concerned should be publicly condemned.

Sardar Sampuran Singh : How do you explain the death ?

Parliamentary Secretary : My honourable friend says how do I explain the death. Even my honourable friend, who moved this motion, has said that he was not sure whether Dalipa was killed by the police or he committed suicide due to his mental confusion created by the police.

Our position is that he died in circumstances which are not free from doubt but the theory that he was not tortured but committed suicide seems supported by available evidence. In view of these circumstances I appeal to my honourable friend opposite not to press this adjournment motion.

Sardar Harjab Singh (Hoshiarpur South, Sikh, Rural) (*Punjabi*): Sir, I rise to support the adjournment motion moved by my honourable friend Sardar Hari Singh because I was included among those who held an inquiry into the unfortunate incident to which this adjournment motion relates. We reached the spot on the 2nd of this month and called for all the residents of the village to come forward with the true facts of the case. One, Munshi, deposed that the police mercilessly kicked and pelted him with stones and that he could not move about for a fortnight. When we reached the spot we found that he was still suffering from a number of injuries on his person. Munshi further deposed that the police took Dalipa behind the hills and beat him there so severely that he could hear the cries of Dalipa in agony. The police called for these two persons again on the 3rd of the month. On this occasion the residents of the neighbouring villages were also present including the members of the local *panchayat*. During this inquiry it was found that Dalipa's confession of theft was due to the torture of the police who had been committing all sorts of atrocities on him. He confessed that he had stolen one necklace and 8 'tuftis' which he was prepared to hand over to the police if they took him to his house, but the man whose house had been burgled declared that these ornaments did not belong to him. The police asked him again why he did not tell the truth, and added that if he failed to speak the truth he would be roughly handled as the 'badmashes' are generally handled by the police. In reply to this Dalipa stated that he had stolen those articles from the house of one Tulsī, a barber, of a neighbouring village during the previous month. But Tulsī denied at that time that those things belonged to him, and later on police persuaded him to depose that the above-mentioned ornaments really belonged to him. In fact Dalipa had committed no theft but whenever the police tortured him he made a confession of theft. Here I must raise one very important point which needs explanation. When a person confesses that it is he who committed the theft in question, he is handcuffed forthwith. Evidently Dalipa too should have been handcuffed and if so, how could he escape from the custody of the police? If he managed somehow to escape it must have been due to his horror of the police who were torturing him unceasingly. Incidentally it shows that the police were careless inasmuch as they allowed Dalipa to run away from their custody. It stands to reason that if the charge of theft had been proved against him he would have been sent to jail for a few years. Why should he have preferred death to a few years' imprisonment? The truth of the matter seems to be that the police had been so cruel to Dalipa that no attraction was left for him in life. That is why he committed suicide. The police carried on a vigorous search for Dalipa in the neighbouring hills and fields.

Premier (*Punjabi*): Had the police themselves caused the fatal fall of Dalipa from the high cliff, they would certainly have known the exact place where he fell. Why should the police have taken the trouble of looking for him in the fields?

Sardar Harjab Singh (Punjabi) : This case bears a strong family resemblance to that of Kirou.

Premier (Punjabi) : If that is so, we need not worry about it.

Chaudhri Krishna Gopal Dutt (Urdu) : Will these words be reported in the vernacular ?

Mr. Deputy Speaker : The honourable member's speech should not be interrupted.

Sardar Harjab Singh : There is not left in my mind even an iota of doubt that Dalipa must have committed suicide because he thought that death alone could deliver him from the brutality of the police.

Again, Dalipa's wife telegraphically informed the Superintendent of Police of the district that her husband had been fatally injured by the police. The Superintendent of Police sent one Sub-Inspector and the *ilaga* Magistrate to investigate the case on the spot. But Rattan Chand, the local *zaildar*, had managed to persuade the people who were under his influence not to disclose the true facts of the case. On the other hand, he compelled the residents of the village to depose that the police had committed no violence on Dalipa who must have committed suicide. The result was that the Magistrate could not, in spite of his best efforts, discover as to what actually had happened. I propose, therefore, that an independent inquiry may be instituted in this matter. If Government fails to hold an open inquiry regarding this case, the Honourable Premier will be held responsible for the death of poor Dalipa.

This is not the only solitary case in Hoshiarpur, but thousands of such cases occur in the Punjab but nobody cares a jot for them. Again and again it has been laid down by the Sessions Judges and Judges of the High Court in their judgments that the Punjab police apply torture for squeezing out information from the suspected persons. But the Government do not pay any attention to this matter and show no sign of rectifying it.

I am constrained to remark that there is not even a single case where torture is not applied by the police. Those people who read newspapers know that not a single day passes when reports about the torture of police are not published. Everyone knows that in such cases police records the proceedings by intimidating the accused persons. I may submit that proceedings in this case were also recorded by intimidating poor Dalipa, who was forced to confess under police torture that he had committed the theft in question. At the instance of the Superintendent of Police, Mr. Unit, the police and the *zaildar* joined hands in order to get him round to their own purpose and made him say those things which he would never have said, if torture had not been applied.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : On a point of order, Sir, there is a ruling by the Honourable Speaker that honourable members should refrain from bringing forward charges against any official of the Government (public servant) who is not present in the House to defend himself. The honourable member is making serious allegations against a particular officer who is a responsible and high officer of the Government and is not present in the House to defend himself. I would request you to ask the honourable member to withdraw his remarks against that officer.

Sardar Harjab Singh : I take full responsibility for my allegations.

Mr. Deputy Speaker: The honourable member has made no allegations.

Khan Bahadur Mian Mushtaq Ahmad Gurmiani : Sir, the honourable member himself admits that he has made allegations while you are pleased to remark that he has made no allegations.

Sardar Harjab Singh : Besides, I may submit that it was the duty of the Superintendent of Police, Mr. Unit, to see that statements of the accused persons should be recorded in a fair manner and that no torture should be applied in order to squeeze out the information. The magistrate that was sent there to investigate into the matter tried his level best to find out the truth, but he failed to discover the true facts of the case because the police even before his arrival had threatened the public, so much so that no one dared to come forward to tell the truth. I, therefore, request the Government to hold an independent inquiry which should in no way be under the influence of the police. With these words I support the adjournment motion now before the House.

Rana Nasrullah Khan (Hoshiarpur West, Muhammadan, Rural) (*Urdu*) : Sir, I have risen to oppose the adjournment motion that has been moved by my honourable friend Sardar Hari Singh. The reason of my opposition to the adjournment motion is that I have personally visited the spot and have talked about this matter with all those persons that my honourable friend has mentioned in the course of his speech. I have come to the conclusion that there is not a single individual who can say that the police has beaten or tortured Dalipa. Another bad character named Munshi has himself stated in the course of his written statement that he was not beaten by the police. Besides, when Dalipa returned home after his first appearance at the police station he was quite safe and sound and not a single sign of any beating was visible on his body. Then there is the testimony of his wife who can vouch for the above mentioned facts.

Further, after the arrival of Sardar Hari Singh it was intimated to the relatives of Dalipa that if they declared that it was the police and police alone who contrived to kill Dalipa, then his widow would receive a pension from the Government for her life.

Sardar Hari Singh : I rise to a point of order, Sir. I deny this. He cannot accuse a member of this House.

Premier : He did not say that Sardar Hari Singh said these words. What he said was that when he went to the spot the witnesses there including the wife of Dalipa told him so.

Rana Nasrullah Khan : I was saying that Sardar Hari Singh and his companions made it known to the relatives of the deceased that if they proved that Dalipa was actually killed by the police, the result would be that his widow would get a pension for life.

Lala Deshbandhu Gupta : The honourable member on the right is making allegations of such serious nature on the basis of hearsay evidence against another honourable member of this House.

Mr. Deputy Speaker : The honourable member did not mean any personal insinuation.

Chaudhri Krishna Gopal Dutt : Can I say anything on the floor of the House insinuating another honourable member ?

Premier : The whole of the adjournment motion is based on hearsay.

Mr. Deputy Speaker : The honourable member himself did not make any personal insinuation.

Lala Deshbandhu Gupta : Will you give a ruling on this point that I have raised ? Can an honourable member make such serious allegations against another honourable member of this House on the basis of some talk that may have taken place in a village ?

Mr. Deputy Speaker : The honourable member did not insinuate against another honourable member. He simply stated a fact.

Rana Nasrullah Khan : I was saying that I went to the spot myself and I came to know of this fact that it was made known to the relatives of Dalipa by Sardar Hari Singh and his companions that if they proved that Dalipa was killed by the police, then of course, his widow would get a pension for life.

Chaudhri Krishna Gopal Dutt : Can he do that ?

Mr. Deputy Speaker : The insinuation was not made by the honourable member himself.

Rana Nasrullah Khan : These are the real facts. My honourable friends sitting on the opposite are feeling sorry for moving this adjournment motion and that is why they are feeling perturbed over the matter.

Lala Deshbandhu Gupta : I would again ask you to request the honourable member to withdraw these remarks.

Mr. Deputy Speaker : I would ask the honourable member to withdraw these words.

Rana Nasrullah Khan : Sir, his wife deposed that the next day Dalipa was sent for and after that all accompanied him to his house in order to carry out a search of his house. While the search was in progress, Dalipa was found missing. The constables, a head constable and the subedars who were there, went in search of him, but due to the hilly nature of the country and the prevailing dusk no trace of him could be found. No one saw him falling off the hill-side.

An honourable member : Probably the people there were blind-folded.

Rana Nasrullah Khan : I cannot say whether they were blind-folded or not, but the fact is that no one can say as to how he died. It cannot be vouchsafed for with certainty if he committed suicide or that his death was due to an accident.

The Superintendent of Police was there and had there been any violence on the part of the police, he would certainly have objected to it.

In reality the whole village is Congress-minded, as is evident from the success of one Gujjar Singh, a Congressite, as against one Rattan Chand, who is the *zaildar* of the *ilaga*. Bikram Singh, whose name was mentioned by my honourable friend Sardar Hari Singh, stated that no one beat Dalipa in his presence. He told the story of a theft, committed some eight years ago in which the jewellery of his sister-in-law had been stolen. Dalipa was a suspect then and was tortured by the police. In fact he was subjected to great violence on the part of the police. It is possible that fearing a repetition of the treatment he was subjected to some eight years ago he committed suicide.

The notables of the *ilaga* also deny that any suspect was tortured. Munshi, a *badmash*, thrice stated that neither Dalipa nor he himself was ill-treated. In view of the facts just mentioned we should not believe what others say and should accept the police version as true.

Master Kabul Singh : Because the policemen are all gentlemen !

Rana Nasrullah Khan : Whether they are gentlemen or otherwise I do not know, but I am aware of the fact that they are forced to be *badmashes* themselves when they have to deal with *badmashes*. The hillock under which Dalipa's body was found is a steep incline some 75 feet high. Now it is possible that while he was running away in the darkness his foot slipped and he fell down the cliff and was killed. Anyhow I do not think that the blame for his death could reasonably be placed at the door of the present Government. With these words, I oppose the adjournment motion now before the House.

Chaudhri Kartar Singh (Hoshiarpur West General, Rural) (*Urdu*) : Mr. Deputy Speaker, my friend Sardar Hari Singh and my honourable friend Rana Nasrullah Khan have given the facts of the case and I should like the honourable members to carefully consider this matter.

The question is that an accused person escapes from the custody of the police and commits suicide. Is not the Government responsible for this negligence on the part of the police? Had he been a political prisoner or a revolutionary, the Government would have immediately called an explanation of the officers concerned or would have dismissed them forthwith. I wonder why he was not handcuffed, especially when he had admitted his guilt. Was it because he was a thief or a *badmash* that the Government did not care whether he committed suicide or died in some other manner? Or was it because he was a poor carpenter that his mysterious death did not perturb the Government? Whenever the police is accused of high-handedness or corruption, highly placed officers of the department are invariably asked to institute an enquiry. On the advent of Provincial Autonomy it was believed that such inquiries would be honestly held and that the enquiring officers would dispassionately investigate such matters. But all such hopes have been dashed to the ground. I remember a similar incident in Hoshiarpur district where a picket was posted in a village. On a complaint by my honourable friends Sardars Hari Singh and Harjab Singh into the high-handedness of the police, an inquiry was instituted. During that enquiry not a single responsible witness was called and the inquiry became a farce. The bureaucracy scrupulously guards its machinery and tries to keep it safe from any harm, one way or the other. The Honourable Premier has often

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announced on the floor of the House that he was personally responsible for the acts of the police, but he has so far done nothing to prove what he has so often said. I would ask him to suspend the officers from whose custody Dalipa escaped.

Now the question is, how should the inquiry be held to investigate whether the suicide was committed for fear of police torture. This can be done by appointing an independent committee consisting of four members—two members from the Government benches and two from the Opposition. This committee should grant interviews to the people concerned of the *laga* and screw up courage by saying that they will not be chattered in this case if they come out with the truth without any fear of Mr. Unit. They may also be asked to give their honest statement as to how Dalipa's death took place. Moreover, some efficient person from the Intelligence Bureau or some C. I. D. officers who are expert in tracing out bombs and revolvers may be appointed to hold an inquiry into this matter. They should not regard it a negligible and insignificant matter, because it has become so much complicated and serious that the services of the detective police must be utilised in this respect and a thorough inquiry should be made to find the real cause of Dalipa's death. What was he? He was neither a villain nor a *badmash*. He was simply a poor carpenter of village Khangwari. The poor man died as a result of the maltreatment and foolishness of the police. Let me inform the Honourable the Premier that we are very anxious to know as to what steps his administration is likely to take in this matter. I know personally what is happening in the district of Montgomery and I am also aware of this fact that when the policy of the Government reaches the Chief Secretary, many changes take place in it. I quite remember when the Government honestly adopted the democratic policy but its object was absolutely changed when it reached the Chief Secretary. How strange is it that the people living at far off places in the Punjab have not seen the Honourable Premier as yet who boasts on the floor of this House that he feels every trouble of his kith and kin himself. A death occurs at a place in the Punjab due to the maltreatment and foolishness of the police and no thorough inquiry is held into the matter. This is how the Honourable Premier feels for the people of his province. I wish he could at least feel the distress and affliction of the widow whose husband has died as a result of the police torture or being much annoyed has committed suicide for fear of more torture and violence of the police. I would request him to take pity on the widow of the deceased and it can be done only in one way, that is, an open, and thorough inquiry should be held in order to find out how far the police is guilty in this matter, and whosoever is found to be responsible for Dalipa's death should be punished.

I would submit to the Honourable the Premier, through you, that he should not depend on the hollow pride of the majority (*Opposition cheers*) and he should no longer commit such mistakes. In this connection I may remind him that such mistakes were committed by the Czar of Russia who used to say "My Government is the best government and my C. I. D. is ideal." After all such ideas of the Czar came to an end by a bloody revolution. If the Honourable Premier is not going to stop such atrocities and cruelties being done in the province, I am afraid, the Punjab would be left

astray from the right path. I may again submit to the Government that they should now feel their responsibilities all the more. We do not oppose them for opposition sake but we do advise them honestly that they should work with us hand in hand. How can this co-operation be obtained? If the Government actually want to co-operate with us, they should take four honourable members—two from each party of this House and appoint them to hold a thorough inquiry into this definite matter of urgent public importance. If the police is really found to be responsible for the death of Dalipa, some drastic measures must be taken against them.

I know our Premier is a renowned politician and he knows how to please people with mere words. (*Laughter*). He talks much and does nothing. I would advise him and Chaudhri Sir Chhotu Ram too, to do something practical for the benefit of the people. They have now got an opportunity to do so. The death of an innocent person has taken place at the hands of the police. The Government should now find out the guilty person and give him a severe punishment. The Government by doing so, I am sure, will win the goodwill and confidence of the people. I wish that the Punjab Government assure us that in future the police would not treat people in this way. I am fully aware of the excesses of the police; sometimes they go beyond limits. I remember an instance when the police started a false case against a friend of mine who was eventually committed to the sessions.

I would not hesitate in saying that the whole responsibility falls on the shoulders of the Superintendent of Police of that district.

So far as he is there, I am sure, such atrocities will continue. The Government should at least satisfy the people of that district by holding an open inquiry and sympathise with the widow of Dalipa by granting her a compensatory allowance. With these words, I strongly support the adjournment motion.

Sardar Sahib Sardar Gurbachan Singh (Jullundur West (Sikh) Rural): I had no intention of taking part in this debate but I am doing so because I know the real facts. (*Voices: Louder please.*) You will hear every word that I utter if you will stop talking to each other. I came to know of the real facts from my brother who had gone for leopard shooting in that part of the country and was actually camping in Malhot village, Police Station Haryana. He told me that the theft occurred in the house of one Kiroo, carpenter, of this village, who lodged a report in the police station and in the F. I. R. named two persons as suspects, i.e., Munshi, a *badmash* of Register X of the village, and Dalipa of another village. This Malhot village is situated on a *khud* called the Malhot Khud and a *nallah* passes alongside of this village. There are very good trackers in this village.

These trackers are really experts in their profession. They had tracked the footsteps of these two very persons on the sandy bed of that *nallah*, and accordingly Kiroo carpenter had mentioned the names of these two persons as suspects. The police came to the village for investigation and during the course of investigation this Munshi *badmash* gave some facts and also said that Dalipa was his accomplice. The police, therefore, summoned Dalipa. He came when the investigation was going on and many respectable people and the *zaildar*, etc., were present there. The Investigating Officer told Dalipa

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that Munshi had disclosed everything and that he (Dalipa) should also tell the truth and give the stolen property. Dalipa hesitatingly said that he could not say anything in the presence of the crowd and that if he was allowed to talk to two or three respectable persons, he would tell something. The Investigating Officer, thereupon, asked him to select the men with whom he wanted to talk. Dalipa called three or four persons and having talked with them, they returned and told the Investigating Officer that Dalipa was prepared to give some jewellery stolen not in this theft but a theft committed some time before. Thereupon, the Investigating Officer with some respectable people and Dalipa started at about 5 or 6 p.m. for Dalipa's village which is about two or three miles from that place. In the way Dalipa who was not under arrest finding an opportunity slipped away near a jungle and showed them a clean pair of shoes. The police and other people went after him but as he had entered the jungle and it had become dark they could not find him and returned. The next day a man came and informed them that Dalipa's dead body was lying in the *khud* at the foot of a cliff. The Investigating Officer accompanied by other persons went there and found Dalipa's body lying at the foot of a cliff which is 75 feet high. He at once sent a report to the *thana* and high police officers and a magistrate came and held an inquest and held after thorough enquiry, that Dalipa had committed suicide.

I think that since these adjournment motions have come in vogue, the police officers in general and sub-inspectors in particular have relaxed their control over these *badmashes* (*hear hear*) and, therefore, the criminal element is let loose, with the result that poor people are every day being looted. No sub-inspector dare touch these *badmashes* because he would be made a target of all the false allegations in this House. Therefore, I think that it is the duty of the Government to protect their public servants from such false allegations and also to protect the poor and their property from these *badmashes*. With these remarks I strongly oppose this adjournment motion.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : Sir, I have heard the speech of my friend the honourable member from Jullundur, with rapt attention and I must say that it is a great sermon to preach to us that people should not commit thefts, and also to tell us that some very good people suffer on account of such thefts. He has also insinuated that this poor man Dalipa, who is dead, was a thief. The reasons which he has given to prove that he was a thief, have not convinced me. Moreover I would say that even if he were a thief, even if he had actually committed this theft, the police had no business to deal with him in the way they did, neither to cause his death nor to terrorise him so much that he should have gone and committed suicide. It is altogether an irrelevant matter. We have no business to prove or disprove whether Dalipa was a thief in this case or not. Our business is to see that Dalipa was a human being and was a Punjabi and his life was as valuable as that of any honourable member sitting in this House, and that no police officer should have treated him in such a way as to kill him or terrorise him so much that he should

have gone and committed suicide. Dalipa was in the custody of the police for two days. The honourable member who spoke from that corner tried to say that he was not actually arrested. It was very wrong for the police to keep him with them for two days and not to have arrested him. That itself is a great offence which should have been sufficient to cause an enquiry into this matter. He was kept for two days with the police but was not officially arrested. No entry was made in the *simri* that he was arrested. The police in all such torture cases behave like that (*Opposition benches : hear, hear.*) They keep people under custody, take them from place to place, torture them and do not make a note in their diary about their arrest. In the same way they keep on arresting and releasing men, whom they are supposed to suspect. This is all unlawful and unauthorised. Sometimes there are reasons of corruption for taking hold of such men and eventually releasing them. Dalipa was not "arrested" but was actually in the custody of the police for two days. Nothing is shown in the diary that he was arrested (*Pir Akbar Ali* : Was the honourable member present when he was in custody) ? Yes, if that would satisfy him. I am surprised at the callous way in which Government is treating this matter. They know that Dalipa has died. They know that he was in the custody of the police for some days before he died. They do not explain his death. They say that perhaps that man has committed suicide, most probably by falling from the top of the hill and causing fracture of his ribs. They say perhaps these fractures were caused on account of the fall and not by torture. They take shelter behind the opinion of the doctor. If this reason had been advanced by somebody else and not by a lawyer of the capability and ability of my friend from Amritsar I would perhaps have taken this matter lightly. A man who has long experience of criminal work should have known by now that no doctor can say whether this fracture was caused by any blow or by a fall. He can at the most say that it was caused by a blunt weapon : even a stick can be a blunt weapon. It was wrong for him to say that death was caused by a fall or to say that he was not given any blows and consequently there could not be any torture. No one with some knowledge of law could have advanced this argument. They have tried to make much of the silence of the people who have not come forward to blame the police for this matter or the death of this man. Perhaps a little knowledge of judicial work in this country will show that sometimes the whole populace of villages have run away at the sight of the police, not to say to come forward and complain against the police. People have not yet come up to that standard as not to be frightened by the officials. The so-called enquiry was very much influenced by the *esprit de corps* of the officials. I think when such circumstances are prevailing and there is a Government who do not care even to enquire into such matters, then not only the simple villager but even educated people would not dare to come forward to lodge complaints or make allegations against such high officials of the police. People are more afraid of the police sub-inspector than of our Premier even.

Sir, in the end I would say only one thing that it is our duty at least to see and make sure how this death was caused. The Government is doubtful about it and so are we. If we were sure, perhaps we would have made definite allegations. We are now only pressing upon the Government that the man died in very suspicious circumstances. If we were to draw the legal

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presumption, the presumption is against the police. In these circumstances, it is absolutely necessary that an independent enquiry should be held, if not to avenge the death of Dalipa at least to keep our faces clear and to tell the world that we did our best but we could not find the culprit.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Muhammadan, Rural) (*Urdu*): Mr. Speaker, Sir, the honourable the mover of the adjournment motion and other members of the Opposition have made the following charges against the local police of thana Hariana, district Hoshiarpur and the Government—

- (a) that one Dalipa, a carpenter of village Khangwari, thana Hariana, who was suspected to have committed a theft in a neighbouring village was detained, mal-treated and tortured by the local police in the course of investigation, as a result of which he died on the night between the 3rd and 4th of May.
- (b) that the wife of the deceased sent a telegram to the Honourable Premier making the above-mentioned allegations on which no inquiry has been made.

The Opposition demands an impartial and independent public inquiry to be made into the causes of the death of Dalipa. Before answering the criticism levelled by the Opposition I would like to state very briefly the facts of the case for the information of the House: A theft was committed in village Malhot in Thana Hariana. During the course of investigation, Dalipa and another person were suspected to have committed the theft. It might be mentioned here that Dalipa had a doubtful reputation and possessed a bad police record. The police officer-in-charge of the investigation sent for him to join the investigation or in other words "requested his presence and co-operation in the investigation of the case." He was allowed to go home in the evening and requested to come again next morning, the 3rd of May. During the course of investigation it was found out that Dalipa had committed the theft. He eventually confessed his guilt and promised to return the stolen property which he said was concealed somewhere near his house in the neighbouring village. I might mention here that the theft was committed in the house of Dalipa's sister-in-law to whom the stolen property belonged. The police party accompanied by the village officials and Dalipa started for the Khangwari village late in the evening in order to recover the stolen property. Dalipa got a chance to slip away in the darkness and when the police party arrived at the village, they found that Dalipa was missing. The night had already fallen and it was decided by the police to make a search for Dalipa in the morning. Next morning his dead body was found at the foot of a hill. The body was sent for *post-mortem* examination and the result revealed that the deceased had broken his ribs and received injuries on his chest due to a fall. The report of the Medical Officer conducting the *post-mortem* examination did not reveal that Dalipa had received any direct injury. Sir, it is noteworthy to point out that the honourable mover of the adjournment motion in one of his press statements stated that Dalipa's death was due to the fall, but from the language of his adjournment motion one gets an impression that Dalipa's death was directly due to the mal-treatment and torture of the police. In view of the above-mentioned facts, I am constrained to remark that the language of the adjournment

motion is most misleading and the honourable member is either unaware of the real facts or he has refrained from taking the House into his confidence. Now Sir, let us examine the allegation made by the mover of the adjournment motion and other members of the Opposition in the light of the facts already mentioned. There are no two versions about the facts of the case, though my friends sitting opposite have drawn their own conclusions according to their own lights. We have been told that there is a branch of the Congress in Khangwari village and a number of Congressmen live there. If the police had mal-treated or tortured Dalipa, would they allow him to go home on the evening of the 2nd May and would he come back to the police officer the next day? Moreover, the punishment provided for the offence was only a few years' imprisonment, why should Dalipa give his life knowing it full well that at the most he would be imprisoned for a year or so? I am, however, inclined to think that when Dalipa discovered that his guilt had been found out and that he would always be looked down by the village society for committing such a heinous crime as committing a theft in his own sister-in-law's house, he was overwhelmed by the feeling of disgrace and committed suicide, preferring death to such a life of infamy. (A *voice*: then Dalipa must be possessing a very high standard of self-respect.) There is nothing to mock about in my statement. My honourable friends sitting opposite should realise that the sense of self-respect is not merely the monopoly of rich men. A poor man can also possess this feeling. In fact, a poor man may care more for his reputation than a rich man who can conceal his vices under the veil of his silver and gold. Persons possessing wealth or some social or political status in the country do certain things with impunity, while a poor man is condemned by the society for doing similar things. It is therefore probable that visualising his future state in the village society and family Dalipa might have resolved, under the impulse of repentance, to end his life.

Premier: I would request you to speak in more simple Urdu because the honourable members opposite do not seem to understand your speech (*hear, hear*).

Khan Bahadur Mian Mushtaq Ahmad Gurmani: Sir, I am already speaking in simple Urdu but if my friends opposite cannot follow my speech I shall try to use more simple language.

Sir, it is also possible that the death of Dalipa may be due to an accident. As I have already stated the police party accompanied by Dalipa left for the latter's village after dusk and Dalipa managed to slip away. The track was hilly. Fearing that the police party might be pursuing him, Dalipa must have taken to his heels at breakneck speed and slipped into the *khud*. Sir, it had been argued by my honourable friend, Sardar Sampuran Singh, that when Dalipa had confessed his guilt why was he not handcuffed by the police? I am surprised at the legal knowledge of my friend who claims to have a wide experience of "criminal work". No suspect can be taken under arrest unless full judicial proof is available against him. How could the police take Dalipa into custody unless stolen property was recovered from him? His mere confession was hardly sufficient for his arrest. Moreover, when he had voluntarily made a confession and promised to hand over the stolen property, the police had no reason to doubt his *bona fide* and could not suspect that he would slip away. It is not unusual in similar circumstances to allow the accused to go and bring the stolen property.

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Another honourable member from the Opposition raised an objection as to why Dalipa was detained by the police without being "officially" arrested. Let me tell my honourable friend that all the suspected persons whose presence is required in the investigation of the case are not taken under arrest merely on suspicion. Their presence is required to help in the investigation and unless sufficient evidence and proof is forthcoming against one or more of the accused they are not arrested. The police officers are not prophets to know prior to investigation as to who has committed the crime. They collect all the *badmashes* and the persons of doubtful character living in the vicinity where the crime has been committed and try to find the real offender through investigation. The honourable member from Lyallpur, Sardar Sampuran Singh, was also pleased to remark that the police detains a large number of innocent persons without making a mention in the *simnis*. This statement also shows my friend's ignorance with regard to the procedure adopted by the police officers in the investigation of cases. The police *simnis* are detailed reports of investigations and all the details of investigation are mentioned in the *simnis* including the names of those who join in the investigation. The village officials and other influential residents of the village, who are not suspects, are also requested to take part in the investigation, and the names of all such persons who join in the investigation are invariably mentioned in the *simnis*. Let us not forget that it is the duty of every citizen to help in the detection of crime and in maintaining law and order in the country. If the local residents do not come forward to help in the detection of crime, it would be impossible for the police to investigate the cases successfully.

The honourable member from Hoshiarpur, Rana Nasrullah Khan, has stated that he was told by the local residents of village Khangwari that certain Congressmen had told Dalipa's widow and his other relatives that if it could be established that Dalipa's death was due to the mal-treatment and torture by the police, she will get a pension from the Government. This statement was, however, challenged by the Honourable Sardar Hari Singh. Even if it were true that such a suggestion was made by the Congressmen, I do not blame them because our Congress friends are fully aware that Government patronage, such as jagirs and rewards, is extended only to those who help the administration and assist the Government in maintaining law and order, and our Congress friends do not expect to share these rewards. So the only course open to them is to try to get something from the Government by way of compensation. (*Cheers.*)

My honourable friend, Sardar Kartar Singh, has unnecessarily brought in the question of *kisan* and labourer in his speech. Let me make it quite clear to my honourable friends sitting opposite that the policy of our Government is to administer even justice between all sections and classes of the population, and in doing so we do not differentiate between rich and poor or a landlord and *kisan*. Even if our own relations or party men violate the law of the country they will have to face the penalty of law in the same manner as anybody else. We have no soft corner for the criminals, whoever they may be. We do not administer justice in the Punjab in a partisan spirit. I know in some parts of the country persons guilty of most heinous offences, such as rape and gambling, who were convicted by the highest

courts, were set free by certain provincial Governments. But let me assure my honourable friends opposite that the Punjab Government is determined to maintain its high standard of justice and fair play. You may rest assured that any law breaker, be he a *hisan*, a police officer, a member of our own party or a Congress man will stand on an equal footing in facing the penalty of law and consequences of his guilt. We make no discrimination among our friends or foes in the administration of law and justice. Law must take its course against those who violate it irrespective of their position and status in life.

Chaudhri Kartar Singh : May I ask one question from the honourable member ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, I am not prepared to give way to my honourable friend as he has already had his say and the time at my disposal is limited. Now, Sir, coming to the demand of the Opposition for an independent public inquiry into this case, let me make it quite clear at the very outset that it is too late in the day to ask for public inquiries. The days when such demands were made are gone. After the inauguration of the reforms the law and order is no longer a reserved subject. The police is under the direct control of a responsible Government. If a responsible Government is incapable of making their servants act independently and impartially, they have no right to remain in office. It is the responsibility of the Government to see that the public servants, under their control, act according to law and perform their duties properly. No outside interference can be tolerated or allowed under a system of responsible Government. The Government is, therefore, unable to accept the suggestion made by the Opposition that four members of this House, two from the Government side and two from the Opposition, should be appointed to hold an inquiry into this case. My honourable friends should realize that if the members of legislature are to undertake police duties they will have to devote all their time in performing the duties of police sub-inspectors, to the detriment of their more responsible and important political duties. I can hardly imagine that a member of Parliament would condescend to do the work of a police sub-inspector and neglect his more important duties which are incumbent on his high and responsible office. Apart from this we should not forget that the functions of a legislature are quite distinct from the executive and it would be a wrong policy for the legislature to have direct interference in the details of administration or executive authority of the country.

Sir, before I conclude I wish to sound a note of warning to my friends of the Opposition. It has become a habit with them to criticise the police mercilessly, in season and out of season. Such unsympathetic attitude from the legislature might demoralise the agency which is responsible for maintaining law and order in the country and consequently affect most adversely the efficiency and discipline of our police force. Let us not forget that we have very important responsibilities towards our law-abiding and peace-loving fellow-citizens who have elected us as their representatives. It is our duty to see that their lives, property and freedom is adequately protected. Under an impulse of sympathising with the suffering law breakers, we should not jeopardize the legitimate interests, rights and privileges of a vast majority of peace-loving citizens of our country. I know

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by associating with a class or person one develops an affinity with them. I do not blame my Congress friends for having a soft corner for those unfortunate persons who are termed as law-breakers or criminals, because they came into contact with that class of people in jails and it is possible, rather natural, that they might have developed a sympathetic attitude towards them after sharing with them the hardships of the jail life and having a close association with them during their long stay in jail. But they should not let such sympathy, due to long association, overcome their sense of responsibility towards their peace-loving fellow-citizens who have elected them to safeguard their interests and privileges.

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

Sardar Sampuran Singh: I protest against the words used by the honourable member when talking about criminals. He said:—

جیل میں رہ کر ان پر اثر ہو ہی جاتا ہے اور مجرموں کے ساتھ تعلق ہو جاتا ہے۔

He meant these words to apply to the members of the Opposition who had been some time in jail. I submit that he should be asked to withdraw these words. He should not have made any reference to the members of the Opposition like that.

Mr. Speaker: Some honourable members jump at inferences. That is not fair.

Sardar Sampuran Singh: I shall be content if the honourable member says that he did not refer to the members of the Opposition.

Mr. Speaker: Will the honourable member please say whether his words were meant to refer to the members of the Opposition?

Khan Bahadur Mian Mushtaq Ahmad Gurmani: Sir, I merely mentioned a maxim that "associations develop into affinity" just as one would say that "Malaria is caused by mosquito bite." I never meant any disrespect to the honourable members of the Opposition. But the remarks of my honourable friend remind me of an Urdu proverb—

چور کی دازھی میں تنکا

Mr. Speaker: That ends the matter.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: Sir, let me assure my honourable friends opposite that we on this side of the House deplore the death of poor Dalipa as much as they do, but we are fully satisfied that the local police is not to blame in any way for this incident. Let me inform the House that when the press report with regard to this incident came to the notice of the Honourable Premier, he ordered the District Magistrate to hold a magisterial inquiry into the incident and communicate the result of that inquiry to the Government. The Honourable Premier did not rest at that. He asked the Commissioner of the division to hold an independent inquiry at the spot and let him know the real facts. A first class magistrate was deputed to hold an inquiry into the allegations against the police and after making a judicial inquiry, he came to the conclusion that the allegations

against the police were unfounded and baseless. I might also mention here that the Honourable Premier received a telegram purporting to have been sent by Dalipa's widow. But on inquiry it was found that Dalipa's widow had not sent the telegram and she totally denied any knowledge about the telegram. The Deputy Commissioner went to the spot and made personal inquiries from the villagers. He was also satisfied that the allegations against the police were unfounded. The Commissioner of the division after going to the spot and making personal inquiries came to the same conclusion. My honourable friend Sardar Hari Singh is therefore not correct in saying that the Government had made no inquiry into the incident. In view of the above facts the Government is fully satisfied that the charge brought forward against the local police is incorrect.

One word more, Sir, and I have done. I would appeal to my honourable friends sitting opposite, who claim to be the well-wishers of the poor peasants and labouring classes, that they should not take the time of the House in bringing such adjournment motions and co-operate with the Government in getting through the important business and legislative programme which we have before us. My friends will agree with me that the legislative measures which the Government proposes to move and carry during this session are of very far reaching character and when passed into law will provide great relief to the poor and labouring classes of the province and go a long way to ameliorate their sufferings. I appeal to my honourable friend Sardar Hari Singh to withdraw his adjournment motion and let the House proceed with its normal business.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban): Sir, history repeats itself. Last year we were talking in this very House in the budget session of last year complaining about the police excesses and the attitude of the present Government in not enquiring into those excesses and in giving the police a free hand to carry out their business as they used to do before. I remember very well the Honourable Premier saying that he was not going to permit us to carry on such enquiries and that he would take legal action against those who would do so. At that time we were advised to approach him or the local authorities concerned if we had any complaint to make. For one full year we have been informing the Government of what we heard, but we have had no answer from Government so far. I do not know whether any action was taken on our complaints or not. We are not concerned with the question whether Dalipa was a criminal or not. Granting that he was a criminal of the worst type, as a citizen of this province he had every right to defend himself if he was to be prosecuted and tried in a court of law. If any investigation of the case was to be made it should be made in a legal and humane way. I do not say that that person was innocent, but our point is that as a human being he was entitled to humane treatment at the hands of the police. The allegation is that the police beat him mercilessly and that as a result he died, not at the very time as he was beaten but some time later. It is said that the doctors have certified that he died of a fall. But no doctor can say whether it was suicidal or homicidal. It might be that the police beat him and threw him down the hillock. Who can say that that could not have been so. It is only after an enquiry that we can come to a decision on that point. It is said that a departmental enquiry was held by a magistrate of the first class. It can only be a coroner's enquiry.

[Dr. Gopi Chand Bhargava.]

But we want a more thorough enquiry. Usually police cases are referred to police officials for enquiry. Police officials generally cover the faults of their men. I do not want to go a step further than that.

We want an enquiry, an open enquiry. We say that this departmental enquiry does not satisfy us. Sermons have been delivered here that we should not condemn our police because if we do so we create lawlessness in the province. My submission is that we are not going to tolerate any of these illegal and inhuman acts of the police and if we do so we will be encouraging them to carry on their investigations in the same old way as they did before. It is our duty as representatives of the people to condemn every action of an official, whether he is a policeman or whether he is anybody else, if that action is illegal, however big or high that official may be. If we do not do so on this ground that if we condemn them they will not obey us or they will be *badnamed* among people or people will think that they have no prestige, then we are mistaken. That will be only encouraging those people. It is the covering of their actions that encourages them. The police know that the Government is not going to punish them for whatever they do and that is why this lawlessness is still there in this province. This is only by way of an instance. This year again we have brought this example and we want to inform the Government through you and by way of this adjournment motion that they are failing in their duty because they do not make enquiries, open and thorough enquiries, into the conduct of the police. That is the simple matter. We are not concerned whether that particular man was a *badmash* or not. It is said that this Dalipa committed suicide. They want to treat the matter in such a light way. That is the attitude they show when discussing police excesses or when police grants are discussed. It is that attitude that is encouraging the police and we want to censure that attitude and it is from that point of view that we have brought forward this adjournment motion. It was a single instance no doubt and even if it is proved that the man committed suicide, even then we want an enquiry into this matter whether the police beat that man or not. Was that enquiry made?

Premier : Yes.

Dr. Gopi Chand Bhargava : Then why was not a *communiqué* issued? Did the Government come out with a *communiqué*? A telegram was sent to the Honourable Premier and did he inform the wife of Dalipa that he was satisfied that the police did not beat the man? Was the public informed that a magisterial enquiry or a departmental enquiry was held and the Government was satisfied that the police did not beat that man? No. At least I have not read it in the papers. I have not seen any *communiqué* which the Government might have issued. Even when the adjournment motion was moved this morning neither the Premier nor the Parliamentary Secretary made any statement as they usually make on such occasions, giving the result of their enquiries.

Premier : Perhaps the honourable member was not present in the House when I made the statement.

Dr. Gopi Chand Bhargava : My submission is that when adjournment motions are moved, the Honourable Minister in charge gets up and says. This is our position; are you going to press the motion? If their statement is

not satisfactory we are forced to press. If it is satisfactory we do not want to waste the time of the House on such matters. We press such things only when the Government does not care to make open enquiries and when they are satisfied with the so-called departmental enquiry. That is why the police excesses are on the increase rather than on the decrease. With these words I support the motion.

At this stage several honourable members moved for closure.

Mr. Speaker : The question is :—

That the question be now put.

The motion was carried.

Sardar Hari Singh : On a point of personal explanation. During the course of the speech of Rana Nasrullah Khan he said something regarding me. He said that I met the wife of Dalipa and I persuaded her to make a certain statement to the effect that her husband died as the result of police torture as that would enable her to get pension. I may say that I never saw the wife of Dalipa and that statement is unfounded, baseless and mischievous.

Mr. Speaker : The question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 29, Noes 90.

AYES.

Ajit Singh, Sardar.
Bakdev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chanan Singh, Sardar.
Duni Chand, Mrs.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.

Kishen Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mahammed Hassan, Chaudhri.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram, Seth, Dr.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Bab, Mian.
Abdul Bahim, Chaudhri (Gurgaon).
Afzaalaki Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.

Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar-Mohy-ud-Din Qadri, Mian.
Balbir Singh, Rao Bahadur Captain
Rao.
Balwant Singh, Sardar.
Binda Saran, Rai Bahadur.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.

- Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali, Khan, Subedar-Major
 Raja.
 Fateh Jang Singh, 2nd Lieut. Bhai.
 Fateh Khan, Khan Sahib, Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Moby-ud-Din, Manvi.
 Ghulam Rasul, Chaudhri.
 Gopal Das, Rai Bahadur, Lala.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib
 Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Hari Chand, Rai.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Men, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Akram Khan, Khan
 Bahadur, Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Hussain, Sardar.
 Muhammad Nurullah, Mian.
 Muhammad Seadet Ali Khan, Khan
 Sahib Khan.
- Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Wilayat Hussain Jee-
 lani, Makhdumzada Haji Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Narendra Nath, Diwan Bahadur
 Raja.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nur Ahmad Khan, Khan Sahib
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Santokh Singh, Sardar Sahib Sardar.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Khan.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Mr. S. F.
 Sita Ram, Lala.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Uttam Singh Dugal, Sardar.

The Assembly then adjourned till 2 p. m. on Thursday, 23rd June, 1988.

Mr. K. L. Jauhar
Barrister-at-Law
Bank Choral Chambers,
L.A.HORE

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 23rd June, 1938.

The Assembly met at the Assembly Chamber, Simla, at 2 p.m. of the clock.
Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

REMISSION OF RABI ON ACCOUNT OF DAMAGE TO CROPS FROM HAILSTORM.

*2127. **Sardar Lal Singh** : Referring to question No. *1444,¹ dated 25th January, 1938, will the Honourable Minister of Revenue be pleased to state—

- (a) whether any written order was issued to the lambardars to refund the amount, if so, the date and the number of this order, if not, how was the order of refund conveyed to the lambardars ;
- (b) whether the *panchotra* was actually refunded, if so, when and in what manner, if not reasons for the same, and under what authority ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The Collector passed the orders on the 15th January, 1938, and they were conveyed to the lambardars through the tahsil agency.

(b) A sum of Rs. 88-10-8 has so far been refunded by the lambardars to the *assamis* and the balance will be adjusted in the accounts for rabi harvest of 1938.

Sardar Lal Singh : May I know why this sum was over-collected and illegally collected by the lambardars and why it was not returned to them promptly ?

Minister : It was lawfully collected and it is being refunded now.

Sardar Lal Singh : If it was lawfully collected, then why is it being refunded ?

Premier : How does this arise ?

DAMAGE TO CROPS IN LUDHIANA DISTRICT BY HAILSTORM.

*2728. **Sardar Lal Singh** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that several villages in Ludhiana district had their crops severely damaged by hailstorm on 7th April or thereabout, if so, when did the information reach him ;
- (b) what relief the Government propose to give to these villages ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes, the crops were damaged to some extent only in four villages. In others the damage was negligible.

(b) Remission of land revenue is under consideration.

NOMINATION OF MEMBERS TO THE DISTRICT BOARD, LUDHIANA.

***2729. Sardar Lal Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) how many members were nominated to the present District Board, Ludhiana, by the Government ;
- (b) in how many cases were the recommendations of the Deputy Commissioner over-ridden ;
- (c) what were the special circumstances warranting this in each such case ?

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

(b) and (c) Government does not consider it expedient in the public interest to disclose this information.

Lala Bhim Sen Sachar : Is the number now in excess of what it was previously ?

Minister : It is in accordance with the constitution of the Board.

Lala Bhim Sen Sachar : That is not my question. My question is whether the number now exceeds the number that was previously.

Minister : I do not think so.

Sardar Lal Singh : Is it a fact that one of the members in whose favour the recommendations of the Deputy Commissioner were ignored was related to one of the Ministers and about whom it was pointed out that he has not a rural outlook ?

Minister : I have already pointed out that these things are confidential.

Sardar Lal Singh : Will the Honourable Minister deny that it is as I have stated ?

Minister : I am unable to add anything to the reply given.

Chaudhri Muhammad Hassan : Is it a fact that one of the members nominated was a member of the Raikot Municipal Committee but he remained absent for six months ?

Minister : It does not arise out of this question, nor am I aware of it.

Lala Bhim Sen Sachar : What is the nature of the recommendation which weighed with the Government at the time of nominating these members ?

Minister : Suitability and the interests of the local bodies.

Lala Bhim Sen Sachar : What are the ingredients of suitability ?

Minister : It cannot be defined in reply to a question.

Lala Bhim Sen Sachar : Will the Minister please mention at least one or two factors which go to determine the suitability of a person for nomination ?

Minister : Honesty, integrity, capability and so on and so forth.

Chaudhri Muhammad Hassan : Is public service one of the ingredients ?

Minister : Yes.

Pandit Shri Ram Sharma : Is it a qualification to be a member of the Unionist Party ?

Minister : Yes. (*Hear, hear from Opposition benches.*)

Sardar Lal Singh : May I know, if this is so, how he is going to eradicate nepotism ?

Minister : None exists.

RECRUITMENT OF POLICE CONSTABLES.

*2730. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state the instructions, if any, issued at any time to Superintendents of Police in the Punjab for the recruitment of police constables with particular reference to the proportion communitywise which the Superintendents of Police must keep in view when making such recruitment and also state whether these instructions contain that the recruits belonging to the district in which recruitment takes place are to be given preference to others ?

The Honourable Major Sir Sikander Hyat-Khan : The recruitment of police constables is governed by the police rules which enjoin *inter alia* for enrolment of a proportion of men belonging to communities or classes whose representation in the force is desirable even if they appear reluctant to offer themselves. Government have issued no specific instructions as to the proportion communitywise in which constables should be recruited. Subject to the provisions of the rules to ensure efficiency of the police force, local men are ordinarily preferred ; but if the desired class of recruits be not forthcoming locally, enlistment is made from residents of other districts as was done recently in the case of Sikh constables for the Attock district.

PUNJAB CIVIL SERVICE OFFICERS HOLDING POSTS WITH ALLOWANCES.

*2731. **Pandit Shri Ram Sharma :** (a) Will the Honourable Premier be pleased to state the number and names of the Punjab Civil Service officers who are at present holding posts to which allowance is attached ;

(b) those who have superseded their seniors and special reasons for that ;

(c) whether the Government propose to have the main consideration seniority in giving such posts ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a), (b) The honourable member will find the information he requires in the Civil List.

(c) No. The main consideration must be the qualifications of an officer for the post to be filled.

Pandit Shri Ram Sharma : Is class and community of the candidate also a consideration in giving these posts ?

Parliamentary Secretary : I have already stated that the main consideration must be the qualifications of the officer.

Pandit Shri Ram Sharma : In addition to a man's qualifications does his class and community also come into consideration ?

Parliamentary Secretary : If two candidates of the requisite qualifications are available and there is a preponderance of one community, and the other community is under-represented, the officer belonging to the under-represented community must be given preference.

IMPROVEMENT OF THE ESTRANGED COMMUNAL RELATIONS AT HISSAR.

*2732. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

(a) the special steps which the Government has taken to improve the estranged communal relations at Hissar after the second riot of the 26th March and, if so, with what result ;

(b) whether the Government as promised by it made an enquiry into the causes of the trouble at that place in March last and as a result of that inquiry whether any of the local police and district authorities was found to be responsible for that state of affairs and, if so, the action taken or proposed to be taken against them ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The district police was reinforced and other preventive measures, including the location of additional police, were taken. Negotiations which were initiated by Government to bring about a rapprochement between the two communities are still in progress but the scope for official action is obviously limited and it is clearly for the communities themselves to come to an understanding.

(b) From enquiries made under the orders of Government by the Commissioner, Ambala division, and the Deputy Inspector-General of Police, Eastern Range, it was found that neither the local police nor the district authorities were responsible for the communal disturbances at Hissar. The question of taking action against them, therefore, does not arise.

ELECTORAL CIRCLES OF THE DISTRICT BOARD, ROHTAK.

*2733. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Public Works be pleased to state whether the District Board, Rohtak, has now submitted proposals regarding new electoral circles for the next election to the said Board ; if so, the approximate date when the next elections to this District Board may be expected to be held ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The District Board has not yet submitted proposals for the new Electoral Circles. The Commissioner, Ambala division, has been asked to expedite matters.

Pandit Shri Ram Sharma : For how long has this matter been under consideration ?

Minister : If you give me notice I shall try to find out.

Pandit Shri Ram Sharma : This is included in the question.

Minister : It is not included in the question. I require notice to answer this question.

Pandit Shri Ram Sharma : How long a time will be required to form these wards ?

Minister : Only the District Board can say.

Pandit Shri Ram Sharma : I wrote to the Government and the Commissioner about six months back. What has the Government done on it ?

Minister : You did not inform me.

Pandit Shri Ram Sharma : Have you received any letter ?

Minister : Not from you.

Pandit Shri Ram Sharma : It is a strange department. (*Laughter*).

ACCOMMODATION FOR PRISONERS IN AMRITSAR JAIL.

***2734. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

(a) the accommodation for prisoners in the Amritsar Jail ;

(b) the number of prisoners at present confined in that jail ?

The Honourable Mr. Manohar Lal : (a) 264.

(b) 450.

Dr. Gopi Chand Bhargava : May I know where the excess number is kept ?

Minister : In Jail.

Dr. Gopi Chand Bhargava : How are they accommodated in tents or *chholdaris* ?

Minister : Normal accommodation is there in the Amritsar Jail, but the pressure is very heavy. Of course they are kept in jail and not outside.

Dr. Gopi Chand Bhargava : Are two or three accommodated in one cell ?

Minister : It is not a question of cells. There are various arrangements for providing for excess prisoners. I think my honourable friend is aware of the circumstances and the manner in which the extra jail population is kept.

Dr. Gopi Chand Bhargava : Have they to be chained at night ?

Minister : I could not say, though that is possible.

Pandit Shri Ram Sharma : Is it not unfair on the part of the Government to keep more prisoners than can be accommodated ?

Minister : That is a matter of opinion, given the circumstances.

Lala Duni Chand : Does the Honourable Finance Minister approve of this over-crowding ?

Minister : That is again a matter of opinion. No one can be said to like or approve over-crowding, but much depends on circumstances.

Sardar Hari Singh : May I ask whether there is a rule in the Jail Rules fixing the accommodation per prisoner ?

Minister : The difficulty is that Amritsar is a small Jail and there is a very large number of under-trial prisoners in it and they cannot be sent anywhere else. Government has under contemplation, and has had it for some time, the question of building a big central jail at Amritsar, but financial considerations have stood in the way so far. It is estimated that such a jail will cost something like 17 lakhs. The matter is under the consideration of the Government, if that is the intention of the honourable member in asking this question.

Sardar Hari Singh : May I ask the Finance Minister whether there is any difficulty in transferring excess number of convicts from Amritsar jail ?

Minister : The number of convicts is not so large. They are almost entirely under-trial prisoners but I will look into this matter to see if there are any convicts that are kept there even for a short period. I believe they are not so kept but if they are, they will be duly transferred.

Sardar Hari Singh : For how long has this state of affairs existed in this jail ?

Minister : It has existed for a fairly long time. I visited the jail last year and I found the condition not very satisfactory.

Lala Bhim Sen Sachar : What action did the Finance Minister take then ?

PERMISSION TO CAST VOTES TO VOTERS INVOLVED IN FATEHWAL
CASE.

*2735. **Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether those of the accused in the Fatehwal case, who were voters for the Assembly election (general Amritsar and Sialkot rural constituency), were permitted to go and cast their votes at the polls ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood) : No, under the Jail Rules under-trial prisoners cannot be taken out of jail for voting.

Dr. Gopi Chand Bhargava : Were they in jail at that time or were they in court ?

Parliamentary Secretary : This question does not arise.

Dr. Gopi Chand Bhargava : I want to know whether at the time of polling they were in court or in jail.

Parliamentary Secretary : Whether they were in court or in jail, they were under custody.

Dr. Gopi Chand Bhargava : The honourable member said that under the Jail Rules they could not be sent out. When they are in the court they are not under Jail Rules. Then they are under Court Rules.

Parliamentary Secretary : The question now asked by my honourable friend whether they were actually at that time in the court or in the jail does not arise but if he will give notice of that I will look into it.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary quote the Jail Rules referred to ?

Parliamentary Secretary : I would refer my honourable friend to the Jail Manual.

Dr. Gopi Chand Bhargava : Can he not name the Jail Rule by going through the file he has received along with the answer ?

Lala Deshbandhu Gupta : I may assure him that there is no specific reference to that effect in the Jail Rules.

Sardar Hari Singh : There is no such rule in the Jail Manual.

Dr. Gopi Chand Bhargava : Has the Jail Manual been amended since 1937 ?

Parliamentary Secretary : I am afraid I cannot give that information off hand but as I have stated I take full responsibility for the statement that under the Jail Rules under-trial prisoners cannot be taken out for voting purposes.

Chaudhri Kartar Singh : Is it a fact that the accused had applied for permission being given to them to cast their votes ?

Parliamentary Secretary : I am not aware of that.

Chaudhri Kartar Singh : Does the Parliamentary Secretary know that during the general elections in Germany, prisoners were allowed to vote ?

Parliamentary Secretary : I should not like to take my stand in these matters on German precedents.

Sardar Hari Singh : May I ask the honourable member whether he has studied the Jail Manual in order to verify whether the answer prepared by the department concerned is correct or not ?

Parliamentary Secretary : In this particular case I have trusted the officers who have drafted up the answer.

Dr. Gopi Chand Bhargava : Is the honourable Parliamentary Secretary aware of the fact that one accused person—a convicted person—was brought to the court in hand-cuffs to vote for me ? He says that under the Jail Rules no convict can come to vote for a person but a convict did come to the Polling Station to vote for me.

Sardar Sohan Singh Josh : It shows the ignorance of the Parliamentary Secretary.

Premier : Who was the Superintendent of Jail when this convict came to vote for you ?

Mr. Speaker : The next question.

**ROAD FROM MUNICIPAL OCTROI POST, BADAMI BAGH TO MUKAND
IRON WORKS.**

***2736. Chaudhri Kartar Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the road from municipal octroi post, Badami Bagh, to Mukand Iron Works, in the same locality is in a very bad condition ;
- (b) whether it is a fact that there are several factories at Badami Bagh, and the public are put to great inconvenience in traffic owing to the dilapidated condition of the above-mentioned road ; if so, what action Government propose to take in the matter ;

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

(b) The road in question belongs to the Railway department.

CHILDREN ABDUCTED IN LAHORE AND OTHER PLACES.

***2737. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether any of the children recently abducted in Lahore and other places have been traced so far or not ; if not, at what stage the inquiry has reached ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) During the current year 11 cases of kidnapping have been reported to the Lahore Police. In the first of these cases, which was reported on the 7th March, it was stated that two boys had been kidnapped, and the case appeared to the police to be a true one. Despite careful investigation no clue has, however, been found, and the case has been filed as untraced—the investigation will of course be resumed should any evidence become available. The other 10 cases reported from Lahore appear to be without foundation ; 8 of them have been cancelled under the orders of a magistrate, and the other 2 have been sent up by the police for cancellation.

(b) During the current year 2 cases of kidnapping have been reported to the Rawalpindi Police. In both the cases the accused were challaned but were acquitted.

**REMARKS BY THE SESSIONS JUDGE, RAWALPINDI, AGAINST POLICE
OFFICERS, CHAUDHRI MUHAMMAD ZAMAN AND S. AMRIK SINGH.**

***2738. Munshi Hari Lal :** Will the Honourable Premier be pleased to state whether his attention has been invited to the remarks made by Mr. Ormerod, Sessions Judge, Rawalpindi, against the two police officers, Chaudhri Muhammad Zaman and S. Amrik Singh in the judgment delivered recently in the murder case *Crown versus D. Raja Ram and Jai Ram* ; if so, whether any action has been taken by the Government against the said police officers so far, or is now intended to be taken in the light of these remarks ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The attention of Government has been drawn to the judgment in question. A proposal received from the local officers that there should be a Crown appeal is at present under examination. After this question has been decided, it will be considered what action, if any, is necessary against the police officers concerned.

Munshi Hari Lal : Has not the Crown appeal been preferred up till now ?

Parliamentary Secretary : It had not been preferred by the time the answer was prepared.

Lala Duni Chand : Is it true that the learned Sessions Judge said in his judgment that punishment of a most salutary character should be given to these two police officers ?

Parliamentary Secretary : May be, but as I have already stated the Government's position in these matters is clear that we are committed and determined to take deterrent action in all cases of proved torture or mishandling of investigation in these matters, but they must be proved.

Lala Duni Chand : Is it also true that the learned Sessions Judge has said in his judgment that it is the most scandalous case of all scandalous cases ?

Premier : I do not think the learned Sessions Judge used the exact words that my honourable friend has uttered.

Lala Duni Chand : Yes he used those words.

Premier : Not exactly those words. (*Voices from Opposition benches :* Exactly those words).

Lala Duni Chand : Is it also true that the learned Sessions Judge came to the finding that the two receipts on which the accused relied were torn by the police officers and other officers corroborated the fact ?

Mr. Speaker : I disallow the question for the simple reason that it gives rather than seeks information.

Dr. Sir Gokul Chand Narang : Has it come to the notice of the Honourable Premier that the learned Sessions Judge has said that there were two receipts and they were torn by police officers and that statement was corroborated by another police officer ?

Mr. Speaker : This question also gives rather than seeks information ; I have been very liberal in allowing supplementary questions. But some honourable members go too far.

Lala Duni Chand : The conditions in the Punjab require that you should be more liberal in the matter of allowing supplementary questions.

Lala Bhim Sen Sachar : When was the Crown appeal preferred ?

Premier : The Crown appeal had not been preferred when the answer was drafted.

Lala Bhim Sen Sachar : Has the appeal been preferred by now ?

Premier : I cannot say off hand.

Lala Bhim Sen Sachar : Had the Government then taken any action on that judgment in the absence of any appeal pending before a court of law ?

Premier : If the appeal is preferred in the High Court, then the Government decision will have to be deferred till the decision of the High Court.

Lala Bhim Sen Sachar : When will the decision to prefer an appeal be taken ?

BYE-ELECTION OF MULTAN MUNICIPAL COMMITTEE.

*2739. **Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the date when the result of the bye-election with regard to the seat on the Multan Municipal Committee caused vacant by the death of Lala Chetan Anand was declared ;
- (b) when were the papers sent by the Deputy Commissioner, Multan, for the purposes of the publication of the result in the Gazette to the Commissioner, Multan division ;
- (c) when did the Commissioner send the papers to the Government for publication ;
- (d) when was the election published in the Gazette and the cause of the delay in the publication of the result of the election in the *Government Gazette* ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) 24th March, 1938.

- (b) 4th April, 1938 ;
- (c) 21st April, 1938 ;
- (d) The result of the election was published in the Gazette of 6th May, 1938. There was no delay in the publication of the result in the Gazette.

PERSONS INTERNED IN THEIR VILLAGES UNDER PUNJAB CRIMINAL LAW AMENDMENT ACT.

*2740. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the number and the names of the persons interned in their villages from 1st April, 1937, to April, 1938, in the province under the Punjab Criminal Law Amendment Act, 1935 ;
- (b) the number and the names of the persons externed from the Punjab during that year under the same Act ;
- (c) the number and the names of the persons detained in the Punjab jails under Regulation III of 1818 during the same period ;
- (d) whether the Government proposes to release all those prisoners who are detained in different jails in the province without any trial before any court of law ?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) Eight persons were interned in their villages and twelve were externed from the Punjab under the Punjab Criminal Law (Amendment) Act, 1935, between the 1st April, 1937 and 1st April, 1938. It is not in the public interest to divulge their names.

(c) *Nā.* Eight persons were under detention under Regulation III of 1818 in the Punjab Jails on 1st April, 1937. Of these, five were released during the year and only three were under detention on 1st April, 1938. It is not in the public interest to give their names.

(d) No.

Sardar Hari Singh : May I ask whether he is aware of the fact that in this matter of internments and externments the Punjab is leading the rest of India ?

Premier : My honourable friend has not got the figures of Bombay city, I am afraid.

Chaudhri Kartar Singh : Is there any difference in the interpretation of 'public interest' put by the previous and the present Governments ?

Mr. Speaker : That question is disallowed.

Chaudhri Kartar Singh : Is the honourable Premier aware of the fact that the previous Government laid the list of the internees on the table of the House in reply to a question put by Shrimati Lekhwati Jain. ? What objection has the present Government ?

Premier : How does it arise out of the original question ?

Lala Deshbandhu Gupta : Has the definition of public interest undergone any change since the coming into office of the present Government ?

Mr. Speaker : That question is disallowed.

Sardar Hari Singh : May I ask whether he has compared the figures of internment and externment of the present year with those of past years ?

Premier : I have not compared the figures but I think we stand favourably as compared with the previous years.

Sardar Hari Singh : May I take it that you have beaten the record this year ?

Premier : Record in releasing them, certainly.

NUMBER OF BABBAR AKALI PRISONERS RELEASED.

*2741. **Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state—

(a) the number of prisoners of the Babbar Akali Case who were released before the expiry of their sentences ;

[B. Sohan Singh Josh.]

- (b) the number of Babbar Akali prisoners who are still in jails, giving their terms of imprisonment, and when Government proposes to release them ?

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

(b) Eight. The term of imprisonment of each prisoner is transportation for life. The question of their release is under consideration.

Since this answer was drafted I am in a position to say that orders have been passed for the release of six out of eight Babbar Akali prisoners and they will be released in small groups during the next few weeks.

Sardar Sohan Singh Josh : Will he kindly state the name of the two persons who will not be released ?

Minister : I am not in a position to say, but their cases will also be reconsidered as early as possible.

Sardar Hari Singh : How many Babbar Akali prisoners will still be in custody ?

Minister : There will be none after six out of eight have been released, except the two whose cases will also be considered after a short while (*hear, hear*).

NAMES OF TRIBES DECLARED AS CRIMINAL TRIBES IN AMRITSAR DISTRICT.

*2742. **Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the names of the tribes that have been declared as criminal tribes in the Amritsar district from time to time ;
- (b) whether the movements of any of the above-mentioned criminal tribes have been restricted to certain areas ;
- (c) whether any of these tribes are kept in jails ;
- (d) whether the Government proposes to exclude those tribes from the category of criminal tribes whose past record has been good ?

The Honourable Mr. Manohar Lal : (a) The following tribes, who are found in Amritsar district, have been declared criminal tribes throughout the province :—

- (1) Sansis.
- (2) Baddons.
- (3) Barrars.
- (4) Dhas.
- (5) Bherias.
- (6) Aheris.
- (7) Bhangalis.

(b) Yes.

(c) Only if convicted in a court of law.

(d) The policy of Government is to remove or relax restrictions imposed on those members of criminal tribes whose past history and good conduct justifies such a course.

Sardar Hari Singh : May I ask the Minister whether the case of any of the tribes is under consideration of the Government for purposes of excluding them from criminal tribes list ?

Minister : I am not in a position to answer the question, but if the honourable member will give me notice I will enquire into the matter.

Sardar Hari Singh : May I ask whether any of these tribes have been excluded from the list since the present Ministry took charge ?

Minister : I do not think so, but if he will give notice I will be more precise.

NUMBER OF REMODELLING OPERATIONS PERFORMED IN AMRITSAR DISTRICT IN 1937.

*2743. **Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of remodelling operations performed in the Amritsar district during the year 1937 by the Canal Department ;
- (b) the expenditures incurred on them ;
- (c) the reasons for performing these remodelling operations ;
- (d) the number of representations received for remodelling ;
- (e) whether Government intend to perform the remodelling operations only in such cases in which they receive representations for that purpose ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) (i) *Majitha Division.*—Six outlets on Ranawali Left distributary.

(ii) *Rainind Division.*—Adjustment of roof blocks of 3 A. P. M. outlets of Bhuchar Kahna distributary.

(iii) *Jandiala Division.*—All outlets on Nagoki distributary.

(iv) *Jandiala Division.*—Seven outlets on Rasulpur distributary between R. Ds. 17,000 and 51,000.

(b) (i) Rs.	489
(ii) Rs.	90
(iii) Rs.	2,858
(iv) Rs.	100

Total Rs. 2,927

(c) Remodelling operations were performed in order to ensure proper supply at the tails, as acute shortage was experienced at the tails of the distributaries during periods of keen demand.

(d) Numerous applications were received from the zamindars of tail outlets complaining about shortage of supply.

[Minister for Revenue.]

(e) No. Remodelling is undertaken either when upper outlets draw more than their authorized full supplies which cause short supplies at the tails of channels or when short supplies to individual outlets on the channel necessitate increasing their sizes.

Such remodellings are almost always carried out at the request of irrigators on the outlets.

Sardar Sohan Singh Josh : During the course of supplying water to the tail, are the needs of the people living in between also taken into consideration ?

Minister : Naturally.

Sardar Partab Singh : Is the Revenue Minister aware of the fact that there is a growing discontent among the peasants of the Amritsar district against the canal authorities regarding remodelling and reduction.

Minister : Some of my friends have been agitating in the matter. I will look into the question of discontent when a representation comes up to me.

Sardar Partab Singh : Is he aware that the residents of twelve villages have shut off water on account of the reduction in the *mogas* to such an absurd limit that agriculture became practically impossible.

Minister : I am sorry this sort of agitation is carried on by certain gentlemen in the meetings which they are holding in that *ilaga*.

Sardar Partab Singh : Is Government prepared to institute an enquiry whether the residents of these villages have done this of their own accord or whether they are being instigated by some other people ?

Minister : I am sorry it is wrong to mislead the poor people who do not understand things.

Mr. Speaker : I request the honourable members to observe parliamentary decorum in all they say in this House.

Minister : This sort of attitude is to be observed not only by this side but by my friends opposite as well.

Mr. Speaker : I have to say with regret that honourable members of the Opposition have been attacked twice. This should be avoided.

Premier : I think there is some misunderstanding. My honourable friend did not mean any insinuation against honourable members. He said that those people who mislead the ignorant peasants and are exploiting them should be denounced by the House.

Sardar Sohan Singh Josh : Who is to judge whether somebody from among us is misleading the people or the Government is misleading them ? It is the Government that misled them.

Mr. Speaker : This question is not before the House now.

Sardar Sohan Singh Josh : Will the Honourable Minister kindly state whether people of Rayya have sent in complaints that their outlets have been gradually reduced ?

Minister : It does not arise out of this question.

Mr. Speaker : The question is disallowed.

DAMAGE DONE TO CROP OF CORN IN TARN TARAN TAHSIL.

*2744. **Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a great damage was done to the crop of corn in some villages of Tarn Taran tahsil, district Amritsar, on the night of the 6th April, 1938, on account of a severe hailstorm ;
- (b) whether any representations were made to the officers concerned by the people of the affected villages for remission of land revenue and water rates (abiana) ;
- (c) whether any officers went to see for themselves the damaged crops ; if so, the names of the villages visited and the recommendations made by them ;
- (d) whether the Government has given or contemplates to give any relief to the peasants concerned ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes, five villages were affected.

(b) Yes.

(c) Three gasetted officers of the Revenue Department and two of the Irrigation Department inspected the tract affected and recommended remission of land revenue in 5 villages and of abiana in 4 out of them.

(d) Remission has been given as follows :—

Villages.	Land revenue.	Local rate.	Water rate.
	Rs.	Rs. A. P.	Rs. A. P.
Mirpur	18	2 4 0	120 9 0
Panjwar	32	4 0 0	280 6 0
Jhabhal Kalan	310	28 12 0	382 2 0
Pandori Hasan	6	0 12 0	.. .. .
Lala Ghuman	100	12 9 0	83 7 0
Total	466	58 4 0	852 8 0

Sardar Sohan Singh Josh : Will the Honourable Minister be pleased to state whether any remission was granted to Kot Dharam Chand ?

Minister : No, Sir.

Sardar Sohan Singh Josh : What is the total remission that was recommended by the authorities in Majhapura ?

Minister : I think my honourable friend has got a question further on and I will give my reply then.

NAMES OF VILLAGES IN WHICH CONSOLIDATION OF HOLDINGS IS GOING ON IN AMRITSAR DISTRICT.

*2745. **Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state—

- (a) the number and the names of the villages in which the work of consolidation of holdings is going on in the Amritsar district ;

[S. Sohan Singh Josh.]

- (b) the number and the names of the officers who are carrying on this work ;
 (c) the results so far achieved ;
 (d) the means that the Government propose to adopt to accelerate the work of consolidation in the above-named district ?

The Honourable Chaudhri Sir Chhotu Ram : The honourable member has asked for very detailed information and I regret that answer to the question is not yet ready.

NUMBER OF CRIMINAL CASES TRIED BY SESSIONS COURTS IN AMRITSAR DISTRICT FROM APRIL, 1937, TO MARCH, 1938.

***2746. Sardar Sohan Singh Josh :** Will the Honourable Minister for Finance be pleased to state the number of criminal cases tried by the Sessions Courts in the Amritsar district from April, 1937 to March, 1938, and the number of such cases in which the accused were convicted ?

The Honourable Mr. Manohar Lal : Eighty-seven and 88 respectively.

NUMBER OF MURDERS COMMITTED IN AMRITSAR DISTRICT AND LAHORE DIVISION FROM APRIL, 1937 TO MARCH, 1938.

***2747. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the number of murders committed (i) in the Amritsar district, (ii) in the Lahore division, from 1st April, 1937 to 1st March, 1938, and the apparent motive in each case of these murders ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The number of murders committed between the 1st of April, 1937 and the 1st of March, 1938, was—

- (1) in Amritsar district 66 and
 (2) in Lahore division 308.

A table showing the motive in each case where this was known is laid on the table.

Table.

Serial No.	Motive.	Amritsar district.	Lahore division.
1	Land disputes including canal water out cases	5	44
2	Relations between sexes	20	89
3	Plunder	2	10
4	Domestic quarrels	7	19
5	Previous enmity	18	60
6	Communal riots and religious fanaticisms..	2	9
7	Other quarrels	9	30
8	Libigation .. ..	..	6
9	Unknown motives	3	41
	Total	66	308

AMOUNT OF LAND REVENUE AND WATER RATE REALISED FROM THE PEASANTS OF AMRITSAR DISTRICT FOR THE YEAR 1937.

*2748. **Sardar Sohan Singh Josh** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total amount of land revenue and water rate still to be realised from the peasants of the Amritsar district for the year 1937 ;
- (b) the main reasons that have stood in the way of the realisation of the above-mentioned amount ;
- (c) whether the Government proposes to remit the arrears in question ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The present balance in round figures for the harvests *rabi* 1937 and *kharif* 1937 is :—

Land revenue.	Water rate.
Rs. 2,027	Rs. 19,074

(b) The main reasons are :—

- (1) Land revenue arrears are practically confined to the urban area of Amritsar city where difficulties are experienced in collection on account of amounts being petty and the revenue records out of date.
 - (2) Most of the *abiana* arrears are due from the Municipal Committee and Government departments.
- (c) Does not arise.

REMISSION TO PEASANTS IN AMRITSAR DISTRICT.

*2749. **Sardar Sohan Singh Josh** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the gram crop has been damaged by the lightning and heavy rains this year in the Amritsar district ;
- (b) whether it is a fact that the produce per acre in the aforesaid district has been exceedingly small ;
- (c) whether the Government has given or intends to give any remission to the peasants for the damaged crops ?

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

(b) Yes, to some extent.

(c) The question of remission of land revenue is under consideration. It may roughly amount to Rs. 18,000. A remission of Rs. 15,149-15-0 in *abiana* has already been given.

REMISSION OWING TO DAMAGE DONE TO CORN CROPS IN TARN TARAN TAHSIL, DISTRICT AMRITSAR.

*2750. **Sardar Sohan Singh Josh** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of acres recommended for full as well as half remission by the authorities concerned owing to the damage done to the

[S. Sohan Singh Josh.]

corn crops in the villages of Chabhal, Mirpur, Majjupura and Lala Khuman in the Tarn Taran tahsil in the district of Amritsar ;

- (b) the steps that the Government has taken or contemplates to take village-wise on those recommendations ;
- (c) whether the Government has given or contemplates to give any relief to the villages Pandori Hassan, Kot Dharm Chand Khurd and Manan Chabhal in the same tahsil for their damaged crops ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 399 acres were damaged by hailstorm in villages Jhabhal Kalan, Mirpur, Lala Ghuman, Panjwar and Pandori Hassan. Full remission of land revenue was recommended and has been given.

(b) The remission given were as follows :—

					Land revenue.
					Rs.
Jhabhal Kalan	..	..	..	..	310
Mirpur	..	..	..	..	18
Lala Ghuman	..	..	..	..	109
Panjwar	..	..	..	..	32
Pandori Hassan	..	..	..	..	4

(c) There was no damage in villages Kot Dharm Chand Khurd and Manan Chabhal and the question of relief does not arise.

Sardar Sohan Singh Josh : What is the total remission granted in Majhupura ?

Sardar Sohan Singh Josh : Can the Honourable Minister give any information regarding the total area remitted in Jhabhal ?

Minister : I have already given the total area.

Dr. Gopi Chand Bhargava : Sir, I have to make a request, through you, to the Honourable Minister for Revenue and it is this. When the last question was put as to how much remission was recommended for village Majhupura, he was pleased to say that the next question was coming and he would reply then, but now he does not care to reply.

Minister : When the question comes, it will be replied to.

CANCELLATION OF HON'BLE REVENUE MINISTER'S VISIT TO VILLAGES
IN TAHASIL TARN TARAN, DISTRICT AMRITSAR.

*2751. **Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he caused this information to be sent to the villagers whose crops had been damaged in the Tarn Taran tahsil due to severe hailstorm on the 6th April, 1933, that he would go and see the damaged crops himself ;

- (b) whether he appointed any time and date of the proposed visit ;
- (c) whether he is aware that the people concerned had come in large numbers at the appointed place and time ;
- (d) the reasons for the cancellation of his visit to the above-mentioned villages ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No. I did, however, go to see the condition of the crops myself and to find out what damage had actually been caused by hails. I visited two or three villages in Tarn Taran tahsil, having seen the damaged area in the Gurdaspur district a few days previously.

(b) No.

(c) I have no information. No one was asked to meet me.

(d) Does not arise.

Sardar Sohan Singh Josh : Is the Honourable Minister aware of the fact that many people were waiting for him at the Jhabhal minor ?

Minister : Did I ask any gentleman to come and meet me there ? I went to make enquiries myself.

REMISSION IN LAND REVENUE IN AMRITSAR, TARN TARAN, AND AJNALA
TAHSILS OF AMRITSAR DISTRICT.

***2752. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether his attention has been drawn to the statement appearing in the Supplement to the *Government Gazette*, Punjab, of April 29, 1938, page 306, item 18, Amritsar district, that " Gram has been damaged due to hailstorm and lightning in the Amritsar and Tarn Taran tahsils " ;
- (b) whether it is a fact that the gram crop has been damaged in the Ajnala tahsil as well owing to the above-mentioned causes ;
- (c) whether he has given or contemplates to give any remission in land revenue in the Amritsar, Tarn Taran, and Ajnala tahsils of the Amritsar district ?

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

(b) Yes, the damage is due to hailstorm and gram-blight.

(c) Government has already decided to remit at the flat rates of 4, 6 and 8 annas per rupee of the total land revenue demand of the area under gram throughout the district.

REASONS FOR HOLDING SESSIONS AT SIMLA THIS YEAR.

***2753. Sardar Sohan Singh Josh :** With reference to the reply to a supplementary question of Sardar Hari Singh given by the Honourable Premier in the Assembly on the 17th June, 1937,¹ that " next year it will not be necessary to hold a meeting in Simla " ; will he please state the reasons for holding the session again at Simla this year ?

Parliamentary Secretary (Mir Maqbool Mahmood): The reason is that the new Assembly Chamber is not yet ready. I may add that the honourable member has only partly quoted the reply which the Honourable the Premier gave on the 17th June 1937. The complete reply was "we have not yet got a suitable building at Lahore. Next year it will not be necessary to hold a meeting in Simla". This reply was obviously based on the assumption that at that time the new Assembly Chamber was expected to be completed by the beginning of this year.

Sardar Sohan Singh Josh: Will it be ready by the next session?

Premier: Yes, it is expected that it will be ready by then.

Dr. Gopi Chand Bhargava: May I know whether the business which is going to be transacted now was so important and imperative that it necessitated the holdings of meeting here?

Premier: From the point of view of my honourable friend opposite, probably the business which we have to transact or propose to transact during this session is not important, but from the point of view of poor peasants and from the point of view of Government which is responsible to those poor peasants, it is important.

Dr. Gopi Chand Bhargava: May I ask when the business was so important, why did the Government not send the notice of Bills and other business in time to the members and why are they rushing them through?

Premier: There is no question of rushing them through. These are important and imperative measures for those poor people whose friendship my honourable friend opposite always day in and day out professes or poses from the platform and from the press. But in reality this is the sympathy which my honourable friend has for those people. *Voices from the Opposition:* The word "poses" is unparliamentary).

Mr. Speaker: It appears to be unparliamentary.

Premier: I said that my honourable friend professes or poses to be (*Voices:* Withdraw the word "poses.").

Mr. Speaker: What did the Honourable Premier say?

Premier: I said "poses" and also "professes," and I submit that both these words are parliamentary.

Mr. Speaker: The word 'poses', when used in respect of a member of the Assembly, is probably unparliamentary.

Premier: Would it be unparliamentary if I say of any member of the House that he poses as the leader of the whole province?

Mr. Speaker: I will decide that question when it arises.

Premier: I suggest that you may please consult May's Parliamentary Practice and then give your ruling.

Mr. Speaker: Order, please. To say that a member of this House is posing means that he pretends and that he is not honest or sincere in what he says.

Sardar Hari Singh: There can be no discussion on your ruling. Either the Honourable Premier should withdraw that expression or he should be asked to withdraw from the House.

Mr. Speaker : I hope the Honourable Premier will withdraw the word.

Premier : I submit that the word 'poses' is not unparliamentary. I am sure that stronger words than this have been used in the Parliament.

Mr. Speaker : The word 'poses' implies that the honourable member is not honest in his statement. (*Cries of 'Withdraw'.*)

Rai Bahadur Mr. Mukand Lal Puri : Sir, with due respect to what you have stated I wish to say as emphatically as I can and on good authority that the word 'pose' is not an unparliamentary expression. I submit that it would restrict the liberty of speech if you hold the use of such word as 'pose' as unparliamentary. In the interest of liberty of speech and discussion it should not be ruled unparliamentary. (*Hear, hear.*)

Mr. Speaker : I shall look into the matter and correct myself if I find my view to be wrong. But now, even if I have given a wrong ruling, I stick to it.

Premier : I submit that you may be pleased to look up the rulings, and pending your decision I substitute the word 'profess' for the word 'pose'. That should end the matter.

Mr. Speaker : According to May—

The use of temperate language is never more desirable than when a member is conveying the opinions and conduct of his opponents in debate. The imputation of bad motives, or motives different from those acknowledged; misrepresenting the language of another, or accusing him, in his turn, of misrepresentation; charging him with falsehood or deceit; or contemptuous or insulting language of any kind; all these are unparliamentary, and call for prompt interference.

(*Hear, hear.*)

Premier : I suggest that you also consult Webster.

An Honourable Member : Sir—

Premier : Shut up.

Chaudhri Kartar Singh : On a point of order, Sir. Are we allowed to use the expression 'shut up'?

Mr. Speaker : I have already quoted May's Parliamentary Practice, page 925. I leave it to honourable members to judge for themselves. The expression, if not unparliamentary, is not a dignified one.

Chaudhri Kartar Singh : My submission is that the responsibility of keeping up the dignity of the House falls on the Honourable Premier. If he once uses the expression 'shut up', we will use it twenty times.

Premier : If my honourable friend resents that remark—

(*Cries of 'shut up.'*)

Mr. Speaker : Order please.

Premier : If my honourable friend resents the remark which was made in the heat of the moment because of the attitude of my honourable friend, I am sorry and I withdraw the expression.

Dr. Gopi Chand Bhargava : Will the Honourable Premier please answer my question? If the Government had very important work to do, did they prepare that work in time and circulate it to honourable members in time?

Mr. Speaker : That question does not arise.

Lala Bhim Sen Sachar : Why did not the Government take up all these measures during the last Lahore session ?

Mr. Speaker : That question also does not arise.

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CASES STARTED AGAINST GOVERNMENT EMPLOYEES OR OFFICIALS FOR
ACCEPTING BRIBES IN AMRITSAR DISTRICT.

***2754. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the number of cases started against Government employees or officials for accepting bribes in the Amritsar district from April, 1937, to April, 1938, and the number of such cases in which the accused were convicted ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The information asked for is being collected and will be communicated to the honourable member when ready.

— — — — —

PERSONS DISMISSED FROM GOVERNMENT SERVICE IN LAHORE
DIVISION.

***2755. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the number of persons dismissed from Government service from April, 1937, to April, 1938, in the Lahore division, and the reasons for their dismissal ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Unless the honourable member explains and justifies the purpose of the enquiry, it seems that the time and labour involved in collecting the information sought would not be justified. If the honourable member specifies any special case on which he desires particular information or explains the purpose of his enquiry the matter will be attended to.

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GRANT OF HALF A RECTANGLE NO. 18 IN CHAK NO. 111-10-R, IN
MULTAN DISTRICT.

***2756. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is proposed to give by way of grant to anybody half a rectangle No. 18 in Chak No. 111-10-R, in Multan district ; if so, on what terms ;
- (b) whether it is a fact that the rectangle is situated within the limit of the notified area, Jehanian ;
- (c) whether it is a fact that trees as old as 20 years planted and nursed at the cost of the Notified Area Committee, Jehanian, exist on the land ; if so, if any compensation for trees has been charged and what it is ;
- (d) whether any area out of the rectangle has been reserved for civil hospital ; if so, what is the extent of the area ;

- (c) whether the public of Jahanian sent any representation to the Honourable Minister of Revenue and other authorities against the grant; if so, when was it sent and with what result?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No. None at present.

(b), (c) (d) Do not arise.

(e) A representation was received on which a report has been called for from the Deputy Commissioner.

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TRAVELLING ALLOWANCE TO RECESS OFFICERS FOR JOURNEY TO HILL STATIONS.

*2757. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of hill journeys that each of the recess officers was permitted to undertake three years ago for purposes of hill recess and the number of journeys that they are permitted now and whether this number has been now increased and; if so, why;

- (b) whether the recess officers are allowed travelling allowances for such journeys that they might choose to undertake within the prescribed number and even when such journeys are not directly from Simla to Lahore or vice versa?

The Honourable Mr. Manohar Lal : (a) The officers who are permitted to perform their duties at hill stations and the conditions under which they are permitted to do so are stated in part I and in Class C of Part II of Appendix K of the Travelling Allowance Rules Pages 171—179 and page 185. There has been no increase during the last three years in the number of journeys permitted by the Rules.

(b) The information will be found in Part II of Appendix K of the Travelling Allowance Rules (pages 179—185).

Dr. Gopi Chand Bhargava : May I know whether the number of journeys undertaken by these officers for recess is according to the rules?

Minister : Yes, this is according to the rules.

Dr. Gopi Chand Bhargava : Do they come by way of touring through the province and reach Simla and draw their travelling allowance more than what they are actually allowed to get as recess officers?

Minister : I do not follow the question. They are allowed a certain number of journeys between Lahore and Simla as recess officers apart from the journey undertaken to come to Simla in the first instance and this is according to rules.

Dr. Gopi Chand Bhargava : Direct journey?

Minister : Direct journey from Lahore to Simla.

Dr. Gopi Chand Bhargava : Do they start from Lahore or from Simla?

Minister : They could start their touring from Simla. But as I gather the position, there is no occasion to do so because they are allowed more than one trip from Lahore to Simla and back from Simla to Lahore in the ordinary course.

Dr. Gopi Chand Bhargava : They are permitted to come twice as recess officers and draw their travelling allowance twice from Lahore to Simla and back ? What I want to know is this. When they start tours and come from Lahore on their official tours to Simla, how many times do they come ?

Minister : The honourable member is probably aware that they are allowed a period of 8½ months for recess purposes at Simla. This is only less by a month and a half than the period of Government's stay at Simla or that is the deficiency in their period if I may be permitted to say so. During that period of 1½ months only a limited amount of touring is possible and that probably is conducted from Lahore. But if the honourable member wishes exact information for any particular recess officer, I shall be glad to secure the information. I might inform the honourable member further that most of these officers who do touring are departmental heads, and exigencies of their work might require sometimes a larger measure of touring than might otherwise be necessary.

Dr. Gopi Chand Bhargava : May I know what is the travelling allowance they are actually paid ? Is it more than that paid to Secretaries or Ministers ?

Minister : The Secretaries usually have to stay here altogether. They do not go down at all, the departmental heads have got to tour about and obviously payments to them will exceed payments to Secretaries!

Dr. Gopi Chand Bhargava : What about other required officers ?

Minister : They are mainly Secretaries and one or two departmental heads.

Dr. Gopi Chand Bhargava : Is their travelling allowances more than that of the officers who are heads of departments ?

Minister : I will have to compare the figures of any particular required officer who is also a touring officer like the Director of Public Instruction and one of these other departmental heads that are not required officers but recess officers.

Lala Duni Chand : Has the Honourable Minister considered the question of retrenchment in this direction ?

Minister : The question of retrenchment in this direction is being considered by the Retrenchment Committee.

HILL RECESS FOR OFFICERS OF INDIAN AGRICULTURAL SERVICE AND
INDIAN VETERINARY SERVICE.

*2758. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is or it is not a fact that officers of Indian Agricultural Service and Indian Veterinary Service in the Punjab are allowed hill recess for two months each year and if they are allowed, the rules or agreement under which they are so allowed ;

- (b) whether they are allowed to charge the Government for the conveyance of their dak during the recess period; if so, under what rules;
- (c) whether officers of the Punjab Agricultural Service or Punjab Veterinary Service, class I, are also allowed any hill recess or not?

The Honourable Chandhri Sir Chhotu Ram : (a) Yes. Apart from the Directors of the two Services who are allowed hill recess for 3½ months, certain other officers of the Indian Agricultural Service and Indian Veterinary Service, to whom the privilege is a personal one, are allowed hill recess for a period of two months under serial No. 3, Appendix 'K' to the Travelling Allowance Rules.

(b) The cost of conveyance of dak is charged to Government as during hill recess these officers are on duty.

(c) No.

GRADE OF CLERKS TAKEN TO HILL STATIONS BY RECESS OFFICERS.

*2759. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) what grade of clerks each of the recessing officers is allowed to take with him during the hill recess and whether such clerks get any allowance for the period;
- (b) what grade of clerks have been accompanying the Director of Agriculture to hills for the recess period for the last five years and what allowances have been paid to them during this period?

The Honourable Mr. Manohar Lal : (a) Government have not specified the grade of clerks which each of the recessing officers is allowed to take with him during the hill recess. Only the clerks accompanying the Inspector-General of Civil Hospitals, the Inspector-General of Prisons, the Director of Public Health, the Director of Agriculture, the Director of Industries, the Chief Conservator of Forests, the Deputy Commissioner for Criminal Tribes and Reclamation Officer and the Chief Engineer, Public Works Department, Electricity Branch are allowed hill allowance for a period not exceeding 3½ months in addition to the usual travelling allowance at tour rates.

(b) One head assistant in the grade of Rs. 250—10—350 and one stenographer in the grade of Rs. 100—5—150—10—200 have been accompanying the Director of Agriculture to Simla while on recess (and as a required officer in 1934) during the last five years. A statement is laid on the table showing the allowances paid to them during the above period.

Dr. Gopi Chand Bhargava : Since when is this practice in force of taking a senior grade officer on Rs. 250—350 to Simla?

Minister : I think I said—it has certainly been in vogue since 1934.

Dr. Gopi Chand Bhargava : What was the practice before that?

Minister : I could not say.

Dr. Gopi Chand Bhargava : Are there any specific instructions?

Minister : I think the Honourable Minister for Development spoke particularly about the Director of Agriculture. So far as other recess officers are concerned, I have already stated that they are entitled to a clerk and also a stenographer.

Dr. Gopi Chand Bhargava : I want to know whether specific instructions as to the grade or pay of the clerk or steno-typist have been issued or not ?

Minister : No specific instructions about the clerk. But I think the matter rests within the discretion of the recessing officer.

Dr. Gopi Chand Bhargava : Was any exception made in the case of the Director of Agriculture ?

Minister : Must have been. But if the honourable member wishes to give me notice of it, I shall enquire into the matter more specifically.

Statement showing the allowances paid to the clerks who accompanied the Director of Agriculture, Punjab, to Simla, while on recess (and as a required officer in 1934) during the last 5 years.

Year.	HILL ALLOWANCE.			TRAVELLING ALLOWANCE FOR MOVE UP TO SIMLA AND DOWN TO LAHORE.			REMARKS.
	Head Assistant.	Stenographer.	Total.	Head Assistant.	Stenographer.	Total.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1933 ..	470	298	768	82	69	141	
1934 ..	494	282	776	287	185	472	Director of Agriculture was a required officer this year and the amount includes travelling allowance of the families of the clerks.
1935 ..	504	329	833	94	82	176	
1936 ..	522	320	842	93	82	175	
1937 ..	489	350	839	93	82	185	

RESTORATION OF THE JAGIR OF COMRADE GURMUKH SINGH.

*2760. **Shrimati Raghbir Kaur :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that the Jagir of Comrade Gurmukh Singh of village Milak Sukhi, district Ambala (now

interned in his village) was confiscated by the Punjab Government some time ago; if so the reasons which led the Punjab Government to take this step;

- (b) whether Government has any intention of restoring the said jagir; if not, why not?

The Honourable Dr. Sir Sundar Singh Majithia: (a) Attention is invited to the answer given by me to question No. *1259.¹ It may be noted that the former name of Comrade Gurmukh Singh, was Balwant Singh.

- (b) No, there is no reason for Government to reconsider its decision.

Shrimati Raghbir Kaur: Was the land belonging to Gurmukh Singh confiscated simply because he is a political worker? Has any provision been made for Narain Singh Sindhu?

Minister: Does that question arise?

INTERNMENT OF POLITICAL WORKERS SUCH AS COMRADE RAM SINGH
DUTT AND OTHERS.

*2761. **Shrimati Raghbir Kaur:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a number of political workers, namely, Comrades Ram Singh Dutt, Gurmukh Singh Ambalvi and Narain Singh Sodhi have been interned in their respective villages in districts Gurdaspur, Ambala and Amritsar; if so, the reasons which led the Punjab Government to take this action against them;
- (b) whether the Government before passing internment orders ascertained whether the internee would be able to make the two ends meet at the place where he was interned?

The Honourable Major Sir Sikander Hyat-Khan: (a) Yes, for having acted and being about to act in a manner prejudicial to the public safety and peace.

(b) No, but Government are satisfied that these persons possess sufficient means of livelihood in the villages to which they are restricted.

WHEAT STACK FIRES IN DISTRICT HOSHIARPUR.

*2762. **Sardar Hari Singh:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number and the details of the wheat stack fires this year in district Hoshiarpur;
- (b) the number of sheaves burnt down and estimated loss;
- (c) the cause of fires in different cases;
- (d) the action taken by the authorities in each case;
- (e) the steps taken and intended to be taken to prevent recurrence of such fires;
- (f) whether Government intend to help the victims of such fires; if so, in what manner?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 13.

(b) 2,008 sheaves worth about Rs. 2,472.

(c) Accidental.

(d) and (e) None, because no human ingenuity will prevent such accidents.

(f) Government cannot undertake to compensate the victims of these fires, but application for taccavi loans will be sympathetically considered.

CASES OF NON-PAYMENT OF *MALBA* IN DISTRICT HOSHIARPUR.

*2763. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) the total number of cases of non-payment of *malba* in district Hoshiarpur, at the last instalment ;

(b) whether any action was taken by the authorities in any of these cases ?

The Honourable Dr. Sir Sundar Singh Majithia : I regret the information is not readily available and its collection will not be worth the time and labour involved.

CASES DISPOSED OF BY 1ST ELECTION PETITIONS COMMISSION.

*2764. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) the total number of cases disposed of by the 1st Election Petitions Commission ;

(b) the total expenditure incurred in connection with the said commission and the details of the same ?

The Honourable Major Sir Sikander Hyat-Khan : (a) 25.

(b) Rs. 80,180-12-3. Details are :—

	Rs.	A.	P.
Pay of Officers	68,931	6	0
Pay of Establishment	6,896	11	0
Travelling Allowance	484	3	0
Other Allowances and Honoraria	291	8	0
Contingencies including office rent	4,027	0	3

DETENTION OF KARTAR SINGH IN LAHORE FORT.

*2765. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether Kartar Singh of district Lyallpur was recently detained in the Lahore Fort ; if so, why and with what result ?

The Honourable Major Sir Sikander Hyat-Khan : Yes, because he had acted and was about to act in a manner prejudicial to the public safety and peace. He was released on the 22nd May, 1938.

BAN AGAINST HANS RAJ ' WIRELESS.'

*2768. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

- (a) whether there exists a ban against the entry into the Punjab of Hans Raj ' Wireless ' recently released by the Sind Government ; if so, for what reasons ;
- (b) whether there has been any communication between the Punjab Government and the Sind or Central Government regarding the imposition of certain conditions on the release of the said Hans Raj ' Wireless ' ?

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

Second part, it is not in the public interest to give reasons.

(b) It is not in the public interest to give information regarding matters affecting other governments.

PERSONAL EXPLANATION BY SARDAR HARI SINGH.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : Day before yesterday when you were not in the chair and Mr. Deputy Speaker was in the chair and the adjournment motion was being discussed, Rana Nasrullah Khan from the other side uttered certain words and I took exception to them there and then but there was a great din and noise on the other side and my objection was drowned in that din and noise but now in the proceedings that have been sent to me by the Reporters, I find these words which I took objection at that time :—

" Sardar Hari Singh and his companion made it known to the relatives of the deceased that if they declared that Dalipa was actually killed by the Police, the result would be that his widow would get a pension for life."

I denied this accusation, but there was noise on the other side.

Premier : What is this speech or statement ?

Sardar Hari Singh : Personal explanation and a point of privilege. The objectionable expressions used by Rana Nasrullah Khan related to myself and Sardar Harjib Singh.

Mr. Speaker : As the honourable member denies in his personal explanation what was stated about him, the matter ends and should not be discussed further.

Lala Deshbandhu Gupta : Is it open to any honourable member to make serious allegations against another member ?

Mr. Speaker : An allegation was made but it was denied openly.

Lala Deshbandhu Gupta : But the person who made those allegations has not withdrawn.

Mr. Speaker : Had he been called upon to withdraw, there would have been no necessity for denying those allegations by Sardar Hari Singh.

Lala Deshbandhu Gupta : He was called upon but he did not do so.

Mr. Speaker : That did not happen in my time.

Sardar Hari Singh : I want to know whether all this should form part of proceedings?

Mr. Speaker : Your personal explanation and denial will also go in the reports.

Sardar Hari Singh : These words should not form part of the proceedings. It would form a very bad precedent. They should be expunged from the proceedings under your authority.

Mr. Speaker : This matter should not be prolonged further. An allegation was made and denied. That should be the end of it.

Sardar Hari Singh : I can also make an allegation that the words were put in his mouth by somebody else.

Mr. Speaker : That would be exceeding the limits of propriety. Please behave as you generally do.

ADJOURNMENT MOTIONS.

JAGIRS.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to move that leave be granted to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely the recent creation by the Punjab Government of 19 jagirs of Rs. 250....."

Premier : Another one is coming.

S. P. N.

Sardar Hari Singh :—entailing a burden of Rs. 4,750 per annum on the Exchequer.

Mr. Speaker : These jagirs I understand, have already been granted by the Government and orders have been passed. If so, why not move a resolution? Where is the good of discussing this matter now when the jagirs have already been created and conferred? The honourable member may move a resolution that they should not be repeated again.

Sardar Hari Singh : They are life jagirs and they will continue.

Mr. Speaker : It is open to the honourable member not only to object to jagirs granted this year, but even to the jagirs granted in the previous years. Why does he confine his resolution to jagirs granted only this year?

Sardar Hari Singh : A popular Ministry under provincial autonomy should have put a stop to this relic of feudalism.

Mr. Speaker : All I suggest is that the matter is a very comprehensive one and that it may be decided on a resolution. The honourable members can take up the matter under Rule 37—a rule which apparently has not attracted their attention up till now.

Premier : How has the urgency of the matter suddenly arisen? Some jagirs were bestowed last year also and if there was no urgency then, where is the urgency now? The honourable member should have brought this motion last year. These jagirs are for the current year, there were some jagirs granted last year also and honourable members should have brought this motion then.

Mr. Speaker : Clearly there is no question of urgency.

Sardar Partab Singh : These *jagirs* were given before the present Government came into power.

Premier : No, they came into power last year.

Dr. Gopi Chand Bhargava : When were these *jagirs* bestowed last year? On what date were they granted?

Premier : *Jagirs* are normally granted every year.

Dr. Gopi Chand Bhargava : What month?

Premier : The first payment is made with the rabi harvest.

Mr. Speaker : The question is whether *jagirs* were granted last year.

Premier : They were.

Chaudhri Krishna Gopal Dutt : Is it an argument to say that because *jagirs* were also granted last year, therefore, the adjournment cannot be taken this year on the grant of more *jagirs*?

Dr. Gopi Chand Bhargava : This Government started functioning from the 1st of April, 1937. It is quite possible that the *jagirs* were bestowed by the old Government and not by this Government.

Premier : *Jagirs* are made for each financial year and last year the first payment of the *jagirs* should have been made or must have been made after this Government came into office.

Dr. Gopi Chand Bhargava : The order might have been carried out after the 1st of April.

Mr. Speaker : These *jagirs* have been given every year from the year 1914 or 1919. I do not know whether they were given by the present Government last year; but one thing is perfectly clear that this is not a matter of urgency and that it can be moved as a resolution.

Dr. Gopi Chand Bhargava : The reason of our giving notice of such an adjournment motion is that we feel that no responsible government would act in this way and bestow *jagirs* upon people just for the sake of keeping them in their own party.

Mr. Speaker : The question is whether this can be discussed by an adjournment motion.

Dr. Gopi Chand Bhargava : This Government has done a thing which a responsible government should not have done. It is only from that point of view that we are moving this adjournment motion. If it were to remove this system of bestowing *jagirs* on people, then we could move a resolution. Because they have done it, we want to give them a bit of our mind.

Mr. Speaker : Does it not mean that this should not be repeated by the Government in future?

Sardar Hari Singh : My object is that this practice should be discontinued.

Mr. Speaker : An adjournment motion is meant to criticise the administrative responsibility of the Government and to show that it has departed from the ordinary law. If you want the *jagir* system to be stopped, move a substantive motion for action.

Lala Duni Chand : As a matter of fact during the last twenty years *jagirs* had been bestowed or granted only three or four times.

Premier : I am afraid my honourable friend is not correct.

Lala Duni Chand : *Jagirs* were granted once after the Great War and then again they were granted after the non-co-operation movement.

Premier : The honourable member is again wrong. *Jagirs* have been granted every year from 1920 onwards.

Lala Duni Chand : As I understand the word 'urgent', the idea underlying the word 'urgent' is that the Government has done something improper.

Premier : No.

Lala Duni Chand : Yes.

Premier : Are the words 'urgent' and 'improper' synonymous?

Lala Duni Chand : Urgency lies in this fact that something improper or extraordinary has been done which must be debated in the House. That is the whole idea of the word 'urgent' or 'urgency'.

Mr. Speaker : My view is different. No law has been broken by the Government by granting *jagirs*.

Sardar Hari Singh : There is no law.

Mr. Speaker : The motion is not in order.

NOMINATIONS TO MUNICIPAL COMMITTEE, LYALLPUR.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to ask for leave to make a motion to discuss a definite matter of urgent public importance, namely, recent nominations to the Lyallpur Municipal Committee by the Government raising the number of nominated members to fourteen as against twelve elected, resulting in the resignation of a number of elected members. In the first place, I would state that the normal procedure under the Municipal Act has not been followed. The Municipal Act lays down that usually the number of nominated members of a municipal committee shall be one-fourth of the whole number of members of that committee. That is the normal procedure—the normal state of affairs—which has been departed from. In the second place, I am not questioning its legality—whether the Government has acted legally or illegally. The question of legality or illegality can only arise in a court of law. Here we have to question the desirability and propriety of the action taken by the Government. In the third place, this action of the Government has created a critical situation. It has created resentment in the minds of all well-wishers of democracy, it has created resentment in the public mind. It has led to resignation of a number of members including the President of the Committee who, as you are aware, is Deputy Leader of the Opposition. I know of instances in which the Government's action lawfully taken under

a certain law had formed the subject of adjournment motions on the floor of this House. For example, an adjournment motion was moved by my honourable friend Shaikh Muhammad Sadiq on the 30th October, 1936, against a certain action taken by the Government under a certain section—I mean section 238 of the Municipal Act. You, Mr. Speaker, were then in the Chair when that adjournment motion was allowed. The Government had taken action under a certain section of the Municipal Act. There was adjournment motion regarding the supersession of the Lahore Municipal Committee. This adjournment motion was taken up on the 30th October, 1936, and is reported in volume XXIX of the Debates of the Punjab Council.

Premier : On the floor of the previous House and not this House.

Sardar Hari Singh : This action of the Government was perfectly legal. It was according to law but its desirability and propriety was questioned by means of an adjournment motion and you allowed it.

Premier : Two wrongs do not make one right.

Sardar Hari Singh : No dialogue should be allowed. That is unparliamentary.

Premier : Is the honourable member trying to establish his claim for the Chair? He will have to qualify as a lawyer first.

Sardar Hari Singh : Apart from that you had allowed two similar adjournment motions which were moved with a view to censure an act of the Government taken under the Criminal Law Amendment Act when an order was served on Professor Ranga. I moved the adjournment motion in this connection on 23rd February last and you allowed it. Again, in March last you allowed an adjournment motion on the order passed on A. K. Ghosh under a certain law. The action was legal but we thought it improper and you allowed the adjournment motion.

I give a quotation from the Parliamentary Debates.

“ On the 13th June, 1932, one of the members, Mr. Holmes, got up in the House of Commons and asked for leave to discuss a definite matter of urgent public importance by means of adjournment of the House, i.e., the action of the Home Secretary in instituting an enquiry into the sanity of one Ronald Trus. A member of Government got up and raised an objection on the ground that the Home Secretary had taken action under Section 2 (c) of the Criminal Lunatics Act of 1894. The Speaker of the House of Commons said :—

I put the question on quite another ground and that is whether the Home Secretary acted rightly under the powers entrusted to him by law.”

Similarly, I question whether the powers entrusted to the Government by law under the Municipal Act were wisely used or not. I question the wisdom and propriety of the action taken.

Mr. Speaker : Who has taken it? The Ministry or the Commissioner?

Sardar Hari Singh : The Ministry is responsible. There is agitation on the point. I say if the Government does not step in then the Ministry is responsible.

Mr. Speaker : Is it a second class municipality? (Voices : Yes, it is).

Premier : Sir, may I make a statement with regard to this fact before you give your ruling? My honourable friend has asked leave to move an adjournment motion to discuss a definite matter of urgent public importance, namely, recent nominations to the Lyallpur Municipal Committee. That is his main burden of argument in this motion. Government did not make any nominations; it was the commissioner who made the nominations in accordance with the powers given to him under the Act. It is a second class municipality and the nominations are made by the commissioner and not by Government.

Lala Duni Chand : Is not Government responsible for his action?

Premier : The commissioner took action under the law.

Sardar Hari Singh : Day before yesterday, it was said that Dalipa's death was due to falling from a cliff.

Premier : Yes, his death was due to falling from a cliff. That is entirely true.

Sardar Hari Singh : Does he mean to say that he is not responsible for the misdeeds of the commissioner?

Premier : It is not a question of the misdeeds: he was acting under the powers given to him.

Lala Deshbandhu Gupta : Does he plead his inability to interfere with the action of the commissioner?

Premier : Yes, inability to interfere in his day to day administration.

Chaudhri Kartar Singh : Has the commissioner done this under the orders of Government?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Since nominations were made to the committee, my honourable friend opposite has had ample opportunity to give notice of a resolution. Orders were issued on the 1st of June. Why did he not give notice and table a resolution? I hope, Sir, you will agree with me that urgency referred to in rules, has reference to urgency in point of time. If there is sufficient time for tabling a resolution, an adjournment motion should not be allowed. There is another reason why I think this adjournment motion is out of order. If you analyse the adjournment motion you will see that it refers to several matters. One of these matters is the increase in the number of the members of the Lyallpur municipality from 16 to 26. Then there is the question of nominations and the third is the question of resignations of certain members. So far as the revision of the constitution of the municipal committee is concerned, it is a matter entirely in the hands of Government and forms the subject matter of a separate notification. Nominating certain individuals is a matter which is in the hands of the commissioner under a delegated authority and the Government have no control over it. When authority is given by Government under this Act to a person and he takes an action which is not against the law Government cannot be made responsible.

ADJOURNMENT MOTION RE. NOMINATION TO MUNICIPAL COMMITTEE, 118.
LYALLPUR.

There is no urgency and the question of importance is not involved. So far as the use of the word 'importance' is concerned it means something out of the ordinary. Government have done nothing extraordinary: it has acted under certain provisions of law. I therefore submit that this adjournment motion is out of order.

Mr. Speaker : Is not Government responsible for the acts of the commissioner ?

Parliamentary Secretary : Government is not responsible if it is a case of delegated authority. Government have delegated certain authority to the commissioner and the commissioner has taken action in the ordinary course of things. I really wonder if the Government can be censured for the act of a certain officer who has got the power to do a thing and does it.

Mr. Speaker : Is not the commissioner given certain power under the law ? If powers under section 82 have been delegated to the commissioner under the Municipal Act, is Government not responsible for his acts ?

Premier : How can Government be responsible for every act of its officials ? I think if adjournment motions were allowed on every act of omission or commission of the officials then we will go on discussing adjournment motions in this House and nothing else. As a matter of fact I was going to make an appeal to my friends opposite again, but that stage will come later, after we have disposed of the adjournment motion.

Lala Deshbandhu Gupta : The question is a very simple one. I want to know whether it was open to Government to remedy the wrong done by the commissioner. If it was and they have not done it they have failed in their duty and they are open to censure.

Premier : No remedy short of suspending it.

Dr. Gopi Chand Bhargava : The commissioner was authorised to make certain nominations and to increase the number.

Sardar Hari Singh : If you refer to section 14 of the Act, you will find the following words :—

Notwithstanding anything in the foregoing sections of this chapter, the Provincial Government may at any time, for any reasons which it may deem to affect the public interests, or at the request of a majority of the electors, by notification, direct—

(e) that the number of seats on any committee shall be increased or reduced.

The local Government is authorised under the Act to increase the number of seats. The number of seats have been increased. The section itself says, that the number of seats in a committee can be increased or decreased by the local Government. Then it says :—

'That any places on a committee which are required to be filled by election shall be filled by appointment.'

It must have been under the orders of the local Government that the seats were filled by appointment. If the Government is not responsible for the act of the commissioner, then who else is responsible ?

Mr. Speaker : There may be two or more notifications under section 14 of the Municipal Act. Certain powers, very comprehensive powers, are given to the local Government, as regards the first class municipalities. Section 34 of the Municipal Act is clear. All powers under section 14, which have been vested by law in Government with regard to first class municipalities, can be delegated by Government to commissioners. Now the question is whether this has been done by Government, that is to say, whether they have delegated powers and whether they have allowed the commissioner to make 14 instead of 12 nominations. I think the responsibility for acts of officers of Government is on the Government. If he acts against law, an adjournment motion can certainly be moved. That cannot, I think, be doubted or denied. *(Cheers from the Opposition Benches)*. As to the question whether the commissioner's action also can form the subject of an adjournment motion, I have no doubt that Government's responsibility is there and this cannot be denied or doubted. *(Cheers)*. Now, the further question is of urgency. If this thing was done on the 1st June and to-day is the 23rd June and the Assembly met on the 20th, I do not think that the motion has lapsed. Therefore, I ask the honourable members if there is any objection to the motion being allowed. *(Voices : No objection)*.

(After taking the sense of the House Mr. Speaker decided that the motion be taken up after the day's business is finished or at 5 o'clock, whichever was earlier.)

THE PUNJAB RESTITUTION OF MORTGAGED LANDS BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I beg to introduce the Punjab Restitution of Mortgaged Lands Bill.

Minister for Revenue : Sir, I beg to move—

That the Punjab Restitution of Mortgaged Lands Bill be referred to a Select Committee consisting of the following with instructions to report on or about the 27th June, 1938 :—

The Honourable Minister for Development,

Sardar Hari Singh,

Chaudhri Muhammad Hassan,

Khan Bahadur Chaudhri Ekmat Ali,

Sayad Mubarak Ali Shah,

Diwan Bahadur Raja Narendra Nath,

Rai Bahadur Mr. Mukand Lal Puri,

Rai Bahadur Binda Saran,

Mr. S. P. Singha,

Fir Akbar Ali,

Sardar Jogindar Singh Man,

Khan Muhammad Yusuf Khan,

Malik Berkat Ali,

Raja Ghazanfar Ali Khan,

Advocate-General,

Nominee of the Speaker, and

The Mover ;

and the quorum will be 7.

Mr. Speaker : The question is that—

The Punjab Restitution of Mortgaged Lands Bill be referred to a Select Committee consisting of the following with instructions to report on or about the 17th June, 1938 :—

The Honourable Minister for Development,

Sardar Haki Singh,

Chaudhri Muhammad Hameed,

Khan Bahadur Chaudhri Husein Ali,

Sayad Muhsinik Ali Shah,

Diwan Bahadur Raja Narendra Nath,

Rai Bahadur Mr. Mukund Lal Puri,

Rai Bahadur Binda Saran,

Mr. S. P. Singha,

Pir Akbar Ali,

Sardar Joginder Singh Man,

Khan Muhammad Yusuf Khan,

Malik Barkat Ali,

Raja Ghazanfar Ali Khan,

Advocate-General,

Nominee of the Speaker, and

The Mover :

and the quorum will be 7.

Diwan Bahadur Raja Narendra Nath (East Punjab, Landholders) :

Sir, it is my painful duty to oppose the motion which has been brought forward by my revered friend, the Honourable Minister for Revenue, with whom I have always walked in the same lobby hand in hand. I strongly object to the principle on which this Bill has been framed. More than once, assurances have been given from Treasury Benches that the scope of the Land Alienation Act will not be extended. Even in the manifesto of the Unionist Party, there is absolutely no promise of extending the scope of this Act. I cannot imagine a more objectionable way of extending the scope of the Land Alienation Act than by giving it a retrospective effect. I invite the attention of the House to section 298 of the Government of India Act. Clause (1) lays down the principle that with regard to the acquisition of property no distinction of caste or creed or race will be allowed. Clause (2) refers to the Land Alienation Act as an exceptional measure. But there is no authority given for allowing retrospective effect to this sort of legislation, which has always been of a controversial character and which is imbued with the principle of class discrimination.

It seems to me that the mind of the Ministry is working in a wrong groove. They have been telling us that whenever relief is given to the peasantry and consequently there is financial loss to the provincial government, the loss would be equitably distributed among the richer classes, both urban and rural. In fact a declaration to that effect was made in the address which was presented to His Excellency the Viceroy when he visited the province last and which I was asked to read. My action then was called in question in the press, but I did not explain my motive. I, however, once explained in this House that my real motive was to help in making this announcement. Now, up to this time no measure has been brought forward by which relief to the peasantry has been granted and the loss thus caused to

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the budget has been equably thrown on the bigger landlords. This is one objection on principle.

I also object to this Assembly exercising its power of interfering with proprietary rights which were exercised in the past under the law which was then in force. What is there, then, to prevent this Assembly consisting of a majority of statutory agriculturists from interfering with the proprietary rights themselves. (*Dr. Sir Gukul Chand Narang*: They will.) I therefore object to the Bill on this ground also. You know very well that the value of land both urban and rural has appreciated very much. Supposing Government bring forward a Bill tomorrow to cancel all the sales that have been effected within municipal areas where the price has gone up thirty or forty-fold, providing that the purchasers should be paid back the money with interest, say at 6 per cent., since the purchase was made. What is there to prevent them from bringing forward such a measure? I must therefore strike at the principle of the Bill and raise my objection at the very commencement. Of course hopes have been created in our minds in the course of conversation that the preamble of the Act and the distinction made between agriculturist and non-agriculturist mortgagees will be removed. But where is the guarantee that the select committee can do this? Even granting that the select committee can do this, where is the guarantee that it will unanimously accept this proposal? Shall we have only to be content with writing minutes of dissent? Even assuming that the select committee accepts the suggestion or the proposal unanimously, is there any guarantee that this House constituted as it is, will accept it? Under those circumstances it is my paramount duty to raise my objection at the very outset. I therefore object to the Bill going to select committee. The policy adopted by the Congress in other provinces has been held up to us as a bugbear. (*An honourable member*: It is not a bugbear to us.) It has been said that the Congress has gone much beyond what is proposed here. (*An honourable member*: In the wrong direction.) As far as I am aware the Congress has up to this time not interfered with proprietary rights. (*Hear, hear.*) They have only reduced the rate of interest and have not allowed the interest to go up to double the principal amount. This Bill does not even observe the *damdupat* principle.

I need not make my speech very long. I think I have given the salient points on which my objection is based. I hope that I shall be supported by the Congress members who are strong advocates of non-discrimination. Now I want to put their professions to test. I want to see whether they are opposed to all discriminatory legislation. Here is the Bill which is distinctly of a discriminatory character which in my opinion ought not to be allowed to go to select committee. With these remarks I resume my seat.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, this piece of legislation deals with important rights and is of a highly contentious nature and ought not to be dealt with in a light-hearted manner. It is a matter which according to the calculation of the Muslim correspondent of the *Civil and Military Gazette* affects crores of rupees belonging to the Hindus and Sikhs of the province. I therefore crave on behalf of the people the indulgence of a reasonable opportunity of putting their point of view before the House. I know some of the honourable members propose to

stifle discussion here by interruptions. The Government have already effectively prevented the public from coming to know of this legislation, by failure to publish the Bill in time. This will not however deter me from doing my duty and exposing the iniquity of the measure. Sir, this Bill is alleged to have been brought forward with the object of allowing certain mortgages to be redeemed on the ground that they were effected before 1901, and if effected after 1901 they would have contravened the provisions of the Punjab Land Alienation Act. Sir, the Punjab Alienation of Land Act has its supporters and its detractors. It is considered a blessing by some and a curse by others. Whatever view might be held, it is no doubt true that it confers certain economic and political advantages on certain castes and tribes who are designated as statutory agricultural tribes. I do not propose to enter into the controversy relating to the merits of the Act except to note that there is a short difference of opinion on this point. If the Act is a blessing, at least more than half of Punjab's population is deprived of that blessing. A majority of the population of this province at least is deprived of those economic and political privileges. Therefore, it is not an unmixed blessing. The Act certainly confers certain economic disabilities on the so-called non-agriculturists re. purchase of land and realization of their debts. According to the census, the population of this province belonging to the non-statutory agricultural tribes is 56 per cent. or more. There was a very persistent and genuine agitation on behalf of these persons who are deprived of these economic and political privileges for the redress of their grievances by repeal of the Act or, at any rate, for modifying the rigour of the disadvantages under which they suffered, on account of this Act. Therefore, ever since the Reforms, the Punjab Government felt themselves on the horns of a dilemma. On the one side there were the statutory agricultural tribes who wanted to stick to the undue privileges given to them by a foreign Government, who had created for their own purposes, another class or caste in this country. It is well known that an agriculturist in this province is not determined by his occupation but by accident of birth, the definition of agriculturist is not economic but tribal. On the other hand there was a majority of the population of the province who were crying for the removal of the disabilities under which they had been placed or, at any rate, for the modification of the Act on some rational principle. Therefore, the Punjab Government after consideration, deliberately laid down, that "the principles or the provisions of the Land Alienation Act will neither be extended nor restricted". This was considered unjust at the time by the non-agriculturists as it frustrated their hopes of repeal of the Act. The Government was dominated at that time by members of agricultural tribes. There was no greater supporter of Land Alienation Act than the late revered Sir Fazl-i-Hussain and on the floor of the Legislative Council he declared that it was the settled policy of the Punjab Government that the provisions of the Land Alienation Act would neither be extended nor restricted and this declaration was not only made casually but most solemnly with the support of his followers who were members of statutory agricultural tribes and with the support of the Government of which he was a member. That policy had been so far consistently followed. There were alleged attempts to restrict the principles of the Act and therefore several minor amendments were made with a view to remove doubts and to ensure that the advantages conferred on the indebted agriculturists by the Punjab Land Alienation Act

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were not restricted, but this was on the avowed ground that the provisions of the Act were neither to be entered nor restricted. The matter again came up before the Punjab Government when our present Premier, Sir Sikander Hyat-Khan, himself was a member of the Government. Our Premier, reiterated on the floor of the House—I am using his own words, those of you who wish to see them might find them in the reports of the Legislative Council—that it is the settled policy of the Punjab Government that the provisions of the Land Alienation Act will neither be extended nor restricted and at that time he said, "I am not only speaking on my behalf but I am speaking on behalf of the Punjab Government". (*Interruption.*) I am told that the old Government is gone, although this declaration to which I am referring was made only two years ago. It was made by the present Premier. He made it on his own behalf in the first instance and he also said that he was making it on behalf of the Punjab Government. I do not wish to take any note of the interruption of Pir Akbar Ali but may I ask Sir Sikander Hyat-Khan as to what has occurred during this year and a half which has led him thus unabashedly to change his policy? (*An honourable member: A great revolution.*) My friend, with all his socialistic principles is after all a Jat. Jat-ism is ingrained in him in spite of the professed Bolshevik principles which only appear to be borrowed plumes. What has happened? What has happened is a political iniquity of the greatest magnitude, the securing of political importance and power by manipulation of franchise and gerrymandering of constituencies. Now, Sir, if the population of the Punjab consists as it does of 56 per cent. of the non-agricultural tribes, any fair system of representation would ensure to them at least approximately, about 50 per cent. membership of this Assembly, if not more. But the late Government, which was dominated by members of statutory agricultural tribes, who occupied all positions of vantage, power and influence so manipulated the franchise and so distributed the constituencies, that the members of non-agricultural tribes who constitute 56 per cent. of the population of the province, were able to return less than 20 per cent. members.

Maulvi Ghulam Mohy-ud-Din : Are you censuring the Government?

Rai Bahadur Mr. Mukand Lal Puri : Yes. (*An honourable member: The old government?*) The present Government too. (*Hear, hear and applause.*) May I be permitted to make my observations without interruption?

Maulvi Ghulam Mohy-ud-Din : On a point of order. You were pleased to allow the honourable member to move an amendment and so far we have been waiting to know what that amendment is. Instead of that we are hearing a speech without knowing what the amendment is.

Rai Bahadur Mr. Mukand Lal Puri : The amendment stands on the order paper and if my honourable friend who has interrupted me is ignorant of it he has only to thank himself.

Mr. Speaker : The honourable member has not read out his motion yet.

Raj Bahadur Mr. Mukand Lal Puri : If that formality has not been observed I will do so now. I beg to move :

That the Punjab Restitution of Mortgaged Lands Bill be circulated for the purpose of eliciting public opinion thereon by the 16th January, 1934.

I was pointing out that by a misuse of their influence and power, a situation has been brought about by which less than 45 per cent. of the population is able to return 80 per cent. of the members of the legislature and that seems to have turned the heads of certain members. One of the honourable members just now said that the present government is not the old government of the Punjab. But is that the reason why, having been accidentally and wrongly returned to this Legislative Assembly in larger numbers than you deserve, you want to take this earliest opportunity of pouncing upon the rights of those who unfortunately are not returned to this House? Is that your only justification for bringing in a legislation of this type within a year and a half of that solemn declaration? Is there any sense, or reason in support of the legislation or any legitimate ground for it. Has anything been brought to light, during the interval either by way of investigation or by way of expert opinion, which has led the Punjab Government to throw overboard a policy which has been consistently followed up to date, and which has the sanction of such important persons as the late Sir Faal-i-Husein? In view of what I have stated about the previous history of this question one would expect that the Punjab Government would not extend the provisions of the Land Alienation Act at all. But what we find here is that not only is the Punjab Land Alienation Act going to be amended but it is proposed to give it a retrospective effect. It is sought by this proposed legislation to give the old Act a *retrospective* effect. It is proposed to repudiate and negate the rights lawfully acquired and held, rights which are now almost four decades old. I submit, Sir, that such a legislative iniquity, I have no other word to use except that, such a legislative iniquity is unique in the annals of civilised democratic legislation. (*Hear, hear.*) All good and just laws protect existing rights lawfully acquired. But in this province we live in fright and panic, under what my honourable friend has been pleased to call, a new government, under a new legislative dispensation where no right, however just and lawful, is safe from the misguided zeal of legislative depredations. I respectfully submit, that this House should not be a party to such a revolutionary proposal which is subversive of all principles, so far recognized. Again what is the compensation provided for the dispossessed mortgagee under the Bill? I submit, Sir, it is a heartless mockery. The Bill is nothing but a measure of unabashed expropriation. Although in the statement of objects and reasons a reasonable compensation is provided, the sections in dealing with the question of compensation reduce the compensation to mere nothing.

Now if you turn to section 7 sub-section (3) it is laid down "if the collector considers that after taking into consideration the value of the benefits mentioned in sub-section (2), some payment is due to the mortgagee under the contract of mortgage the restitution of land shall be made subject to the payment of compensation not exceeding the following rate:—

(a) thirty times the land revenue assessed on the land at the time when it was mortgaged if the mortgagee has been in

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possession for a period exceeding thirty years but not exceeding forty years ;

(ii) fifteen times the land revenue assessed on the land at the time when it was mortgaged if the mortgagee has been in possession for a period exceeding forty years but not exceeding fifty years ;

(iii) five times the land revenue assessed on the land at the time when it was mortgaged if the mortgagee has been in possession for a period exceeding fifty years."

Supposing after allowing for everything that the mortgagor has paid, Rs. 10,000 is due to the mortgagee and the mortgage is 50 years old. According to the Act, all that the mortgagee would be entitled would be 3 times the land revenue, not the present land revenue but the very low land revenue which used to be assessed in 1880. That might amount only to Rs. 100. Therefore a person who after having accounted for everything that he has received has a balance of Rs. 10,000 due, will be entitled only to Rs. 100 or Rs. 200. (*A voice* : Wrong calculations.) If they are wrong my esteemed friend should correct them. I am prepared to give way. It appears that my friend has not up till the present moment read the Bill. I know, the provisions are ridiculous, but let him read the Bill and he will find that my contention is correct. Again what connection is there between land revenue and the amount that may be due on a mortgage. Land revenue is never fixed with reference to the amount of mortgage, nor has in fact the land revenue any connection with the value of the land. It might have something to do with the produce or net income from the land. Therefore, while fixing the basis of compensation as so many times the land revenue, I submit there is neither logic nor sense nor reason in it. It is like this. Five elephants are found due and the compensation is 5 mangoes or 5 *couries* or 5 *reeries* (*laughter*). This is the kind of legislation which we are asked to pass in this House without circulation, without discussion, sitting in the cool heights of Simla where we are immune from the public influence or opinion and where we have no literature to supplement our efforts in pointing out the defects of this legislation.

Sir, I wish to invite the attention of the House to another matter of great importance, a matter which vitally affects the rights of the inhabitants of this province. The present Punjab Government appears to have evolved a new technique of legislation which runs counter to the well established practice in other democracies. It is to spring a legislative surprise on the unsuspecting victims of legislative expropriation. No time must be given to the persons who are to be adversely affected to educate public opinion and instruct their representatives in the Legislature to raise their voice or protest. Even the persons who are to benefit by it are to be taken unawares and nothing else is to be considered except party advantage. May I ask the Premier or the Member in charge a question? I was pointing out that a new technique seems to have been evolved by the present Government and that is to spring a legislative surprise on the victims of their contemplated expropriation and to rush through the legislation behind their back and without their knowledge. I ask the Honourable Premier,

is not that true? If this is not so, what else is the meaning of precipitate haste with which this legislation is being rushed through? The Bill was published for the first time in the *Punjab Gazette* on the 21st of June.

Lala Duni Chand: You have contributed to that mentality of the Premier.

Rai Bahadur Mr. Mukand Lal Puri: The *Gazette* which publishes this Bill bears the date 21st of June. I had gone down to Lahore yesterday in connection with my professional work and I wish to tell the House that even the regular subscribers of the *Gazette* at Lahore did not receive that *Gazette* till the afternoon of the 22nd June. In connection with my professional work I paid a visit to the Bar Room of the District Court as well as the High Court, where you have an intelligent, well-informed and highly educated set of persons and none of them was even aware of the existence of the intention of the Government to put forward any such measure. Today, on the 23rd of June, the Bill is being debated upon in the cool heights of Simla, far away from the homes of unsuspecting victims whom it is intended to expropriate and who are happily and designedly unaware of it. Even the educated persons or newspapers did not know of any such legislation up till today. Now whom is this legislation intended to affect? Not persons living in Simla, or Lahore or even in towns or any smaller urban areas. Ninety-five per cent. of the mortgagees whom it is intended to affect are persons living in villages, living in remote villages of Campbell-pure, Muzaffargarh, Dera Ghazi Khan, Multan and other districts. Now before you proceed to deprive these people of lakhs of *bighas* of land which are in their possession not for the last few years but for forty or fifty years, before you rob them of crores of rupees which up till today is secured to them by the first mortgage of immovable property, the best security in all civilised countries, is it not fair that these victims should at any rate be made aware that such a matter is contemplated so that they might, if they so choose, make any representations to the Government and to this House? They should be given time to get into touch with their representatives in this Assembly at least, so that their grievances might be ventilated in this House. Now if the first information vouchsafed to the public is through the instrumentality of the official gazette which was available in Lahore at the earliest on the 22nd of June and which in other towns would be available today, is it fair to the vast mass of illiterate Punjabis, scattered in remote villages of the province, to start discussion of a matter like that in this House on the 23rd June? I wish to tell the Honourable Premier that he is setting a very bad example. I am sure in a matter like this he would be supported by the Congress. The Congress have the intention of passing similar expropriatory legislation, they are burning with a desire to deprive the landholders of the land which they possess and to distribute it more equitably among the vast landless members of the community. They would like one fine morning sitting probably not at Simla but at a still remoter place, say, at Ootacamund or Naini Tal or perhaps Wardha to confiscate the lands of the landholders, before the landholders become aware of the intention of the Government to do so. This hasty method of legislation, this new technique deserves the strongest possible condemnation, amongst other grounds, on the score of creating bad precedents, which are likely to be taken advantage of by any party in power.

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I would submit to this House that it should cultivate healthy traditions. It would be one of the most unhealthy traditions that a legislative enactment of such a contentious character—a legislative enactment which does not deal with one individual but deals with thousands of individuals scattered all over the province—should be introduced into the Legislative Assembly on a day before any one in the province, outside this House, is aware of it. I find from the Orders of Business supplied to us that the intention is that this legislation, in whatever form, should be rushed through and finished at Simla in this Session, i.e., within next ten days or so. If this is so, nothing could be more reprehensible. The various stages of publication, circulation, reference to Select Committee, consideration and report of the Select Committee and the procedure prescribed by the rules is intended to ensure a careful consideration of the proposed legislation. If these stages are omitted or rushed through, it would be defeating the object of the rules. The proceedings before Select Committee usually take two months. That period is cut down to four days and there are the long working days of Council. The Select Committee is asked to report by 27th. Why this inordinate haste specially when the publication in the *Gazette* was delayed? If this is the way in which reforms are to be worked and the work of the present Assembly carried on, then the present democracy is worse than any despotism that can be instituted. Previously the parties were not so strictly organised. The fair sense of justice of some members, to whatever party they might belong, occasionally impelled them to get up and criticise measures which they considered to be wrong and that led the Government to change their view whatsoever they may have intended to do in the beginning. But now, under the party machine, the mouths of most people are shut except those whose mouths cannot be shut. I know there are several Muslim members belonging to statutory agricultural tribes who would not like to rush with this measure. (*Voices: No, no.*) (*Premier: Question.*) I do not accept that statement in spite of a few noes as some members have spoken to me personally but, if it is so, it is one of the most shameless instances which can possibly happen. The duty of the party in power—whether it is the Government of the Congress or whether it is the Government consisting of the zamindars—is to protect the interest of all classes of people. They may have eighty per cent. majority, they may have even ninety per cent. majority, but when the legitimate interests of those persons who are not properly represented, come before them, it is their duty to protect them. If the party in power deliberately contrives to prevent the persons adversely affecting the legislation to become aware of it, before it is passed, it is the height of unfairness and injustice. It is against the spirit of the constitution and also against the rules which insist upon publication and various other stages in legislation. I, therefore, beg to protest as emphatically as I possibly can against the unfairness of the procedure which is being followed in this case. Sir, it is not possible to deal with all the principles which seem to have been violated in framing this measure but I wish to refer to one danger which is patent on the face of the Bill, that a new despotism is being created under the shadow of a democratic form. The instrument of this despotism will be the executive in the person of the collector. The civil courts and judiciary are gradually being ousted by executive process. This tendency which

is so manifest in the series of agrarian legislation, which we now find before the Assembly must be condemned, for a strong and independent judiciary is the best bulwark of rights and liberties of the subject. Under Section 12 of the present Bill civil courts are debarred from dealing with the subject matter of the Bill. The subject matter of this Bill relates to the property rights which have existed for the last fifty years. Under the Bill, they will be disposed of not by a non-partisan tribunal but by an executive officer who in all respects has to carry out the orders of a party executive. Again Sir, it is a discriminatory legislation, a class legislation of the worst type. It expropriates and confiscates the mortgages effected in favour of a particular class, i.e., mortgages in favour of those persons who do not happen to be members of the statutory agricultural tribe. The mortgagees—I make this assertion without fear of any contradiction—with respect to transactions proposed to be dealt with by the Bill, about ninety-nine per cent. of them, are Hindus and Sikhs and I say with all the emphasis at my command that this is an attempt to rob the Hindus and Sikhs of their crores of rupees. (*Voices: No. no.*) (*Voices from the Opposition Benches: Why did you join that party then?*). In whatever form you may choose to disguise your intentions, the fact remains that whatever money is to be confiscated or whatever land is to be taken back, ninety-nine per cent. of that land or that money belongs to the Hindus and Sikhs of this province—and particularly those Hindus and Sikhs who do not happen to belong to the favoured tribes to which my honourable friend belongs. The entire money and land—which it is intended to confiscate and resume, on payment of no compensation or nominal compensation—belongs to this class and, therefore, in bringing this legislation the present Government, which professes to be non-communal, should have taken steps, for the sake of its own reputation, to avoid the criticism of robbing the Hindus and Sikhs alone of their land and money. If the desire of the Government or of any member is to afford any relief to any mortgagor who may have been unfairly dealt with by the mortgagee, why did not they bring forward a legislation which should equally apply to members of statutory agricultural tribes as well as to members of non-statutory agricultural tribes. You will kindly observe that it is not alleged that the mortgages in favour of members of statutory agricultural tribes are any the less onerous or any the more equitable. They stand on the same footing and if examined they will be found more exacting. The mortgages after 1901 are in favour of Muslims and other statutory tribes. But the present Government seems to have succeeded in deluding some members of the Congress Benches, who are not lawyers and who have not evidently so far read the provisions of the Bill into a belief that this legislation is not of a party or a class character but a legislation which is intended to improve the lot of mortgagors and is of the nature of the indebtedness legislation. If it were so, we would have expected that the Bill would have dealt with all kinds of mortgages whether in favour of statutory agriculturists or non-statutory agriculturists and whether effected before or after 1901. Why is it limited to mortgages before 1901? A very large number of mortgages belonging to members of statutory agricultural tribes must have realised their dues several times over, during the boom period. Why are they being excluded? The fact is that the Bill has been introduced on communal grounds. It is a communal measure and has been so

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clothed as to disguise its real character. However expropriatory the legislation, one might put up with it, if it applied to all classes equally, Muslims and non-Muslims, members of statutory agricultural tribes and those who are not in that position of privilege. But if you propose a discriminatory legislation of this character, the Congress party, unless it has decided to give up its principles of holding the scales even between all classes of people, between the influential and less influential, between class and class, will be in duty bound to oppose it. But I am surprised to find that there are currents and cross currents, and some Congress members whom I have always designated as "Government wing of the Congress Party" and some who masquerade as socialists have deluded themselves into a wrong belief as to the nature and scope of this legislation and have induced others to be content with proposing an amendment making the Bill applicable to all classes of mortgagees, agriculturists and non-agriculturists.

It is no consolation, I appeal to the Congress party, to the people to know that they propose to move an amendment which is certainly bound to be defeated and not oppose the inequitable legislation which without the amendment is equally unacceptable to them. I warn them that they have been led into a trap by the machinations of certain designing persons. I wish to reiterate that the Congress party is doing injustice to a class which does not deserve this treatment at its hands. It is the height of ungratefulness to desert its best supporters and to refuse even to give them an opportunity of presenting their case. I have every hope that the Congress, consisting as it does of the enlightened intelligentsia of the province and represents patriotic effort at its best, will know how to perform its duty at the proper time. I hope, my appeal will not go in vain.

Sir, may I frankly and undeservedly state why, if this legislation is to be passed, I want Muslim and agriculturist mortgagees to be included in this legislation? I have already stated that this legislation whomever it affects is of a revolutionary and expropriatory character and should not be brought on the statute book. I am averse to all expropriation. It would be no consolation to me to learn that Muslim mortgagees are also going to be expropriated. I state, Sir, that if the entire body of mortgagees in this case were Muslims, instead of Hindus and the mortgagors were Muslims, I would oppose the legislation as vehemently as now. I am opposed to such legislation on principle. Why I wish some Muhammadans or some members of the agricultural tribe to be included in the legislation is that one of the clauses in the Bill provides for a reasonable compensation being given to the expropriated mortgagees and there is absolutely no possibility of a decent and reasonable expropriation price being fixed by this House or by this Government unless there are some Muslim or agriculturist mortgagees. If there were even a score of Muslim mortgagees or the statutory agricultural tribe mortgagees, whose lands were likely to be expropriated the compensation to be paid will be much greater than the eye-wash compensation which is proposed in this Bill. I am positive that if a legislation of a proper kind were brought in, in which all classes were included, Government would be bound to lay down a reasonable standard which would satisfy all the classes.

Premier : May I submit that we are wasting the time of the House ? For nearly three-quarters of an hour we were discussing the admissibility of the adjournment motions and we have only been able to do the real business of the House for about 45 minutes. I beg to submit that we might sit, after the adjournment motion, and finish the business, even if we have to sit till 11 o'clock in the night.

Mr. Speaker : Why not take up the adjournment motion at 11 A.M. tomorrow ? We may then meet again at 2-30 P.M.

Premier : I suggest that we take up the adjournment motion after the usual hours of business.

Rai Bahadur Mr. Mukand Lal Puri : Again Sir, this legislation is being attempted without any enquiry as to the extent of the area to be affected by it. Is it 500 or 50,000 bighas ? Again this legislation is being undertaken without any enquiry as to the amount of money that may possibly be involved ? Is it one lakh or 10 crores of rupees ? Again this legislation is being effected without any enquiry as to the number of persons likely to be affected : are they 500 or 50,000. Again at any rate the House has not been taken into confidence : the country has not been taken into confidence. The public or members of this House know nothing about these matters. In fact the subject matter of this legislation has not been alluded to by the Government in any public statement. No question has ever been asked about this matter, no resolution has been moved or even sent in, and there has been no public demand for such legislation either in the press or otherwise. I state as a member of this Assembly and one who claims to be fairly in touch with what is going on, that I was entirely unaware of the intention of the Government to move such a measure till I came to Simla. I say, with his concurrence, the same about Raja Narendra Nath and a large number of other members of this House. I would seriously ask the Government to take the public or at any rate members of this Assembly into their confidence before springing upon them, at a moment's notice, legislation of such a novel and unique character ? Before the receipt of agenda, no member was at all aware of the intention of the Government to bring forward this legislation.

Mr. Speaker : The honourable member is repeating his argument.

Rai Bahadur Mr. Mukand Lal Puri : I was submitting, Sir, that the procedure relating to the introduction of this measure has been novel and unusual, entirely undemocratic and calculated to defeat the very essence of parliamentary government. This subject has not at all been before the public. Further, may I request that enquiry should be directed to find out whether the people who are to be expropriated are really rich ? Enquiry might show that most of the people who had land mortgaged to them in 1880 are owners only of those mortgage rights. This may be their only means of subsistence. They may own nothing else in the world. It is well-known that when the mortgage amount exceeds the price of the land it is not worth while for the mortgagor to redeem it nor necessary for the mortgagee to take steps to transfer the mortgage into a sale. Such old mortgages are really sales, because the amount due on the mortgage, exceeds the value of the property. Again, Sir, if the object of this legislation is merely to facilitate the redemption of certain mortgages by certain persons.

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it could be easily done by amending the Redemption of Mortgages Act which is already on the statute book of the province. This is an Act which was passed in 1916 and amended in 1934, as a part of Indebtedness Relief Act of 1934. Under the previous Act, the procedure of the Act was limited to 30 acres and Rs. 1,000. Now it has been enlarged to 50 acres and Rs. 5,000. That limitation can be removed and the Act can be made applicable to all persons regardless of the area of land or the amount of money. That could be done if the only object is to facilitate redemption and not expropriation.

I submit, Sir, what objection could the Government, or the Congress or anybody have to circulation for eliciting public opinion in this case I submit for information of persons concerned? Under these circumstances it would be highly improper for the present Government or for the matter of that any Government to rush through this legislation—

Mr. Speaker : The honourable member is again repeating his argument. If he repeats again I shall have to ask him to resume his seat.

Rai Bahadur Mr. Mukand Lal Puri :—To rush through this legislation within a week without a proper enquiry.

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

That the Punjab Restitution of Mortgaged Lands Bill be circulated for eliciting public opinion thereon by the 15th January, 1939.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I am quite conscious of the fact that whatever I am going to say will be said not only to an unsympathetic audience but to a most bitterly hostile audience. From the attitude displayed by the honourable members of this House when my honourable friend Mr. Mukand Lal Puri was speaking, it can be easily concluded that the attitude of this House is not one of tolerance. Common courtesy requires that tolerance should be extended to the minority in a legislative House and far more courtesy should be shown when it is known that that minority is a very small minority. When the majority party in the House is absolutely sure of its absolute majority, it ought to be more patient, more tolerant and more courteous than the honourable members of this House have been to-day. May I hope, Sir, that whatever little I have to say will be heard both with an open mind and tolerance.

I congratulate again my honourable friend Mr. Mukand Lal Puri on his very excellent speech and I congratulate also my honourable friend the Raja Sahib on his resurrection which I hope will be permanent. I am afraid I cannot congratulate the Honourable Leader of the House. We all believed and when I say this I say it most sincerely, that at one time we believed in the fairness and sense of justice of Sir Sikander Hyat-Khan. But I am very sorry to confess to-day that our faith in him is almost totally shattered. He has grown worse from day to day, perhaps not because he himself is not anxious that he ought to be fair and just to every party in this House and to every community in this province, but he is being dragooned—I suspect and, in fact, I am almost sure that he is being dragooned into such reprehensible measures by those who never had good feelings for non-agriculturists of this province; otherwise, I am sure, left to himself, he

would have thought a hundred times before launching upon a legislation of this kind. It is really surprising that in a short session, there should be such a large crop of legislative measures, every one of which is stinging and every one of which is so poisonous so far as the non-agriculturist portion of the community in the Punjab is concerned. The other day, I said that British bureaucracy was better in this respect than our present autonomous Government. They showed some method in their madness, whenever they felt inclined towards madness, and the Honourable Premier flared up and he is now flaring up frequently and asked if it was madness to check dishonesty. "I am mad and every one of us is mad." What was the dishonesty that he wanted to check and what was the dishonesty that I wanted to protect or encourage here? The person, who borrows, borrows when he is in dire necessity. When he cannot meet his necessities of life he goes to a person who is comparatively better off, not necessarily a rich person, and he says, 'I am in need of money, my wife is sick, a child has been born to me, I have no money for medicine, for food or for physician, lend me 5 or 10 rupees.' That money is lent though the lender can hardly afford to part with it. Now you come here with this honest legislation and say that that money should be wiped out. Who is dishonest, those who borrow and will not pay or those who lend and ask for its return? I leave it to the Honourable Premier and to all fair-minded gentlemen to decide for themselves. This is the honesty that they encourage and this is the dishonesty which they are out to put down. I was really surprised at the enthusiasm and zeal that the Honourable Premier displayed. Now what is the basis of this legislation? I have tried to give my best attention to find out what the real motive of this measure could be and I assure you that the only thing I can imagine that could possibly enter into the minds of those who proposed this law can be this and only this. We must presume that those who lend are clever, we must presume that those who are in a position to lend are rich, we must presume that those who are in a position to lend are dishonest. Then we must presume that those who borrow are always poor; secondly, that those who borrow are always honest; thirdly that those who borrow are always idiots and are not in a position to look after their own interests. If this is not the basis of this legislation, then I call upon the Honourable Premier and the Honourable Minister for Revenue, who is entrusted with this measure, to point out what other justification can there be to set aside the contracts solemnly executed more than 87 years ago and it may be nearly 60 years ago. In 1901 an Act was passed which made it illegal for a member of a particular tribe to mortgage his land to a member of a particular tribe or a particular party. That Act has worked for 87 years. The land which was expected to pass into the hands of those who did not till the soil with their own hands, has, by this measure, been allowed to remain with those who till the soil. So far it is perfectly clear. Then it occurs to someone, who is extra clever, or who is extra vindictive or extra harsh upon the non-agriculturist to devise some other means, saying 'for 87 years we have succeeded in preventing the land from passing into the hands of non-agriculturists. Cannot we devise some measure to restore the land which had passed into the hands of non-agriculturists before the Act of 1901 was passed.' There would have been some sense, some reason, not a legal one, not a valid one, nor a moral one, but there might have been some sense in saying, 'well, there were some people, clever

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soldiers, who came to know that the Land Alienation Act was going to be passed in a few months time by the Imperial Legislative Council of that time and taking advantage of this knowledge of theirs and taking advantage of the ignorance of agriculturists they hurried them into certain mortgages and had certain lands mortgaged during those few months.' If this was done, there could have been some reason as it might have been considered an attempt to evade law. I do not admit that it is necessarily wrong to evade law, and it has been held by several high courts that to evade law by lawful means is not unlawful and is not criminal. Even the law of *benami* is recognised all over the world. No one has pronounced it a dishonest course. But then it might have been said that those persons have forestalled the law which was intended for the protection of the poor, honest, ignorant, and helpless agriculturists and therefore, out of pity it was necessary to do something at least to set aside those mortgages which were executed on the eve of the enactment of the Land Alienation Act. There might have been some sense in it. But I have never heard and perhaps you too, a very great lawyer, have never heard that an Act would be given retrospective effect after 37 years and more and thereby be an instrument of cancelling or setting aside solemn agreements, solemn contracts entered into so many decades ago. The limitation for redemption, as you know, Sir, is 60 years. There may be in existence some mortgages which were executed some 59 years ago, which would mean that some 22 years before the Act was enacted certain mortgages were entered into. Those people who mortgaged their lands are dead and probably their sons also are dead. Those in whose favour the mortgages were executed are dead and probably their sons also are dead. Now the dispute is going to arise between the grandchildren of the parties. Taking up the question of honesty and dishonesty, I ask you and through you the sponsors of this measure, have they any means to satisfy themselves that any particular mortgage effected say in 1880 was executed under unfair circumstances, that the mortgagor was defrauded, that he was ignorant, that he had no sense, that he was helpless and that advantage was taken of his helplessness, of his poverty and of his ignorance by the clever mortgagee and that he got valuable lands for a nominal consideration? If there are any means, are there any provisions in this Bill which necessitate an enquiry on that point? There is nothing said in this Bill on that point. All that is said is that the collector might ascertain how much benefit the mortgagee received during the time a certain mortgage has been in force, and if he finds that the mortgagee has derived benefit which equals or exceeds the amount of the original mortgage the land should forthwith be made over to the mortgagor or his successors in interest. That is what this measure wants us to agree to. What are the equities of this measure? What is the moral justification for this Bill? The Honourable Minister for Revenue might be owning many houses and they might have been leased for the past three generations. He might by this time have derived from those houses money which is several times the value of the houses. Is he to be asked to part with that property because out of that property he has made several times the amount which was spent originally on the houses? I shall take another case. The Punjab Government and the Government of India

owe large sums of money to England and probably to other countries. The lowest rate of interest of which I am aware is 8 per cent. In some cases the rate may go up to 5 per cent. and even higher. Now, if a certain security is redeemable say after 50 years, in 50 years the amount of interest received by the security holder might be several times the amount of the original security. It is well-known that at 6 per cent. rate of interest, in 12 years the amount is doubled. At 8 per cent. rate of interest, in 24 years the security is paid up twice and in 50 years the security is paid back four times its original value. Now, is it possible for the Government of India or the Punjab Government to contemplate that all these debts would be wiped out because the security holders have received four times or at least double the amount of the security? Let them once make that announcement and they will go a-begging in the streets and they will not be able to raise a loan, because their credit would have gone to the winds. If they are not prepared to do that, why should they fall upon the poor non-agriculturists who have nobody to look after them? They are the most helpless people in this province. Why should you fall upon them? There was once a person who was addicted to bhang. He was very poor and could secure only a little bhang. He ground this little bhang thoroughly and drank it and a little *nugda* was left. Next day he again felt a need for the intoxicant but he could not get fresh bhang and so he *ragrod* the remnant and drank it. He went on in this way for several days until the *nugda* disappeared altogether. Similarly these gentlemen go on grinding the poor non-agriculturist and cannot do anything else but bring forward measures for the extermination of the poor non-agriculturists. Are there no other ways of helping the people? Are there no other measures to raise the status of the poor agriculturists? (*Interruption.*) I say in all seriousness, with all the earnestness that I can command, that this measure really is not worth the paper on which it is printed. I am surprised that these gentlemen are so devoid of the sense of fairness and justice that they are not able to see what they are doing.

Now, let me take the various aspects of this question. I shall not discuss the clauses at all. I may assure the honourable members of that Raja Sahib in his simplicity referred to the promises made on the floor of this House by Sir Fazli and Sir Sikander as if the promises made by these gentlemen count for anything at all. (*Laughter.*) I have known that one should not put his faith in the promises of princes. Now Sikander Hyat is a prince and his promises like the promises of princes have no value. The other day I confronted him with the promise which not Sir Fazl-i-Husain alone but he also had solemnly made on the floor of this House; and what did he say? He said that that Government had gone and that he was not now bound by that promise and that worse measures might follow. Probably he was then contemplating a mischievous measure like this. What did he say? He said that unless we had this measure certain people would demand worse things. By that, I think he meant that the agriculturists would create trouble for him, that there would be socialism in this province, that there would be communism and bolshevism and so on and that it was in our interest that he was proposing this measure. I must convey my thanks to him for such a solicitude displayed by means of these Bills for the poor non-agriculturists of this province. But let him rest assured that if trouble can be given by one party, it might also be given by the other party.

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(Hear, hear.) When we are hungry and when we are deprived of our property, when there is nothing for us to live upon, are we afraid of anything that other people might do? He should remember that. Ultimately in politics, in administration, it is justice and justice alone which should be kept in view. Instead of showing the weakness which he has done by pandering to the unfair demands of his followers, he should have shown strength and said, "look here, our sacred scriptures say do justice to everybody, the teachings that we have received from our childhood will not permit us to propose any unfair measure. God has given me power. God has placed me in this position and it is my duty, it is my sacred duty, to do justice to everyone, even to the poor non-agriculturist who has neither sword nor *talwar*, and who did not threaten to fight or create lawlessness or trouble of any kind in the province." But he has unfortunately miserably failed in showing that strength. He has yielded to threats probably conveyed to him by his followers. (Interruption.) I shall also have something to say about the other gentlemen when their turn comes. But let me first settle with him. Now what is this measure? Only two years ago we had a favour shown to us by the Honourable Rao Bahadur Sir Chaudhri Chhotu Ram in the form of debt legislation—the Debtors' Protection Act—and before that we had another Act and so on. But bad as they were, they were not half so bad as this measure as under those Acts there is no provision that debts would be directly wiped out. Certain difficulties have been created in the way of further advances. Certain difficulties have been created in the way of realisation, by stoppage of arrest of debtors and attachment of certain kinds of property and so on. But so far as I recollect there is no provision in the Act that all debts shall be wiped out, which have been in existence for 20 or 30 or 40 years. If the grandfather of a certain creditor advanced Rs. 1,000 thirty years ago and the amount has not been paid and the account has been renewed from time to time, all that that Act says is that in future the creditor will not be entitled to recover more than double the amount of the principal which would be determined under the provisions of this Act. What does this Bill say? It says that if a mortgage has been held for a certain number of years and it is found that the benefit derived has equalled or exceeded the principal amount of the mortgage, *ipso facto* the mortgage will be redeemed and the land would be made over to the mortgagor. What is the difference? You will see. You are a lawyer and a mathematician and I am very happy to address you on this point. What is the difference? Ordinarily we were led to believe in business in banking, in commerce and everywhere else that a secured debt is better and has always preference over unsecured debt. Even in insolvency, a secured debt has preference. But what happens in this case? A secured debt is much worse than an unsecured debt, because my thousand rupees might have been standing against you for 20 years, you have been going on paying me interest say even at 6 per cent. or Rs. 60 a year for 20 years and you have paid me Rs. 1,200 and I have invested that amount somewhere in business or perhaps I have lent it again. But that Rs. 1,000 still stands against you and no law so far says that that Rs. 1,000 should not be paid to me because I have already received Rs. 1,200 in the form of interest. Now what the law says is that in future I shall not be entitled to receive more than Rs. 2,000 from you. This is the law as I understand it in the case

of unsecured debt. Now here is a solemnly executed mortgage debt and simply because I have received the benefit which equals the principal amount of the mortgage I am not entitled to anything more! Could there be anything more oppressive, tyrannical and stupid than this? (*Interruption.*) I use this word deliberately and if it offends anybody I am prepared to withdraw it. Really the Bill has no sense and if they had given it more reflection they would have themselves realised the absurdity of the measure which they have put before us. I have never heard secured debts being treated like this. We have always been told that secured debts have always preference and in this case secured debts are being absolutely wiped out. They have tried to be generous in some respects! They say that if the debt has lasted for 50 years take five times the land revenue! Supposing I had 10 acres in 1880 and there was no land revenue assessed on the land, what am I going to get? Five into 0, which means zero! There is no provision for such cases in the Bill. Supposing it was assessed to annas 8 for the ten acres on which I gave Rs. 1,000 in 1880 and which owing to the present circumstances are now worth Rs. 10,000, here comes the honourable Sardar Sir Sundar Singh Majithia, the Minister in charge of Revenue of a big province like the Punjab and says, here it is, take Rs. 2-8-0 and walk out. Poor Sardar Sahib, he does not understand it. (*Interruption.*) I am giving him credit by saying that he does not understand what he is doing. I want to be charitable to him. He is only the hand and not the brain behind this measure. (*Hear, hear.*) I was giving him the benefit of innocence. But if he says that he understands everything then it means that he has also drifted with the current and has lost all sense of proportion, decency, fairness and justice. But it would be safer for him to say that the Government has drafted the Bill and being Honourable Minister Revenue he was entrusted with the piloting of it.

Raja Chazanfar Ali Khan: The honourable member has said that the Honourable Revenue Minister has lost all sense of decency and proportion. Is he in order?

Dr. Sir Gokul Chand Narang: I say it again, Sir. The Bill placed before the House is a most indecent one. It does not show decency or sense or reason. I repeat it. But if it offends any one of the honourable members sitting on that side, I have no objection in withdrawing the words. But really they ought to take no offence when they are prepared to do such things and such acts of oppression and tyranny. They should not feel wounded with one little word because words will not break bones while they are going to destroy hundreds and thousands of people in this province and are going to deprive them of property worth crores. I am a non-agriculturist and there are 56 per cent. of such persons as Mr. Mukand Lal Puri, the mover of this motion, has pointed out. Probably these gentlemen are not aware—you might be aware—that only 20·5 per cent. of the people are landholders in this province. I am quoting an ex-Honourable Minister of this province. His speeches are printed and if anyone questions this statement I can show him the authority on this point, that only 20·5 per cent. of the population of this province are landholders. The rest are landless people. We are all landless people and it is this 20 per cent. of big landholders who want to crush and destroy 80 per cent. of people who have not got the good fortune of having any land and who are not engaged in agriculture.

Sardar Hari Singh : The time fixed for the adjournment motion was 5 o'clock. May I point out that it is now time for taking up the discussion of the motion ?

(At the instance of the Honourable Premier the Honourable Speaker decided that the adjournment motion may not be taken up at 5.)

Dr. Sir Gokal Chand Narang : Sir, I was discussing some aspects of the Bill and I was trying to point out that this Bill places the secured debts even in a worse position than unsecured debts. I would not repeat what I said in connection with this point, but I shall proceed to another aspect of the Bill. I have got a publication before me which is called 'The report on the land revenue administration of the Punjab for the year ending 30th September 1936.' A glance at page (iii) supplementary, where tables are given, statement No. 25, will show that the mortgages by agricultural tribes to agricultural tribes amount to more than 2 lakhs of acres in 1936, and mortgages by agricultural tribes to others amount to 1 lakh of acres, that is, less than half of the area which is mortgaged by agricultural tribes to agricultural tribes. The point that I want to make out from these figures is this, that this Bill is absolutely one-sided inasmuch as it affects only the non-agriculturists and not the agriculturists. If the object of the Bill, as all these honourable zamindar members understand, is to help the poor agriculturist, does he at once become rich when he mortgages the land to an agriculturist and is, therefore, not entitled to any commiseration, any sympathy and any relief. Are they in a position to lay their hands on their hearts and say that when an agriculturist mortgages his land to an agriculturist, he is honest, he is intelligent and he is rich and he is not in a helpless condition and that he is only ignorant and helpless when he mortgages his land to a non-agriculturist ? Do they honestly believe that he requires relief only when he borrows, and when his land is mortgaged in favour of a non-agriculturist and that he does not require relief in case his land is mortgaged in favour of an agriculturist ? What are those gentlemen to say ? I am sure that the Honourable Sir Chhotu Ram will never agree with them in this respect. He will certainly urge that if relief is to be given to the poor agriculturist, it must be given against the agriculturist as well as non-agriculturist. Then why this one-sided aspect of the Bill ? Why make it so invidious in its operation ? Simply because the sponsors of this Bill happen to be those gentlemen who have already mortgages in their own favour and if they were also included in this Bill their pockets and their rights would also be affected ? If that is so, are they honest in their professions that they are out to help the poor agriculturist ? Why did they not, if they wanted to have such a measure, make it comprehensive and make it imperative against agriculturists as well as against non-agriculturists ? Then, again, Sir, I would ask, have they taken into consideration the fact that some of the mortgagors might be big landlords ? They might be big Sardars, Nawabs and Khan Bahadurs with *terras* a yard high on their heads. Were they also helpless when they mortgaged their lands ? Were they also ignorant and did not know their interests when they entered into those transactions ? Were they also hoodwinked ? Were they in any way defrauded ? Certainly not. They did not require any help. Why are you helping them when they do not require help ? Why do you not extend this help against agriculturists ? Simply because it affects your interests ? It makes the operation of this measure absolutely vicious, one-sided, invidious and inequitable.

There is another aspect of the question. If you read the Bill carefully, you will find one very important provision, conspicuous by its absence from the body of the Bill. Take again, the case of an unsecured debt. In case of an unsecured debt, the provisions of law are, in spite of their drastic character, that the creditor will not be deprived of interest or principal altogether, simply because the debt is old. There may be other grounds, for example, non-compliance with certain provisions of one of these Acts for which a court might not give a decree either for the whole or for part of the interest for which a suit is brought. But there is no provision, so far as my knowledge goes, depriving a creditor, without any non-compliance with any provision of the law of the total amount due to him. What happens in this case? A man has taken a mortgage on thousand rupees. If it was an unsecured debt, he would have been entitled to a certain rate of interest, whether 6 per cent., 9 per cent. or 12 per cent., whatever might have been fixed, until the debt was paid. But now under the existing provisions he would be entitled to an amount not exceeding double the principal amount. That is certain and it is provided in the Act. But here all that is to be taken into consideration is the benefit received and no estimate has been made of the interest at a reasonable rate which must have accrued on the amount if there had been no mortgage and if the amount had been advanced without any security at all. I hope I have made myself clear to the Honourable Minister in charge of the Bill. Under the Relief of Indebtedness Act, the rate allowed is 9 per cent. compound interest with yearly rests and if the rate does not exceed 9 per cent. no court will hold the rate to be usurious and no deduction will be made. Nine per cent. compound interest is allowed with yearly rise on a secured debt under the Relief of Indebtedness Act; but under this Bill with regard to this very secured debt, the provisions, of the Relief of Indebtedness Act are indirectly cancelled. They are indirectly repealed, because if this Bill becomes law, then, besides the benefit that he has received, he will not be entitled to any interest whatsoever at the time of redemption even if interest has been provided. Nor is it clear whether interest is to be considered in calculating the benefit. Can there be anything more inequitable than this? They probably lost sight of the provisions which they themselves, as Government, had enacted allowing compound interest at 9 per cent. and without any limit of time the compound interest might have been realised by the creditor for 50 years, if the interest was paid from time to time or an acknowledgment was made or documents were renewed from time to time, yet his principal is not wiped out, not only his principal is not wiped out, but he is permitted to take an extra amount equal to the principal at the time of realisation and no court will deprive him of that.

Here is our Sardar Sahib who wants to deprive the creditor after a certain number of years of his principal amount which is secured to him by a regular mortgage. He may say, 'no, I have provided for certain compensation.' But what is the value of that compensation? Thirty times the *jama*. But it may be less than one-tenth of the principal amount. Compare this with the previous unsecured debts and the absurdity of the Bill becomes absolutely apparent even to a layman like the Honourable Sardar Sahib. Only if he had sufficient time to give to this point, I am sure he would have seen through it. Raja Sahib simply hinted—and it was a great thing for him to have got up and made even the short speech that he did considering his age.

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health and other circumstances—he just referred to this matter. He said, what is the guarantee that to-morrow another Honourable Minister will not come forward with a Bill that all sales of land effected by agriculturists in favour of non-agriculturists at any time before 1901 or say 20 or 30 years before the Land Alienation Act was passed should be restored to the original vendors and compensation which may be equal to thirty times the *jama* of the land at the time of the sale might be awarded? What is there to prevent it? We have lived through many ages when without the pretext of any Bills or Acts properties were taken away. We have lived through those times. But after saying this you should not say that you are acting in a just and fair and honest manner. Suppose a man takes away something by force. He can say, "Well I am perfectly honest; this man is weak and I am strong. The weaker man has no right to exist." No doubt from a certain point of view he is quite correct. The weak have no right to exist in this world. But then, do not say that moral law rules the world. Say that it is the *lathi* that rules the world. There is the good old rule, the simple plan, "let him have who has the power. Let him keep who can." It will take us some time to learn these ways. We have been peaceful. We shall also learn and follow that principle. It is not very difficult. You will teach us how to protect ourselves against the rapacity whether in the form of law or in the form of lawlessness. That is what is going to happen.

Raja Sahib again referred to section 298 of the Government of India Act. But I do not know why he did not develop that point. The Honourable Premier made a little interruption and referred to the Land Alienation Act and the Raja Sahib probably thought that that was a complete answer to his argument based on the provisions of section 298. If the Raja Sahib had had a copy of the Government of India Act before him, I am sure, being an astute person and having administered law for a considerable number of years, he would have seen that his argument based on section 298 of the Government of India Act was one worthy of presentation to this House. I shall read out the provisions of that section:—

No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India.

Then comes the exception to which reference was made by the Honourable Premier.

Nothing in this section shall affect the operation of any law which—

- (a) prohibits either absolutely or subject to exceptions, the sale or mortgage of agricultural land situate in any particular area, and owned by a person belonging to some class recognised by the law as being a class of persons engaged in or connected with agriculture in that area, to any person not belonging to any such class; or
- (b) recognises the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.

Now, it may be argued that this sub-section which I have just now read has reference to the Land Alienation Act and probably correctly too. I am prepared to concede that. I am not prepared to accept it absolutely, but for the sake of argument I shall concede that that section has reference to the

Punjab Land Alienation Act. What then? All that it means is that nothing that is said in sub-section (1) of section 298 shall militate against the provisions of the Land Alienation Act. Let us substitute the Land Alienation Act in sub-section (2). It will then follow that nothing in sub-section (1) of section 298 shall be deemed to repeal anything in the Punjab Land Alienation Act. Beyond that this exception does not go. Sub-section (3) cannot be construed to go further than that. Now, when I say that this Bill is aimed at confiscation of property and is intended to prevent a certain section of His Majesty's subjects in this province from 'holding' property, I do not violate any of the provisions of the Land Alienation Act, because the Land Alienation Act does not lay down within its four corners that any mortgage deed executed before 1901 shall be cancelled. It only affects transactions after the 8th June 1901, which I believe is the date when the Act came into force.

Subedar-Major Raja Farman Ali Khan : Will you allow us also on this side as much time as the honourable member is taking to place our side of the case?

Dr. Sir Gokal Chand Narang : Certainly you will have even two whole days to represent your views.

Now, Sir, what I am submitting is that the Bill as it stands militates against sub-section (1) of Section 298 of the Government of India Act and the exception does not help the Bill because of the fact that we are maintaining that we are not in any way going counter to the provisions of the Land Alienation Act, because we are dealing with the transactions which came into existence before the Land Alienation Act was enacted and before those by whom this measure was passed were even in the political field. I would therefore submit that this Bill is *ultra vires* of this Assembly and this Assembly has no right to proceed with the Bill as it has been drafted. I would be very glad to hear from any lawyer member on the other side what he has to say on this legal aspect of the question. But whatever the legal aspect may be, the argument remains that this is tantamount to confiscation and it is therefore unlawful as well as immoral.

Then I come almost to my last point. It has not been made clear whether any section of the public likely to be affected by this measure has been consulted. Mr. Puri said that the Bill was published in the Gazette on the 21st of June, day before yesterday. I never heard of it. I only read a reference to some proposal in the Tribune when I was enjoying a holiday in the happy valley of Kashmir—but I never believed that any body could contemplate any measure like the one under discussion. What I read was three or four lines in the Tribune to the effect that it was in contemplation to have some measure affecting mortgages, but this is down-right confiscation and nobody has had the opportunity of even reading this Bill. I do not know if the mortgagees who are to be affected by this Bill even know what is being proposed against them or even the mortgagors in whose professed interest this Bill is going to be enacted have had any opportunity of reading this Bill. I am not also aware if even the local officers have been consulted in connection with this Bill. But either they have kept this as a close secret or even they have not been consulted. But even if we assume that they have been consulted, I would submit that it is not sufficient. The

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press has not been consulted. No organisations have been consulted. No trader's associations or organisations have been consulted. No banks or companies or other persons who may be directly or indirectly affected by it have been consulted. I consider it the height of unfairness that a measure of this nature and importance should be rushed through the Assembly without the public being taken into confidence.

Then there is one more thing. Why is it that the present Government of the Punjab is fighting shy of judicial courts? Do they think that the judicial courts are made of all *baniyas* or mortgagées. (*An honourable member*: Mostly). No, not now. Those days are gone when you people were not properly qualified. They were first in the field and they got the jobs. But now I think the number of sub-judges of the agriculturist class is about the same as that of non-agriculturists. (*An honourable member*: Not yet). Then in another year or so it will be. Still I do not see any reason why they should fight shy of judicial enquiry. These deputy commissioners—I have every respect for them because after all they are the guardians of their districts and we depend upon them for protection and for various other things, but certainly apart from anything else, apart from the unconscious bias which they may have in favour of the agriculturist which every officer fortunately or unfortunately has, apart from that perhaps unconscious bias, is it not true that the deputy commissioner is an already overworked officer? He is the head of the district in almost every department. He is the district magistrate, collector of revenue, head of the excise, head of the police, registrar of the district and he is everything and so many reports have to come to him from various departments that it is impossible for him to devote himself with the same thoroughness to a case like this as a judicial officer would do. I would therefore submit that this aspect of the matter is also an important one and from this point of view the Bill is an extremely objectionable one. (*An honourable member*: You did not relieve him of the chairmanship of local boards.) I did wherever the demand came. But these gentlemen who are members of the district boards themselves fought shy; they did not have the courage to displace the deputy commissioners and therefore they could not pass resolutions. But whenever any resolution was passed and sent to me, I at once accepted it and displaced the deputy commissioner. It is you gentlemen who did not have the courage.

I have said enough. I know that anything I may say here is not likely to have much effect. But my hope in Sir Sikander is not entirely lost. My faith is almost shattered but that 'almost' has some scope and it is for him to revive people's faith in him, the faith of the minorities in him. But if he does not care, because he thinks that he is strong enough under recent developments or on account of the pressure put upon him or because other reinforcements have been assured to him and he does not care about what the Raja Sahib says or Mr. Puri says or others say, that is a different question. I have only to make a submission. I have done my duty and I leave them to do theirs. (*Applause*).

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I will begin my speech by answering one or two points raised by my honourable friend, Dr. Sir Gokul Chand Narang who has just sat down. I will try to be

as brief as possible. But since the subject has been most exhaustively discussed and several misconceptions seem to prevail among a section of this House, I think you will allow me the indulgence to try to meet those points as best as I can.

My friend and ex-colleague, Dr. Sir Gokul Chand Narang, began by saying that he has more or less lost his faith which he had in me in regard to my fair play and justice towards all classes and communities. He slightly minimised the emphasis which he laid in the beginning, in his closing sentence by saying that the confidence he had in me was almost shattered and he hoped that there was a possibility of that confidence being revived. Let me assure him that so far as I am concerned I stand where I was 6 years ago, 10 years ago or 15 years ago or 20 years ago. I have not shifted an inch from my position. My solicitude for the zamindars as well as non-zamindars based on equity and justice is the same to-day as it was 6 months or 18 months ago when my honourable friend was my colleague. (*Hear, hear*). Let me assure him that this Bill is not the result of a hurried consultation or what he called unnecessary hurry on the part of the Government to please a certain section of the community. Let me point out to him that we have been considering this measure not only since the advent of the new reforms, but that this question has been considered on several occasions even under the previous reforms and even prior to that.

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Dr. Sir Gokul Chand Narang : Not to my knowledge.

Premier : No. I am afraid, you were probably out of touch and presumably it did not matter to you so long as the evil was merely more or less theoretical and not a practical danger. He also stated that the position of the non-agriculturist was likely to be affected adversely under the new Government and that it was worse now than it was under the British bureaucracy. If by non-agriculturists he means the handful of people who resort to unclean moneylending or who have adopted the profession of dishonest moneylending I dare say that his fears are not unjustified. (*Dr. Sir Gokul Chand Narang :* No.)—But if he means the bulk of the non-agriculturists then I beg to challenge that statement which he has made and I think that I will be able to prove that this Government is as fair and as just to the non-agriculturist as it is to the agriculturist. Why have I made an exception of that handful of people who have resorted to such moneylending? Because my honourable friend who is a very able lawyer knows it perfectly well that the moneylender is an institution, a necessary institution and a very beneficial institution and this institution has been in existence not since the advent of the British Raj or during the last century but from times immemorial and the money-lender is a part and parcel of the village community. But then he was respected, loved and held in esteem by the village community. Why, because there was moral sanction and the sanction of the Panchayat in the village society and social sanction behind him, but when the British bureaucracy came here, what happened? They enacted laws which gave undue shelter as *lassis fairs* to these people and they converted the honest money-lenders into the dishonest money-lenders. I am inclined to blame the British bureaucracy for most of the troubles which the agriculturist is suffering at the hands of the money-lenders, for turning

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an honest money-lender into a dishonest money-lender by passing anti-usury legislation and it is for that reason that we have to bring forward measures to undo the mischief that was done during that period when undue shelter was given to these people. That is our unfortunate and unpleasant duty. But let me assure you that this Government in spite of the chafing and in spite of the accusations will stand firm like a rock and will see that that position is rectified and that dishonest money-lenders are again converted into honest money-lenders, as they used to be (*Ministerial cheers*).

Lala Doshbandhu Gupta : May I know who were the gentlemen ?

Premier : My honourable friend has been feeling most uncomfortable since we started with this Bill (*Voices : No, no.*) My honourable friends say 'no', but if they were sitting in my place they would have seen the faces opposite and if I had a camera which could have taken pictures they would have seen with their own eyes who is the honest socialist and agriculturist on that side (*Voices : No, that is not correct.*)

Dr. Gopi Chand Bhargava : We know our own minds better.

Premier : My honourable friend Dr. Sir Gokul Chand Narang also played with some of the observations which I made the other day when the Benami Bill was before this House. He said that was madness. Is it madness to check dishonesty ? If so, I would commit that madness everyday. I repeat these words. But he tried to meet it by saying, is it dishonest that a man should lend money to somebody else, somebody who was in distress who was ill, somebody who wanted to marry his son or daughter ? Is it dishonest indeed that he should in the time of need come to the assistance of that poor agriculturist ? No, I say it is not dishonest, I say not only that it is not dishonest but it is very magnanimous on his part to come forward to do so but did he do that out of charity or any charitable motive towards that agriculturist ? Rest assured no. It was only a spider's web and he wanted the fly to walk in.

Dr. Sir Gokul Chand Narang : You know it is not true.

Premier : My honourable friend says, you know it is not true. I am sorry to say that for the reasons which I have just stated, the majority of the money-lenders is dishonest. It is true of the majority of them. But what is the result ? When they have woven the web, and when the poor fly is enmeshed they find that they cannot on account of this Land Alienation Act, swallow it. Therefore they get another agriculturist to help them to swallow it indirectly and my honourable friend tries to make out in this House that it is not dishonest. He went further and stated that it was not unlawful to evade the law. I admit that from a purely technical and legal point of view it is not unlawful, but has my honourable friend got no more conscience ?

Dr. Sir Gokul Chand Narang : But is Land Alienation Act a moral law ? It is a most iniquitable and iniquitous law.

Premier : My honourable friend tries to justify his remarks. My honourable friend went on to explain certain mathematical formulae, and he asked, is it iniquitous that because certain people lend money to others on the security of their land that they should get interest at six per

cent. per annum and he gave us that example of 6 per cent. compound interest doubling itself in 12 years and then quadrupling itself in another 12 years and so on. That is perfectly true but my honourable friend could if he had liked, explained the other side of the picture as well, that money is lent but the land passes from the borrower to the mortgagee. We are primarily enacting this law in respect of usufructuary mortgages with possession.

Dr. Sir Gokul Chand Narang : They carry no interest.

Premier : Yes, they carry no interest. I would make myself clear if my honourable friend opposite would listen to me. A man borrows say a hundred rupees on a land which is worth five hundred rupees. The gentleman who has lent the money takes away that land. He takes the produce in lieu of interest. I am not going to anticipate my honourable friend who is in charge of the Bill. He will be in a position to cite several examples whereby my honourable friend's apprehensions would be found to be untrue and his contention would be belied. Supposing you take one-fifth of the capital value of the mortgaged land and you also assume that the return from the land is three per cent., and therefore the return on that one-fifth of the money would be 15 per cent. If that land has now been in possession of the mortgagee for fifty years and if you multiply 50 by 15 it comes to 750 per cent. Now is it equitable on our part to say that these people should benefit to the extent of 750 per cent. on the amount that they have lent and has not the time come when they should hand back the land to the person who got the money? That is all that we say. Again, he said, "What is the amount of compensation that you are going to give him." It was said that thirty times the land revenue is nothing at all. My honourable friend is a mathematician and you Sir, are also a mathematician but I am not. Let us take the example of some land in Lyallpur district which was mortgaged before the Lower Chenab Canal was introduced in that area. The value of that land was very little but land revenue there—let us take the lowest figure—was Rs. 2 though now it is Rs. 7.

Dr. Sir Gokul Chand Narang : Before the canal went there? Then there was probably no land revenue at all.

Premier : No, I was talking of average land revenue of canal and barren land. I am merely taking an average to cite an example. Take it as Rs. 2. 2 into 30 comes to 60. The owner will have to pay Rs. 60 an acre to get back the land which has been with the other fellow for fifty years. Now is that iniquitous or is this compensation unfair that the mortgagor should pay Rs. 60 per acre after the mortgagee has been getting Rs. 200 a year out of that land for fifty years for an amount which did not exceed two or three hundred rupees in the beginning.

Dr. Sir Gokul Chand Narang : Are you confining the Bill to Lyallpur?

Premier : No, I am giving an instance. Take the Hissar district where land revenue is very low. It is probably Rs. 0-1-6 per *bigha*. There the value of the land is very low and the amount which the mortgagee will lend on that land will be proportionately low. So the principle holds good in all these cases. If my honourable friend will apply himself to the other side of the picture, he will find that there is nothing iniquitous or monstrous in

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the Bill as he tried to depict. However, there may be differences of opinion. I am afraid he has not convinced me to shake me from my position. One of the points which he made was why did the Government fight shy of judicial courts. We do not fight shy of them. All that we want to do is to make the process of this return of land as simple as possible, we want to avoid unnecessary litigation and expense to the party and that can be done by giving this power to the Collector, and that is what we are doing. If my honourable friend has read the Bill, which I hope he has, he will find that we have tried to make all the provisions very simple and as water-tight as possible, but there may be a few questions of detail, which need reconsideration; we can discuss them in the Select Committee and straighten them up. Our main object is to make the measure as simple as possible so that there may be no avoidable litigation, unnecessary delay and worry and unnecessary exactions by petty officials.

Dr. Sir Gokul Chand Narang : That is what I called the good old rule, the simple plan.

Premier : In good old days the people lent thousands of rupees without a promissory note and they returned that without any fuss. We want to bring back those good old days if my honourable friend does not wish to thwart me in my effort.

I will now take up a few of the points raised by my honourable friend Mr. Mukand Lal Puri who made a somewhat long speech but I do not grudge him his speech because he feels strongly on this point like my friend opposita. I suppose he has justified his position to his constituents, but the actual substance in his speech so far as I could gather is limited to two or three points. The first point that he made was that the agricultural population is 50 per cent. Let me assure him that that is not correct. If by agricultural population he means statutory agriculturist tribes, then he is probably very near the mark, but if he means agriculturists as a whole then he is wrong because I hold that between 80 and 90 per cent. of our population is in rural areas and consists of agriculturists. That is the exact proportion but so far as the statutory agriculturists are concerned, I believe he was very near the mark.

So far as the question of compensation is concerned I have already dealt with it in reply to the point made by Dr. Sir Gokul Chand Narang. My honourable friend repeated that we are rushing through this measure and he said that the present Government had acquired a new technique to spring upon the House such measures of a far-reaching effect. I assured my honourable friend yesterday and I repeat my assurance that it is not a question of springing up the measures at a moment's notice. It has taken us months and months of careful study and consideration before we drafted this Bill and came to the conclusion that it should take this particular form.

Rai Bahadur Mr. Mukand Lal Puri : Did you publish it? Did you inform any one else outside the cabinet or make any public statement?

Premier : They will know everything when it is referred to a Select Committee. But even if we decide in this House that the principle which we have put forward in this Bill is correct, is equitable, is required in the

circumstances of the province, then I am sure my honourable friend will agree with me that the question of detail cannot be discussed by public or by the press but by a Select Committee in which people of different points of view, people who are experts, will sit and deliberate and then formulate their proposals and send it back to this House. There can be nobody in a better position than this House after the considered advice of the Select Committee to decide whether it should proceed with the measure or not. How can my honourable friend expect that the Vernacular press in Lahore or perhaps a few papers in Delhi, if they write ideological articles against or in favour of this measure, are going to help in solving any difficulties which we might have with regard to this Bill?

Dr. Sir Gokul Chand Narang : You think that the press is utterly useless?

Premier : The press unfortunately generally represents that very interested section of the population which is affected and which controls the press.

Dr. Sir Gokul Chand Narang : Who controls the Statesman?

Premier : I am not aware who controls the Statesman but perhaps there may be several shareholders from the very class which will be affected by this measure.

Sardar Hari Singh : Who controls the Tribune?

Premier : As I was pointing out, the main point at issue is the principle involved. My honourable friend said that it was the sanctity of the contract and we should not in any way upset that time-honoured rule that the contract should be sacred. I entirely agree with him that there is sanctity of contract. I entirely agree with him; but if my honourable friend will allow me to quote from a speech of my worthy confrère in Madras in 1937, I am sure he will agree with me that the conclusions at which my confrère arrived are almost wholly applicable to the present case here. This is what Mr. C. Rajagopalachariar said when the Madras Agriculturists Relief Bill was being discussed. (*A voice :* Should Madras lead the Punjab?) In this matter it is an honour if they give a lead to the Punjab. Excepting Madras and Punjab you will find everybody is losing their socialistic programme and are coming down, Sardar Sohan Singh Josh on the top of all! (*Laughter.*) (*An honourable member :* What about the United Provinces Tenancy Bill?) My honourable friend knows what the tenants in the United Provinces are doing; the Congress-minded zamindars are counteracting the propaganda of other zamindars. My honourable friend is fully aware that there is a party in the Congress who want to smash, as some people say, the right wing including the Ministry. I was going to quote from the speech of Mr. Rajagopalachariar. This is what he said:—

Then the question to be considered is the sacredness of contract. For the first time, it is said, we are dealing a fatal blow at that and that it will disturb the roots of organised society. Just like religion, the roots of moral obligation wound up in the sacredness of contract, are too dangerous to be touched; do not touch it, do not shake it, society may crumble down. Sir, I am not caricaturing, I am not exaggerating. I submit, Sir, it is a very good argument and a very proper consideration. But I at once proceed to say that I do not wish that we should, by our measure, interfere with the very important roots of the life of society. But it won't do to be afraid to till the ground; it won't do to be afraid of picking the soil in order to give air and nourishment to the roots, merely

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because you may perhaps interfere with this root or that root. We should have not only caution but also a little bit of courage. Now, what is it that this measure proposes to interfere with? That, I submit, is the main consideration rather than that you should swear by a dogma so to say, and say that a contract should not be touched. In another field also, the same question arises, for all reforms, all truths, are one and indivisible. There is not much difference between one and another. Do not retrench, do not reduce the salaries of people—and there also it is sacredness of contract. Quite a good dogma, but not good administration, not courage! Same thing here. Do not interfere with contract, it is said. But then, what have we been doing till now? Have we not made laws very many years ago that interest should not be this and interest should not be that, that even if a man agreed to reduce the rates, the court should be enabled to reopen the whole case, reopen the question of the amount that was borrowed and to say that it allowed so much? That has been done, not by Congress Governments, but by Conservative Governments, not alone by Conservative Governments, but even by Governments of the old order. The Deccan Relief Act, for instance, was passed long before the present kind of Government was conceived, and in that Act you will find the sacredness of contract very roughly handled. There is no such thing as sacredness of contract in that sense here. Of course there is the sacredness of contract which is not put down in legal terms, but written in a more universal language, the language of morality, the language of conscience and the language of the inner feeling of every just man. I want to know this; if a man has borrowed Rs. 100 at a certain rate of interest and if at the end of say fifteen years one finds that the man can by law be compelled to sell his house, horses, cattle and sell himself into prison, so to say, in order that he may repay the contractual obligation which amounts to Rs. 300, the Rs. 100 of borrowed money having become Rs. 300 according to the bond—if that is to be called sacredness of contract not to be touched. Everyone would be willing I think and ready to say that that is not sacredness. That contract is not sacred. What is sacred is something else. Acts have been passed, saying that interest should be charged only at such and such a rate. That may be an interference with the sacredness of contract. And so, the dogma by which some people swear is at an end so far as sacredness of mere contract goes. Therefore, there is something deeper and more true than the mere words of a dogma, which we should describe as something which we should treat as sacred.

“ I submit to the House for acceptance, this principle, that we Indians do consider contracts sacred; but we do not consider interest as sacred.”

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In our country the feeling that taking interest is wrong, that it is bad, is not the feeling of the Mussalman community only. I claim that even the Hindu community considers it bad. There is difference in the emphasis. There may be differences in the quantitative reaction to that feeling. But every Hindu also feels that this is not a good thing. If you went and asked a man how he lived, even if he lent money, he would not say ‘ I live on lending money ’. Even though he is a Hindu, he will give some other occupation; he will say that he is a village munaff. He will not say ‘ I lend money and am living by it. ’ If he had an acre of land and even if he got interest to the extent of Rs. 10,000, he would say ‘ I am a land owner ’ he would not say ‘ I am living by money lending. ’ There is this consciousness even in the Hindu community, which does not swear by its opposition to taking interest. There is the feeling that receiving interest is bad. This is exemplified by the very old usage which has lately gone out of use, namely, that no man should go to court and by a compulsory process recover more than twice the principal which he lends.”

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This is what my confrère in Madras said.

Dr. Sir Gokul Chand Narang : I quite agree, but you are wiping it out.

Premier : We are not. I have taken a great deal of time. I promised to be brief. There are a few observations made by my honourable friend on my right, Raja Sahib. I must confess that I am at a great

disadvantage in meeting his arguments, but I think that he will also, when I have finished, feel that those arguments which he put forward have not been ignored by me and that where it is possible I will be prepared to meet him. His first point was that we are trying to extend the scope of the Land Alienation Act. As you are aware, the Land Alienation Act is a bugbear and a bogey to several people in this province. I should have thought that after all by this time he has reconciled himself with the measure which did not fully achieve what it was intended to achieve, and that he should be prepared for some more effective enactment so as to make the intentions of the original framers of the Act with regard to relief of agriculturists more or less complete, if not fully complete. His objection is merely that we are trying to extend the scope of the Land Alienation Act with retrospective effect. He said that the late Sir Fazl-i-Husain gave an undertaking that we would not extend or allow it to be restricted and that I also endorsed that undertaking. I do not go back on my undertaking that we would not allow the scope of the Act to be extended or allow it to be restricted. I adhere to that promise but it is for my honourable friend opposite to support me in achieving what I have in my view to help the poor agriculturists. If my honourable friend desires deletion of reference to the Land Alienation Act in this Bill, I am perfectly prepared to meet with his wishes. The reason why the Land Alienation Act is mentioned is that we wanted to define the class of people who will be affected by this Bill and not to extend the scope of the Land Alienation Act. The simplest way, from my point of view, was to refer to the Land Alienation Act to define the classes of persons whom we had in view. But if my honourable friend, the Raja Sahib, takes objection to the use of the words "Land Alienation Act," we can redraft these clauses in the select committee without mentioning the name of the Land Alienation Act.

Dr. Sir Gokul Chand Narang : All mortgages whether by X, Y or Z.

Premier : My honourable friend says all mortgages whether by X, Y or Z. Now I am glad that he has at least to that extent accepted the principle.

Dr. Sir Gokul Chand Narang : No, I do not agree with it. I am not concerned personally. I have no mortgages, but to be consistent, you have to do it.

Premier : I am sorry I am greatly disillusioned. I thought that by reasoning I had converted my honourable friend to the extent that he accepted the principle, and by further reasoning I hoped to satisfy him that the principle underlying this Bill was equitable, and I was going to extend my hand and meet him half way, but he has not allowed me to give a reply to his offer. However, that is neither here nor there. The main question, as I said, is of the principle and we all accept it. Then there is the question of detail. If my honourable friends are anxious that all persons (agriculturists as well as non-agriculturists) should be brought within the purview of the Act, why not say so? Courageously say that you accept the principle and are prepared to support us, provided it envelops everybody concerned whether he is agriculturist or not. (A voice : We on this side accept your offer.) Here and also outside. I was saying that if the principle is

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accepted, I for myself would probably be prepared to go even further than what they expect. If we accept the principle, as I hope, the majority of this House will accept, then the question of detail can be discussed in the Select Committee and if the Select Committee comes to the conclusion that we should include the agriculturists and the non-agriculturists, between the years 1878 and 1900, the House will be free to consider the proposals of the Select Committee.

My honourable friend, the Raja Sanib, said that this was a measure which brought discrimination between classes. I have already given an answer to that question. If in the Select Committee they decide that both agriculturists and non-agriculturists should be included, I for one will have no objection in meeting that point. But let me assure him that the measure, even as it stands, is not a class measure, because it is going to benefit 15 millions Punjabi agriculturists or their relations, of whom 83 per cent. are Hindus, 13 per cent. Sikhs and about 50 per cent. Muslims. So it is going to benefit non-Muslims as much as Muslims. My honourable friend, Mr. Mukand Lal Puri raised that communal bogey. I would remind him that it is going to benefit non-Muslims as much as any other section of the population. That is the position. So it is not a class or communal measure. It is going to affect all communities and all classes equally. (A voice: On the lines of communal award.) Yes, which the Congress has accepted.

Then again, my honourable friend, the Raja Sahib, I think, has every reason to say that we promised in our address to the Viceroy and also in our speeches on the platform, in our creed and in our programme that there would be an equal distribution of burden of taxation between rich and poor and between all classes, whether agriculturists or non-agriculturists. Let me assure him that we would not forget our promises and we do not intend to go back on our promises. My honourable friend, the Raja Sahib, is aware that the whole question hinges on the report of the Darling Committee. That report is complete and it is now in the press. As soon as it is available to us, I can assure him that we would go through it very sympathetically with a view to lighten the burden of smaller peasants, and if it is necessary to add to the burden of bigger zamindars, I will not hesitate a minute to take that action. I am sure my big zamindar friends, who stand by me, will not grudge bearing this burden. Honourable members are aware that as a Revenue Member, I have always been a supporter of such measures and it was my pet hobby as to how to introduce sliding scale or to give further relief in the form of remission and relief in water rates. The result was that we have given relief not only of some lakhs, but to the extent of several crores, because we have always considered how to give relief to the poor people. My honourable friend must be aware that so far as the Punjab is concerned, what he understands by big landholders or what is understood by big landholders in other provinces will not apply here. He will find that there are only 18 persons in this province who pay more than Ra. 10,000 annual land revenue; while in the United Provinces what is the proportion? There, as my honourable friends opposite are aware, in the Congress Party alone, which is a party of the poor people, there are 3 persons who pay Ra. 30,000 annual land revenue. That is where and how we differ from other provinces. That is the position. My honourable friends are also aware

that in the Punjab, there are only about 3,000 persons who pay more than Rs. 500 land revenue, which means that converted into cash according to our settlement rules and regulations, they have got an income of about Rs. 2,000 a year. Can you in equity and justice place any further burden on those people whose income is Rs. 2,000 a year? Then if you go further up, the income of people who pay Rs. 1,000 land revenue should be Rs. 4,000 a year. How many are they? They are only between 700 and 900. Would it be justified to place an undue burden on those people? My friend, the Raja Sahib, concedes that point. But the real position is that we have to place that burden on somebody in order to give relief to our poor brethren. How are we to do that? If necessary, even I who am not a big landlord, but a small owner of land whose income does not justify any further burden, even I am prepared, if necessary, to set an example myself by assessing myself to an additional burden in order to give relief to the poor. But that will not go very far. It would not bring in more than four or five thousand to help the poor.

My honourable friend was very solicitous of the poor tenants and there also in the United Provinces they were very solicitous of the poor tenants. But when the actual explosion comes, my honourable friend will be nowhere; when that hour of national call comes there will be only Sardar Sohan Singh Josh and myself to help those people. (*Interruption.*) Taking land from the rich and dividing it among the poor, that is the kind of socialism which you preach. That is not my socialism. It is obvious from what I have stated that we will have to find other sources of revenue to give adequate relief to the poor peasants. I have told what the position of the agriculturists is. Naturally those who are not agriculturists and earn from other sources and have a margin of taxation will have to be burdened so as to make the burden equitable.

Dr. Sir Gokul Chand Narang: Are there no poor among the non-agriculturists?

Premier: There are and we will see that they are not burdened with any additional taxation. It is only the rich who will be burdened and they should be prepared to bear the burden.

My honourable friend, the Raja Sahib, and several other speakers also said that if we accept the principle of the present Bill we might as well accept the principle of cancellation of all contracts and sales. I may submit that there is a vast difference between mortgage and sale. Sale is a definite act complete in itself. It is clear that even the Land Alienation Act did not re-open the question of sales. Why then should the honourable member be afraid of that question being opened? It is to avoid such state of affairs or revolutionary changes that we want to bring in these evolutionary measures which from the point of view of the other side may be inequitable, but from our point of view are justified. The fact remains that these mortgages have been in possession of these lands for several decades and they have benefited from those lands while many of the owners of those lands are only nominally owners of land and are really landless. They are landless people and do not get even one meal a day.

Dr. Sir Gokul Chand Narang: There are many mortgagees whose only source of livelihood is the mortgaged land. There are even widows of that sort.

Premier : My honourable friend says that there are even widows of that sort. I may point out that a person who purchased a mortgage for Rs. 500 and has by now earned several thousands deserves no sympathy. Besides the widow is also going to get some compensation if she has not already benefited enough. So, that need not worry the honourable members. Let me assure my friend the Raja Sahib that I am not behind anybody else in recognising the sanctity of contracts subject to the opinion of my confrère in Madras with whom I entirely agree. It seems to me that except for the language, which is of course more refined than mine, he has exactly depicted my own view in his speech. Raja Sahib said, "What is the guarantee that if the distinction between agriculturists and non-agriculturists is removed by the select committee, this House will be prepared to accept it?" That, I submit, is a very uncharitable remark. While I am prepared to concede that it is open to the House to throw out the recommendations of the select committee, I submit that the select committee is representative of this House and includes experienced administrators so that if it comes to any conclusion this House which is reflected in the select committee is most likely to endorse the view of the select committee.

Dr. Sir Gokul Chand Narang : Why not withdraw this Bill and re-draft a better one?

Premier : That would involve waste of time.

Dr. Sir Gokul Chand Narang : Are you prepared to draft the clause so as to cover all classes and for all time?

Premier : The Bill applies to mortgages which were made between 1878 and 1900, and so far as I am personally concerned I am quite willing to extend it to all classes during that period.

Dr. Sir Gokul Chand Narang : I said all times, up to date.

Diwan Bahadur Raja Narendra Nath : Sixty years makes a mortgagee a proprietor.

Dr. Sir Gokul Chand Narang : What I mean is that there should be no distinction between a mortgage effected before 1901 and the mortgage effected after 1901.

Premier : The honourable member is a learned lawyer and he must know that there are no mortgages after 1901 which are contrary to the Land Alienation Act.

Now, there is one provision in this Bill which the Raja Sahib said was not quite clear, that is, the provision with regard to the application of principle of *damdapat*. If the wording of that clause is not clear, Raja Sahib is at perfect liberty to press for its being made clear, so that the principle of *damdapat* is clearly and definitely stated in the provision. I am prepared to fully support him on that point. If there is any ambiguity in the law on that point I will certainly ask the member-in-charge of the Bill to right the law and remove the doubt.

I am afraid I have not exhausted all the points, but I have exhausted myself, and so I will conclude my speech after making one more observation and that is with regard to the drafting of the Bill. My honourable friend, Dr. Narang, asked, what is the *raison d'être* of this Bill? The *raison*

d'être of this Bill is that it seeks to restore land to those people who are landless, who are dying of hunger, who have got no other means of livelihood. This Bill seeks to restore to them their own property which had gone out of their hands, property from which other people have benefited not for one decade but for several decades. (*An honourable member*: Not for nothing.) I have already told my honourable friend that according to my computation there is not likely to be a single instance of a mortgage where less than 800 per cent. interest in addition to the capital has been earned by the mortgagees. There would be a very large majority of cases where 800 per cent. must have been earned by the mortgagees. What this Bill proposes to do is to restore to the mortgagors their own land so that they may earn an honest living on their land and not be a menace to the province and to my honourable friend and to people of his point of view or of his class who have got wealth. We want to avoid that clash which I am sure would be much more dangerous to the interests of his class than any measure of this kind, which is not inequitable. I am satisfied that a measure of this kind is much better than allowing those people to cause bloodshed which would have been the result if the Land Alienation Act had not been enacted in 1901. I am sure there will be bloodshed if we do not pay heed to the needs of these poor landless people who in name are owners of land but in reality do not derive any benefit from their land.

I want to restore the lands to them and at the same time I want to restore that honesty which I said had been taken away from the people of his class which during the British advent took advantage of the shelter of the British-made laws and not only shed their honesty but also their conscience and everything else, with a view to amass wealth at the expense of their brethren. That is the *raison d'être* and I hope every one in this House will support me not only in getting the Bill through quickly, but will also meet my friend Raja Sahib here, so that anybody could see that it is not a differential treatment in favour of one class and we are not making any distinction between the communities.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Mr. Speaker, I rise to support the amendment so ably moved by my honourable friend Rai Bahadur Mr. Mukand Lal Puri. After all what is the amendment? It is a very simple and sane request that the Bill of such a far-reaching character be circulated for eliciting public opinion by a certain fixed date. That is all what the amendment says. I have not been able to understand why this simple request should be taken objection to by anybody, much less by the present Government which professes to represent all communities including the poor, miserable and much abused non-agriculturist. It cannot be denied that the Bill is of a very far reaching character, that some of its provisions are of a very drastic nature. What the Bill seeks to do is to set at naught most of the mortgages that were lawfully and legally entered into prior to 1901 when this Land Alienation Act was never thought of. Those poor, simple folk at the time of making advances on mortgages never thought that 50 years hence a Ministry professing to represent all the classes will come forward to set at naught all those mortgages. The Premier has been pleased to say that he seeks to restore lands to these landless people. I do put it to him in all sincerity and with all respect as to where is the guarantee that people who were poor 60 years ago are poor to-day? (*Hear,*

[S. S. Santokh Singh].

hear). We all know that every 20 or 30 years things revolutionise. One who is rich to-day becomes poor ten years hence and we know of many instances where people who were poor 30 years ago and earned only Rs. 10 or 15 a month are to-day rolling in lakhs. Where is the guarantee that people who were poor 50 years ago, people who had borrowed then, are in the same poor condition to-day? Where is the guarantee that the mortgagee who may be in a very affluent condition then is in the same condition to-day? Perhaps he is poorer than the mortgagor himself. As my honourable friend, Dr. Sir Gokul Chand Narang has pointed out, some of the mortgagees have that mortgaged property alone, as their sole means of subsistence to-day. It may be that their forefathers 50 years ago lent perhaps all that they had, Rs. 500 or Rs. 1,000, on a mortgage. The deal after the mortgaged time may have been and was so unprofitable that the mortgagor within all this period never found it paying to have it redeemed. Things went on like this, both sides thinking as if they were virtual sales for all practical purposes. Now by passing this legislation you simply make up old sores awaken people from their slumbers, and encourage litigation, which nobody thought of, as the poor and rich will all claim the lands which their forefathers had mortgaged under circumstances which do not exist to-day. That is the position that has got to be guarded. But then without going into the merits I have not been able to understand why the Government should feel shy of circulating the Bill. It is a very simple process. It cannot be denied that this Bill, if enacted into law, will hit hard, hit very badly, most of the mortgagees whose numbers may be thousands, if not lakhs. You want to send them to the gallows without giving them even the opportunity of pondering over the situation with which they are confronted. Let them know exactly what you are after. Put them in a position to represent matters to you. Let their grievances be known to you through proper channels. That is the only proper thing which in my opinion any government which cares for its name, if for nothing else, should do. I am sorry that this elementary thing even is being denied and that all possible haste is being employed to rush this measure through, in this session. The Honourable Premier has been pleased to tell us that this Bill is not the result of a very hurried consultation. It may be so, as far as the Government is concerned. But the man in the street never had an inkling, never knew what was being done behind the scenes. The poor mortgagees never knew that their fate was to be one fine morning sealed by restoring to the mortgagors the lands which their forefathers had lawfully, and in a perfectly legal manner, taken on mortgage according to the laws of the land, at what the mortgagor might have then considered an advantageous bargain. The mortgage may be for a large or a small amount. The poor mortgagee never knew that 50 years hence he or his successors were to be deprived of the property that he had lawfully taken on mortgage. It comes then to this, that the sins of grand-fathers are going to be visited on the grand-children. If this is justice, Sir, I do not know what injustice will be.

Another thing is that the judiciary is going to be replaced, as my friends who preceded me have pointed out, in the matter of determination of these disputes, by executive machinery. It is an irony of fate that whilst the Congress has all throughout been fighting for the separation of executive-

and judicial functions; some of the members sitting on the opposition Congress benches to-day, if I rightly understand the situation, will make themselves responsible, for the substitution of judicial authority by executive if this Bill was enacted into law. This is a sad irony of fate indeed. The Premier has been pleased to tell us that it is a handful of people who do money-lending and that he was here to correct some of the vagaries committed by the past bureaucratic government who turned honest money-lenders into dishonest money-lenders. (*An honourable member*: With whose help?) This is no concern of mine. If the measures of the past bureaucratic Government have brought about the present situation, I wonder, Sir, where will the present measure lead us to. It may probably succeed in exterminating this class of people from this province. We are going to deprive them of their livelihood. It is not however the fact that mortgages of 40 or 50 years ago are going to be wiped out that troubles us, but the pernicious principle that underlies this legislation will leave no confidence in the present and future Governments of the Province. The agriculturists who are not touched by the present legislation may find 10 or 20 years hence that another Ministry might come into power which may similarly wipe out all the deals that they are entering into to-day. It is confidence on which all governments live and it should be our first and foremost concern to see that this confidence is not shaken. People at large, the man in the street, should have complete confidence in the sense of justice of the government, be it a Congress government, or the Unionist government or any other government, and nothing should be done to shake that confidence by undertaking this class legislation. The Land Alienation Act has been in force for the last 38 years and nobody ever thought within these 38 years to extend its scope. Men in the confidence of the Government may perhaps know better about this although my honourable friend Sir Gokul Chand Narang tells me that he even did not know that there was ever any intention of extending the scope of that Act, and this Bill, Sir, a measure of such a revolutionary character which seeks to wipe out mortgages amounting to lakhs if not crores of rupees, is being rushed through without any publicity and without an opportunity being given to the people hit hard by it to explain themselves. Even a murderer, if he has no money to engage a counsel is given a counsel at Government expense. An appeal is provided for him and a second appeal also to the High Court, but we are going to deprive these thousands and lakhs of people of their very means of subsistence, we are going to legislate that the properties which were in their lawful possession for the last 50 or 60 years will not be allowed to remain any more in their possession simply because it pleases us to pass this legislation and that without giving them even an opportunity to make any representations. The Honourable Premier was also pleased to remark that he was making the process very simple. He was going to divest the civil courts of all the powers in this matter and placing the whole thing in the hands of the deputy commissioners and the commissioners. The Ministry might have as well spared the deputy commissioners and commissioners from this botheration and taken the entire power in its own hands.

7 P.M.

With these words I support the motion for circulation. (*Cheers*.)

Dr. Gopi Chand Bhargava (Lahore City, General, Urban): I am glad to-day to hear it falling from the lips of the Premier that the deplorable condition of our province is due to the actions of the late bureaucratic Government of which he was a member for a number of years (*Hear, hear from the Opposition*). I am also glad that he is determined to undo what the old bureaucratic Government did and thus to help and improve the condition of this province (*Hear, hear from the Opposition*). We are told that this Bill has been brought before us to improve the condition of the poor agriculturist, the condition of the man who has been living on agriculture and who is now landless and cannot support himself because he has got nothing to do and has no land to till. But if we look at the Bill do we find that what they say is going to be done? This Bill is only restricted to the restitution of mortgages of the agriculturists from the hands of the non-agriculturists. I think you would agree and the House would agree that the agriculturist money-lender is a worse Shylock than the non-agriculturist (*Opposition cheers*).

Premier : I agree.

Dr. Gopi Chand Bhargava: Has then any effort been made to relieve the poor tiller of the soil from the worse Shylock, the agriculturist money-lender? If we look at the figures available to us, we find that it is only 20 per cent. of the total area that is mortgaged to the non-agriculturist and 80 per cent. is mortgaged to the agriculturist money-lender. Has any effort been made to release this area? These are the figures which I have taken from Government reports on Land Revenue Administration for the year 1936. You will further find that there are mortgages by others in favour of agriculturists. Have they taken any step to relieve that tiller of the soil who was not born in an agriculturist family but who is living on the produce of his land? Is he not poor, does he not suffer from the same disabilities as a man born in a zamindar family? You are prepared to help the rich landholder but you are not prepared to help that poor tiller of the soil who lives on land as a real agriculturist, but who is not born in an agriculturist family. Whom do you help by this Bill? The Honourable Premier has been quoting from the speech of Shriyut Rajagopalachariar made by him while moving the Madras Agriculturist Relief Bill from the proceedings of the Madras Assembly. What did he say? Whom does that Act benefit? I have with me a small abstract from the proceedings on the Act which is in force from the 2nd March, 1938. Whom does this Act benefit? I would like to inform the House and will invite the attention of the Premier to it. It says that every person with a saleable interest in any agricultural land not situated within a municipality or cantonment is entitled to the benefits of that Act. Persons holding land as *rayats* or tenants under zamindars and inamdars are also entitled to the relief provided, so are persons who hold any interest in land in Malabar. Lessees and sub-lessees are also benefited by the provisions of that Act. Large zamindars, *janmis* and *inamdars* have however been excluded from the benefits of this Act (*Opposition cheers*). Are you excluding these big land-holders from the benefits of this Bill?

Premier : I have told him that there are very few big landholders in the Punjab.

Dr. Gopi Chand Bhargava: I admit the Premier has said many things and also that he really wants to give relief to the poor, but if he believes

like it, why did he not act like it? Why did he not bring a Bill before us and say that all this was only to benefit the poor, the tiller of the soil—whether he is born in an agriculturist family or in a non-agriculturist family. He has not brought that Bill. You will have to change every section of the Act. Why do you bring this Bill before this House in such a hurry—a thing which does not indicate your mind?

Premier : The cat is peeping out of the bag.

Dr. Gopi Chand Bhargava: You will see whether it is out of the bag or we will catch you when you will bring the Report of the Select Committee. Further on it is said—

“ A landholder of an estate who pays more than 500 rupees as *peishkar*, a *Jammi* who pays more than that sum as land revenue and an *Isardar* who pays more than 100 rupees as quit-rent or *jodi*, will not be entitled to the benefit of the Act. *Ryotwari* *patidars* will, however, derive the benefit irrespective of the amount of land revenue paid by them. Even an agriculturist who has been declared insolvent will get the benefits of this Act if his property has not been already sold and payment made to his creditors out of the sale-proceeds.

herefore, this Act aims at helping the really poor men. He has been, quoting to us instances from Madras where there is no Land Alienation Act, where the tiller of the soil is counted as an agriculturist and when it is for the relief of the agriculturist, it is for the relief of the tiller of the soil and not for bigger landlord. They say at the top of their voices that they are the defenders of the interests of the zamindars. If the agriculturist is not going to get his land redeemed from an agriculturist money-lender what will be the result? If he does not get it redeemed from a non-agriculturist money-lender it is said that after sixty years he loses the right of possession of the property. You can make a law that he shall not lose that right and he shall remain proprietor of the soil for all time to come. But if the land is not redeemed from the hands of an agriculturist money-lender, then this agriculturist money-lender becomes the proprietor of the soil because he can have it sold and can buy in the market. Therefore, a Government who would be desirous, who would be anxious, who would be prepared to make every sacrifice for the help of the poor would not bring in such an Act as is brought before us. In spite of all this we do not want to stand in the way of the Government discussing this resolution in their Select Committee. It is for them, it is for the Ministerial Party to decide whether they want to publish it or not. We are ready with our proposals (*loud applause*). We shall make them before the Select Committee and show that our proposals are for the real good of the poor. (*Loud applause*). I shall be prepared to give relief to the poor tiller of the soil not to-morrow but to-day (*Loud applause*). I would not, by this means, by bringing such a Bill before us, only try to increase my own land and become a big zamindar and say that it is in the interest of the poor zamindar. Now, how is that man going to get relief? He will get the land and he will have to pay land revenue. For that purpose he will mortgage it with an agriculturist and thus pay the arrears of land revenue which he has to pay. Therefore, it is no relief unless and until the Government is prepared to remit the whole of the arrears of the *taqavi* loan and every other thing which is standing as a balance against the poor tiller of the soil. (*Loud applause*). When representatives of my party go to the Select Committee they will move and insist that no relief is given to that big landholder who took money from a big money-lender and spent

[Dr. Gopi Chand Bhargava.]

it on luxuries, on Rolls-Royce cars, who took debt and spent money like water because probably he believed that his land could not be mortgaged, money could not be taken back and therefore there was no harm in spending money and taking loan after loan. I am not prepared and my friends will not be prepared to agree to any proposal that would give relief to big zamindars. We shall only be prepared to give relief to the poor tillers of the soil and shall try to give as much relief as possible. We shall try to relieve the poor zamindar of all the debt that he has to pay. If I had the power I would declare a moratorium (*Hear hear*). If I had the power, if I had the reins of the government in my hands, I would go and get money from the big people as loan and pay to the creditors the actual sum which they have lent—the sum, which they deserve—after conciliation but not charge the poor landholder who lives on the soil and owns only an economical holding.

Premier : Will my honourable friend define a big landholder. It will make our task easier. (*Voices from Opposition benches : All Tiwanas and Daulatanas. The class sitting behind you.*)

Dr. Gopi Chand Bhargava : Sir, a question has been put and I invite your attention to only one figure and that is this. In the year 1936—the year ending 15th June 1936—102,798 acres of land were mortgaged by the agriculturists to the non-agriculturists and out of this 102,798 acres about sixty thousand acres was mortgaged by residents of the Multan division and six thousand acres by residents of Shahpur Division. The Honourable Premier referred to Hissar district. Let us see what the condition in Hissar district is. He means to relieve the poor people in Hissar district though he has not been able to supply them with water so far, but let us see what relief he is prepared to give by way of this Act. It was only 3,587 acres of land which was mortgaged by the agriculturists to the non-agriculturists.

Premier : Six hundred families can live on that land.

Dr. Gopi Chand Bhargava : Over twenty thousand acres of land was mortgaged by the agriculturist to the agriculturist money-lender. What relief is there to the poor tiller of the soil? He wants to increase and establish Tiwanas and Maliks in Hissar district as well. I want to make my position and the position of my party quite clear. Let the Government decide amongst themselves, its members of the Ministerial Party who have raised the voice, who have moved this motion; that the Bill be circulated for opinion. Let them decide amongst themselves. We are prepared to co-operate with the Government, rather go to the extent of forcing the Government to help the poor as far as possible. (*Loud cheers*). (*Voices from Opposition benches : The cat is in the bag.*)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That the Punjab Restitution of Mortgaged Lands Bill be circulated for eliciting public opinion thereon by the 15th January, 1933.

The Assembly divided : Ayes 11, Noes 85.

AYES.

Balbir Singh, Rao Bahadur Captain Rao.
 Binda Saran, Rai Bahadur.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur, Lala.
 Mukand Lal Puri, Rai Bahadur Mr.

Narendra Nath, Diwan Bahadur Raja.
 Santokh Singh, Sardar Sahib Sardar.
 Sita Ram, Lala.
 Sohan Lal, Rai Sahib Lala.
 Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Afzaali Hasmi, Sayed.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar-Mohy-ud-Din Qadri, Mian.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasanndha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazel Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Maulvi.
 Ghulam Rasul, Chaudhri.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.

Hans Raj, Bhagat.
 Hari Chand, Rai.
 Het Ram, Rai Sahib Chaudhri.
 Jetar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Khizer Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Meqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayad.
 Muhammad Abdul Bahman Khan, Chaudhri.
 Muhammad Akram Khan, Khan Bahadur, Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Sardar.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan Sahib Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusef Khan, Khan.
 Mustaq Ahmad Gramani, Khan Bahadur Mian.
 Muzaffer Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Raja.

Nawasiah Ali Shah.
 Nur Ahmad Khan, Khan Sahib
 Mian.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat, Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Khan.

Sham Lal, Rai Bahadur Chaudhri.
 Sikandar Hyat-Khan, The Honour
 able Major Sir.
 Singha, Mr. S. P.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Hon-
 ourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): I am placed at a great disadvantage because there is no light now and I am therefore deprived of saying a few things from the papers which I have got before me. Dr. Gokul Chand Narang depicted me as a dummy in this House. I must protest against that. I assert that I am responsible for this Bill and I assume full responsibility for it. (*Hear, hear*). (*An honourable member*: It is joint responsibility). Yes. The Bill was considered by the whole cabinet which decided to put it before the House. (*Interruption*). I am not going to submit to any interruption. (*An honourable member*: Will the Honourable Minister please say when the cabinet considered this Bill, a week ago or a month ago?) I am not going to let out the secrets of the cabinet. (*An honourable member*: When did the Honourable Minister read the Bill for the first time?) I may inform the honourable member that this Bill was drafted under my instructions. (*Hear, hear*). I am not a lawyer to draft the Bill myself. After all the Bill has to be drafted by the Legislative Department of the Government. The principles of the Bill were discussed in the cabinet meeting. (*An honourable member*: The honourable Minister has not answered my question. When did he read the Bill for the first time?) There is no question of reading the Bill so far as I am concerned.

(*At this stage one honourable member suggested the adjournment of the Assembly in view of the failure of the electric lights*).

Mr. Speaker: Does the Honourable Minister insist on exercising his right of reply?

Minister: I shall finish in two minutes.

Mr. Speaker: Does the Honourable Minister consider it necessary to give a reply?

Minister: Yes, Sir. It is very necessary. I shall finish after citing two instances to justify a measure like this. The first case is one where one had mortgaged a registered deed of 202 kanals 19 marlas and 21.26 acres of land to one Nihal Singh on 6th January 1898 for Rs. 500. The condition stipulated in the deed was that the land would not be redeemed before the expiry of fifty years from the date of execution of the deed. This period will expire on the 5th January 1948. The mortgaged price of the land comes to Rs. 24 per acre which is a ridiculously low price and but for the

stipulation of the period of redemption, the land would have been redeemed long ago. The average cash rent is Rs. 9-1-8 per acre which works out to about 39 per cent. of the entire mortgage amount. That is to say in fifty years the mortgagee will have recovered over 19 times the mortgage money. Again the average price of land in that village is Rs. 462-10-0 per acre. By selling a little over an acre of land the mortgagor can redeem the remaining about 20 acres, but he is precluded from doing so by the stipulation I have already referred to. Therefore the necessity for fixing a reasonable statutory time limit in such cases is obvious.

Now, I will take up the second case, where one person stated that he had mortgaged the whole of his land to his creditors and that nothing was left for his subsistence and that he was working as a tenant and earning his livelihood. On enquiry the statement made by him has been found to be true. Only 2 kanals and 16 *marlas* which is *gairmumkin*, unculturable, is free. The rest, about 153 canals has been mortgaged, but this is done on his own free will and not under the orders of a court. This is the sort of thing that we are providing for in this Bill.

It is said that there are two lakhs of acres which are mortgaged to agriculturists and only about one lakh to non-agriculturists. I may tell my honourable friends for their information that out of this area, if it is correct at all, 42,000 acres are in Lyallpur, Jhang and Multan where irrigation facilities have been extended and where the price is fairly high. Even then the Bill provides for compensation to be given. (*Interruption*). Even Rs. 3 an acre means Rs. 90 per acre if it is 30 times and for a rectangle it comes to Rs. 2,500. Is that a small amount as compensation to a man who is found to be deserving of compensation? This is the state of affairs that has necessitated the introduction of this Bill and with all the sympathy that I have got for my friends, what is the sympathy that I find they are receiving from the opposition benches? Speeches have been made to-day. But when the actual time for voting comes my friends go to the other lobby or sit on their benches. This shows that they have not got the courage of their conviction to show to the people that they are really anxious to help the poor samindars whose interests they profess to safeguard.

Mr. Speaker : The question is—

That the Punjab Restitution of Mortgaged Lands Bill be referred to a select committee consisting of the following with instructions to report on or about the 27th June, 1938 :—

The Honourable Minister for Development—

Sardar Hari Singh,

Chaudhri Muhammad Hassan,

Khan Bahadur Chaudhri Riasat Ali,

Sayed Mubarak Ali Shah,

Diwan Bahadur Raja Narendra Nath,

Rai Bahadur Mr. Mukand Lal Puri,

Rai Bahadur Binda Saran.

Mr. S. P. Singha,

Fir Akbar Ali,

Sardar Jogindar Singh Man,

Khan Muhammad Yusuf Khan,

Malik Barkat Ali,

Raja Ghazanfar Ali Khan,

Advocate-General,

Nominee of the Honourable Speaker,

Mover.

and that the quorum be seven.

The Assembly divided : Ayes 103, Noes 11—

AYES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Bab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ajit Singh, Sardar.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Baldev Singh, Sardar.
 Chanan Singh, Sardar.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar Major Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazi Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Maulvi.
 Ghulam Basul, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.

Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Jogindar Singh Man, Sardar.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Kishan Singh, Sardar.
 Lal Singh, Sardar.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mr.
 Mubarik Ali Shah, Sayed.
 Muhammad Abdul Rahman Khan, Chaudhri.
 Muhammad Akram Khan, Khan Bahadur, Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan, Chaudhri.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Sardar.
 Muhammad Saadat Ali Khan, Khan Sahib Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfras Khan, Chaudhri.
 Muhammad Sarfras Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mula Singh, Sardar.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.

Nasrullah Khan, Rans.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nur Ahmad Khan, Khan Sahib
 Mian.
 Partab Singh, Sardar.
 Pritam Singh Siddhu, Sardar.
 Raghbir Kaur, Shrinati.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Rur Singh, Sardar.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Sahib Ram, Chaudhri.
 Shahadat Khan, Khan Sahib Rai.

Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Khan.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Mr. S. P.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.
 Sumer Singh, Chaudhri.
 Sunder Singh Majithia, The Honour-
 able Dr. Sir.
 Sursaj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur, Sar-
 dar.

NOES.

Balbir Singh, Rao Bahadur Captain
 Rao.
 Binda Saran, Rai Bahadur.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur, Lala.
 Mukand Lal Puri, Rai Bahadur Mr.

Narendra Nath, Diwan Bahadur
 Raja.
 Prem Singh, Mahant.
 Santokh Singh, Sardar Sahib Sardar.
 Sita Ram, Lala.
 Sohan Lal, Rai Sahib Lala.
 Uttam Singh Dugal, Sardar.

PANEL OF CHAIRMEN.

Mr. Speaker : I nominate the following members to form the Panel of Chairmen—

Nawab Khan Shah Nawaz Khan.
 Lala Bhim Sen Sachar.
 Mr. S. P. Singha.
 Sayed Afzaalali Hasnia.

THE PUNJAB REGISTRATION OF MONEY-LENDERS BILL.

Premier : I myself am mindful of the fact that the House has been very indulgent and I am afraid I am responsible for keeping it up to this late hour. I propose to make the first motion, i. e., to introduce the Bill; the second motion regarding reference to the select committee will be postponed till to-morrow. Sir, I beg to introduce the Punjab Registration of Money-lenders Bill.

Mr. Speaker : What about the adjournment motion? Will you take it up to-morrow?

Minister of Revenue : I am afraid it will not be possible to take it up to-morrow as there is a select committee meeting. Let us sit and take up the adjournment motion this evening.

Mr. Speaker : The practice in the House of Commons is that select committee meetings go on even if the House is sitting.

Premier : But I am prepared to go on now.

Mr. Speaker : Should we take up the adjournment motion to-morrow from 10-30 to 12-30 ?

Premier : We have to do several other things to-morrow morning. We can go on now.

Mr. Speaker : The House is adjourned now and will meet at 2-30 p.m. to-morrow ; the adjournment motion will be taken up after the question hour.

Shri

LAHORE

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 24th June, 1938.

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

STARRED QUESTIONS AND ANSWERS.

CANAL *Moghas* IN DISTRICT LYALLPUR.

***2767. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether the authorities have received any representation against the reduction in the size of the canal *moghas* in district Lyallpur ; if so, the action taken or proposed to be taken by the Government in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : 1. Yes.

2. A copy of the *communiqué* issued by Government is placed on the table of the House.

Sardar Hari Singh : May I ask the Honourable Minister for Revenue to kindly state whether a meeting was held between the canal authorities and the representatives of *kisans* to settle the points at issue ?

Mr. Speaker : How does it arise from the answer given ?

Sardar Hari Singh : The question is regarding a certain dispute between canal authorities and zamindars of certain villages of Lyallpur district. I want to know from the Honourable Minister whether there was any meeting to settle the issue.

Mr. Speaker : The question is—

"Whether the authorities have received any representation against the reduction in the size of the canal *moghas* in district Lyallpur; if so, the action taken or proposed to be taken by the Government"

Sardar Hari Singh : That representation may be sent by post or may also be made by representatives of *kisans* waiting in person upon Canal authorities. I want to know whether a meeting was held.

Mr. Speaker : What for ?

Sardar Hari Singh : To settle the dispute.

Mr. Speaker : The question is whether a representation was made and if so, what action was taken ?

Sardar Hari Singh : The contents of the representation contain certain demands.

Mr. Speaker : Then the honourable member should give notice of that question. If he asks the Honourable Minister, he also might say that he requires notice. What is the use of wasting the time of the House ?

Sardar Hari Singh : Let him say so. I want to know from the Honourable Minister whether a meeting did take place.

Minister : First the supplementary question should be allowed by the Honourable Speaker.

COMMUNIQUE.

Agitation against the reduction of outlets on the Lower Chenab Canal.

The Punjab Government has always maintained a policy of fair and equitable distribution of canal water to every cultivator and where it has been found that the discharges of outlets particularly at the tails of channels are short, it has taken steps to make good this shortage. The Janiwala Distributary and Amirwala Minor on which the cultivators have closed some outlets have silted up as a result of which a number of outlets draw excess discharges and had to be reduced but not to a great extent. Without this reduction, the tail reaches of those two channels would have been short of the authorised supply and the cultivators could not cultivate or mature their permissible area. This is a condition that Government must, in the interests of all irrigators, set right. The cultivators on some of the outlets on this Distributary, misled by the advice of interested parties, have recently closed their outlets and ceased to use canal water in the hope that by so doing the authorities would feel compelled to restore the sizes of their outlets to what they were before adjustment. It is significant that these agitators hold no land on the above distributary and one is inclined to believe that the real interests of the cultivators are subordinated to political considerations and poor zamindars are being used as a pawn in this game of politics.

Government has no intention of yielding to this pressure which would be a complete negation of its policy to distribute water equitably to all irrigators according to their authorised *haq*. At the same time orders have been issued that where complaints are received they should be immediately investigated and if after inquiry it is found that the discharge of any outlet is short of its authorised discharges and the cultivators have not got their *haq*, the outlet will be increased at once. All concerned are assured that *bona fide* complaints would be inquired into without delay and any shortage in the *haq* of the cultivators would immediately be made good.

POLITICAL PRISONERS RELEASED BY PUNJAB GOVERNMENT.

*2768. **Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) the number and the names of political prisoners released by the Punjab Government, since 1st April last ;
- (b) the dates when their release was normally due and the actual dates of their release ;
- (c) the total number of political prisoners including those convicted of violence, still in jail ?

The Honourable Mr. Manohar Lal : The exact import of the term of "political prisoners" as employed by the honourable member is not understood and hence the information required by him cannot be collected. But the statement placed on the table shows some of the releases made by Government since April 1st, 1937. As regards prisoners still in jail, if the honourable member will indicate particular cases in the section of the act concerned, efforts will be made to collect information.

Sardar Sahib Sardar Santokh Singh : Will the Honourable Premier be pleased to state whether it is contemplated to release Sardar Kharak Singh before the expiry of his term and if so, when ?

Premier : I am in a position to state that he will be released shortly within a week, I hope.

Lala Deshbandhu Gupta: Will the Honourable Minister for Finance be pleased to state whether Government has been able to define the term "political prisoner" in some manner during all these months or do they propose to do so now, so that the difficulty as to its definition may not arise from day to day?

Minister: The Government has not defined the term.

Lala Deshbandhu Gupta: What do Government mean by "political prisoners"?

Mr. Speaker: This question has been asked several times before without any result.

Minister: In the statement that I have laid on the table, I have given facts with regard to Babar Akali prisoners, Ahmedgarh Dacoity Case prisoners, Kenari Bazar Dacoity Case prisoners and prisoners convicted under the Arms Act, for the sake of supplying as much information as I possibly could. The honourable member is welcome to derive his own inference.

Lala Deshbandhu Gupta: May I know whether the Honourable Minister is agreeable to include sections 124 (a), 505, 108 and 153-A prisoners in the category of political prisoners?

Minister: I am perfectly agreeable to give information about prisoners who have been convicted under these or any other sections. I do not know what comfort my honourable friend would derive if I were to say that I am going to consider them as political prisoners.

Sardar Hari Singh: May I ask the Honourable Minister whether he has included the Gurdaspur conspiracy case prisoners in this category?

Minister: Yes, I have.

Chaudhri Kartar Singh: May I know whether it is a fact that one Babar Akali prisoner is still kept in the Andamans?

Minister: With regard to this matter, the Punjab Government is in communication with the Andaman Government.

Pandit Muni Lal Kalia: May I take it that by the term "political prisoners," the Government understands prisoners who have been arrested and convicted on account of their political views?

Minister: I do not understand the term myself. I come across various definitions attempted in various provinces, and by various public men.

Sardar Hari Singh: May I inform the Honourable Minister what I mean by the term "political prisoners"? A political prisoner is he who is convicted of alleged attempt to subvert the Government established by law.

Lala Bhim Sen Sachar: May I know the test applied by Government to determine the names of such prisoners?

Minister: Because the honourable member wanted me to give information on these prisoners, therefore, I made an attempt to lay a statement on the table which might be useful to him.

Lala Bhim Sen Sachar : May I take it that a large number of prisoners released by the Government was of prisoners other than political prisoners ?

Minister : Prisoners are released daily. During the last two months the Punjab Government released as many as 300 prisoners on several grounds.

Lala Bhim Sen Sachar : Because the number of prisoners released was much in excess, therefore, what was the test applied by the Honourable Minister to get this information ?

Minister : As the honourable member was inquisitive about this particular class of prisoners, that is, Babar Akali prisoners, Ahmedgarh Dacoity Case prisoners and so on, I gave the required information. My test does not pretend to be particularly precise.

Lala Bhim Sen Sachar : Am I right in thinking that Government has recognised a distinction between political and non-political prisoners ?

Lala Bhagat Ram Choda : Will the Honourable Minister please say whether the prisoners of the Manku Murder Case are regarded as political prisoners or not ?

Minister : I would hesitate to consider them so.

Statement.

Serial No.	Name.	Normal date of release.	Actual date of release.
1	2	3	4
	BARAB AKALIS.		
1	Kartar Singh, son of Surjan Singh ..	27th July, 1940 ..	21st October, 1937.
2	Sant Thakar Singh, son of Gurmukh Singh	27th February, 1945	16th-19th July, 1937.
3	Man Singh, son of Hira Singh ..	5th September, 1944	23rd April, 1938.
4	Bata Singh, son of Thakar Singh ..	11th November, 1947	21st April, 1938.
5	Ishar Singh, son of Mewa Singh ..	6th March, 1948 ..	21st April, 1938.
6	Dalip Singh, son of Ashbroo	3rd July, 1939 ..	23rd April, 1938.
7	Thakar Singh, son of Maya Singh ..	17th January, 1945	23rd April, 1938.
8	Ghan Singh, son of Hira Singh ..	17th December, 1944	23rd April, 1938.
	KUP-AHMEDGARH DACOITY CASE PRISONER.		
9	Sher Jang, son of Partap Singh ..	23rd September, 1938	2nd May, 1938.
	KANARI BAZAR DACOITY CASE PRISONER.		
10	Mangal Sain, son of Raj Kaur ..	5th November, 1939	21st April, 1938.
	PRISONERS CONVICTED UNDER THE ARMS ACT.		
11	Bawa Singh, son of Hira Singh ..	12th July, 1938 ..	25th May 1938.
12	Munshi Ram, son of Hira Lal ..	21st August, 1938 ..	27th May, 1938.

ARRESTS UNDER SECTIONS 124-A., AND 108, INDIAN PENAL CODE.

***2769. Sardar Hari Singh :** Will the Honourable Premier be pleased to state the total number of arrests in the Punjab under sections 124-A. and 108, Indian Penal Code up-to-date since 1st April last and since 1st April, 1937?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Thirty-three persons have been arrested under section 124-A, Indian Penal Code, since 1st April, 1937. Of these, fourteen were arrested after 1st April, 1938. Seven of these persons were also prosecuted under section 153-A, Indian Penal Code and one under section 131, Indian Penal Code.

Section 108, Indian Penal Code, merely gives the definition of an "abettor" and is not a penal section. If the honourable member requires information of arrests under section 108, Criminal Procedure Code, I may inform him that eight persons were prosecuted under that section from 1st April, 1937, to 31st March, 1938. There have been no prosecutions under that section since 1st April, 1938, up to date (11th June 1938).

Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state whether the number of arrests and convictions have increased since the present Government took over office? How does it compare with the record of the previous Government?

Premier : If the honourable member will give me notice I shall collect the information.

Pandit Muni Lal Kalia : Has any change taken place in the interpretation of section 124-A after the present Government came into power?

Mr. Speaker : That question does not arise.

Sardar Hari Singh : Have any instructions been issued to district magistrates in regard to prosecutions and arrests under this section?

Premier : Instructions have been issued that district magistrates should not take action of their own accord under this section without the sanction of Government.

Sardar Hari Singh : May I take it that they took action under section 124-A of their own accord before the issue of the instructions?

Premier : They cannot do so under the law.

Sardar Hari Singh : Where was the necessity then to issue instructions?

Premier : The instructions were issued under section 108.

HEALTH OF SARDAR TEJA SINGH 'SWATANTR.'

***2770. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state the present condition of health of Sardar Teja Singh 'Swatantr,' state prisoner and M.L.A., who was reported to be suffering from unduly high blood-pressure some months ago, and also the nature of the medical treatment given to him?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : Some weeks ago the blood pressure of this prisoner was high; the condition was, however, successfully treated by the medical officer of

[K. B. Mian Ahmad Yar Khan Daulatana.]
the jail, and that officer reporting on the 11th June states that the prisoner is now in good health. His weight on admission to the Campbellpur Jail was 165 lbs. it is now 176 lbs.

Lala Deshbandhu Gupta : Do Government contemplate releasing this prisoner ?

Mr. Speaker : That question does not arise.

Dr. Gopi Chand Bhargava : What was the blood pressure of the prisoner a week ago and what is it to-day ?

Premier : I am afraid I must have notice of that question.

EXEMPTION OF AHERIES FROM THE APPLICATION OF THE CRIMINAL TRIBES ACT.

***2771. Pandit Shri Ram Sharma :** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that the Aheries (a criminal tribe) of district Rohtak, some time before sending a representation to the Honourable Minister of Finance on the 4th May, 1938, represented their case to the Deputy Commissioner, Rohtak, for exemption from the Criminal Tribes Act ; if so, whether he will lay on the table a copy each of their representations to the district authorities and to the Honourable Minister ;

(b) whether an inquiry was made into the matter ; if so, with what result ?

The Honourable Mr. Manohar Lal : (a) A number of representations from the Aheries of Rohtak district have been received. These are at present under the consideration of the Deputy Commissioner for Criminal Tribes. To make copies of them will entail a great deal of labour and delay the consideration of their case. The general purport of these representations is that the Aheries of Rohtak have asked that on account of their law-abiding behaviour they should be exempted from the provisions of the Criminal Tribes Act.

(b) Enquires are being made, but are not yet complete.

Pandit Shri Ram Sharma : Since when is this question of Aheries under the consideration of Government ?

Minister : I cannot say, but the honourable member may remember that in answer to another question I said that all restrictions on the Aheries of the Hissar district have been removed.

Pandit Shri Ram Sharma : Is the Honourable Minister aware that the Aheries of Hissar and Rohtak districts stand on the same footing ?

Minister : I have already said that enquiries are being made.

ACCEPTANCE OF THE RESIGNATION OF LAMBARDAR RAM CHAND OF VILLAGE GANNOUR, TAHSIL SONEPAT.

***2772. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that all the sufedposhes and the lambardars of village Gannour (Sonapat), who had tendered their resignations, were recently called by the Deputy Commissioner,

Rohtak, and asked to withdraw their resignations which all of them did in writing ;

- (b) whether it is also a fact that they were further asked by the Deputy Commissioner to go and express regret to the Sub-Divisional Officer, Sonapat, which none of them did ;
- (c) if the answer to the above be in the affirmative, the reasons why the resignation of only one of the lambardars named Ram Chand was accepted?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes ; they themselves offered to withdraw their resignations.

(b) Yes.

(c) The resignation of one lambardar was accepted as his retention as a lambardar was not in the interests of the administration.

Pandit Shri Ram Sharma : Is the Government aware of the fact that the lambardars and safedposhes tendered their resignations because begar was exacted from them ?

Minister : I do not know whether that was the only reason.

Pandit Shri Ram Sharma : What was the basis according to which the resignation of one lambardar was accepted and those of others were not accepted ?

Minister : I cannot add anything to the answer I have already given.

Lala Bhim Sen Sachar : How long was Ram Chand acting as a lambardar ?

Minister : I fear I cannot give my honourable friend that information off hand.

Pandit Shri Ram Sharma : Will the Honourable Minister please say why the resignation of Ram Chand was accepted and not of the others ?

Minister : He was responsible for persuading the other lambardars to put in their resignations.

Pandit Shri Ram Sharma : Was an enquiry in this respect held and was it proved ?

Minister : Yes.

Pandit Shri Ram Sharma : Who held the enquiry ?

Mr. Speaker : That question is inadmissible.

Pandit Shri Ram Sharma : I am submitting that no enquiry was held and a wrong answer has been given. That is why I put the question.

COMPLAINT AGAINST OFFICIAL INTERFERENCE IN THE ACTIVITIES
OF THE CONGRESS IN KARNAL DISTRICT.

*2773. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether the district authorities of Karnal in the first week of May last received a complaint from me containing specific

[Pandit Shri Ram Sharma.]

instances of undue and illegal official and semi-official interference with the normal and constitutional activities of the congress in a village in Karnal district ;

- (b) whether any inquiry was made and the Congress workers concerned were called and asked to give their statement and evidence in support of their contentions ;
- (c) the result of inquiry and the action which the district authorities took in the matter?

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

(b) *First part.*—Yes.

Second part.—No.

(c) *First part.*—The complaints proved to be incorrect.

Second part.—Does not arise.

Pandit Shri Ram Sharma: Is the Government aware which officer conducted the enquiry?

Premier: Local officers concerned.

Pandit Shri Ram Sharma: Were the complainants asked to appear as witnesses during the enquiry?

Mr. Speaker: That question is disallowed.

Lala Deshbandhu Gupta: May I draw your attention to part (b) of the question which seeks to ask whether the statements of the witnesses were recorded or not? The further question is who held the enquiry and whether the statements were recorded.

Premier: The names of these workers were not furnished and therefore they could not be called.

Lala Deshbandhu Gupta: Is it not a fact that the complaint was signed by certain persons and the Government was in full possession of their names?

Premier: The complaint was made by my friend Pandit Shri Ram Sharma. He merely made a complaint on hearsay and evidence on mere hearsay would have been useless.

Lala Deshbandhu Gupta: Did he not mention the names of the persons in that complaint?

Premier: No.

Pandit Shri Ram Sharma: Does an enquiry mean that the complainants may not know whether an inquiry is being held or not?

Premier: An enquiry has been held.

Pandit Shri Ram Sharma: Did I not write the names of the Thandars, etc. the officers against whom the complaint was made?

Premier: An enquiry was made with respect to those persons against whom complaints were made, and it was found that the allegation was not well founded.

Dr. Gopi Chand Bhargava : When the honourable member who made the complaint was not called to give evidence and when Government did not know who the persons were against whom complaint is made, how can they say that there was nothing in it ?

Premier : Allegations were made that in a certain village the local officers acted illegally and an enquiry was held in the village and it was found that there was no such thing.

Sardar Sohan Singh Josh : When the honourable member offered his assistance, why was it not availed of ?

Premier : I have already answered that question. He did not offer any assistance. What he made was a complaint on hearsay.

Pandit Shri Ram Sharma : Did the Honourable Premier send the complaint I made to the district authorities ?

Premier : Was the honourable member present there himself or was the complaint made on hearsay ?

Pandit Shri Ram Sharma : I personally went to Karnal and ascertained the fact that the officers were guilty of highhandedness. I have made many a complaint to the district authorities.

Premier : The allegations which my honourable friend has made were fully enquired into and since his complaint was based on hearsay it was not necessary to call him. You might have seen from the adjournment motions that there is a motion about your goodself which I think is a gross disrespect to the chair because it is based on hearsay and it is malicious.

Pandit Shri Ram Sharma : Did the district authorities enquire from me whether it was only hearsay or was based on my personal experience ? Did the district authorities satisfy themselves ?

Premier : The honourable member himself said that he heard these things. He did not say that he knew them.

Lala Deshbandhu Gupta : Has the Honourable Premier read that complaint ?

Premier : Yes, I have.

Dr. Gopi Chand Bhargava : Was any reply sent to the Honourable Premier in reply to his letter ?

Premier : No, because it was not signed by five people.

Dr. Gopi Chand Bhargava : May I know whether the Honourable Premier thought that it was not worthwhile even informing the honourable member that his hearsay information was wrong ?

Premier : The answer is being given to my honourable friend now.

Dr. Gopi Chand Bhargava : When he puts the question ?

Premier : Yes.

Pandit Shri Ram Sharma : Did the district authorities take the trouble of informing me that the representation was being inquired into and the result thereof ?

Premier : My honourable friend should have abided by the rules according to which five persons have to sign it. He is not in a privileged position nor am I so far as these matters are concerned.

Lala Duni Chand : In regard to the complaints is it the position of the Government that unless the complaints are supported by personal testimony, they will not be attended to ?

Premier : The honourable member must have read the Government *communiqué* on the subject.

Pandit Shri Ram Sharma : Cannot a complaint be heard unless it is signed by five persons ?

Premier : In certain cases a complaint made by one person can be looked into, say, for instance, a judicial complaint.

Sardar Hari Singh : Is it not a fact that the signatures of five persons are required only in cases of corruption and bribery ?

Premier : In such cases if my honourable friend was anxious to find the result of the enquiry he should have gone to the officer concerned and found out.

Sardar Hari Singh : My question is whether in cases other than those of corruption and bribery, the signatures of five persons are required ?

Premier : Not necessarily.

SHOOTING DEAD OF CHAMAN LAL, PETITION - WRITER.

*2774. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state whether it is a fact that one Chaman Lal, petition-writer, was shot dead at Rohtak in the first week of April last ; if so, the result of the police investigation up to this time in the case ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Yes. No evidence is available at present which would justify a prosecution, but the investigation is being continued.

Pandit Shri Ram Sharma : Is the Government aware of the fact that this murder was committed in connection with money-lending ?

Parliamentary Secretary : I have no definite information on the point.

Pandit Shri Ram Sharma : Did the younger brother of the murdered person inform the police that a debtor had murdered him ?

Parliamentary Secretary : I have no information on that point. But if the honourable member wants that information, I shall collect it for him.

Pandit Shri Ram Sharma : What was the outcome of the police investigation ?

Parliamentary Secretary : I have already stated that evidence is not available so far to justify any prosecution and investigation is being continued.

SALE OF A PLOT OF LAND TO SANATAN DHARAM SABHA, HISSAR.

*2775. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Executive Engineer, Rohtak division, Western Jamna Canal, in his letters No. 1602-377-W., dated 31st March, 1937, addressed to President, Municipal Committee, Hissar, expressed his readiness to sell the land referred therein at the rate of Rs. 5 per square yard ;
- (b) whether it is a fact that the President, Municipal Committee, in his reply No. 638, dated 9th July, 1937, forwarded their resolution No. 2 passed unanimously at a meeting of the committee held on 30th May, 1937, recommending the sale of the land in question to the Sanatan Dharam Sabha, Hissar ;
- (c) whether it is a fact that some five or six reminders have since then been sent by the Hissar Municipal Committee to the Executive Engineer but to no effect ;
- (d) if the answers to (a), (b) and (c) above be in the affirmative, the reasons for not replying to these reminders?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The Executive Engineer replied to the Municipal Committee that the land could not be given free of cost but might be sold if Government approved at Rs. 5 per square yard as valued by the Deputy Commissioner.

(b) Yes.

(c) Yes. Four reminders were received.

(d) In their reply as per part (b) of the question the Municipal Committee did not raise any question to which a reply from the Executive Engineer was required. It may be noticed that no formal application from the Sanatan Dharm Sabha has till now been received by Government.

Pandit Shri Ram Sharma : In what connection was this reminder sent ? The application was neither from the Municipal Committee nor from the Sanatan Dharm Sabha.

Minister : If my friend or the Sabha who is interested in the matter will put in an application for the acquisition of the land I will look into the case.

Pandit Shri Ram Sharma : Was any reply sent ?

Minister : Probably the reply was not sent and no reply could be sent to the gentlemen.

ANNUAL AUCTIONING OF OPEN SPACES BY LOCAL BODIES FOR PARKING MOTOR VEHICLES.

*2776. **Sardar Hari Singh** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he has received a representation, dated 20th April, 1938, No. F.1-352 from the Punjab Motor Union (Registered), Lahore, on the subject of the annual auctioning of open places by

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local bodies which are used generally for parking motor vehicles and giving a number of examples of infringement of Government instructions regarding the matter contained in its letter No. 6877-H-97-87180, dated 29th October, 1937 ;

(b) whether an inquiry has been instituted into the allegations made in the said representation ; if so, with what result?

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

(b) Enquiries are being made and on receipt of information suitable action will be taken to deal with the complaint.

Sardar Hari Singh : May I ask the Honourable Minister whether the complainant who has sent this report is also being asked to substantiate these charges ?

3 P. H.

Minister : Naturally if they substantiate these charges, it will help in solving the difficulty.

Sardar Hari Singh : I want to know whether they are being asked to substantiate these charges.

Minister : Why not ?

Sardar Hari Singh : Because the complainant has got the right to substantiate, not only the right but the obligation to substantiate the charges.

Minister : They may substantiate their charges.

Sardar Hari Singh : I want to know whether the Government is asking them to do so.

Minister : The officer concerned must have asked.

Sardar Hari Singh : Has the Honourable Minister any knowledge about it ?

Minister : In what way ?

Sardar Hari Singh : Whether the officer concerned is holding an enquiry in this matter or whether they are asking the complainants to substantiate the charges ?

Minister : Naturally.

Sardar Hari Singh : May I know whether the honourable member has any information ?

Minister : Is it necessary that I should have information on all matters ?

Sardar Hari Singh : I have no quarrel with your ignorance.

Minister : There is no ignorance in this matter.

Sardar Hari Singh : Has the Honourable Minister issued any instructions in regard to the manner in which enquiry is to be held ?

Mr. Speaker : The next question.

STRUCTURES PASSED AGAINST HEAD CONSTABLE GURDIAL SINGH.

*2777. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether any action has been taken against Head Constable Gurdial Singh, reporter and chief prosecution witness in the case Crown

versus Balwant Singh Dakha under Section 302/115, in which the accused was acquitted on appeal by the Sessions Judge, Hoshiarpur, who in his judgment passed strictures against the conduct of the said Head Constable, in particular that he had made a deliberate false statement; if so, what; if not, why not?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Government have seen the judgment of the learned Sessions Judge, and the question of action is under enquiry.

Sardar Hari Singh: May I know who is holding the enquiry as to what action is to be taken?

Sardar Hari Singh: May I, Mr. Speaker, through you put a supplementary question in pursuance of the answer given by the Parliamentary Secretary? He says that the action is under enquiry. May I know who is making that enquiry?

Parliamentary Secretary: Enquiry is being made by the district magistrate.

Lala Bhim Sen Sachar: To whom has the enquiry about action been addressed?

Sardar Hari Singh: How long has the enquiry been going on?

Parliamentary Secretary: Since the attention of the Government was drawn to this matter.

COLLECTION OF RS. 812 BY THE POLICE FROM THE RESIDENTS
OF VILLAGE SAHUNGRA.

*2778. **Sardar Hari Singh**: Will the Honourable Premier be pleased to state the action taken by the Department, against police officials who were responsible for collecting Rs. 812 from the people of village Sahungra, district Hoshiarpur, in August, September and October, 1937?

Parliamentary Secretary: (Sardar Bahadur Sardar Ujjal Singh): I regret that the answer to this question is not ready.

JUDGMENT OF SESSIONS JUDGE, RAWALPINDI, IN MURDER CASE
AGAINST DR. RAJA RAM.

*2779. **Sardar Hari Singh**: Will the Honourable Premier be pleased to state—

(a) whether judgment of the Sessions Judge Rawalpindi in the murder case against Dr. Raja Ram, a private medical practitioner has been brought to his notice;

(b) if answer to (a) above be in the affirmative, action taken or proposed to be taken by the Government against the police officials against whom strictures have been passed in the said judgment?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): The attention of the honourable member is invited to the answer given to question *2788¹.

JUDGMENT OF SESSIONS JUDGE, GUJRANWALA, IN CASE CROWN
VERSUS HUSAIN.

*2780. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

(a) whether a recent judgment of the Sessions Judge, Gujranwala, in the case Crown *versus* Husain has been brought to his notice and in particular the strictures passed against the conduct of a Sub-Inspector of Police ;

(b) if answer to (a) above be in the affirmative, action taken or proposed to be taken by the Government in view of the disclosures made in the judgment?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh)

(a) Yes.

(b) An enquiry by a magistrate assisted by a gazetted police officer has been ordered.

DEATH OF DALIPA, CARPENTER OF VILLAGE KHANGWARI, THANA
HARIANA, DISTRICT HOSHIARPUR.

*2781. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

(a) whether he is aware of the death of one Dalipa, Carpenter of village Khangwari, thana Hariana, district Hoshiarpur, on 3rd May, 1988, while he was in police custody during course of investigation of a theft case ;

(b) the action taken to discover the truth regarding the death of the aforesaid carpenter and result of inquiry instituted, if any?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) It is a fact that Dalipa met his death during the course of the investigation of a theft case. It appears that the man was never formally taken into custody. The magisterial enquiry which was held indicates that at about 5 P.M. on the 3rd May the police investigating party together with the *zaildar* and other notables set out for Dalipa's village in order to search the man's house taking Dalipa with them. The magistrate found that Dalipa slipped away from the police party and *zaildar* in the course of the journey to his village and he was subsequently found dead at the foot of a cliff.

(b) A magisterial enquiry was held. The magistrate considered that the facts point to Dalipa having committed suicide by throwing himself over a cliff on account of shame and remorse.

Sardar Hari Singh : May I know whether any departmental action has been taken against the official concerned due to whose negligence Dalipa met with his death ?

Parliamentary Secretary : The position of the Government was fully explained during the debate on the adjournment motion.

Sardar Hari Singh : Apart from the position of Government, I ask whether the Government is taking any action against the officer concerned whose negligence was the cause of Dalipa's death ?

Parliamentary Secretary : I have nothing further to add to what I have already stated.

Sardar Sahib Sardar Gurbachan Singh : Did the Government receive any telegram from some one in Khangwari that the death of Dalipa was due to torture by police ?

Premier : A telegram was received by the office.

Sardar Sahib Sardar Gurbachan Singh : Who was the signatory of the telegram ?

Premier : I am afraid I cannot give it off-hand.

Sardar Sahib Sardar Gurbachan Singh : Was any enquiry made on the receipt of the telegram ?

Premier : I am afraid it was never questioned.

Sardar Sahib Sardar Gurbachan Singh : May I know if any enquiry was held ?

Premier : But the veracity of the telegram was not questioned. We ordered an enquiry on the telegram immediately.

Sardar Sahib Sardar Gurbachan Singh : I want to know whether on the receipt of the telegram some enquiry was held to find out whether that telegram was a true one or a false one ?

Premier : I am afraid we did not enquire into that particular aspect of the question.

Sardar Sahib Sardar Gurbachan Singh : Does the Government intend to take action under the Telegraph Act against the sender of the telegram if the telegram is proved to be false ?

Premier : Do you mean if the allegation is found to be false ? In that case not only the telegram but certain statements published by certain persons will also have to be taken into consideration. I therefore require notice of this question.

Mr. Speaker : The next question.

Lala Duni Chand : In view of the fact that Dalipa.....

Mr. Speaker : I have already called the next question.

Sardar Hari Singh : The Honourable Premier has made an insinuation in the answer and I want to say that we are not afraid of any action.

Premier : If I have to take any action I will not be deterred.

INSTRUCTIONS TO LOCAL BODIES REGARDING RECEPTION OF EXALTED PERSONAGES.

*2782. **Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state what further instructions have been issued by the Government to the local bodies recently on the subject of reception of exalted personages ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Trwana : Instructions were issued in January last that the orders of 1936, directing municipal committees that they could not incur expenditure on

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silver caskets in connection with the reception of exalted personages by municipal committees, apply to all kinds of silver caskets, silver salvers or any other silver receptacles used for the presentation of addresses.

Lala Deshbandhu Gupta: Is it a fact that some Honourable Ministers have been receiving addresses in silver caskets from the local bodies?

Mr. Speaker: That question is disallowed.

Sardar Hari Singh: Have processions of exalted persons also been disallowed?

Minister: Municipality does not organise processions.

REASONS FOR RESERVING POSTS OF POLICE SERGEANTS FOR
EUROPEANS AND ANGLO-INDIANS.

*2783. **Sardar Hari Singh:** Will the Honourable Premier be pleased to state whether it is a fact that posts of police sergeants in the Punjab are reserved for Europeans and Anglo-Indians; if so, reasons therefor?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Yes. Experience has shown that there are certain police duties for the performance of which European or Anglo-Indian Officers are particularly suitable. It is administratively convenient to distinguish these officers by a special nomenclature, and the rank of Sergeant is appropriate for the purpose.

Lala Bhim Sen Sachar: Were ever Indians tried in these posts?

Premier: Which posts?

Lala Bhim Sen Sachar: Posts which are held by these European Sergeants and which, according to the honourable Parliamentary Secretary, experience has shown that they alone are able to fill up. Have ever Indians been given a chance to occupy these posts?

Parliamentary Secretary: No.

Lala Bhim Sen Sachar: The experience of my friend is confined to himself only.

Premier: No. If my honourable friend had ever to deal with criminals or people who offend in British cantonments—I mean British soldiers—he would not have put that question.

Lala Deshbandhu Gupta: Is it the view of the Government that these posts will always be held by Europeans?

Premier: That does not arise. When the Army is indianised it will not be necessary.

Sardar Hari Singh: May I know if the Government intends to try Indians in these posts?

Premier: In what posts? This post is on par with the post of a sub-inspector. There is merely the difference in nomenclature.

Sardar Hari Singh: What is the special privilege attached to the posts of European Sergeants?

Premier : The special privilege is attached to some Indian posts also. For instance, Inspectors and Reserve Inspectors get special allowances.

Sardar Hari Singh : Are they maintained only where there are European cantonments ?

Premier : Yes, mainly where there are European cantonments.

HEALTH OF COMRADE TEJA SINGH 'SWATANTAR.'

***2784. Shrimati Raghbir Kaur :** Will the Honourable Premier be pleased to state whether it is a fact that Comrade Teja Singh 'Swatantar', State prisoner in District Jail, Campbellpur, is suffering from high blood pressure, if so, his present state of health and the steps the Government has taken to give the prisoner necessary medical relief ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : A reference is invited to the reply given to question No. *2770 put by Sardar Hari Singh.

COMRADE CHANAN SINGH, STATE PRISONER IN CENTRAL JAIL, LAHORE.

***2785. Shrimati Raghbir Kaur :** Will the Honourable Premier be pleased to state whether it is a fact that Comrade Chanan Singh, State prisoner in the Central Jail, Lahore, has been suffering from some throat trouble for a long time, and that it is feared that the prisoner would ultimately fall victim to tuberculosis ; if so, whether the Government proposes to release him in the near future ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : The Medical Officer of the Lahore Central Jail reports that this prisoner suffers from chronic granular pharyngitis of a mild nature. With treatment the condition improves but the prisoner is liable to attacks of acute pharyngitis. The medical officer adds that the prisoner's general health is very good, and that there is no probability of his getting tuberculosis. His weight on admission to the Lahore Central Jail was 160 lbs. but is now 162 lbs. In the circumstances there is no question of releasing the prisoner on the ground of health.

REGISTRAR, JOINT STOCK COMPANIES.

***2786. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that the Registrar, Joint Stock Companies refuses to accept small payments sent by money-orders, and insists on getting treasury receipts ;
- (b) whether it is a fact that inconvenience is being suffered by people concerned in depositing small sums of Rs. 3 or Rs. 5 in the treasury for the required receipts ; if so, whether the Government intends to take any action in this matter ?

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

(b) The question of payment of these fees by postal money order or in cash at the office of the Registrar, Joint Stock Companies is being examined.

INCOME OF DISTRICT BOARD, ROHTAK, FROM PROFESSIONAL TAX.

***2787. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the income of the District Board, Rohtak, from professional tax in the year 1935-36, 1936-37, 1937-38, and the expenditure incurred by the Board for the realisation of the tax ;
- (b) how many objections were filed in the last 2 years and how many out of them were accepted ;
- (c) how many appeals were preferred against such orders and with what result?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :

(a) Year.	Income from Professional tax.	Expenditure incurred for the realisation of the tax.
1	2	3
	Rs.	Rs.
1935-36	14,276	6,704
1936-37	16,135	5,597
1937-38	15,252	5,764

(b) Year.	Number of objections filed.	Number of accepted objections.
1936-37	361	176
1937-38	581	332

(c) No appeals were preferred against the orders of the district board authority rejecting the objections.

HEARING OF CASES BY MAGISTRATES OUTSIDE HEADQUARTERS:

*2788. **Lala Duni Chand** : Will the Honourable Minister of Finance be pleased to state—

- (a) the number of stipendiary and honorary magistrates in the province who went to visit the spots in connexion with cases pending before them during the financial year 1937-38 ;
- (b) the number of such visits ;
- (c) the amount of travelling and halting allowance drawn by the two classes of the magistrates during the year 1937-38 ;
- (d) whether it is a fact that the said practice of visiting spots proves costly and inconvenient to the parties concerned who have to take their counsels and witnesses with them ;
- (e) the steps, if any, that the Government proposes to take in the matter to avoid this inconvenience to the litigant public?

The Honourable Mr. Manohar Lal : (a), (b) and (c) It is regretted that it is impossible to collect this information without an expenditure of time and labour incommensurate with the results to be achieved.

(d) The practice referred to may occasionally cause inconvenience to parties and extra expense in counsels' fees, but as far as witnesses are concerned the hearing of cases on the spot more often saves trouble and expense. Further it must be borne in mind that in chalan cases the expenses of witnesses are paid by the Crown.

(e) The paramount consideration must be whether the court concerned, by visiting the spot or trying a case there, is enabled to reach a just decision. Government are not satisfied that unjustifiable inconvenience is caused so frequently as to warrant any interference with the existing discretion of the courts.

Lala Duni Chand : Is it true that in the criminal law there is no provision for an inquiry being held at the spot? On the other hand, law requires that courts should be held in their usual places. (Voices : Is this a supplementary question?)

Mr. Speaker : No.

Lala Duni Chand : The Honourable Finance Minister has tried to make out that holding enquiries on the spot in some cases facilitates coming to the right conclusion. I want to know whether criminal law makes any provision for holding inquiries on the spot. So far as I know there is no provision whereby a court can be held at the spot.

Mr. Speaker : That is a legal question and therefore cannot be allowed.

Lala Duni Chand : There is a similar provision in the Civil Procedure Code but there is no such provision in the Criminal Procedure Code. Therefore, it follows that so far as the criminal law is concerned this procedure is not in order.

Sardar Sampuran Singh : Is the Honourable Finance Minister aware that though it costs four or five rupees per case to the Crown, the litigants have to pay ten times more in the way of fees of counsel, etc?

Minister : I am not aware that the fee of the counsel mounts up by ten times because of this circumstance.

Lala Duni Chand : Has it come to the notice of the Government that certain magistrates hold courts in the *mofassil* for the sake of more income?

Minister : No.

Sardar Sampuran Singh : If it does not cost ten times to the litigants, how much does it cost? At least no lawyer will go for less than Rs. 50 to an outside place.

Lala Duni Chand : Is it true that lot of complaints are made against the magistrates who go to different parts of the district and hold trials and inquiries there?

Minister : Against whom? The magistrates?

Lala Duni Chand : Have any complaints come to the notice of the Government that the people are dissatisfied with the magistrates going to different parts of the districts and holding inquiries there?

Minister : I have already answered this question. I said that Government are not satisfied that unjustifiable inconvenience is caused so frequently as to warrant any interference with the existing discretion of the courts. That is quite a clear answer.

DELAY IN GAZETTING OF ELECTIONS TO DISTRICT BOARD, AMBALA.

*2788. **Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that in spite of the general elections of the District Board, Ambala, having taken place and completed by the end of January, 1938, the names of the elected members have not been gazetted so far nor have any members been nominated and consequently the new district board has not been constituted;

(b) the reasons for the delay?

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

(b) The publication has been delayed because the matter is under correspondence with the local officers.

Lala Duni Chand : May I know the reasons for not publishing the names of the newly elected members notwithstanding the fact that the elections were over about five months ago?

Minister : I have already said that the matter is under correspondence with the local officers. The delay has taken place because a suitable representative of the scheduled castes has to be selected.

Lala Duni Chand : May I know if it was difficult for the Government to find a suitable member of scheduled castes to be nominated during the last five months?

Minister : A reminder has been issued and the delay is being enquired into.

Lala Deshbandhu Gupta : Do the Government realise that it is against the spirit of the Act to delay the gazetting of election results by such long periods as six months or so ?

Mr. Speaker : The question is disallowed as it asks for an interpretation of law.

Lala Deshbandhu Gupta : I want to know whether the delay was just in consonance with the spirit of the Act or was it against it ?

Mr. Speaker : That means an interpretation of law and that cannot be asked.

Premier : It is not against the spirit of the Act to appoint a member of a scheduled caste on the committee.

GRANT OF MONOPOLY FOR LORRY TRAFFIC ON KACHA ROAD
BETWEEN RUPAR AND ANANDPUR.

*2790. **Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that owing to the Kacha road between Rupar, Ambala district and Anandpore, Hoshiarpur district having been declared a hill road the monopoly of the use of the road for lorry traffic has been granted to a particular person and consequently no other licensee of motor vehicles can use this road ;
- (b) whether he is aware of the fact that the said restricted use of the road has resulted in inconvenience to the travelling public and the heavier charges from the public ;
- (c) whether it is also a fact that the District Board, Ambala, on 18th March, 1938, or thereabout passed a resolution recommending to the Government that the said hill road be no more treated and classified as such and if so, what orders the Government has passed thereon.

The Honourable Dr. Sir Sundar Singh Majithia : I regret that the answer to the question is not yet ready. It will be communicated to the honourable member when ready.

RULES REGARDING TOURING BY MINISTERS AND THEIR
SECRETARIES.

*2791. **Lala Duni Chand :** Will the Honourable Premier be pleased to state whether there exists any rules on the subject of touring by the Ministers and their secretaries ; if so, the purposes for which touring by them is permissible under the rules ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The rules will be found in Appendices A and P to the Travelling Allowance Rules. Travelling allowance is of course only charged for journeys performed in the public interest.

WARDHA EDUCATION SCHEME OF MAHATMA GANDHI.

*2792. **Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state whether the Wardha Scheme of Mahatma Gandhi to

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impart basic education for seven years with some sort of village industry as its necessary concomitant has been considered by the Government and if so, with what results ?

The Honourable Mian Abdul Haye : Government has recently appointed a committee to overhaul and reorganise the entire syllabus and curriculum of the 1st to the 8th class, and copies of the Wardha Scheme have also been supplied to the members. I have no doubt that the committee will give due consideration to it in drawing up the new syllabi and curricula.

EXTENSION OF SCHEME OF PROVIDING DISPENSARIES IN RURAL
AREAS.

*2793. **Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) with reference to question No. 18 put by me on 17th June, 1937, and the reply given thereto to what further extent the ideal of providing one dispensary for the mean of 30,000 population and 100 squares miles as stated by the Honourable Minister has been attained since the reply was given ;
- (b) the number of fresh rural dispensaries started since then ;
- (c) whether the scheme of subsidised dispensaries has been extended to other districts besides Montgomery and Lyallpur as promised by him ;
- (d) whether the experiment of the doctors in charge of rural dispensaries being required to tour and go to the neighbouring villages and grant medical relief in five districts as promised in reply to my question has been tried and if so, in which districts ;
- (e) the number of private practitioners who have been granted subsidies since the question was mooted on 17th June, 1937 ?

The Honourable Mian Abdul Haye : (a) In order to complete the original scheme of opening 375 rural dispensaries, the question of giving administrative approval for the opening of the remaining 15 dispensaries during the next financial year is at present under the consideration of Government.

(b) None so far.

(c) Yes, it has been extended to the Gujranwala district where two rural dispensaries have been converted into subsidised dispensaries. In the Jhang district a subsidised dispensary has been opened by the District Board, Jhang, for which no grant is paid by Government.

(d) The experiment of doctors in charge of rural dispensaries touring in the neighbouring villages is being tried in the districts of Lahore, Hoshiarpur, Karnal, Gujrat and Montgomery. The experiment is about to be started in one selected tahsil in all other districts.

(e) Two.

**REMOVAL OF THE GRIEVANCE OF PUBLIC BATHING IN SUTLEJ
RIVER AT THE HEAD WORKS OF SIRHIND CANAL.**

***2794. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that at the head-works of Sirhind Canal at Rupar the entire volume of water of Sutlej river is taken into the canal and no water is allowed to pass through the gates and consequently great difficulty is experienced by the public in regard to bathing in the river ;
- (b) whether it is a fact that on the occasion of important fairs such as Baisakhi fair, Panchbhikam fair, etc., when large numbers of people bathe in the river as a matter of religious observance great hardship is experienced by the public owing to there being no water in the river ;
- (c) what steps the Government intends to take to remove this grievance of the public ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) *First part.*—Yes, up to the authorized full supply of the Canal whenever it is required for irrigation purposes.

Second part.—Government is not aware of any such difficulty, no complaints having been made.

(b) Government has no information about it.

(c) It is not possible to escape water in the river below the Weir without serious loss to the cultivators on the Sirhind Canal who have a right to the water.

OBJECTION AGAINST ENTRY OF HANS RAJ ' WIRELESS ' INTO PUNJAB.

***2795. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

- (a) whether Government is aware that Hans Raj ' Wireless ' has been released by the Sind Government ;
- (b) whether the Punjab Government has any objection to his coming to the Punjab ?

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

(b) Hans Raj has been released by the Sind Government on the condition that he does not visit the Punjab during the unexpired portion of his sentence.

Sardar Hari Singh : May I ask the honourable member whether the Sind Government issued this order after consulting the Punjab Government ?

Parliamentary Secretary : That does not arise.

Chaudhri Kartar Singh : Has the Punjab Government received any application from the father of Hans Raj ' Wireless ' that Hans Raj should be permitted to enter the Punjab for marriage ?

Premier : Yes, and an answer has been sent to him.

Chaudhri Kartar Singh : Will Government state the contents of the reply that was sent in response to that request ?

Premier : I cannot give him the answer, but if the honourable member wants to find out, he can ask the Home Secretary who will tell him.

Dr. Gopi Chand Bhargava : Is he permitted to come to the Punjab for his marriage ?

Premier : Had my honourable friend heard the answer given by my colleague he would not have asked this question.

Dr. Gopi Chand Bhargava : I want to know whether his father made a request for permitting him to come to the Punjab for his marriage. Is the answer in the affirmative or in the negative ?

Premier : The answer is that he was released by the Sind Government on the condition that he will not enter the Punjab for the remaining portion of his sentence.

Chaudhri Kartar Singh : Will the honourable Premier please give us the answer that he has sent to the father of Hans Raj 'Wireless' ?

Premier : I have already told my honourable friend that I cannot give an answer off-hand. If he asks the Home Secretary he will get a gist of the answer.

Lala Deshbandhu Gupta : Is it a fact that the condition that the prisoner will not enter the Punjab, was imposed by the Sind Government, in accordance with the wishes of the Punjab Government ?

Premier : That does not arise out of this question.

Pandit Bhagat Ram Sharma : Are orders of the Sind Government binding on the Punjab Government ?

Premier : They are binding on Hans Raj.

Sardar Partab Singh : May I know from the Premier whether the condition imposed by the Sind Government on Hans Raj that he should not enter the Punjab is violated when he asks for permission from the Punjab Government ?

Premier : That undertaking was not given to the Punjab Government ; it was given to the Sind Government.

Chaudhri Kartar Singh : Is it a fact that it has been published in the newspapers that the Punjab Government has not permitted Hans Raj to enter the Punjab ?

Mr. Speaker : I disallow the question.

Premier : There are several lies published in the newspapers every day and this is one of them.

Mr. Speaker : When I disallow a question it should not be answered.

Sardar Hari Singh : May I ask the Premier if Hans Raj violates the orders of the Sind Government asking him not to enter the Punjab, will the Punjab Government take any action against Hans Raj ?

Premier : Certainly, if he violates the order of the Sind Government, Punjab Government will take action.

Sardar Hari Singh : Under what section of the Indian Penal Code ?

Premier : That does not arise out of this question. When the situation arises I know how to take action.

Lala Bhim Sen Sachar : Will the Punjab Government take action for violating the order of the Sind Government ?

Mr. Speaker : That is a hypothetical question. So, I disallow it.

Lala Deshbandhu Gupta : Will the Premier please state the position of the Punjab Government in regard to permitting him to enter in the Punjab or otherwise ?

Premier : I cannot say beyond what I have already stated.

Lala Bhim Sen Sachar : Has the Punjab Government any objection to Hans Raj coming to the Punjab ?

Chaudhri Krishna Gopal Dutt : Are Government prepared to exert their pressure and influence on the Sind Government in order to bring a Punjabi back to the Punjab ?

Premier : I do not think it will be fair on the part of the Punjab Government to exert their influence on another Government. They are our equals, not subordinates.

LALA HARBHAGWAN DASS, PATWARI, AT NURPUR-TIWANA,
DISTRICT SHAHPUR.

***2796. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that Lala Harbhagwan Dass has been holding the post of revenue patwari at Nurpur-Tiwana, tahsil Khushab, district Shahpur, for the last five years ;
- (b) whether the local public has any grievances against him ; if so, whether these have been inquired into, if not, why not ;
- (c) whether on the 25th January and 10th February, 1938, the public of Nurpur-Tiwana addressed registered memorials against the aforesaid patwari to the Commissioner, Rawalpindi division, Deputy Commissioner, Shahpur district, the Sub-Divisional Officer and the tahsildar of Khushab ;
- (d) if the reply to part (c) be in the affirmative, whether the aforesaid officers have taken any action on these memorials to redress the grievances of the public ;
- (e) whether it is a fact that the above mentioned patwari had been transferred first from Borah and later on from Jawrah Kalan to Nurpur-Tiwana as a result of public complaints against him ; if so, the reasons for not taking any serious action against him so far ?

The Honourable Dr. Sir Sundar Singh Majithia : I regret that the information is not yet ready.

RELEASE OF PRISONERS BEFORE TIME.

***2797. Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the names and number of prisoners released by the Government since the Budget Session before the expiry of their actual sentences ;

[Bardar Sohan Singh Josh.]

- (b) the term of sentences awarded to them ;
- (c) the term of sentences undergone by them ;
- (d) the remission earned by them while in jails ;
- (e) the term of sentences remitted by the Government ?

The Honourable Mr. Manohar Lal : To collect the detailed information asked by the honourable member would involve an expenditure of time and trouble incommensurate with the results to be achieved. I may state, however, that 259 prisoners of all kinds have been prematurely released since the budget session of the Assembly. In addition orders have been passed in 80 cases directing premature release on future dates.

Lala Duni Chand : May I know how many more have been put in jail ?

Minister : As many as have been duly convicted by courts of law (*hear, hear*).

ARREST AND CONVICTION OF PRISONERS FROM THE AJNALA TAHSIL.

*2798. **Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state the names and number of persons arrested and convicted under section 124 (A), Indian Penal Code, from the Ajnala tahsil, district Amritsar, since March, 1938, and the class assigned to each of them in jail ?

The Honourable Mr. Manohar Lal : A statement showing the names of those being tried under section 124-A, Indian Penal Code, in the Ajnala tahsil since March 1938, is laid on the table. These cases are still pending. No. 8 and No. 10 have been allowed better class treatment while the rest are being given ordinary class treatment. The question of jail classification arises only on conviction and not while the prisoners are under-trial.

Names of persons arrested for speeches made in the Ajnala tahsil since March, 1938.

1. Sohan Singh, son of Gurdit Singh, Jat, of village Bhalla Pind, Police Station Majitha, District Amritsar.
2. Wazir Singh, son of Lachhman Singh, Jat of village Warchhoo, Police Station Ramdas, District Amritsar.
3. Bhagwan Singh, son of Kehr Singh of village Mohar Police Station Ajnala, district Amritsar.
4. Kapur Singh, son of Vir Singh, Jat, of village Chhina Shahbazpur, Police Station Ajnala, district Amritsar.
5. Buta Singh, son of Pala Singh, Jat of village Kotla Sedar Police Station Ramdas, district Amritsar.
6. Jowala Singh, son of Ghaniya Singh of village Thathian, Police Station Beas, district Amritsar.
7. Labh Singh, son of Chandari Jiwan of village Mata Nangal, Police Station Ramdas, district Amritsar.
8. Ishar Singh, Marhama, son of Jawand Singh of village Marhama, Police Station Sirhali, district Amritsar.
9. Narinjon Singh, son of Letna Singh of Chak Sakandar, Police Station Ramdas, district Amritsar.
10. Dr. Gurbaksh Singh, son of Nadhan Singh of Amritsar, Police Station Sedar.
11. Pala Singh, son of Mit Singh, Garanthi of Gurdawara Saimra, Police Station Majitha, district Amritsar.

**CANCELLATION OF NOTIFICATIONS NOS. 30809 AND 30810-JUDICIAL,
DATED 31ST OCTOBER, 1928.**

*2799. **Sardar Sohan Singh Josh** : Will the Honourable Minister of Finance be pleased to state whether the circumstances that led to the issuing of Punjab Government notifications Nos. 30809 and 30810-Judicial, dated the 31st October, 1928, against residents of village Sabrah, district Lahore, still exist and if not, whether the Government has considered the question of cancelling these notifications ?

The Honourable Mr. Manohar Lal : The honourable member is referred to Punjab Government notifications No. 2763-J-38/17260, No. 2763-J-38/17261, and No. 2763-J-38/17262, dated the 4th May, 1938. These notifications have cancelled or modified the effect of restrictions existing against a number of residents of Sabrah village, whose conduct has been satisfactory.

**INVESTIGATION OF CASES IN THE AJNALA TAHSIL BY THE SPECIAL
POLICE STAFF.**

*2800. **Sardar Sohan Singh Josh** : Will the Honourable the Premier be pleased to state—

- (a) the number of cases handled by the special staff of police during March, April and May, 1938, in the Ajnala tahsil, district Amritsar ;
- (b) the number of cases among these which resulted in convictions ;
- (c) the number of persons in the cases above mentioned detained by the special staff for investigation purposes and subsequently let off ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Twenty-three.
(b) Three cases ended in the conviction of the accused, one resulted in the acquittal of the accused, ten are under trial, four are still under investigation and five have been filed as untraced.
(c) Nil.

APPOINTMENT OF NON-OFFICIAL VISITORS OF JAILS.

*2801. **Sardar Sohan Singh Josh** : Will the Honourable Minister of Finance be pleased to state—

- (a) the rules governing the appointment of non-official visitors of jails ;
- (b) whether it is a fact that before April, 1937, some of the non-official visitors of jails were appointed from amongst the members of the Punjab Legislative Council ;
- (c) whether the Government has considered the question of continuing the old practice again ?

The Honourable Mr. Manohar Lal : (a) The honourable member is referred to the answer given to question No. *780¹ asked by Chaudhri Kartar Singh.

- (b) Yes.
- (c) A number of members of this House are already non-official visitors of jails.

CANDIDATES ACCEPTED BY DEPUTY COMMISSIONER, LUDHIANA,
FOR TRAINING AS PATWARIS.

*2802. **Sardar Lal Singh** : Will the Honourable Minister of Revenue be pleased to state—

(a) the total number of candidates recently accepted by the Deputy Commissioner, Ludhiana, for training as patwaris at the Patwar School ;

(b) of these how many were :—

(1) statutory agriculturists ;

(2) matriculates ;

(3) over the specified age-limit, and

(4) without the minimum educational qualifications ;

(c) whether the communal representation of candidates selected is in accordance with the communal population of the district ; if not, which community is under represented ?

The Honourable Dr. Sir Sunder Singh Majithia : (a) 54.

(b) 1 45.

2 41.

3 16.

4 Nil.

(c) I must decline with regret to answer this part of the question which savours 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 matters. 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.

NUMBER OF DACOITIES AND MURDERS COMMITTED WITHIN JURISDICTION OF THANA SHAINA IN THE LUDHIANA DISTRICT.

*2803. **Sardar Lal Singh** : Will the Honourable Premier be pleased to state—

(a) the total number of dacoities and murders committed within the jurisdiction of thana Shaina in the Ludhiana district, during the year ended 31st March, 1938, and the number of such cases in which firearms were used by the culprits ;

(b) whether it has been brought to his notice that the illegal in question itself and the adjoining territories of states are swarming with armed criminals ;

(c) the total number of licensed firearms within the jurisdiction in question ;

(d) whether he has been informed that the number of licensed firearms is insufficient to enable the villagers to cope with the armed criminals successfully ; if so, what action Government propose to take in the matter ?

The Honourable Major Sir Sikander Hyat-Khan :

- (a) Dacoities .. Nil.
Murders .. One, in which no firearm was used.

(b) Five such men are known. They are believed to move mostly in adjoining state territories.

(c) Fifty-three.

(d) The Deputy Commissioner states that arms licenses are issued in the ilaqa as a measure of village defence, and he considers the number sufficient.

SUMMER TIME OF SITTINGS OF LUDHIANA COURTS.

*2804. **Sardar Lal Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the summer time of the sittings of the Ludhiana courts and that of other courts in the province ;
(b) whether it is a fact that the village litigant public are put to great inconvenience and expense by the present summer time of the courts at Ludhiana, if so, what action Government propose to take in the matter ?

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

REPRESENTATION AGAINST THE COLONIZATION OFFICER, LYALLPUR.

*2805. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether sometime ago he received a representation from the residents of Pir Mahal and other areas in the Burala extensions (district Lyallpur) against the Colonization Officer, Lyallpur ; if so, whether an inquiry was made into the allegations made in that representation and if so, the result of the inquiry and the action that the Government proposed to take in the matter ?

The Honourable Dr. Sir Sunder Singh Majithia : An anonymous complaint was received and destroyed.

REPRESENTATION AGAINST THE CORRUPT PRACTICES OF THE PUBLIC WORKS DEPARTMENT OF THE FAZILKA MUNICIPALITY.

*2806. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state whether some time ago he received a representation against corrupt practices of the Public Works Department of the Fazilka Municipality ; if so, what action does the Government propose to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : No such representation appears to have been received.

*2807. *Cancelled.*

ADJOURNMENT MOTIONS.

FAILURE OF AMBALA WATER WORKS.

Mr. Speaker : Before the Hon'ble Member moves his motion, I would like to know whether the supply of water is a municipal affair ?

Lala Duni Chand : It is an affair of the Public Works Department and the expenditure is met partly by the Municipal Committee and partly by the Government.

Mr. Speaker : Is the shortage of water experienced every year ?

Lala Duni Chand : Every year, but this time it was unbearable.

Mr. Speaker : I do not consider the motion to be in order as there is no question of urgency and responsibility of Government is not involved.

Lala Duni Chand : The public has been put to great inconvenience. Is it not a matter of urgency ? I will read out my motion. It runs thus :—

" I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the virtual collapse of the water works supply of water at Ambala city during the month of May, 1938, with the result that there was practically a water famine in the whole month and a very large majority of the population of the city numbering about 25,000 souls, were subjected to unbearable conditions."

Nothing would be more urgent than this. My object is that the attention of the Government should be drawn to this matter so that they may take immediate action.

Mr. Speaker : The object of an adjournment motion is not to take action. The motion is out of order.

DACOITY IN SHAHPORE VILLAGE.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the police to detect and arrest the offenders numbering 9 who after arming themselves with firearms committed a dacoity in the house of Lala Babu Ram, a money-lender of Shahpore village, Ambala district, about three miles from Ambala Cantonment, on 23rd April, 1938, at about 7-30 P.M., the operations of which lasted for about an hour and a half and were witnessed by a large number of the inhabitants of the village, and in course of which the said Babu Ram, his sister, his son and a neighbour were seriously wounded and considerable property was looted.

I think this motion is strictly in order.

Mr. Speaker : I wish I could agree with the honourable member. What is the object of his motion ?

Lala Duni Chand : The object is to show that the police failed in its duty and could not detect and arrest the offenders in the village of Shahpore which is about 3 miles from Ambala Cantonment. It is a most serious matter.

Mir Maqbool Mahmood : On a point of order, Sir. I am sorry to say that the honourable member has said that Ambala is 3 miles from this village. It is 7 miles from this village and the police reached there within half an hour.

Lala Duni Chand : It is exactly 3 miles. I can bear a personal testimony. The police did not reach the spot in time, though they had been informed on the phone. I would inform that the dacoity operation lasted for about an hour and a half.

Mr. Speaker : The question is whether the police arrived when the dacoity was being committed.

Lala Duni Chand : The police did not come in time.

Mr. Speaker : The honourable member's motion is that the police did not come in time, and that therefore the Government should be criticised. Is any administrative responsibility of Government involved ?

Lala Duni Chand : The question is whether the conduct of the police in relation to acts of this kind cannot be called in question. Is it not the administrative responsibility of the Government ? The dacoity took place at about 7-80 P.M. on the 23rd April.

Mr. Speaker : But what conduct of the police is to be criticised ? It is not mentioned in the motion.

Lala Duni Chand : Failure of police to detect and arrest the offenders

Mr. Speaker : As I read the motion, I think, it is out of order.

REMISSION OF LAND REVENUE AND ABIANA.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the inability of the zamindars of the province to pay the present *rabi muamila* and *abiana* due to the heavy fall in prices of main agricultural produce like wheat, gram, etc., and the failure of the Government to adopt certain measures possible to raise the prices or allow sufficient remission to enable the zamindars to pay their land revenue and *abiana*.

Mr. Speaker : To achieve his object the honourable member may move a substantive motion. I rule his motion out of order.

REMOVAL BY POLICE OF BOOKS AND PAPERS OF THE SHIROMANI GURDWARA PRABANDHAK COMMITTEE.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the action of the police in taking away the books and papers of the Shiromani Gurdwara Prabandhak Committee—a statutory body—on 10th June, 1933, making it practically impossible to carry on the regular work for the management of the said committee as well as of the gurdwaras under its supervision.

Mr. Speaker : Presumably the police acted according to law.

Sardar Partab Singh : The police could have taken copies of the books and papers that they wished to see. They should not have taken away the books.

Mr. Speaker : Is there any law which forbids the police from removing books in such cases ?

Sardar Partab Singh : I am sorry I am not well armed with a knowledge of the law on the point.

Mr. Speaker : I hold that the motion is out of order.

TREATMENT BY THE POLICE OF THE HONOURABLE SPEAKER AT THE
SIMLA BARRIER.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) : I have already sent a note that I withdraw my motion¹.

Mr. Speaker : The honourable member has certainly given notice to withdraw his motion. But as the motion concerns me personally, I consider it my duty, as the Speaker of this House, to invite attention of the honourable members of the House to the facts of the case. What happened is that the car, in which I travelled from Kalka to Simla, had so little leg room that I could not stretch my legs throughout. So I felt tired and got out of the car at the Simla Barrier to have a little walk. After I had walked about a hundred feet, someone said from behind, "Babuji apna nam de jao." I did not reply, as my second car, which was coming behind, contained my luggage bearing my name cards. Nobody stopped, me nor did anybody come after me, nor was I insulted or molested in any way. Nothing of the sort happened. The Press reports were entirely wrong and misleading. I am thankful, however, to the honourable members of this House for taking notice of the incident. (*Cheers*).

Premier : It is in this spirit that adjournment motions are moved frivolously without making enquiries and verifying facts and thus the time of the House is wasted. I appeal to my honourable friends that in future they may verify facts before coming to the Assembly with their adjournment motions.

Dr. Gopi Chand Bhargava : I want to make one submission. When we read a news in the papers and the news is not contradicted and when we find that it was a direct insult not only to you but to the whole House and I say to the whole province if that news were correct, are we not within our right to invite the attention of the Government about this by way of an adjournment motion ? The Honourable Premier has accused us of giving notice of frivolous motions. I beg to submit that he is not justified in making that allegation or accusation against us. We realise our responsibility and when we knew that the information was wrong we did not take a minute to withdraw the motion and we did not waste the time of the House. The motion was before the Premier for such a long time. If he found that we were wrong, I think it would have been good of him had he informed us that there

¹To ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the treatment meted out to the Honourable Sir Shahab-ud-Din by the Police at the Simla barrier.

was no truth in it and we would have believed him and not even wasted that one minute and he would have been saved the remark accusing us of making frivolous motions.

Premier : May I ask in which paper this news appeared ?

Dr. Gopi Chand Bhargava : In all the vernacular papers—*Praja* and *Vir Bharat*.

Mr. Speaker : What surprised me is that no honourable member took the trouble of referring to me. I was here and accessible. Had any gentleman taken the trouble of coming to me I would have given him the true facts.

Dr. Gopi Chand Bhargava : I beg to submit that only a day or two ago we were informed that there was no truth and I asked my friend Chaudhri Kartar Singh to meet you. He has now withdrawn it and it is unfair on the part of the Leader of the House to say that we move frivolous motions and I hope he will not bring that charge again.

Lala Deshbandhu Gupta : Even on the basis of the statement you have made, we want to know from the Government and I think we are perfectly justified in asking the Government whether the real object of the enquiries that are made at the barrier is to find out whether a man is vaccinated or not or whether he is suffering from any infectious disease, etc., as they pose that is their object.

An honourable member : Is the word 'pose' parliamentary ?

Mr. Speaker : I have consulted books of reference and come to the conclusion that the word 'pose' is not unparliamentary.

Lala Deshbandhu Gupta : I should like to know whether that is their real object or whether their object is something else.

RIOT AT CHINIOT.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*) : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of Government to control the situation created at Chiniot in the Jhang district on 7th June, 1933.

Mr. Speaker : The honourable member has not stated in his motion, as worded, that the police was informed beforehand or that the authorities were informed that such and such a thing was going to happen. Then how does the responsibility of the police come in ?

Lala Bhim Sen Sachar : 'Failure of the police,' that is the wording.

Mr. Speaker : Was the police informed ?

Lala Bhim Sen Sachar : Yes.

Chaudhri Kartar Singh : Sir, I merely wish to submit that this riot took place at a distance of 100 yards from the Railway Station of Chiniot and the mob remained there from 10 A.M. to 6 P.M.

Premier : What caused the riot ?

Chaudhri Kartar Singh : Do not lose patience. I am coming to that. In the meantime I was observing that the tahsildar and the sub-inspector were both present in the city. Moreover, Lyallpur is near by, at a distance of 22 miles only and the police could be sent for from there. Again, Jhang is within easy call and the police of that district could be requisitioned at once. What needs explanation is that the mob remained there from morning till evening and yet the local officers could not see their way to control the situation. It is a pity that the tahsildar and the sub-inspector did nothing to hold the lawless mob in check in spite of the fact that both of them were present in their headquarters. It was only at 12 o'clock that a telegram was sent to the higher officers and the investigation started the next day.

Mir Maqbool Mahmood : On a point of order. The honourable member who has just now explained the reasons for the adjournment motion said that certain police officers or certain tahsildars had not taken action which he desired them to take. But the adjournment motion refers to the failure of the Government to control the situation. I submit that even on his own statement it is not clear how the Government comes in in-controlling or not controlling the particular situation.

Chaudhri Kartar Singh : The honourable member ought to know that the tahsildar and the sub-inspector represent the Government of the day on the spot and if in that capacity they fail to perform their duties properly, the Government can with justification be held responsible for negligence in coping with the situation.

Lala Bhim Sen Sachar : May I give some information on the point? The information that I have received from Chinot is this. A certain goldsmith became a Muhammadan, that is, he changed his religion and later on married a Muslim woman. Then that man and his wife came back to Chinot and on the pressure of his friends he and his wife were converted to Hinduism. That goldsmith and his wife were going from Chinot to another village in order to find a living. Some Muslims of that place when they came to know that that man was taking that woman with him and that the woman was converted into Hinduism, got naturally infuriated—(An honourable member : Why naturally?)—because they always feel like that whenever such a thing happens. This information which was in the possession of some persons was communicated to others and a large number of people began to gather.

When this thing was going on, I am informed, and I have that information in writing from some persons in Chinot—they communicated to the Thanedar and the words used in the communication—I am sorry I have not got it here—are that some notables of the town including pleaders and municipal commissioners went to the Thanedar and apprised him of the serious situation that was developing in the town and that large numbers of Muslims were gathering and that there was a danger of breach of the peace. Then as the crowd was swelling, they began to move towards the town and when they were coming towards the town they met one Buta Ram in the way and they fell upon him.

Dr. Gopi Chand Bhargava : On a point of order. I am sorry to have to raise it, but the real facts which led to the fight do not concern us at all. What we want to discuss is that the police did not make any adequate arrangements to stop this communal fight.

Mr. Speaker : I do not want details. All I want to know is what happened there. Were any murders committed ? (Voices : Yes). Has the case been challaned ?

Dr. Gopi Chand Bhargava : No challan has been filed in the court up to the present day.

Chaudhri Kartar Singh : The police is making enquiries but no challan has been put forward.

Mr. Speaker : The question is whether the case has been sent up to court.

Premier : The report I have received is that there was a riot in Chiniot on the evening of 7th of June and the situation was immediately controlled by the police. As a matter of fact the report which I have received shows that they did very well indeed. The police got back the alleged husband and wife and kept them in the *thana* because there was a danger of their being lynched by the crowds outside and when the sub-inspector came to know that there were stray assaults, he went at once with all the available police and got the situation under control immediately. Further police arrived from Jhang and there was no recurrence of the trouble or any incident after that. All that happened within about half an hour or three quarters of it.

Sardar Sampuran Singh : How many persons were killed ?

Premier : One was killed and six or seven were injured from both sides.

Lala Bhim Sen Sachar : The position is like this. The Honourable Premier has mentioned the fact about the bringing of the couple to the *thana*. The fact is that this couple was brought back to the *thana* by the people and there the woman made a statement that she was major and she was the wife of the goldsmith and wanted to remain with him, but in spite of the fact, as reported to me though I cannot vouch for it, in spite of the fact that the *Thanedar* was apprised of the serious danger.....

Premier : May I point out that this matter in regard to whether she is the wife of that gentleman or not is *sub-judice*.

Chaudhri Kartar Singh : Sir, if you allow me to say a few words, I would prove that the case of the husband and wife has nothing to do with the matter now under consideration of the House. The point that requires elucidation is, why did the sub-inspector of police fail to control the situation in spite of the fact that the crowd remained at a distance of 100 or 150 yards from the railway station from 10 A.M. to 6 P.M. ? May I ask whether it is not the duty of the Government to prevent people from creating disturbances, and to save the lives of the innocent people ?

Premier : I merely wanted to repeat what I have already stated that these stray assaults took place within about three quarters of an hour and as soon as the Police came to know about it they went to the spot and took the situation under control at once. I also submitted that this case is *sub-judice* as to whether the man and the woman are husband and wife and the other case in which people were murdered and injured is, I believe, still under investigation.

Dr. Gopi Chand Bhargava : We are not concerned with the case about the wife.

Premier : That is very material.

Mr. Speaker : The matter does not appear to be so important as it is sought to be made ; yet I think if the facts, as stated, are correct, there is something. One thing, however, I would like to know. Will the Honourable Premier please send a telegram and ascertain where the case stands ?

Premier : I have got information already. As I submitted, a case under sections 304, 149, 395 and 328 was registered by the Station House Officer and investigation is going on.

Mr. Speaker : I want to know when it is going to be *sub-judice*.

Premier : I am not certain but we can enquire about it whether it is already *sub-judice* or not.

Mr. Speaker : The Honourable Premier may inquire and report when we meet next. The difficulty is that even if I allow the motion now, it cannot be discussed immediately, it shall have to be discussed later, and by that time the case might become *sub-judice*. The case should not be *sub-judice* (i) when the motion is *admitted* and (ii) when the motion is discussed.

Lala Bhim Sen Sachar : May I through you make a submission to the Premier, because this matter is not going to be taken up now.....

Mr. Speaker : As the matter is bound to be *sub-judice* before long, the House should know, if possible, whether it is already *sub-judice*, and, if not, whether it is likely to be *sub-judice* before the 27th instant, the next day on which the Assembly meets and the motion can be discussed. I hope the Honourable Premier will be able to collect the requisite information.

Dr. Gopi Chand Bhargava : If you feel it is in order, you may announce the motion in order and fix time for its discussion but if we find later on that the matter is *sub-judice* you may disallow its discussion.

Mr. Speaker : I am already treating the motion very sympathetically. According to the decision of the Presidents in India, if a case is bound to come before a court of law, it should not be admitted. So let us wait till the 27th. Just now the Government is not in a position to give any information to the Assembly or discuss the motion. Consequently I cannot allow it to-day.

Malik Barkat Ali : Does not a matter become *sub-judice* as soon as a report is registered with the police and the police starts investigation ? Where is the guarantee that the police will not challan a case ? Again the police may or may not challan, still the private complainant can take the case to court. My submission is that as soon as a case is registered, the police starts investigation and the matter becomes *sub-judice* in the eye of the law.

REPRESSION IN KARNAL DISTRICT.

Lala Duni Chand (Ambala and Simla General) (Rural): Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the repression reported to and practised in Karnal district as evidenced by the ill treatment and persecution to which Swami Sewa Nand and other Congress workers were subjected by the police on or about 3rd May, 1938, with the object of stopping legitimate and constitutional political work in Karnal district.

I do not know what will be the fate of this adjournment motion but I beg to place before you very clearly and definitely two aspects of this motion. The first aspect is that since the middle of April last all sorts of repression is going on against the political workers of that district. No meetings arranged by the political workers are being allowed.

Premier: Is my honourable friend making a speech?

Mr. Speaker: What sort of repression was exercised?

Lala Duni Chand: Meetings were stopped. Workers had been ill-treated and assaulted.

Premier: By whom?

Lala Duni Chand: By your men.

Premier: What do you mean by the words "your men"?

Mr. Speaker: I rule the motion out of order.

Lala Duni Chand: I want this adjournment motion to be admitted on two grounds. First, that repression is going on and secondly, that on 3rd May, 1938, Swami Sewa Nand and others were ill-treated and were subjected to all sorts of repression. They were assaulted and were not allowed to hold a meeting.

Premier: But they could go to a court of law?

Lala Duni Chand: In my humble opinion the entire subject of repression in Karnal district is a specific single matter but if you think otherwise then I take my stand for the admission of this adjournment motion on the ground that on a particular day, namely, 3rd May, 1938, the police assaulted Congress workers and did not allow them to hold a public meeting. I have given the name of a prominent man Swami Sewa Nand who was ill-treated. So, this is by itself a matter on which I can move an adjournment motion. My humble submission before you is that if a number of acts have been done in the course of a certain time to repress a perfectly legitimate and constitutional movement, that repression, taken as a whole is a specific single matter. My adjournment motion can be admitted on this ground.

Mr. Speaker: If any person was assaulted and beaten, the person or persons aggrieved should have resorted to a court of law. Therefore, the motion is not admissible on that ground. The second reason advanced is that political meetings are not allowed to be held and thus the Congress is harassed. What has the Honourable Premier to say?

Premier : So far as the Government is concerned, we have issued no orders to stop any meetings. I can assure my honourable friend on that point.

Parliamentary Secretary (Mr. Maqbool Mahmood) : On a point of order, Sir. The adjournment motion, as worded by my honourable friend opposite deals not with an individual incident but with the alleged repression resorted to and practised in Karnal district as evidenced by the ill-treatment and persecution to which Swami Sewa Nand and other Congress workers were subjected by the police. As very rightly pointed out by you, if they wish to deal with one incident the best remedy is a court of law. If the point of attack is the alleged general repression, then it is not a definite matter. The motion is, therefore, in my opinion, out of order.

Mr. Speaker : Who has interfered ?

Lala Duni Chand : It is the police.

Mr. Speaker : I think resort could be had under the law to the District Magistrate or the Superintendent of Police. If they also had refused to interfere, then there may have been some justification for coming to this House.

Lala Duni Chand : The Police dispersed a perfectly constitutional and legitimate meeting without any orders of the Deputy Commissioner.

Mr. Speaker : That is all the more reason why the Deputy Commissioner and the Superintendent of Police should have been approached.

Lala Duni Chand : I want to approach the House and not the Deputy Commissioner.

Mr. Speaker : The House is not a Police Station or a District Magistrate's Court. Millions of people are molested and harassed every day, and if every aggrieved person's complaint is to be placed before this House by a question or an adjournment motion, it would be impossible for this House to hear and dispose of all such complaints. About every incident and about every candidate or clerk in a Government office there are a series of questions. So far I have been very tolerant and indulgent, but there is a limit. Why should not the persons aggrieved go to the Superintendent of Police and the Deputy Commissioner ? I disallow the adjournment motion.

APPREHENSIONS OF CRIMINALS IN LUDHIANA DISTRICT.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I beg to move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government to apprehend several desperate criminals and proclaimed offenders who have been responsible for many recent murders in broad day light in villages Man, Jodhpur, Channanwal of district Ludhiana and who emboldened by the inaction of the police move about armed with firearms committing a series of dacoities and other crimes spreading terror and lawlessness as a result of which a serious state of insecurity prevails in the villages of thanas Shaina and Jagraon.

Mr. Speaker : Is the police responsible for it ?

Sardar Lal Singh : It is due to the inaction of the police. It is said that Government is lax intentionally so that the Congress may not gather force. There have been several petty officials who say "let the Congress do it," and the result is that some of the people have actually deserted their villages. There is so much insecurity that no one's life is safe.

Mr. Speaker : Was a complaint made by the honourable member to the local authorities ?

Sardar Lal Singh : Yes. I have made several complaints, but I am sorry to say that Government officers had not the decency to reply.

Premier : What kind of complaint ?

Sardar Lal Singh : Complaint to the effect that an innocent woman while proceeding to the police station Shaina to make a complaint was murdered in the presence of a lambardar in broad day light ; and that man has been frequently seen in that village in the company of several people armed to the teeth and the police has done nothing.

Mr. Speaker : In view of what the honourable member has stated it is not a definite matter.

Sardar Lal Singh : The state of insecurity is as much definite as it can be.

Premier : May I point out that in this particular *ilaga*, Government have not only taken precautions by providing additional police and police lorries, but has also encouraged the people to take licences for arms and have distributed buck shot ammunition free in 65 villages, with the result that there has not been a single murderous dacoity in this *ilaga* during the past year.

Sardar Lal Singh : There has been a dacoity only four days ago, in which an innocent woman proceeding to her destination was robbed.

Premier : During the last year, after these arrangements, there has not been a single incident of the type mentioned in this *ilaga*.

Sardar Lal Singh : We have seen a notorious dacoit Gurnam Singh going as far as Kapurthala State. I am surprised to hear from the Premier that there has been no dacoity.

Premier : Gurnam Singh and other dacoits who are terrorising lives in the Indian States which lie on the border of Ferozepore and Ludhiana districts and as to why they live in those States is no reason for an adjournment motion.

Mr. Speaker : According to the Honourable Premier, action has been taken by Government. Extra police and lorries have been provided, licences for arms have been given. I think the honourable member must have heard that many dacoits on the Continent as well in India have not been detected or caught for years. They have defied the police. Discussion of Government's responsibility in this case will be justified only if Government has failed in its duty as Government. The Premier has stated what the Government has done. The Government could provide additional police and supply other facilities. All this has been done.

Sardar Lal Singh : The question is whether Government have failed to take any steps; that is what I want to discuss. There are about four or five desperate criminals going about during the day time in the villages. It is impossible that the police are unaware of it and yet they do not do anything.

Mr. Speaker : What does the honourable member expect Government to do ?

Sardar Lal Singh : Is it within the purview of this adjournment motion ?

Mr. Speaker : I must know what Government could do but has not done.

Sardar Lal Singh : Government can arrest those dacoits with the help of the military if the police is insufficient. (*Voices : Martial Law*).

Premier : Have the police not arrested several notorious dacoits ? (*Cries of no, no*).

Sardar Lal Singh : What we want to say is that the police officers are not only inefficient but that their inaction makes people think they are actually in league with the dacoits and do not want to arrest them and there is no security of life or property.

Lala Duni Chand : The question of the responsibility of the Government does arise.

Premier : I understand that during the twelve months these precautions had been taken there has not been a single case of murderous dacoity in that *Wazir*.

Sardar Lal Singh : Is the Premier aware that only about ten days ago in village Shama two men who had been at the house of the Sub-Inspector of Police, two local men, went actually to a shopkeeper, molested him and tried to wrest money from him ?

Mr. Speaker : I request the Honourable Premier to ascertain the facts of this case by Monday next when I will consider the question of admissibility of the adjournment motion.

Premier : As a matter of fact I will give you more information of what we have done. We have distributed free arms to the people.

NOMINATION TO LYALPUR MUNICIPAL COMMITTEE.

Mr. Speaker : We will now take up the adjournment motion.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to move—

That the Assembly do now adjourn.

Mr. Speaker, in accordance with your instructions that we should be as brief as possible, I promise that we on this side will attempt to castigate Government in as brief a span of time as possible. Let me make one complaint. This Government and our Ministers opposite have been in-

office for the last 15 months or so. We knew at the time of their resumption of office that they were a reactionary Ministry. We knew that their policy and programme were reactionary, but the events of the last 15 months have shown that they are more reactionary than we thought in our wild imagination. Mr. Speaker, irregularities are being committed by these gentlemen, mistakes after mistakes are committed and when the time of reckoning comes they turn their tails and fly away instead of facing the music.

The recent action of the Government or the Government officials in making nominations to the Lyallpur municipal committee is nothing short of a scandal, a virtual suppression of a very important and first class municipality. Lyallpur, as you know, is one of the most important towns of the Punjab. I should call it a nerve centre of the commercial, industrial and other activities of the people of the colonies. That is a premier municipality in that part of the Punjab. The action taken with regard to that municipality is very deplorable. It is not only deplorable but it reveals Government's policy in regard to matters concerning local self-government in its hideous nakedness. What has the Government done in this case? What are the facts of the case? Here are the facts of the case. At the last general election, the Muhammadans of Lyallpur did not unfortunately participate in it, because they had a grouse against the system of election. They wanted separate electorate. They wanted their representation through the door of separate electorates. They protested against joint electorates. They boycotted the election and therefore no Muhammadan was elected to the municipality for no fault of the Government and for no fault of the law in force. What was the result of that? Twelve Hindus and Sikhs were elected and two were nominated—one Hindu and one Muslim. So 14 members constituted the municipal committee. Since then there has been a complaint by the Muhammadans of Lyallpur that they were not represented on the committee. Their complaint was genuine and it ought to have been redressed in time, but in a proper manner, in a proper fashion and in a proper method. It has also been said that the municipality of Lyallpur, whose general election is over-due, passed many resolutions urging upon the Government to hold the general elections which were over-due, but the Government paid no heed to their representation and did not hold general elections, which was the only proper method to redress the grievances of the persons aggrieved. What has the Government done now? Instead of holding elections at the proper time, they have made 12 new nominations to the Lyallpur municipal committee under the Municipal Act and in this way the number of nominated members has been increased to 14 as against 12 elected. So, as a result of Government's action, the official nominees control that body now, and have swamped the elected element. So virtually, or I should say, actually the power over municipal affairs, which was vested in or which was possessed by popular representatives of the people, has been transferred, with a single stroke of the pen of the gentleman opposite, to the official nominees. They say that they have made nominations to please the Muhammadans. (*Minister for Public Works* : No, I gave them due representation). The Honourable Minister will have his chance. What is the result of these nominations? The Lyallpur municipality is actually in the hands of the Unionist Government, but not in the hands of poor 9 Muslim members of the committee. They

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do not possess any effective voice. Our complaint is not that Muhammadans have been nominated. Our complaint is that the Lyallpur Municipality has been taken over by the Unionist Government from the hands of popular representatives of the people. As a result of these nominations, 9 Muhammadans, 2 Hindus and 1 depressed class have been nominated to this committee. As a protest against the Unionist fiat 7 honourable, respectable, well-placed and influential members of that committee have resigned, including Sardar Sampuran Singh, M.L.A., who was the President of the committee and Dr. Nand Lall, Vice-President. Sardar Sant Singh, M.L.A. (Central), a well-known public man and famous legislator, Seth Ram Narain Vermani, ex-M.L.A., Mr. Ganesh Dutt, Lala Diwan Chand and Lala Bhagat Ram have also resigned as a protest against the action of the Government. A critical and tense situation has been created there. They have resigned as a protest against the nominations which resulted in the transfer of the control from the hands of popular representatives into those of the Unionist Government.

Minister for Public Works : They have resigned from a municipality, the normal life of which had expired in February 1937 and they were keeping themselves in office by certain tactics.

Sardar Hari Singh : May I take it that the Lyallpur municipality is no longer in existence ?

Minister : It is in existence but beyond its normal life.

Sardar Hari Singh : Then my contention is that these gentlemen have resigned from that committee which is still in existence, not because of its being in existence beyond its normal life but because of the action taken by the gentleman opposite. Let not the impression be carried away that I am against the Muhammadans being nominated to the committee. I would be glad if all the members of the committee are Muslims, provided they are elected by the people and they are responsible to the people and they continue to enjoy the confidence of the people of Lyallpur. I would go further and say that I would not mind if all Ministers of the Punjab Government are Muhammadans provided they are of the type of Dr. Khan Sahib (*Hear from the Opposition benches*) and are elected by the people and are responsible to the people. This is our position in this matter. My grouse is to the following effect—that in the garb of providing representation to the Muslim population of Lyallpur, they have, in reality, in actuality, provided representation to their own party and in an overwhelming majority. In this connection, I take it that the real object of the Government is—and that will be their reason and justification—that they want to provide representation to the Muhammadans pending the next elections. Supposing that is the position of the Government for a moment. Then why have they nominated 2 Hindus along with 9 Muslims? Again, they have been in office for the last fifteen months, why did they not tackle this question earlier? Those who profess to be solicitous of the protection of the interests of Muslims, after joining the Muslim League, I ask them, why did they not tackle this question earlier? Why did they not hold the elections to the committee earlier? Why have they been shirking the issue for so many months if they agreed to give

representation to Muhammadans? Even now the Muhammadan population of Lyallpur is not represented on the committee at all. These are the nominees of the Honourable Minister and they will act according to the instructions of the Minister. So this action of the Government is open to attack from many points of view. The validity of the action of the Government can be questioned from the point of view of propriety and also from the constitutional point of view. This action, I submit, is undemocratic and it is calculated to frustrate the development of self-government in the Punjab. This shows that our Ministers are assuming the roll of dictators, Hitlers and Mussolinis, in this land of five rivers. This is clearly an attempt to gag the popular will and the expression of popular opinion.

Now, let me examine the action of Government from the constitutional point of view. In section 12 of the Municipal Act it is laid down in the proviso that unless the Local Government otherwise direct the appointed members shall not exceed one-fourth of the whole committee. It is clear, therefore, that in the present case the nominations have been made under the instruction of the Local Government. It is not open to the Honourable Minister to say now that the Commissioner took the action or the Deputy Commissioner took the action. The increase in the number of nominated members has been effected under the order of the Government. Section 14 lays down that action can be taken under two conditions. One is that the majority of the electors should make a request to Government that the number should be increased and so on. Can my honourable friend the Minister say that a majority of the electors requested him to increase the number of nominated members of the committee? I am sure his answer will be in the negative. Another condition under which action can be taken under this section is that public interest must be affected. What is the public interest which was affected in the Lyallpur municipal committee which was not affected for the past three years and a half or even for the past 15 months during which period the ministry has been in office? What immediate urgency has arisen to call upon the Minister to increase the number of nominations to this committee? Granting that these two conditions had been fulfilled for the purpose of argument, nominations to the committee can be made only if sufficient number of members had not been elected to the committee. Does the Honourable Minister mean to say that twelve members elected to the committee do not form a sufficient number? Further, in order to make his action under this section justifiable, the proper time for nomination was just after the general election and not after 3½ years after the general elections. So the action of the Honourable Minister in making nominations now is improper, illegal, unconstitutional, reactionary, retrograde and what not.

Mr. Speaker : Motion moved is—

That the Assembly do now adjourn.

Parliamentary Secretary (Shaikh Faiz Muhammad): Sir, after hearing the honourable mover I am in a way glad that my objection to the admissibility of the adjournment motion did not prevail. From the speech which the honourable member has made it is clear that either he is totally ignorant of the real state of affairs prevailing in Lyallpur or he has been wrongly informed. Apart from the fact that my honourable friend

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has indulged in vague generalities and platitudes, he has said nothing which can possibly justify an attack on the action of the Government in relation to the Lyallpur municipal committee. In order that this House may be in a position fully to appreciate the implications of this adjournment motion and also the implications of the action taken by Government it is necessary for me briefly to recapitulate the history of the Lyallpur municipal committee for the last decade and a half. First of all, I may inform the House that joint electorates have always obtained in the municipal committee of Lyallpur. As long back as 1928-24 the Mussalmans represented to the Government that they could not secure their due share of representation on the committee through joint electorates and that therefore they should be allowed separate electorates. This representation was rejected by the Government and I think it was rightly too. Later on in 1924, the municipal committee which consisted of a majority of non-Muslims represented to the Government that it was impossible for the minority communities to be properly represented on the committee through joint electorates and that therefore separate electorate should be introduced. This proposal of the committee was also turned down by the Government. Instructions were, however, issued to local officers that the municipal area should be divided into six wards of two members each. It was hoped that under this arrangement it would be possible for the minorities to secure proper representation. The constitution of the committee at that time consisted of 16 members out of which 12 were elected and four were nominated. Unfortunately, however, in the elections that followed in 1924 and 1930 this expectation did not come true. In 1931 the Mussalmans again revived the question of separate electorates. This time the local officers also supported the demand. The Commissioner of the Multan division, I think it was Mr. Salusbury who held the office then, observed that attempts to secure due representations of minorities on the municipal committee through joint electorates had definitely failed and that the only solution was separate electorates. In spite of this the Government did not agree to the conversion of the joint electorates into separate electorates. (*An honourable member*: Very wrong of the Government.) It was not this Government. Then came the elections of 1933, which the Muslims boycotted as a protest. At that time all the 12 seats open to election were captured by non-Muslims. Some time later two Muhammadans were appointed to the committee, but they also resigned. Thus in 1933 the committee consisted entirely of non-Muslims. A few months later or rather a year later, realising the awkwardness of the position Government offered to nominate five Muslims to the committee. But the Muslims did not agree to this because their contention was that ever since 1923 the population of Lyallpur had more than doubled and according to the accepted formula known as the Beazley formula the municipal committee should consist of 21 members out of which 9 should be Mussalmans. The Government did not accept this contention. In August, 1936, the Lyallpur municipal committee of which my honourable friend opposite was the President passed a resolution saying that since the population of the municipality had more than doubled the committee should consist of 26 members according to the Beazley formula. This time the Government accepted the proposal and ordered the local officers to undertake the re-alignments of

the wards. Incidentally I may say that the committee proposed that there should be single member constituencies. This position was also accepted by the Government and it was ordered by the Government that the town should be redistributed into wards and the electoral rolls revised accordingly, so that the next elections due in February next might take place under the new constitution. Before the notification regarding the reconstitution of the committee could be issued the tenure of the previous Government expired and the new Government came into power. At that time the local officers represented that it was impossible to hold elections earlier than November, 1938. I think I am not letting out any official secret when I say that the present Minister wrote back that he would much rather prefer election to nomination and therefore he asked that the work of redistribution of the town wards and the revision of electoral rolls should be expedited. But the local officers again reported that the work could not be expedited because the distribution of wards and the preparation of electoral rolls had to be done according to certain rules which necessitated their publication, invitation of objections from the people, disposal of the objections and so on and it was estimated that a year would elapse before the new elections took place. In the meantime representations were received from the people of Lyallpur. I have got these representations here in which all sorts of allegations are made against the majority party in the committee, the party in power. These representations were received not only from the Muhammadans of Lyallpur but also from the Hindus and Sikhs of the town. Not only that. Six out of the 14 members of the committee elected, all non-Muslims, also represented to the Government that things in the committee had gone from bad to worse and that pending elections, nominations should be made. I would like to read only one extract from the representation which was made to the Government by the 6 non-Muslim members of that committee. "We consider that for the peace and harmony of the town and for the smooth and efficient administration of the committee, it is absolutely necessary that Muslim representation be made at once by nomination, so that the interests of all communities be adequately represented." This is the representation sent by six sitting members of the committee—all non-Muslims. Then, Sir, certain other letters were also received from Lyallpur people, very responsible people, who said that the relations of the various communities had become very strained and that it would be in the interests of harmony and good relations among communities that if possible elections should be held forthwith and if that is not possible, then pending the elections, nominations should be made. Now, Sir, it was in these circumstances, that after revising the constitution by raising the total number of members on the committee of Lyallpur from 16 to 26, Government ordered that pending the preparation of electoral rolls and the redistribution of wards and pending the receipt and disposal of objections, nominations should be made. I may also refer to the notifications actually made. There is no intention on the part of the Government to revert to separate electorates. All that has been done is that pending the elections and for a period of one year or it may be six months or nine months, the Muslims who were keeping out of the committee as a protest have been nominated, so that all the communities may be properly represented on the committee during this

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period and after that elections will be held. Honourable members may refer to the notification No. 547-C., dated 18th June, 1938. It says "whereas it is expedient to increase the number of seats as a temporary measure, therefore in exercise of powers conferred upon the Government by section 27 Government are pleased to direct that the number of seats be increased by ten." Again, "In exercise of the powers conferred by section 27 Government are pleased to direct that these ten seats shall be filled by appointment and the persons so appointed shall remain in office until the result of the next elections." Therefore, it is clear that these nominations have been made as a temporary measure. The constitution of the committee is 26. Out of this 21 seats will be open to election and 5 to nomination. So nothing has been done which can possibly be construed as an intention on the part of the Government to deprive the people of Lyallpur of the right of election. These nominations have been made not because Government wanted to nominate some persons on the committee of Lyallpur, but because the people of Lyallpur themselves repeatedly pressed for it. Representations signed by thousands of people, Hindus, Muslims and Sikhs, all classes of people, were received by the Government and it was considered highly undesirable that any one community should totally be eliminated from the committee. Government therefore took this action.

There is another point which I must bring to the notice of the House. It has been insinuated that the persons nominated are members of the Unionist Party and that they represent nobody. I want to remove the misunderstanding. The Deputy Commissioner, Lyallpur, recommended certain persons to be nominated and he definitely stated that in making the selection he had been influenced by the consideration as to who would be the people who would stand the best chance of being elected. Government, therefore, accepted his recommendations and appointed the persons who not only do not belong to the Unionist Party but who are in some cases definitely opposed to it. In this connection I may mention the name of my friend Bana Feroz-ud-Din. He is not a member of the Unionist Party. He has always been opposed to it and I think he is connected with the Ahrar movement. Some other members also have been appointed who are not at all connected with the Unionist Party but have all along been in the opposite camp. It cannot, therefore, be said that in making these nominations Government has been influenced by party considerations. In view of this statement of facts which can be easily verified I hope that this adjournment motion will be withdrawn.

Dr. Satyapal (Sialkot-Amritsar, General), Rural: I rise to support the adjournment motion so ably moved by my honourable friend Sardar Hari Singh. I have very attentively listened to the exposition given by the Ministry but I must confess that I am absolutely unconvinced as to the desirability of nominating 14 gentlemen on a committee which has already a strength of only 12 elected members. That is a clear indication of the Ministry's desire to out-vote the elected representatives of the town. The point made by the Parliamentary Secretary, I suppose, is that the Muhammadans were not

represented on the committee. That is a very sad thing, but it is no redress of that grievance. The Government knew that for all these years the Muhammadans had boycotted the municipal committee. The Government ought to have taken earlier action in restoring the confidence of these Muhammadans by meeting their grievances, but they should not have resorted to the process of nomination which is a direct negation of democracy for which we are all striving. (*Hear, hear and Opposition cheers.*) What argument can the Ministry advance in placing these 14 men at a time when the Ministry itself thinks that a new committee is going to be created? There could be no difficulty in calling for new elections now. The present members of the committee have been trying their best and crying themselves hoarse over this that this committee should go and a new committee should be constituted. The Government has been adopting dilatory tactics in order to force these nominated members on the committee and thus to weaken the elected members of the committee. Of course I welcome the nomination of a member of a scheduled caste but he could be elected. He could come through the channel of election. (*Voices: He cannot.*) Why can he not? If one could be returned to the Assembly, he could also be returned to the municipal committee. Seats could be ear-marked for them. A seat can be reserved and yet a man can come through the channel of election. The principle of nomination stinks in our very nostrils. While in other provinces where the Congress Ministry is in power they are abolishing all the places which were in the hands of the Government, the honorary magistrates, the lambarbars, zaildars and so on, here in the local self-government, a locally conducted body, our ministry gives us this boon that it out-votes the elected representatives on the committee. But we must not expect anything good from this Ministry. (*Hear, hear from Opposition benches.*) Why should we wail over it? It is only to do our duty that we are calling the attention of the Ministry to such glaring instances of undemocratic and unjustifiable misdeeds; otherwise we know that it is all a cry in the wilderness. They find themselves securely entrenched behind the strength that they have got, but if the Ministry would just give a moment's consideration to this fact, is it creditable for the Ministry to manage its affairs in such a manner that a premier town like Lyallpur should have a committee with a majority of nominated members whose only wish and aim is to support the Government? The honourable member on the opposite side said he had received a representation. Well, do not talk of these. I could get representations on any side. The Government in power can secure representations from people who hang on to them for favours (*hear, hear*) and for rewards they can easily sign any representations that you like. It is very unfortunate and I have to admit it with shame that in my country people would give representations signing their own death warrants only if they were assured of rewards (*Voices: after their death, for their children*) I know people are ready and quite agreeable to sign any representation to support the Government as long as they know that they can get some crumbs from the table of the Government and they can feed themselves. This is very unfortunate—I admit it to my shame—and this fact is of no value. The question is this that seven respectable representatives of the town duly elected. . . . (*Voice: Congress members*). Yes, Congress members. The Congress is a very respectable and responsible body, not like the Unionist Party. (*Hear, hear from the Opposition.*)

Mr. Speaker : That is not fair.

Premier : No, Sir. My honourable friend is at perfect liberty to beat his own drum which is hollow.

Dr. Sir Gokul Chand Narang : All drums are hollow.

Dr. Satyapal : If the drum is so hollow, why are they so quickly irritated? Unless a man is hit, he never smarts. When it is their turn they hit us and when it is our turn we hit them. It is all fair.

Mr. Speaker : My request is that, if necessary, the honourable members may hit each other outside the House, but not in this Chamber. (Laughter.)

Sardar Hari Singh : Parliamentary hits here.

Dr. Satyapal : I would not take notice of this that the drum is hollow, because that drum sounds the loudest in seven out of 11 provinces in this country and the solid drum which cannot sound and which cannot do any good to any body is only confined to this unfortunate province or a couple of others.

Premier : Empty vessel makes much noise.

Dr. Satyapal : And that is why you are loudest at this time. (Laughter.)

Mr. Speaker : I hope the honourable members will appreciate now, why I am anxious that hits should not be exchanged on the floor of this House.

Dr. Satyapal : I was making this point that the Government that was solicitous to get the representation of Muhammadans on the committee should have immediately ordered fresh elections. We do not grudge this, as Sardar Hari Singh very ably put it. Let all 26 members be Muhammadan, we do not mind it. We do not belong to a school which thinks that religion plays any part in civic or political matters. We are quite safe in the hands of Muhammadans, provided they are nationalists and do not belong to this League or that League (*hear, hear*). So our contention is this that if the Ministry was anxious to find a representation for the Muhammadans it should have immediately ordered fresh elections and then they could have been satisfied. We are quite prepared to concede this point that if a minority community thinks itself unable to be fully represented through the method of joint electorate, seats should be reserved for that community, but the method of joint electorates must always be retained because that is the only democratic principle. Therefore, instead of maintaining the democratic principle of bringing the Muhammadans through election, the Ministry brings them through the door of nomination with a view to overawe the elected members.

Premier : You cannot overawe elected members like this.

Dr. Satyapal : They have resigned because of this. They felt so humiliated and they also felt that these 14 members will so out-vote them in every matter that a self-respecting individual could not continue there. I do not think any member had any alternative but to quit such a committee and not to be a puppet in the hands of the Ministry (*hear, hear*). No body would like to be a tool in the hands of the 14 members who have been nominated, not because people wanted them, but because the Government wanted them.

The fact is that Lyallpur is a very important commercial town and it has very important civic affairs to deal with. The Government was feeling that the power of the representatives was increasing and in order to curtail and cripple that power it has resorted to this wild device of forcing fourteen nominated members on the twelve elected members so that they may be out-voted in every matter and when Pandit Jawahar Lal or any other nationalist leader goes there, instead of offering him an address, they should honour the Deputy Commissioner and the Commissioner. So, I beg to support the adjournment motion moved by Sardar Hari Singh and I hope that the House will give it its full consideration. (*Loud applause.*)

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, I welcome the adjournment motion moved by a member of the Congress party and supported by the President of the Punjab Provincial Congress Committee, because, to my mind, this motion furnishes a most conclusive proof of the complaint to which Mr. Jinnah gave expression in the course of the correspondence that passed between him and Mr. Gandhi and later on between him and Pandit Jawahar Lal Nehru. (*Chaudhri Kartar Singh: Shameful.*)

Mr. Speaker: The word 'shameful' is unparliamentary and should be withdrawn.

Chaudhri Kartar Singh (*Urdu*): I am prepared to obey the ruling of the Honourable Speaker but I wish to point out that on some previous occasion you were pleased to rule with regard to a point of order raised by Diwan Chaman Lal that the word shameful was not unparliamentary.

Mr. Speaker: I do not recollect, but if I did, as alleged, I change my opinion and request the honourable member to withdraw the word.

Chaudhri Kartar Singh: I withdraw the word 'shameful'.

Malik Barkat Ali: I was submitting that this adjournment motion furnishes a conclusive proof of the complaint to which expression was given by Mr. Jinnah in the course of that historic correspondence which passed between him and the Congress Leaders that the Congress organisation was mainly a Hindu organisation and moved under Hindu impulses. (*Voices from Opposition benches: No.*) When I read this adjournment motion, I felt that the object of this adjournment motion was to protest against some conduct of the present Government under which the present Government had changed the constitution of the Lyallpur Municipal Committee and increased the nominated element disproportionately as against the elected element. What are the facts? So far as the facts go, we have been told by the Parliamentary Secretary that prior to 1937 the total strength of the Lyallpur Municipal Committee consisted of sixteen members out of which twelve were elected and four were nominated. The new strength that has been fixed for this Committee under the orders of the present Government is, I believe, 28 out of which 21 are elected members and five are nominated members. In the face of these facts it will be conceded that nothing has been done by the Government, so far as the permanent constitution of the Lyallpur Municipal Committee is concerned, whereby the nominated element has been increased out of proportion to the elected element. Coming now to the circumstances under which these nominations have been made, we have been told by the Parliamentary Secretary that ever since 1923-24

(Malik Barkat Ali)

the Muslims of Lyallpur have been clamouring for separate electorates. They claimed for separate electorates because joint electorates did not permit them to be represented adequately in the municipal committee of Lyallpur. They protested in the year 1923. They have been protesting ever since and the Government of the day turned down those protests, although those protests and clamours were perfectly justified. It is impossible in the condition of things prevailing in this country and the province at large for any minority and particularly for the Muslim minority to get its representation in an elected house except through separate electorates. The Congress has been certainly stressing on joint electorates. Whatever the theory of joint electorates may be, the facts stare us in the face—they have been staring us in the face—and in view of these facts, the Communal Award has laid down that the representation of Muslims in the legislatures of various provinces as well as the legislature of India shall be through separate electorates. The Muslims want this principle to be extended to local bodies and I shall be very sorry if the present Government, in view of what has taken place, does not take courage in both its hands and give to the Muslims of Lyallpur what they have been demanding and clamouring for, i.e., separate electorates. Because since the year 1923 joint electorates have been tried and they are in force to-day, but what do we find? We find that all through these years the Muslims of Lyallpur, according to the admission of the Government itself, have not been able to secure their adequate representation in the municipal committee of Lyallpur. Muslims clamoured. Their protests were turned down. Ultimately, Muslims had to resort to the only other weapon—which the Congress introduced in this country, namely, the weapon of boycott. The Muslims boycotted the municipal committee for various reasons, and yet I never heard, on the side of the Congress, any sympathy with this Muslim grievance. My friends of the Congress never uttered a word, while the municipal committee of Lyallpur went absolutely unrepresented since 1933, so far as the Muslims were concerned. The Muslims later on represented to Government that in view of the increase in population the strength of the members be increased and this demand was actually supported by some of the elected Hindu members and ultimately the number was increased to 26 out of which 21 were to be elected members. We have been told that the Government was certainly keen on the Muslims entering the municipal committee through the door of election. But elections cannot be held in a day. In fact, the elections could not be held earlier than a year. The Muslims found that their boycott was resulting in any amount of harm to Muslim interests. They accordingly made many representations. I have been in touch with the Muslims of Lyallpur and I am really surprised that my friends, knowing the unanimous mind of the Muslims of Lyallpur, should have taken upon themselves the duty of telling the Government that Muslims should have been represented through elections, knowing that elections cannot be held for another eight months or so. Yes, they should have been represented through election and they will be represented a few months hence through election. It is only a question of a few months. There have been any number of complaints against the administration of municipal affairs by the twelve elected non-Muslims members and those complaints have been appearing in the Muslim press. It may be that our Congress friends do not

read the Muslim press and do not know as to what is passing in the minds of the Muslims of Lyallpur as to the treatment they are receiving in the matter of the municipal affairs of Lyallpur. But that cannot wipe off the fact that there was a great Muslim grievance and the Muslims felt after all these years of boycott that they must be represented in the municipal committee and wanted Government to represent them even though for the time being through nomination. The Muslims are satisfied with the nominations for the time being. They are satisfied with the representatives whom the Government has nominated. The Government has nominated those men who could not have been nominated under other circumstances. The Government has nominated leaders of the Ahrar party. The Government has nominated gentlemen who were actually elected by the Muslims. I say, why are you taking it upon yourself to oppose this action of the Government, because so far as the aggrieved community is concerned, namely, the Muslims, they are satisfied. It is the Muslims who have to decide whether they should wait and have election under the present circumstances after the next eight or nine months or whether they should have immediate nominations as the better course. The Muslims know that election cannot be held during the next nine months. The authorities find themselves helpless in view of the rules that stand. Therefore, if the Muslims are content to have nominations for the time being and they have got those nominations, who are you to tell them that an election is better than nomination, they should refuse nominations? (*Loud applause.*) You are not our representatives. You are not our friends. It has been stated on behalf of members of the Congress party that provided election is resorted to, all seats can go to Muslims. We are accustomed to these statements. It is not for the first time that such offers have been made to us. An offer of this thing was made by a much greater leader. Mahatma Gandhi has been offering the Muslims a blank cheque. Recently Mr. Subhash Chandra Bose, the President of the Congress, said that the Muslims can have all the Ministries. We can understand these things and these offers. We can understand the implications of such professions. The proof of the profession, Sir, is in the practice thereof. I am really surprised that in this tiny matter and over this small matter the Congress should have gone to the length of taking upon itself the odium of opposing that which the Muslims welcome. The only inference and the only way in which we can understand this attitude is this that those friends.....

Chaudhri Krishna Gopal Dutt: Sir, may I point out that the honourable member is not speaking to the motion? The question under discussion is the nomination and not the nomination of Muhammadans.

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

Malik Barkat Ali: I was submitting that the party which stands aggrieved at the present moment is the Muslims. Nine seats of the Muslims have been filled.....

Chaudhri Krishna Gopal Dutt: The honourable member says that so many Muslims have been nominated; this has nothing to do with the motion under discussion.

Mr. Speaker: The motion as worded has nothing to do with Muslims.

Malik Barkat Ali : I respectfully submit that so far as 14 nominations are concerned, nine nominations are of the Muslims and the result thereof is that within the interregnum of the few months preceding actual election, those non-Muslim elected members, who are now ruling the roost, will not be able to rule and the Muslims of Lyallpur will be protected against the dominant Hindu and Sikh administration. The Muslims prefer under the circumstances to be nominated.

Mr. Speaker : The motion as worded, has nothing to do with Hindus or Muslims. So, the honourable member should confine his speech to the motion.

Malik Barkat Ali : I respectfully submit that the circumstances under which these nominations have been made, are absolutely and most intimately connected with the complaint of the Muslim community of Lyallpur and the adjournment motion is inspired by a communal feeling. The real situation and the mentality behind the motion have got to be exposed. I, therefore, strongly oppose the adjournment motion : it causes me grief that my friends of the Congress who stand undoubtedly for a very great cause, should have unthinkingly taken upon themselves to oppose something which the Muslims of Lyallpur welcome and which the Muslims of the province approve of. So far as it is a question of principle, that really does not arise. They know that under the new constitution going to be inaugurated at the time of the next election 21 seats will be filled by election. My submission is that it is not really a question of nomination *versus* election : it is something else which is responsible for the adjournment motion. It is for this reason that I oppose this motion. (Voices : No.)

Sardar Sohan Singh Josh : Does the League represent the Muslims ?

Malik Barkat Ali : We represent the Muslims.

Mr. Speaker : The honourable member has made a speech. If he wanted to say more than he has, he should have done so when he was in possession of the House. He cannot make a second speech.

Malik Barkat Ali : I am very sorry but I had to reply to my friend. I have told him that it is not the Congress but it is the Muslim League which represents the Muslims.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) : Mr. Speaker, it is most unfortunate that irrelevant matters and matters on which there is a very wide difference of opinion have been brought in simply to defeat the very object of the adjournment motion. Sir, I would reply to what my learned friend the previous speaker has said. What we object to is this, that the Government should not have nominated a certain set of people ; whether they were Muhammadans or Hindus we are not concerned with. It is said that we moved this adjournment motion because it is the Muhammadans who have been nominated. Sir, I shall be the first man and I think it to be my duty and I shall be proud to perform that duty, if I find that poison is being administered to a Muhammadan, I will come forward and save the Muhammadan from that poison. Communalism is the most retrograde step which Malik Barkat Ali advised the Government to take and I am glad to find that the Honourable the Premier remarked just now that

it would be a most retrograde step if Government were to agree to separate electorate. Let us look at the arguments. He said that the minority should have the right to choose between joint and separate electorates. Well, Sir, are Muhammadans in a minority in this province, and does he want to carry this thing even in every district and every town and village? I think, if his advice were to be accepted by the present Government, the days of the Government will be only numbered. Sir, it is said that the Congress have moved this adjournment motion simply because the Muhammadans were nominated. No. I would say it is far from truth. We moved this adjournment motion because Government had been showing favouritism and nepotism. How does nomination affect the number of Muhammadans on the Lyallpur municipality? The number of seats is 26 and out of this 21 shall be elected and 5 shall be nominated. After this nomination is over whatever number is fixed for the Muhammadans or the Hindus, it will be elected. But does it imply that we are protesting against the nomination of Muhammadans? We protest against the principle. If people want either joint electorate or separate electorate, whatever they want, they should have; and if all the Muhammadans were elected we would not have raised our voice. If people think that Muhammadans can perform the civic duties better, we shall welcome it. If anybody sees things from the point of view of communalism it is only those who have got inferiority complex (*hear, hear*) and who are prepared to sell themselves for their own advantage. It is said that they have boycotted because the Muslims have been nominated. This Government came into power on the 1st of April, 1937. Why did they not take steps to hold elections to the Lyallpur municipality? They only suggested that the municipality be divided into many wards and they demarcated them. The municipal committee accepted the suggestion of the Government. Why did they accept it if there was any objection to the division of the town into wards? Why did not the Government expedite the matter? Why did they sleep over the matter for months and months and why did they run the municipality for full one year without any election? Now they have nominated members to that committee. It is to that method of nomination and it is to that principle of nomination that we object. They could have easily divided the town into wards by executive order and ordered an election. Why did they not do so? There should be no nominations to municipal committees. We were expecting that Government may bring in some measure to abolish nominations altogether. But what do we find? We find that nominations of a large number of members which have out-voted the elected element has been resorted to. The same thing has been done at Amritsar. More members have been nominated than elected members. (*Voices: No, no.*) I will tell you how? When the Government found that nationalists were returned in a very large number and that the nationalists would capture the municipality, they nominated one more member than they were entitled to. Is it not so? Let them deny that. They wanted to suppress the nationalists from serving the town and serving the country. I submit that this is a worse method of suppression, nominating people of their own views to municipalities. What about Lahore? In Lahore they have suspended the municipality. The premier municipality of the premier town is still under suspension. Does it reflect well on the Government? The old bureaucratic government of which some of those

(Dr. Gopi Chand Bhargava.)

who sit opposite, were members are responsible for the suspension of that municipality. They have not removed that suspension in spite of the requests and demands of the people of Lahore..

Mr. Speaker : The honourable member is not relevant.

Dr. Gopi Chand Bhargava : I was quoting an example to show how this department of Local Self-Government is run and the example which I was quoting is that the Lahore municipality is also under suspension. That is the way in which the present Government is running these institutions. We want to censure the system of Government for running the municipalities by resorting to nominations where people should have been given the right of electing their own representatives. Why bring in communalism? Why bring in the Congress and the League questions, the fair names of Mr. Bose, Mr. Jinnah and Mahatma Gandhi? Why not discuss this question, if you want, on the platform outside? Why bring in communalism on the floor of the House and disturb the peaceful and calm atmosphere which we want to create? It is their party, it is the Muslim League which has done it. I would submit that we are here to criticise the Government when they do any bad thing. It is our duty to censure the Government if they go out of their way and adopt wrong, anti-national and anti-democratic methods. It is only for that act of nomination that we are censuring the Government. Let not the impression be carried away that because the number of Muslims is increased, therefore, we want to enter our protest. Never. If we wanted to protest against it, we could bring in resolutions and say that they have increased the number of Muslims. That is not the point. We do not object to the increase of Muslim members and to giving a larger representation to Muslims on the Lyallpur municipal committee. We only object to the method of nomination and the Government has got no reply to give except that they want to favour those whom they want to favour. Why did not the Government introduce the method of election? Some of the members had boycotted before and now some others have boycotted. What is the Government going to do? Are they going to wait? Will they be justified in waiting? They should not wait. They should introduce the method of election immediately and thus set right the wrong of favouritism and nepotism. With these words I support the adjournment motion.

Lala Harnam Das (Lyallpur and Jhang, General, Reserved Seat Rural). (*Urdu*) : Sir, I rise to oppose the adjournment motion under consideration. My friends of the Opposition have raised this question as to why elections were not held and why nominations were made instead. The term of the Lyallpur municipal committee ended in 1937, and it was the duty of the members, who have tendered their resignations on account of these nominations, to constitute wards. But as they have shown a lack of sincerity on their part, the work has not been accomplished. My honourable friend Dr. Satya Pal has asked as to why elections were not held. My submission is that if we were to take up the work of redistribution of wards now, it would take at least a year to finish it. All of you are perhaps aware of the fact that while the wards are being constituted, objections are raised and also it is essential to consult public opinion, and all this takes time

Many difficulties have to be faced in this connection. It would have, therefore, necessarily taken a year, and it was in no way justifiable to let the minorities remain without any representation all this time. Owing to the fact that elections to the Lyallpur municipal committee are held on the basis of joint electorates, the depressed classes were not in a position to send their representatives to the committee and similar was the case with Muslims who could not get due representation. Notwithstanding the fact that besides the Hindus and Sikhs other communities also live in Lyallpur, none of them was adequately represented on the committee. I just want to relate an instance of how we are deprived of our representation. In Chak Jhundra there was a separate ward for the depressed classes, but our Hindu brethren by clever manipulations divided the ward into two. Now no member of the depressed classes can stand for election as their community has been divided into two separate wards. Why has the Opposition been so greatly agitated now over the representation that has been given to the Mussalmans? Why are they raising such a storm? May I inquire why the Congress remained silent on the occasion when the Mussalmans withdrew from the municipal committee?

Chaudhri Kartar Singh: Ask Sir Fazl-i-Husain.

Lala Harnam Das: When the Mussalmans were deprived of their due share you were alive; the Congress was alive; why did you not take up the cudgels on behalf of the Mussalmans?

On the basis of joint electorates we could not get even half the representation which was really due to us. But now we are very grateful to the Government who have taken a step in the right direction to increase our representation in local bodies and I hope that the present Government would give us our due share in every branch of administration.

I would like to make one more submission in connection with the scheduled castes. They are too poor to stand for municipal committee and district board elections. If any member of a depressed class happens to stand as a candidate his opponent belonging to a higher caste tries to overawe him by saying 'you are a member of the depressed class, how dare you stand against me, you had better withdraw, otherwise you would surely be defeated and thus lose your money and waste your energy for nothing.' I remember an incident of this type, how a candidate of a depressed class was obliged to withdraw in Sham Churasi.

An honourable member: He might have been bribed to withdraw his candidature.

Lala Harnam Das: The *Achhuts* are not so degraded as to accept money from candidates belonging to a higher class. It is the so-called high class people who are open to bribery and corruption.

Now I wish to make a few submissions with regard to the Simla municipal committee.

Mr. Speaker: The honourable member is irrelevant. In fact he has been irrelevant throughout. As the duration of speeches is limited to 15 minutes, I overlooked the irregularity.

Lala Harnam Das : Sir, the Leader of the Opposition was giving instances from here and there. I do not think there is any harm if I have also followed suit. I may also submit that I have made my maiden speech to-day and if I have indulged in irrelevancies you are to please overlook them. I was submitting that the population of the depressed classes is generally scattered. They do not reside at one place within the limits of municipal committees. A separate ward, therefore, cannot be allotted to them, and this makes it impossible for them to successfully contest municipal elections. Under these circumstances it is very necessary to give them representations by nomination. (*Interruptions.*)

Mr. Speaker : No interruptions please.

An honourable member : But the honourable member is irrelevant.

Lala Harnam Das : When the Congress Ministeries have nominated the members of scheduled castes as honorary magistrates and given them some share in the administration, I do not think it behoves our Congress friends sitting in this House to oppose us.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North, Muhammadan, Rural), (*Urdu*): Mr. Speaker, Sir, the honourable mover of the adjournment motion has two main objections against the Government. First, he objects to the principle of nomination in the local bodies and, secondly, he accuses the Government for not holding the general election of Lyallpur municipal committee in time. I shall deal with these objections serially. But before doing so I must acquaint the House with a brief history of the Lyallpur municipal committee. The representation in Lyallpur municipality has always been through joint electorates. In 1923-24 the Muslim residents of Lyallpur represented to the Government that they could not secure due representation in the municipal committee through joint electorates and that separate electorate may be introduced in order to remedy this defect; but the Government turned down their request. Government, however, redistributed the municipal wards by dividing the area into six wards of two members each in the hope that the Muslims will secure due representation through this plan, and fixed the strength of the committee at 12 (12 elected and 4 nominated). This hope did not come true in the elections held in 1927 and 1930, respectively. The Muslims again represented their case for separate electorates to the Government but the proposal which was also supported by the local officers, was again turned down by the Government. Despaired of receiving justice from the Government the Muslims of Lyallpur boycotted the elections held in 1933 and all the twelve seats were captured by non-Muslims. The Government nominated two Muslims on the committee, but they resigned their seats under the pressure of Muslim public opinion. The committee thus consisted entirely of non-Muslims.

Sardar Sampuran Singh (*sitting*): That statement is wrong.

Mr. Speaker : I object to the way in which the honourable member has made that remark.

Sardar Sampuran Singh : I beg your pardon, Sir. This statement has been repeated several times that there was no representation of Muslims, on the municipal committee of Lyallpur. It is a wrong statement because Government nominated Muslim members.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : And they resigned.

Sardar Sampuran Singh : Two only.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : That means both the Muslim members who were nominated by the Government.

Realising the awkwardness of the situation, Government offered to nominate five Muslims by enlarging the strength of the committee, but the Muslims did not accept this offer, as it would not have given them their due representation. According to my honourable friend's notion of nationalism, no harm is done if an important community remains unrepresented in the municipal committee of his town.

Sardar Sampuran Singh : My statement is being misrepresented.

Mr. Speaker : I have not allowed the honourable member to speak.

Sardar Sampuran Singh : He is making a wrong statement.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, in 1936, the municipal committee represented to the Government that since the population of the town had increased to more than 47,000, the strength of the committee may be increased to 28 members in accordance with the Government formula. A similar representation had been made by the Muslims of Lyallpur on a previous occasion, but was rejected by the Government. Soon after the new Government came into power, they took up the question and decided to revise the constitution of Lyallpur municipal committee in accordance with the unanimous wish of both Hindu and Muslim residents of Lyallpur which was in consonance with the Government formula. The new constitution was notified in the Gazette and the local officers were asked to revise the wards and electoral rolls accordingly so that the next general elections which were due in 1937, may be held under the new constitution. The majority party in the committee consisting entirely of non-Muslims adopted obstructive tactics, with a view to prolong their tenure, by delaying the elections. The local officers reported that in view of the attitude taken by the existing municipal committee which had already outlived its normal life, it would not be possible to hold general elections before November, 1938. In view of the above facts the Punjab Government decided to nominate 12 members as a temporary measure for two reasons. First, because it was considered undesirable to keep the Muslim and scheduled caste minorities unrepresented on the committee and, secondly, to counteract the dilatory tactics adopted by the majority party in the committee. The nominated members included 9 Muslims, 2 Hindus and one scheduled caste. I might also mention here that the Government during this period received representations both from Hindus and Muslims including six non-Muslim elected members of the existing committee, accusing the majority party in

(K. B. Mian Mushtaq Ahmad Garmanj.)

the committee of jobbery, nepotism and corruption and requesting the Government to nominate additional members. After hearing these facts the House will, I am sure, agree with me that the action of the Punjab Government in nominating additional members to Lyallpur municipal committee was based on equity, justice and fair play and was only a temporary measure pending the next general elections.

Now coming to the questions of nomination, Sir, my honourable friend the mover of the adjournment motion and other honourable members sitting opposite have described the principle of nomination as undemocratic and anti-national. Before expressing my own views on the subject I would like to acquaint the House with the views of one of the greatest Congress Prime Ministers, on the point. Mr. C. Rajagopalachariar, Premier of Madras, speaking on the Madras Local Board (Amendment) Bill, 1937, made the following observations :—

“The solution of my friends who are opposing the bill, is, ‘let there be only elected members and let the minorities take care of themselves.’ I do not wish to fall into that trap. If you remove all nominated members, what have you done? You have given no representation to Muslims, no sufficient representation to Harijans, to Christians and so on. It is no good advice, Sir. If such advice had come even in the committee room, I would have explained the things further, and taken the members to task for giving advice that puts the Government in danger. Suppose all nominations are abolished, what is the answer to Swami Sahaja Nandan's objection? Then, we cannot hold office without explaining to everybody and without justifying every step that we take. Then we will be tried not only by our own opponents but by our own ideals. Therefore, we cannot accept the advice which the honourable member for Indian Commerce gave.”

The amendment was put and lost. Sir, these are the views of one of the greatest Congress leaders on the subject of nominations. I am surprised to find such a diversity of opinion between the Congress Premier of Madras and the Congress leaders of the Punjab on such a question of vital importance and principle. The Persian proverb :

من چه می سرانم و طنبور را من چه می سرانم

aptly applies to this case. There should be uniformity in the ranks of the Congress at least on questions of principle. Sir, I am not surprised by the remarks of our Congress friends that nominations to local bodies are anti-national and undemocratic. The term “nationalism” in the Congress dictionary is capable of different interpretations according to the circumstances. Some years ago when the Punjab Government decided to give more representation to Muslims in Lahore municipality on the basis of their population and voting strength, the Hindu members including the Congress group and our Congress leader resigned their memberships under the pretence of nationalism. Now again the non-Muslim members of Lyallpur municipality have taken similar action. Does the Congress nationalism mean a denial of the right of representation to minorities in legislatures and local bodies? The failure to realise that the success of a democratic system of Government depends on the majority securing the acquiescence of the minority, is one of the greatest stumbling blocks in the way of rapid progress towards self-government in India. Every minority is as much a part of the nation as every majority is. You cannot build a nation without giving a sense of security to your minorities. One honourable member from the Opposition remarked that communalism has been introduced in this

debate unnecessarily, but let me tell him that communal problem is a problem of fact. We must be honest and face the fact. We cannot solve this great problem unless we face it and try to overcome the difficulties that lie before us. We cannot solve this tangle by evading the issues and by declaring like Pandit Jawahar Lal Nehru that "there is no communal problem in India." Let me warn my friends who talk so loud of nationalism, that unrestrained nationalism is not an unmixed good in the west and in India it may become only a cloak for the rank communalism of the majority community or the oligarchy of the dominant class. If Indian nationalism should come to mean what European nationalism meant—the oppressive crushing out of diversity in order to secure uniformity—then the future of India is black indeed. Nationalism is a jealous and exclusive force even where there is a substantial degree of homogeneity. In India with its infinite variety, it may work undreamt of evil. The greatest contribution that India can make to the world would be the discovery of a new path which would reconcile her age-old diversity with the age-old unity of which she is again becoming freshly conscious. Sir, the House will agree with me that there is nothing anti-national or undemocratic in giving a representation to an important minority in a democratic institution like a municipal committee. Let us also remember the fact that nominations to local bodies are now made by a popular and representative Government and not by an irresponsible bureaucracy as was the case in the past.

I have already explained the position of the Government with regard to the second objection raised by the Opposition that the general elections of Lyallpur municipality have been unnecessarily delayed by the Government. After hearing the facts mentioned above, the House will agree that the present Government lost no time in revising the constitution of Lyallpur municipality and was anxious to hold general elections under the New Constitution as early as possible. My friend Sardar Hari Singh should blame his own friends and not the Government for delaying the elections, by adopting obstructive tactics in order to prolong their tenure. Before I conclude, I must make it clear once again that the recent nominations were made only as a temporary measure pending the next general elections of Lyallpur municipal committee. Every effort will be made by the Government to expedite the elections under the New Constitution which provides 21 elected and 5 nominated seats in the municipality. The Government considers it necessary to retain the system of nominations in order to give due representation to important minorities such as scheduled castes in the local bodies, as without nominations there is no chance for the scheduled castes and other minorities to secure due representation in the local bodies. If the honourable mover of the adjournment motion proposes to censure the Government for their having done justice to the minorities, let me assure him that we on these benches feel proud of having done so, as our Government is pledged to keep the scales of justice even between various sections of the population and to safeguard the legitimate interests of the backward and down-trodden classes. *(Cheers).*

With these words, Sir, I oppose the adjournment motion under discussion.

(Several honourable members moved for closure.)

Mr. Speaker: 'The question is—'

That the question be now put.

The motion was carried.

Sardar Hari Singh: Sir, the Unionist party or rather the ministerial party is very fortunate in possessing a galaxy of very fine orators in English as well as in Urdu, but their misfortune is that they have always invariably a very weak case to defend. Therefore like a lawyer who has to defend a weak case, they begin to befog or side track the real issue and so in regard to this adjournment motion the real point raised by me, that is the objection to nominations has been missed or unnecessarily clouded by my friends opposite. The eloquent speakers opposite have harped on a wrong theme which had no connection with the point under discussion. First take my heavy-weight friend opposite, Khan Bahadur Mushtaq Ahmad Gurmani. (*Interruption.*) I withdraw that word if it offends my friend opposite. He quoted the opinions of Mr. Rajagopalachariar from a certain book. But let me remind him that the Congress manifesto is that nominations should be abolished in all local bodies, in all self-governing institutions and that principle has been put into practice by most of the Congress governments, including the Frontier Government, the United Provinces Government and several other governments, even the Sind Government which is a semi-Congress Government. Let me make it once more clear as I made it clear in my speech in the beginning, that I will not mind if all the members of the Lyallpur municipal committee are Muhammadans, provided they are elected by the people and they serve the people. The question is not that Muhammadans have been nominated.

Let me tell my honourable friend Malik Barkat Ali, a great lawyer, a legal and constitutional luminary, a great orator and a very eloquent speaker, that the community about whose welfare he is so much solicitous has also our full sympathy. We do sympathise with the cause of the Muhammadans of the Punjab and of India. Let me tell him I am not at all against the nomination of Muhammadans to Lyallpur municipal Committee. He unnecessarily smelt a rat in this adjournment motion and suspected me and my friends of ulterior motives. I have every faith in him and his sincerity and let him also have faith in my sincerity. I moved it with a view to censure the Government for making nominations of Muhammadans and not electing Muhammadans to the municipal committee. I want Muhammadans to have an effective voice in the committee, but not through the door of nomination by the Minister, but by election by the voters. This is what we want. It is nomination which we are protesting against.

Now to come to the Parliamentary Secretary who has played the roll of a historian and a chronicler of self-government events. He has narrated the affairs in connection with the Lyallpur municipal committee from the year 1931 to 1938 and served us with a rigmarole of facts whether right or wrong. His point mainly was that the Government has taken this action because it had received complaints against the party in power from a number of people, Muslims, Sikhs and Hindus. That was one of his points and may I remind him that there are complaints against every municipal committee in the Punjab and against every institution and that the largest

number of complaints are against the Unionist Ministry itself? Let the Ministry abdicate (*hear, hear*). (*Interruption.*) He says with a flourish that letters have been received from six members of the municipal committee that nominations should be made. May I ask him whether he has not or the Deputy Commissioner has not received seven letters from seven members to the effect that nominations should not have been made. As against six members seven members have sent him letters of resignation protesting not against the Muhammadans being nominated but against the nominations. After all those who have been harping on Muslim rights, what do they want? May I put them a question? There are only 9 members from the Muslim community out of a total of 26. If they say they are Muslims and they want to protect the Muslim rights and they do not care for others, they would be at the mercy of 17 non-Muslim members some of whom are nominees of the Government. Further on the Parliamentary Secretary was pleased to say that he or the Government had received letters from many gentlemen to the effect that if nominations were not made, communal relations would be strained. May I know if the communal relations have been eased by these nominations or aggravated? (*Hear, hear.*) Let him answer this question whether these relations have been improved or worsened. He further went on to say that the Deputy Commissioner had written to the Government that he had chosen such persons for nominations as were most likely to be elected if an election were held. (*Interruption.*) I thought he had said that the Deputy Commissioner had nominated such members as would most likely be elected if an election were held. Now let me tell him that the Deputy Commissioners usually appoint or nominate such members who go to their bungalows daily, who are unpopular with the people, who know nothing else than licking the shoes of the officials, and such people as are nominated by the officials are generally prosecution witnesses in police cases and are thoroughly unpopular with the people: Is he sure that these people who have been nominated to the municipal committee are popular with the population?

Parliamentary Secretary (Shaikh Fais Muhammad): I want to remove a misunderstanding. The Deputy Commissioner recommended persons who had been recommended by men like Khawaja Ghulam Hussain and Sardar Sampuran Singh.

Sardar Sampuran Singh: Not at all. It is a lie by the reporter who told you.

Sardar Hari Singh: Malik Barkat Ali has said certain very harsh things against the Congress Party and against the Congress programme. Let me tell him that if the Congress had come into power in the province on the 1st of April 1937, it would not have taken a year and a quarter to redress the grievances of the Lyallpur Muslims (*Hear, hear*). Within two weeks of assuming the reins of office, the Congress would have redressed the grievances of the Lyallpur Muslims, but, Mr. Speaker, the Muslim League-cum-Unionist-cum-Khalsa Nationalist-cum-Hindu Progressive Government has taken a year and a quarter to redress the grievances of the Muslims and that too in a very strange manner which does not do them any credit at all.

It was said that elections have not been held because there are rules which do not allow elections to be held before a proper or before a certain

(S. Hari Singh.)

time. I say why cannot they change the rules? If they can bring legislative measures of a far-reaching character and pass them within a week's time, why cannot they change the rules which govern the Lyallpur Municipality? A chit has been passed on to me for the purpose of putting a question to Malik Barkat Ali and it is this. How would he like it, to secure representatives of Muslims in the Congress provinces, all the Muhammadan members to municipal committees and other self-governing institutions were nominated by the Congress ministries? Would he think them to be the representatives of the Muslims?

Malik Barkat Ali: As a permanent arrangement it is vicious, but as a temporary arrangement it is tolerable.

Sardar Hari Singh: Again I put him another question for my enlightenment and ask him whether the Muslim League manifesto which was broadcast on the eve of the election days favoured nominations or whether it is against nominations? Does it favour the repeal of repressive measures or enactment of further repressive measures? Malik Barkat Ali and other friends unnecessarily entered into a controversy regarding joint *versus* separate electorates. That is a question which has been discussed threadbare from various platforms, in various books and in the press for many, many years and it will continue to be discussed. He need not have entered into this controversy at all. Before finishing my speech I once again want to make it clear that we are against nominations. We want the Muhammadans of Lyallpur to send their representatives to the Committee through the door of elections. Let them have more than 9 members. If I had my way I would give them 12 seats out of 26. I would go to the extent of giving them 13.

Dr. Sir Gokul Chand Narang: Before you put the question, may I ask one question of the Honourable Minister-in charge in connection with this matter? From the speeches it appears that the grievance of the Lyallpur Muslims was that they wanted separate electorates instead of joint electorates and this demand of theirs was not accepted by the Punjab Government right from the year 1923 up to this time. Now it has been mentioned by some of the speakers that the Government has redressed their grievance by taking the step that it has. I just want to know from the Honourable Minister in charge whether that grievance of the Muslims of Lyallpur has been removed or is intended to be removed or whether the Government has decided to introduce separate electorates in place of joint electorates. That was the only grievance and it was on this grievance that the Muslims of Lyallpur boycotted elections of 1933 and on nothing else.

Minister of Public Works (The Honourable Nawabzada Major Khizar Hayat Khan Tiwana): The grievance of the Muslims has been redressed by giving them their due share of representation. There is no idea of changing joint electorates into separate electorates. Joint electorates would remain but it is expected that Muslims would get their due share by revision of wards. Failing that they will get their share by nomination. The present nominations have been now made for the purpose of giving every community its due share as a temporary measure. Nominations may not be a suitable or a very good mode of selection to set right communal inequalities, but unless and until an alternative is suggested we do not know

what to do, pledged as we are, to protect the minorities. I would like to know how you would give the scheduled castes their representation. If you have joint electorates without nominations, the result will be that they will go to the wall. These very nominations, that are objected to to-day, were offered by the last Ministry to the Muslims of Lyallpur and they did not accept them at the time because the number offered was not according to the formula. Now we have given them the seats they were entitled to.

Dr. Sir Gokul Chand Narang : That is incorrect. My question was simply whether you were going to introduce separate electorates in place of joint electorates. I am not against nominations.

Minister : The second point that has been made out against the Government is this. (*Voices from opposition benches : Is he making a speech ?*)

Mr. Speaker : Yes. He is the Minister concerned and is, therefore, replying to the debate. (*Uproar*).

Rai Bahadur Mr. Mukand Lal Puri : May I suggest one method of redressing inequalities of minorities and that is to follow the practice of the United Provinces Local Bodies Act.

Minister : I had no mind to take part in this debate but I was asked certain questions. In order to clear the position of the Government I thought it necessary to state facts. Another point that has been sought to be made against the Government is why they did not expedite the elections. This Government came into office on the 1st of April, 1937.

Sardar Sampuran Singh : The question was put. You gave permission to the honourable mover to reply. After that the question of honourable member over there was out of order and so is the reply.

Mr. Speaker : After replying to the honourable Dr. Sir Gokul Chand Narang's question, the Honourable Minister is addressing the House in reply which he proposes to give.

Minister : There was one thing more that I wanted to say and it is this. Elections could not be expedited because certain rules have to be followed. Some suggestions has been made that rules should be wiped out. That may be the mode of doing things with certain people and parties but this Government would ordinarily like to go according to the rules. The life of the Committee expired in the year 1937. A group of people, who were in power, wanted to prolong its life.

Sardar Sampuran Singh : Lie. Wrong.

Minister : The man who says that it is a lie is a liar. The committee was asked to suggest the alignment of wards and although its life expired in 1937 it wanted to prolong its life by delaying the alignment. A group of non-Muslims was in power, and another group also of non-Muslims was finding it difficult to run things properly represented to us to make the nominations.

Sardar Sampuran Singh : Again wrong. You do not know facts. (*Interruption*).

Sardar Hari Singh : It is a convention in the House that even questions put on communal matters should not be answered by the Government

[S. Hari Singh.]

and we have agreed to that convention being adopted. Now these gentlemen, when it is made clear to them that our motion is not on communal grounds, are again harping on communal things.

Premier : They are not.

Sardar Hari Singh : My point of order is not finished.

Mr. Speaker : Does the honourable member mean that the Honourable Minister is irrelevant ?

Sardar Hari Singh : No. He is touching communal matters.

Minister : When nationalists come forward and preach communalism under the garb of nationalism, we can only reply by referring to communal rights involved.

Sardar Hari Singh : On a point of order. He has used the words "Under the garb of nationalism." I think that sentence is very unparliamentary.

Minister : I have not used any unparliamentary word. Now that the word 'pose' has been declared to be a parliamentary word, I say that communalists are posing as nationalists and they come forward and preach communalism in the garb of nationalism. However we are pledged to the minorities and must give them their due share. The elections are shortly to be held and it is a question of a few months. Capital has been made of the fact that seven members have resigned. I know the reason for their resignation. It may be a protest against nomination or it may be an attempt to obtain votes for the next elections.

Sardar Sampuran Singh : I am not standing for elections. (*A voice : The Honourable Minister has imputed motives.*) (*Interruptions.*)

Mr. Speaker : What did he say ?

Sardar Hari Singh : He said this adjournment motion may be a stunt to get votes at the next elections.

Minister : I did not say anything of the sort. What I said was that the idea underlying the protest against nominations may be to get votes at the next elections as it happens many times that before elections violent speeches are made and resignations are tendered and walk-outs are staged to catch popular imagination. I did not impute motives to anybody (*interruptions*).

Mr. Speaker : In view of what the Honourable Minister has said no explanation is called for.

Minister : We have made the nominations temporarily to give everyone his share till the elections are held. I think there is no justification for this adjournment motion. (*Hear, hear.*)

Sardar Sampuran Singh : I rise on a personal explanation. This insinuation is totally wrong that we resigned with the idea of getting votes, because I am one of them and I have no intention to stand for elections. (*Interruptions.*)

Mr. Speaker : The question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 81 ; Noes 89.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sechar, Lala.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Duni Chand, Lala.
Duni Chand, Mra.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Choudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Muhammad Hassan, Chaudhri.
Mula Singh, Sardar.
Partab Singh, Sardar.
Ragbhir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Balbir Singh, Rao Bahadur, Captain Rao.
Barkat Ali, Malik.
Binda Seran, Rai Bahadur.
Chhotu Ram, The Honourable Chaudhri, Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.
Faiz Muhammad, Shaikh.
Farman Ali Khan, Subedar Major Raja.
Fateh Jang Singh, 2nd-Lieutenant Bhai.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab, Chaudhri.
Fasal Din, Khan Sahib Chaudhri.
Fasal Karim Baksh, Mian.
Few, Mr. E.

Ghulam Mohy-ud-Din, Maulvi.
Girdhari Das, Mahant.
Gopal Das, Rai Bahadur Lala.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib Sardar.
Habib Ullah Khan, Malik.
Haibat Khan, Daba, Khan.
Hans Raj, Bhagat.
Hari Chand, Rai.
Harnam Das, Lala.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Jafar Ali Khan, M.
Jegjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Mubarik Ali Shah, Sayed.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Ashraf, Chaudhri.
Muhammad Faiyaz Ali Khan, Nawabzada.
Muhammad Hassan Khan Gurebani, Khan Bahadur Sardar.
Muhammad Hayat Khan Noon, Nawab Malik Sir.

Muhammad Hussain, Sardar.	Ranpat Singh, Chaudhri.
Muhammad Hussain, Chaudhri.	Riasat Ali, Khan Bahadur Chaudhri.
Muhammad Nurullah, Mian.	Ripudaman Singh, Thakur.
Muhammad Raza Shah Jeelani,	Sahib Dad Khan, Khan Sahib
Makhdumzada Haji Sayed.	Chaudhri.
Muhammad Saadat Ali Khan, Khan	Santokh Singh, Sardar Sahib Ser-
Sahib Khan.	dar.
Muhammad Sadiq, Shaikh.	Shahadat Khan, Khan Sahib Rai.
Muhammad Sarfaraz Khan,	Shah Nawaz, Mrs. J. A.
Chaudhri.	Shah Nawaz Khan, Nawab Khan.
Muhammad Sarfaraz Khan, Raja.	Sham Lal, Rai Bahadur, Chaudhri.
Muhammad Wilayat Hussain Jeelani,	Sikander Hyat Khan, The Honour-
Makhdumzada Haji Sayed.	able Major, Sir.
Muhammad Yusuf Khan, Khan.	Sultan Mahmood Hotiana, Mian.
Muzaffar Khan, Khan Bahadur Cap-	Sumer Singh, Chaudhri.
tain Malik.	Sundar Singh Majithia, The Honour-
Muzaffar Khan, Khan Bahadur	able Dr. Sir.
Nawab.	Suraj Mal, Chaudhri.
Narendra Nath, Diwan Bahadur,	Talib Hussain Khan, Khan.
Raja.	Tara Singh, Sardar.
Pir Muhammad, Khan Sahib	Tikka Ram, Chaudhri.
Chaudhri.	Ujjal Singh, Sardar Bahadur Sardar.
Pritam Singh Siddhu, Sardar.	Uttam Singh Dugal, Sardar.
Ram Sarup Chaudhri.	

HOURS OF SITTING.

Mr. Speaker : Now the Assembly will proceed with the Government business. If necessary we shall continue up to 9 o'clock.

Dr. Gopi Chand Bhargava : Sir, I have to make a submission. To-day is Friday. Saturday and Sunday are off days. Those who have to go can only go up to 7 o'clock. After that either they cannot leave the barrier or if they leave the barrier they cannot catch the train at Kalka. Therefore, I submit that we should sit only upto 7 o'clock and take up the Government business on the next Government day.

Mr. Speaker : The Leader of the House is anxious to have the Government Bills finished as soon as possible and yesterday when I fixed from 9-30 to 5-30 for the adjournment motion, I expressly stated that after that the Government business would be taken up and continued till it was finished.

Rai Bahadur Mr. Mukand Lal Puri : The Bills are also important. Why not have them on Monday morning? It would be unfair if they are taken up at the sag end of the day and when honourable members are away.

Mr. Speaker : What has the Leader of the House to say?

Premier : If my honourable friends opposite are prepared to allow me to take up private members' day, I will be prepared to finish the business to-day at 7 o'clock and then go on with the Bills on the 29th.

Dr. Gopi Chand Bhargava : We are prepared to sit on the 30th even if it is a holiday and do this work.

Premier : It may be a holiday for my honourable friend, but there is no holiday for me or for my colleagues.

Mr. Speaker : If we sit on the 30th, it would mean that we shall be sitting throughout the week. That cannot be.

Premier : Moreover, Sir, we have got a select committee meeting in the morning and we have to do other public work as well. My honourable friend, the Leader of the Opposition will agree with me that it is not my fault that we are taking nearly 3 hours of the day fixed for Government business for business which is not Government business. As you are aware, the Parliamentary convention is that Government business takes precedence over other business and there it is rarely that the private members' day is left entirely for private business. It is often taken up by Government business, because Government business takes priority over other business. I hope my honourable friend will follow that convention and recognise that public business must take precedence over any private business.

Dr. Gopi Chand Bhargava : Yesterday when we were told that the adjournment motion would be taken up after the day's business was finished I was prepared to sit very late in the night.

Mr. Speaker : What about holding a sitting on the 2nd of the next month ?

Premier : The trouble is that we will not then have sufficient time for the presentation of the report of the select committee and we want to have this Bill passed this session and we also want to finish the business of this session before the 9th July. That is my difficulty.

Mr. Speaker : What about sitting on Sunday ?

Premier : We have got the Cabinet meeting fixed for that day.

Lala Deshbandhu Gupta : I suggest that instead of meeting at 2 p. m. on Monday we can meet at 11 a. m. that day. That should solve the difficulty very easily.

Premier : Monday morning is not free. My hands are full that morning.

Dr. Gopi Chand Bhargava : Yesterday the Honourable Premier did not move his motion for reference of this Bill to the select committee because the members on his side were not prepared to work longer and he wanted to accommodate them. Therefore, if this adjournment motion was taken up to-day, it is not our fault. We are entitled to have time out of the time allotted for Government business to discuss adjournment motion. That is our privilege.

Premier : It is not your privilege.

Dr. Gopi Chand Bhargava : If the Leader of the House is not prepared to give us time other than the ordinary sitting hours then we must have time out of the time of Government business. We were prepared to sit as long as the Government wanted us to work yesterday, but he and his party were not prepared to work and so he did not move the motion relating to this Bill. If the Honourable Premier is not prepared to accommodate us to-day the only course open to us is to walk out.

Premier : You know what happened yesterday.

Mr. Speaker : I gave an undertaking to the Premier that the adjournment motion would be taken up as the first item of to-day's business and after it, we shall sit till the Government business of the day was finished. Can we not sit for two extra hours to-day and for two extra hours on Monday?

Dr. Gopi Chand Bhargava : If we sit two hours more we cannot catch the train at Kalka.

Premier : My honourable friend wants to go to Lahore at the expense of public business. I am afraid this session was not meant for them to move about between Lahore and Simla, but to transact public business. I do not want to impute any motives to him, but it has been suggested that if he walks out now, it is because he believes that in any case he will have to walk out in the course of the debate on the Bill. I do hope that my honourable friend will have that sense of responsibility to see that public business is not thwarted or obstructed.

Dr. Gopi Chand Bhargava : If the Honourable Premier had any sense of responsibility, why did he not fix up the 20th June for the transaction of Government business after His Excellency the Governor had addressed the Assembly? Was not public money wasted by the honourable members being here on that day simply to hear His Excellency's address?

Mr. Speaker : That day was not fixed by Government. It was fixed by His Excellency the Governor for addressing the members of this House.

Dr. Gopi Chand Bhargava : We could have transacted some business after His Excellency the Governor had finished his address. It has been the practice of the Central Legislature to do business after His Excellency the Viceroy has addressed the legislature. Having got Saturdays off we are entitled to go away to transact our own business. It is not therefore just on the part of the Honourable Premier to impute motives and say that we go to Lahore and waste public money. You cannot say that we do not come here at a sacrifice.

Premier : I have already submitted that we have got other public work to do on off days and so far as I am personally concerned I have to do other public work.

Sardar Sampuran Singh : We have also got public work to attend to.

Mr. Speaker : I suggest that we may sit for two extra hours on Monday and Tuesday next.

Premier : I am afraid I have not made myself clear. My difficulty is that I must get this Bill passed in this House this session. The Bill has to go to select committee and then the report of the select committee has to be presented to the House in time for it to be considered by this House during this session.

Mr. Speaker : Does the Honourable Premier think that it will be finished to-day?

Premier : I am almost certain. After all about two hours and a quarter must be sufficient to discuss this motion.

Mr. Speaker : To my great regret, I am unable to find a way out of the difficulty.

Dr. Gopi Chand Bhargava : Very well, Sir. We have then no alternative but to walk out.

(At this stage the members of the Congress Party walked out).

REGISTRATION OF MONEY-LENDERS BILL.

Premier : I beg to move—

“That the Punjab Registration of Money-Lenders Bill be referred to a select committee consisting of the following members with instructions to report on or about the 28th June, 1938 :—

The Honourable Minister for Development.

Rai Bahadur Mr. Mukand Lal Puri.

Lala Sita Ram.

Munshi Hari Lal.

Sardar Lal Singh.

Maulvi Ghulam Mohy-ud-Din.

Mir Maqbool Mahmood.

Rai Sahib Chaudhri Het Ram.

Sardar Pritam Singh Sidhu.

Khan Bahadur Chaudhri Riazat Ali.

Shaikh Muhammad Sadiq.

Sardar Gopal Singh.

Mian Sultan Mahmood Hotiana.

Advocate-General.

Nominee of the Honourable Speaker.

The mover, and.

Sardar Uttam Singh Duggal.

The quorum of the committee shall be five.

Mr. Speaker : Motion moved is—

“That the Punjab Registration of Money-lenders Bill be referred to a select committee consisting of the following with the instructions to report on or about the 28th June, 1938 :—

The Honourable Minister for Development.

Rai Bahadur Mr. Mukand Lal Puri.

Lala Sita Ram.

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Maulvi Ghulam Mohy-ud-Din.

Mir Maqbool Mahmood.

Rai Sahib Chaudhri Het Ram.

Sardar Pritam Singh Sidhu.

Khan Bahadur Chaudhri Riazat Ali.

Shaikh Muhammad Sadiq.

Sardar Gopal Singh.

Mian Sultan Mahmood Hotiana.

Advocate-General.

Nominee of the Honourable Speaker.

The mover, and

Sardar Uttam Singh Duggal.

The quorum of the committee shall be five.

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

“ That the Punjab Registration of Money-lenders Bill be circulated for eliciting public opinion thereon by the 15th of January, 1939.”

Sir, the registration of money-lenders has been the subject matter of many legislative attempts not only in the Punjab and the other provinces of India, but also in the Central Legislature. But so far these attempts have always had one result, i.e., they have invariably failed because after investigation and careful consideration of the question it was found, firstly, that it was impracticable to find a definition of ‘money-lender’ which would relate to the transaction of money-lenders and which would not oust the casual lender who by common consent is the most honest and cheapest giver of credit. Secondly, it was found that the registration of money-lenders, which is bound to reduce the number of money-lenders and absolutely oust the casual lender, would so far reduce the facilities for credit that the trade and industry would be seriously hampered. It was noted that the banking facilities which existed in other countries and which are the main source of supply of credit for trade and industry are absolutely wanting in this country. They exist only in name. Therefore in spite of the fact that there was an Act called the Money-lenders Act in England which required registration of money-lenders, the conditions in India being entirely different from the conditions in England, all the provincial governments and the Indian Government have so far come to the conclusion that the registration and licensing was unsuitable for conditions in India. Now, Sir, for the first time this matter came up before the Indian Legislature in 1918 when they had before them the British Money-lenders Act which provided amongst other matters for the registration of money-lenders. The Government of India after calling for the reports from the various provincial governments and after instituting their own enquiries, introduced what is now known as the Usurious Loans Act and definitely rejected the provisions of the British Money-lenders Act dealing with the registration of money-lenders as definitely unsuited to the conditions in India. That was, Sir, in 1918. Again this question was taken up for the second time in the Imperial Legislature in 1928 on the motion of a private member, I think it was Mr. Yamin, now Sir Yamin Khan, which amongst other matters dealt with the registration of money-lenders. Mr. Haig speaking for the Government of India definitely opposed that motion and pointed out that this was a matter which was absolutely impracticable. If you refer to page 2590 of Volume III, Part III of the Assembly Debates for the year 1928 you will notice that Mr. Haig observed:—

“ The question of registration of money-lenders was one of the questions specifically considered by the Government of India prior to the legislation that attended the Bill of 1918. All Local Governments were then consulted on the matter, and with your permission, Sir, I shall read the replies of some of the Local Governments on this subject. They were all unanimous that the definition of the term ‘money-lender’ and the registration of money-lenders were practically unworkable. The Government of Madras reported:—

‘ The registration of money-lenders would be a formidable and almost impossible undertaking and would be so far from complete as to be useless.’ ”

The views of the Government of Bombay are very pertinent and deserve being placed before you in some detail. The Government of Bombay stated—

"The problem of dealing with money-lenders in England is totally different from that of dealing with them in this presidency, and arguments from the success of the Money-lenders Act in England are, in the view of the Governor-in-Council, full of danger. In England a small and fairly well-defined class of professional lenders catering for a comparatively small class of borrowers has been taken under control without difficulty and without interfering with or unsettling the whole of the credit system of the country. In India practically every one with a little money in hand lends it out, and the agriculturist who has saved a few rupees is often quite as rapacious as any *ashakar*. Registration of money-lenders would represent enormous difficulties in India and in fact may be said at once to be impracticable. Even to arrive at a satisfactory definition of 'money-lenders' would be a hopeless task."

Sir, that was the result of two legislative attempts by the Government of India, by a Government which is responsible for good government in this country.

7 P.M.

Again, the matter does not rest here. The Government of India appointed a committee, the Central Banking Enquiry Committee, whose object in the first instance was to deal with this matter of finance and credit and their unanimous recommendation was that the restriction of money-lenders was uncalled for and unnecessary. That is an expert opinion which should not be set aside lightly. There was in addition to that Central Banking Enquiry Committee, as the House is aware, another committee called the Punjab Banking Enquiry Committee. This committee was presided over by Mr. Calvert than whom the zamindars have had no greater friend. This is the gentleman who is responsible for the theory that the restriction of credit is a panacea for all the ills of the zamindar. I do not agree with that theory, but this is a theory which seems to have been accepted by the present government. Now what was the recommendation of this Committee with respect to licensing and registration of money-lenders? Their conclusion was also this, that the registration of money-lenders is neither necessary nor workable.

Then, Sir, an attempt was made by one of the distinguished members of this Assembly who also happened to be a member of the old Punjab Legislative Council, I mean Mir Maqbool Mahmood. He brought forward his famous Money-lenders' Bill in the last Punjab Legislative Council. Expert opinion was against his Bill. But he had the majority with him and the Bill was passed by the Punjab Legislative Council. But Sir Malcolm Hailey, who was then the Governor thought that the Bill would ruin the credit of the Punjab and would destroy not only rural credit but also affect adversely the credit in the urban area. He therefore took rather the unusual step of not giving his assent to the Bill and did not even consider it worth while to return the Bill for reconsideration to the Council. He said that he would ask his Government to put before the Council certain provisions which would regulate the business of money-lending. True to his promise, his Government introduced what is now on the statute book and what is known as the Regulation of Accounts Act which requires money-lenders to keep accounts in certain form and to submit returns at proper intervals and which prescribes penalties for failure to observe its provisions. Therefore a Governor of whom you cannot say that he was not a friend of the zamindar or to whom the interests of every class in this province were not as dear

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as it is to you or me, had to give the advice to enthusiasts that they should go so far and no further. After this attempt had failed, in 1933 the Punjab Government brought forward the Punjab Relief of Indebtedness Act. Now the Punjab Relief of Indebtedness Act is not an enactment which deals with one topic only. It deals with several topics. It dealt with insolvency procedure; it dealt with usurious loans; it created debt conciliation boards; it prescribed and enforced the rule of *damduput*; it enacted provisions regulating deposit; it amended the Punjab Redemption of Mortgages Act of 1918; it amended the Civil Procedure Code with respect to provisions of arrest and it also amended section 60 of that Code which gives exemptions to debtors from attachment with respect to certain portions of their property. It practically went the whole length of legislation which might possibly arise between debtor and the creditor, and it gave very extensive relief to the debtors. I was a member of the Select Committee and I am in a position to state that the registration of money-lenders was urged in the select committee, but the Punjab Government did not accept it. That was the second time when the Punjab Government, after consideration, refused to legislate on the subject.

Then only a couple of years ago, Sir Chhotu Ram introduced the Debtors Protection Bill which again dealt with several topics and one of the numerous subjects on which he proposed to legislate was the registration of the money-lenders. This Bill of Chaudhri Chhotu Ram was at that time described by the then Legal Remembrancer "the Slaughter of Legal Enactments Bill" and it was with respect to that Bill that one of the most experienced and able senior officers of the Indian Civil Service, the then Commissioner of Multan, who had been our Chief Secretary and a member of our Council for a number of years, observed:—

"I greatly regret that I can find no trace of justice or sound sense in any of the provisions of the Bill now presented..... It would result in a total destruction of agricultural credit and it offers nothing in its place..... I can only recommend that the present effort be scrapped *in toto*."

(Honourable members: What is his name?) It is Mr. Garbett. His opinion is public property as it is printed in the opinions on that Bill—His opinion referred to this provision about the registration of money-lenders also which was a part of the Bill. Chaudhri Chhotu Ram moved that the provisions relating to the registration of money-lenders should be enacted by the vote of the House. But this was defeated by the very House which gave him ample support for his other provisions. Why? The reasons were no other than those already stated by me, because this provision would kill rural credit and also urban credit, thus adversely affecting the trade and industry of the province. Why, I ask him why, when the House with the majority at his back gave him full support with respect to other proposals, did they not pass this proposal? This did not happen years ago. It occurred only two years ago and who were the gentlemen who opposed these provisions? Well-known zamindars who are now sitting in the House, persons of the ability and experience of men like Nawab Muzaffar Khan, Sir Firoz Khan Noon, Sir Jogendra Singh, Thakur Pancharam Chand and others. I am surprised to see a smile on the face

of Nawab Muzaffar Khan. Does it mean that when he voted on that occasion, he was not voting on his own conviction? Was he voting by order?

Khan Bahadur Nawab Muzaffar Khan: On Government benches we had to vote according to Government opinion. You know it.

Raj Bahadur Mr. Mukand Lal Puri: I know it very well, but you were a member of the Government.

When a provision has only two years before been rejected on the floor of this House by the votes of this House, is it fair that without the occurrence of any new events, without demonstrating any further necessity for that legislation, this Assembly, simply because it has got a majority at its command, should try to enact a measure which the Government of India, and the Punjab Government, presided over by three such illustrious persons as Sir Malcolm Hailey, Sir Geoffrey deMontmorency and Sir Herbert Emerson, opposed. Nobody knows more than Chaudhri Sir Chhotu Ram that Sir Donald Boyd opposed this proposal of his and later in spite of his best efforts he was not able to carry the House with him. So, this is the history of the legislative effort in the Punjab and the Central Legislature with respect to registration. Let us now see what has been done in other provinces of India? After all we are not a solitary unit. There are ten other provinces in British India where the problems are similar. The House must be aware that every one of those provinces has undertaken and passed legislation relating to the transactions between the debtors and the creditors, and has tried to give relief in its own way to the debtors and to the debtor agriculturists. There are the United Provinces Acts, there are the Bengal Acts and there are similar Acts in other provinces. Has any province so far passed an Act requiring the registration of money-lenders? There are eleven provinces and in none of them up till today is there an enactment requiring registration and licensing of money-lenders. Why should you always be the first in giving the wrong lead? (*Interruption*). There is the entire experience at your beck and call, of your own province, of the Indian Legislature, of other provinces to be found in official records and yet you come forward with unauthenticated stories of what other provinces have done. Point to me one Act of any other province. I do not want to look at Bills which may or may not be passed and which may be amended out of all recognition. Now look at the history of enactment and contents of the Bengal Money-lenders Act, 1933. The Act contains provision dealing with usurious loans, dealing with restoration of property, dealing with payment of instalments, etc. If you look at the Bengal Money-lenders Bill, as it was first introduced in the Bengal Legislature, you would find that sections 5, 6 and 7 of the Bill definitely provided for the registration and licensing of the money-lenders. The matter went before the Select Committee and it was considered. Other provisions were adopted, but this provision with respect to the registration of money-lenders was definitely dropped and the Bengal Money-lenders Act of 1933 which is on the Statute Book contains no provision with respect to registration of money-lenders. There must be some reason why the Bengal legislature, in spite of the fact that this matter was placed before them, considered it improper to enact a proposal of that kind. I am told that the Bombay Government has recently brought forward a Bill which is known as Bill No. VIII of 1933. It deals with several matters, e.g., regulation of accounts, *damdupal*, usurious

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loans and amongst other matters it contains a provision with respect to the registration of money-lenders. I do not know whether that Bill has been passed. In spite of my best endeavours to get it, I am told that no Act of the Bombay Legislature exists which contains that Bill. I certainly was not able to get it. But if you look at the provision in the proposed draft of Bombay Money-lenders Bill relating to registration of money-lenders, you will notice one thing, that the registration of money-lenders is not placed in the hands of the Collectors but is placed in the hands of the Registrar of money-lenders as in the case of registration of partnership or registration of companies. All that you have to do is to put an application and you would be registered unless your case falls within four definite clauses which are specified in the Act. According to the Bombay Bill, if you find that you have been unjustly treated by the Registrar—as you may be by the Registrar of joint stock companies, then it is definitely provided that you can appeal to the civil courts and competent courts are definitely specified there, e.g., Sub-Judge 1st class, in areas outside Bombay and the High Court of Bombay with respect to money-lenders having transactions over ten thousand and Small Cause Court, Bombay, with respect to transactions below ten thousand. Therefore there is no precedent so far in any province in India for registration and licensing of money-lenders.

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

If you would refer to the reasons which are given in the Preamble for the introduction of this piece of legislation. I venture to submit, they are neither genuine nor convincing. One of the reasons given is, that the Statutory Report of the Reserve Bank of India, Agricultural Credit Department, 1937, recommends the registration of money-lenders. A careful perusal of the whole of that Report would show that they only recommend legislation for reasonable regulation of money-lending, although registration is also mentioned. But with respect to our province, their observations which occur in paragraph 10 are more pertinent. With respect to necessity of regulation of money-lending, they observe—

“The money-lender undoubtedly serves a necessary function in the village economy and regulation of his business is long overdue. The pendulum now appears to have swung to the other extreme and the various enactments relating to agricultural debts have undoubtedly seriously impaired the activities in many parts of India.”

In the Punjab “the pendulum has definitely swung to the other extreme”. We are far ahead of all other provinces in indebtedness legislation, legislation which is in some cases unjust and harsh in the extreme. In the Punjab we have passed more Acts to the disability of the creditor than any other province. In fact the attempt of the Punjab Legislature has been to prevent the realisation of the creditors' money, and to find means how the propertied (not the poor indigent person) agriculturist class can evade payment of its dues. There is just one line in this Reserve Bank Report where it is stated as follows:—

“Companies, banks and insurance companies which have to deal with an enlightened public are required to submit to regulations and there is no reason why money-lenders who have to deal with illiterate ryot should claim exemption. We are, therefore, in favour of reasonable legislation for regulating money-lending and making registration compulsory.”

Minister for Development: Please repeat.

Rai Bahadur Mr. Mukand Lal Puri: I repeat this sentence in deference to Sir Chhotu Ram's wishes. It is "reasonable legislation for regulating money-lending." It is certainly not meant for our province where regulation of money-lending as evidenced by Regulation of Accounts Act, Relief of Indebtedness Act, Debtors' Protection Act has gone far beyond the 'reasonable.' The report only recommends reasonable regulation of money-lending in provinces where it does not exist. We have certainly long passed beyond that stage. In fact we have absolutely killed the non-agriculturist rural money-lender. It is no question of regulating it.

Minister: Why are you afraid of being registered?

Dr. Sir Gokul Chand Narang: There will not be registration of corpses.

Rai Bahadur Mr. Mukand Lal Puri: Reliance upon this one sentence in the report, in the face of the expert opinion detailed by me, shows the straits to which the Government has been reduced, in finding some support for their legislation. What has the Government to say to the reports of the Central Banking Enquiry Committee, the Provincial Banking Enquiry Committee, the opinion of the Government of India on two occasions and the expert advice of such experienced statesmen as our three celebrated Governors, and also of a government of which Sir Sikander and Nawab Muzaffar Khan were members? The mover has nothing more to rely upon than this observation, innocuous and quite proper so far as it goes in this report of 100 pages which the directors of the Reserve Bank of India are being asked to publish after every six months, not as a result of any enquiry, not as a result of any investigation but as a result of observations. Therefore, Sir, the reason which is given in the preamble cannot possibly have produced the Government to embark on this legislation. The Government does not say that they have the balance of expert opinion on this point in favour of registration of money-lenders. Does the mover, seriously wish the House to understand that it is this sentence in the report, which has induced him to come to a conclusion opposed to that which had been taken on the floor of the House by the elected members of the Legislative Assembly only a couple of years ago? It is really unfair that the learned Premier should have relied upon that half a line in this report in support of the proposal which evidently is not meant for our province. But with respect to our province, as already pointed out by me, the more relevant observation is to be found in paragraph 10 and that is that the pendulum has gone to the other extreme. Now, Sir, the other reason which is given by Honourable the Premier is that he wants to catch the agriculturist money-lender and his object in doing so is that as soon as he is registered he will declare him as not entitled to some of the benefits so far enjoyed by the statutory agricultural tribe under the Land Alienation Act. Now the Premier says that he stated so to a deputation which waited upon him and in pursuance of that promise he made he is asking for registration of money-lenders. I do not know whether he still sticks to that promise. I see Sir Chhotu Ram is shaking a dissent to this observation. Sir Chhotu Ram who, I may respectfully submit, is responsible for most of the legislative monstrosities of our province is the real author of this legislation; and I have not the slightest doubt that it would have been in a much more reasonable form if

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it had really been sponsored by a Muslim member. I may be pardoned for expressing my honest opinion, as to how I and some others feel on the subject and I do not wish to conceal it. The Premier has not entered any caveat to my statement but Sir Chhotu Ram has said, if I have heard him right, "we have made no promise". Sir Chhotu Ram has evidently pulled up the Premier. He says "Oh, promise or no promise, we are the masters of the situation and we can do what we like." Therefore, Sir, it is up to the Premier to say whether he still wishes to carry out what he stated in the preamble.

Dr. Sir Gokul Chand Narang : Who led the deputation ?

Rai Bahadur Mr. Mukand Lal Puri : It was led by Lala Durga Dass who was the representative of the Associated Press in Simla those days.

Dr. Sir Gokul Chand Narang : Most foolish.

Rai Bahadur Mr. Mukand Lal Puri : I do not believe that this Registration Bill has been introduced in response to that request. It is an obvious attempt to find some reason and a very weak effort in making out a case. It is for the Honourable the Premier to say if this is the impelling motive. I will accept it without hesitation if he says so. Obviously this deputation waited upon the Premier with the grievances of the non-agriculturists, none of which has so far been redressed, or even an attempt made to deal with them. And yet legislation of such a far-reaching and contentious character and dealing with a matter against which the whole deputation would have raised their voice in loud protest, if they had known of it, is being attributed to a promise made by the Premier to that deputation. The reason, to say the least of it is disingenuous. A question was asked, why do you object to the registration of money-lenders? I would like to make myself perfectly clear and explicit to those persons who wish to appreciate our point of view so as to enable them, if they so desire, to relieve our apprehensions and solve our difficulties. With respect to rural lending, the prophesy of Mr. Garbett that "it would result in a total destruction of rural credit" has come out to be true and Sir Chhotu Ram's Bill—Debtors' Protection Bill—has completely destroyed rural credit. Whether it is good or bad I do not wish to venture an opinion, but I leave it to my zamindar friends who are conversant with rural conditions and whom it affects, to say whether it has not entirely destroyed the credit which the zamindars enjoyed with the non-agriculturists and whether at the time of the real necessity, say a criminal case, or purchase of a bullock, the zamindars, have not to part with their assets and even land to their wealthier brethren, for a song. Their needs are being met by the wealthier classes of zamindars and that is the only substitute they have. If that were not available, no member of the notified agricultural tribe would be able to get any credit. I venture to submit that the non-agriculturist would be the greatest fool in the world if, in the face of the existing legislation preventing recovery of debt, he advances one rupee to the richest man of that class. Therefore rural credit is entirely destroyed and such that exists, is only for the purpose of facilitating the winding up of the old business and for realisation of a small portion of the old dues. But, Sir, what I feel anxious about is that when you have successfully destroyed rural credit kindly do not destroy urban credit, do not destroy the credit of the petty trader, the artisan ,

or the petty worker in urban areas, whose only means of subsistence is petty trade as hawker, ordinary grocer which trade he does not carry on with his own money, but by borrowing one or two hundred rupees. That borrowed capital does not come from banks, not even always from professional money-lenders but it comes from the casual money-lender, more often from the landlord of the shop he has rented or some friend. This comes from persons who are not regular money-lenders but from those who year in and year out consider it a safe investment both for the lender and the borrower. Once you make this registration compulsory this casual money-lender will practically disappear. No person would like to risk the non-realisation of his debt on the ground of want of registration, and no casual lender would like to undertake the trouble of registration with its disabilities and penalties. Sir, if the sources of credit of this trading class are impaired, they will not be able to carry on their trade. If you go to any bazar, and look at the shops, whether it is a trader dealing with imported British goods like cloth, or country made articles, the valuable stock which catches your eyes, has been purchased with borrowed capital and only a small portion is that of the owner of that business, perhaps a margin only of 20 or 30 per cent. Those shopkeepers who appear to be prosperous, their entire stock in trade is not theirs. In 80 per cent. cases they live on borrowed capital and where does it come from? There are hardly any joint stock companies or banks of any magnitude and there are no co-operative societies. It does not even come from regular money-lenders like the well-known Lala Bulaqi Dass of Lahore. Kindly remember that I am not opposing this legislation in the interest of the money-lender. If our trade and industry would not suffer and our business could be carried on without the money-lender and if the whole class of money-lenders disappeared I would not shed one drop of tear I oppose this legislation on the ground of restriction of necessary credit and the consequent necessary and inevitable restriction on trade. I oppose it more in the interest of the borrower than that of the lender.

Sir, what I am anxious for is that if you have succeeded in destroying the rural credit, you should not do anything by which you destroy the urban credit also. You are all here representatives of the agriculturist class and you are entitled to support their case. I do not know whether the agriculturist, the petty agriculturist, does not remember his *sahukar* and prefers him to the co-operative society which in some cases is now lending money; whether he is not remembering with affection and gratitude the treatment which the *sahukar*—in some cases—metes out to him as compared with the treatment that the co-operative society or the co-operative bank metes out to him. I have heard that view expressed on the floor of the House by zamindar members. You are the representative of notified agricultural tribes and are not afraid of further restricting your credit by registering money-lenders. I do not wish to enter into argument with you on this subject and would accept that what you consider good for them must be good for them. Therefore I, for one, would not oppose any legislation which registers money-lenders who deal with members of notified agricultural tribes. But if you insist on registering even those persons, who live in towns and who supply us credit there, if you are going to register non-agriculturist money-lenders in towns who deal exclusively with non-agriculturists whom I and my friends represent, I would tell you that you have received no demand from any one

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for such registration. There is no cry in the country for such legislation. We on behalf of this class wish emphatically to assert that whatever you might do to regulate the transactions between lender and borrower, between a money-lender and an agriculturist, you will be creating unnecessary hardships and difficulties if you legislated for registration of those money-lenders who lent money to traders only. On behalf of the borrowers in urban areas, on behalf of the traders and shopkeepers who live on trade, I request you, don't restrict their credit by insisting upon registration of those who lend money to them. None of the urban debtors or urban creditors whom I claim to represent, has ever asked for registration of money-lenders. Do not destroy our credit, because trade will not exist if the credit is gone. I cannot carry on my trade when my credit is gone. Therefore, Sir, I would say that the registration of money-lenders and licensing of money-lenders is likely to restrict the credit to such an extent in urban areas that it would hamper trade and industry. I should like to put a question to my honourable friend the Premier, who would like to carry on the business of money-lending in this province, if he knows that revocation of his licence on one occasion may lead to the total destruction of his advance? This is a provision in the Act. Supposing I am one of the money-lenders and that my business is a flourishing one and runs up to 30 or 40 lakhs of rupees. With that legislation on the Statute Book and with 30 or 40 lakhs being my business capital, do you think, I would like to run the risk of losing 30 or 40 lakhs, on the ground that on an occasion or two I or one of my numerous agents had failed to send six monthly returns required by the Regulation of Accounts Act? Would any of you be prepared to take that risk, even if the amount involved was Rs. 10,000 provided it comprised your entire assets?

This legislation has, in some quarters, been described as vindictive and communal. It has been said, what do you want by registration of money-lenders when money-lending has ceased to be profitable? It is stated by some persons that it is brought forward not with the object of giving any relief to any debtor but with the idea of putting indignity and insult on and ruining the business of those, whom influential members of the Government have always proclaimed throughout the province as their enemies. I have no reason to think that this is an uncharitable view which is often taken. Again, another view which is being persistently put forward is that under the communal award, this Assembly consists of a majority of Muslims and according to Muslim religion the taking of interest is forbidden and the money-lender, whether he is agriculturist or non-agriculturist, must *ex hypothesi* belong to non-Muslim communities like Hindus and Sikhs. (A voice: What about Pathans?) Pathans do money-lending business, but they do not want the assistance of your courts. They have got a *danda* in their hands. (Pir Akbar Ali: What about Khojas?) Khojas do not lend money in this province but they lend in Bombay. I put a question to my honourable friend Pir Akbar Ali, who is one of the oldest, most respectable and ablest lawyers in the Ferozepore district, a person who has come in contact with money-lending transactions. I ask him what is the percentage of Hindu and Muslim money-lenders in his district. I am prepared to accept his statement. I have personal knowledge on this subject. I have practised in the headquarters of a district and I have also

practised for a long time in the High Court on account of which I am familiar with convictions in almost every district in the province. Besides, I have studied this question in all its essential details, and I make bold to say that the overwhelming majority, more than 95 per cent., to be on very safe side, very likely 99 per cent., of the money-lenders are Hindus and Sikhs. Therefore, Sir, this measure savours of communalism. I wish, that there were some Muslim money-lenders, so that restrictions imposed on money-lending and penalties proposed had been made more reasonable. As it is, it is one community legislating for the other and the legislation proposed does not give any quarter. The legislation in the framing of which my honourable friend, Sir Chhotu Ram, appears to have a leading hand is of a most drastic and one-sided quarter and appears to have been conceived in a spirit of vindictiveness rather than with a desire to regulate money-lending. With a view to illustrate the partisan character of this legislation, may I draw attention to an exception drafted to this legislation, which could only have come from persons who thought they had only one interest to protect, in utter disregard of all other interests? Kindly see the proviso in the Bill. A landlord lending money to his tenants on interest is not to be registered as a money-lender. A milk-man, who lends money on interest to the person who supplies milk to him, is to be registered. A butcher who in the course of his business has to make an advance to a person who supplies animals to him, is to be registered. A commission agent, who deals in so many articles and who gives money to a person and charges certain amount of interest, is to be registered, but this privileged class, dealing with the most illiterate masses, the tenants, and on terms—I as a lawyer know what those terms are—under which an advance of Rs. 50 either in cash or kind if not repaid at the harvest time, becomes $1\frac{1}{2}$ times or $1\frac{1}{4}$ times, an interest much higher than the interest which is permitted, these persons, should not be registered as money-lenders. I know of some big landlords who keep regular legal munshis. I know of big landlords who have got regular engagements with lawyers at headquarters to bring suits against tenants for such advances and who obtain decrees and execute those decrees relentlessly against those tenants. Yet under this legislation while you are registering other money-lenders, in fact everybody, you are excluding landlords who lend money to their tenants. Such unabashed partisanship could hardly be excelled. No doubt, it is on a par with your other legislative efforts. The less said about the mentality which underlies such legislation, the better. What justification is there for excluding yourselves if you include every one else?

Then, again, what happens to a money-lender whose licence is not renewed? Suppose his debts are going to become time-barred and the licence is not renewed for six months. There is no provision in the Act for extension of time. Therefore I submit that this legislation is entirely unnecessary, and uncalled for. Past legislative experience of other local governments, expert knowledge of the banking committees, the recent defeat in our own Legislative Council of this very measure by the votes of the House and the rejection of it on two occasions by the Imperial Legislature with the unanimous opinion of all the local governments and our own experience of the rural conditions and of the debt legislations of this province, are sufficient to induce any government to stay its hands. (Cheers).

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

That the Punjab Registration of Money-Lenders Bill be circulated for eliciting public opinion thereon by the 15th January, 1939.

Diwan Bahadur Raja Narendra Nath (East Punjab Landholders) : To the exhaustive survey of the subject which has just been made by my honourable friend sitting on my right I have hardly anything to add. I give my unqualified and whole-hearted support to the motion that he has moved. I do not understand why Government should be chary of circulating the measure for eliciting public opinion. What will happen to this matter which has been considered to be fraught with difficulties, and against which official opinion has been adverse for a long time, if it is delayed a little longer? Why hustle this measure simply because there is an Act passed by the Bombay Council? What will happen if time is given for eliciting public opinion? Well, there may be agitation. But that agitation will be there even if the Bill is passed now and assumes the form of an Act.

Then there is another matter. A promise has been held out that necessary amendments will be made in the Land Alienation Act so as to take away from agriculturist money-lenders the privilege which the Land Alienation Act gives them. We have not got that Bill before us now. Will it ever come up at all? Will it be passed by this Assembly? Will it be acceptable to the members of this House?

Dr. Sir Gokul Chand Narang : I hope, not.

Diwan Bahadur Raja Narendra Nath : I may warn the Government that a measure of this sort is going to cause great economic catastrophe in the province. We should be very cautious before we hustle this measure. I have nothing more to say as the subject has been very well dealt with by my learned friend. As I have already said I support the motion for circulating the Bill for eliciting public opinion.

Dr. Sir Gokul Chand Narang (West Lahore Division General, Rural) : I shall not take much time of the House on this measure. I propose to speak in support of the motion so ably moved by my learned friend, Mr. Puri. He has said practically all that can be said on the subject. Sometimes I think, and I have given expression to it before, that it is utterly useless to speak in this Assembly. It would be disrespectful to quote a Punjabi proverb which refers to weeping before people who cannot see. (*Interruption*). You may put it like that. That would suit the zamindar government better. Anyhow, it comes to the same thing. (*Interruption*). If you take my honest opinion all the mischief is due, I must endorse what Mr. Puri said, to the Honourable Minister from Rohtak. (*Laughter*). I can almost lay a wager on this that if he was not in the Cabinet, probably none of these measures would have been brought forward. (*Hear, hear*). He may feel proud of this. He may think it very creditable of him.

Mr. Deputy Speaker : All these remarks are irrelevant to the motion.

Dr. Sir Gokul Chand Narang : The Honourable Revenue Minister may not be a dummy, the Premier is certainly not a dummy, but certainly

the Honourable Chaudhri seems to have got the better of both of them and he seems to have drafted these measures which will not do credit to any government whatsoever.

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

Dr. Sir Gokul Chand Narang : Now, coming to the Bill, it has been very exhaustively pointed out by Mr. Puri giving facts and figures that several attempts have been made to enact such a measure, but all attempts ended in failure or had to be abandoned. I sincerely feel that no case has been made out for again taking up this matter within the short space of probably less than two years. Is it that there is no wisdom now in the present Cabinet? Or has fresh wisdom dawned upon them, or is it that the previous government did not possess sufficient sense of duty? The previous Government did not all consist of *banias*? There was no *bania* in the official benches then unless I am considered a *bania*. But certainly I am not a *bania* unless the Honourable Chaudhri Sahib defines anybody who is not a statutory agriculturist as a *bania*. Then, according to him the Hindu Sabha is a *bania sabha* and every person who does not come within the four corners of the Land Alienation Act which is his *Veda*, as some of his followers have said, is a *bania*. Unfortunately ever since his childhood he has been suffering from what I may describe appropriately as *bania-phobia*.

It is as a result of that *phobia*, *bania-phobia*, that this crop of Bills has been brought up before this House. One important question has been raised, but has not been fully discussed. My learned friend has said that it would restrict credit and this is not denied. But I heard some voices say, it is a very good thing if credit is restricted. I would agree with them if credit is restricted to a small extent. But restriction of credit does not mean that credit should be destroyed altogether. I am not a money-lender by any means. I am not even by birth an urbanite. I am not a city bird. I am a *pacca peada* in the fullest sense of the word. I have been brought up in rural surroundings. I know peasant life inside out. I know money-lenders' life inside out. I know the relations that have subsisted between them at least for the last 54 years, ever since I was five years of age and could see and understand something of the people and their relations. I can assure you that the peasants themselves, the agriculturists themselves, whom it is intended to protect by means of this legislation, will far from bless you, the authors of these Bills and these Acts. It is very easy for gentlemen earning several thousands a month or getting fat salaries or having large acres of land, hundreds or thousands of squares of land, to say that it is a very good thing to restrict credit. To them restriction of credit simply means reducing the number of motor cars that they possess, or reducing the number of horses that they might be keeping or reducing the number of grey dogs that they might be keeping or cutting down some other luxuries. But to the poor villager, restriction of credit means sometimes starvation because he always lives on the verge of starvation. The profession of agriculture, according to the report of the Reserve Bank itself on which this Bill is based, cannot be carried on without borrowing. These are not my words. It is most unfortunate, but it is an occupation which, according to the experts of the Reserve Bank and others, cannot be carried on without borrowing, because agriculture depends on so

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many chances, so many accidents and is subject to so many calamities. A bullock dies. What is the poor agriculturist to do? It is all very well for Sir Chhotu Ram to say that credit should be restricted. He has nothing to replace his bullock and his land which was in *watar*, is drying up and unless it is ploughed in time it is gone and he will have to wait again before the heavens are pleased to send down rain. Again the time of sowing the crop comes and he has not got seed. I am telling you actual facts of an agriculturist's life. He has not got any seed. He has to go to one lender or another. He may be a chaudhri or he may be a *bania*. He has to go to some one for seed and if his land is ready and seed is not available, he misses the season and he cannot expect any crop. Take again the case of a person whose son is ill or whose wife is ill or who has been involved in some criminal case. He has got no margin, no surplus. What is he to do? He must go and borrow. He cannot do without borrowing. Again take the case of a poor man's son who is reading in a college. He is going up for his degree examination. The father is poor; his bullocks have died or some other calamity has befallen him and he has to spend his money there. But the boy has to appear for the B.A. examination. He cannot find the admission money and he has to borrow. His failure to sit in the examination may change the whole course of his life. If he does not pass his B.A., but is only content with his Intermediate examination he will have to be a clerk on Rs. 20 or 30. But if he becomes a B.A. and passes his law he may become one of the leading lawyers and like some of my honourable friends here may be able to earn lakhs or he may become a minister. You say credit should be restricted, credit should be destroyed. But when you actually go to the necessities of life, then you realise that it is fatal for those whom you want to protect. You restrict credit so much as almost to destroy it. I have gone through the report of the Reserve Bank directors issued under section 55. I have not been able to discover any strong reason for the registration of money-lenders. There is just one small suggestion somewhere that it may facilitate their employment under the Reserve Bank to assist in agricultural credit. There is some such line somewhere in the report so far as my memory helps me. Besides that there is absolutely no reason given. It is considered that when a person belonging to a profession like that of money-lenders is required to register himself he is probably treated as a criminal. It is no reply to say that doctors are registered, that lawyers are registered and that companies are registered and so on. They are on an entirely different footing. Their number is limited. But the number of money-lenders is really unlimited, because in this province every one almost who can afford a little money or has a little surplus, must oblige some one who comes to borrow. I use the word 'oblige' because yesterday the Honourable Premier was pleased to say that when a money-lender makes an advance to a borrower, he does it not out of any sympathy but in order to enmesh him, to entrap him just as a spider entraps a fly in its web. I must say that it is most uncharitable on his part to say so. I was referring to the general assistance given by money-lenders to the borrowers. I can quote thousands of cases where not a penny would have been advanced for the sake of making profit or for the sake of interest. The money was advanced to help the poor agriculturist or the poor neighbour because those people have to live in the same

village and they have to treat one another as sympathetically and as fraternally as possible. Thousands of such cases can be quoted. It would, therefore, be the height of ingratitude for the borrowers as a class to say that money was advanced to them simply because the *baniyas* wanted to loot them or simply because they wanted interest. No doubt the lender took interest. That was because he had to pay interest somewhere else. He has not got any money in his house. He borrows money from somewhere at Rs. 1 per cent. and advances it at Rs. 1-8-0 per cent. This is the nature of business that goes on. He runs a risk because he is

bound to pay to his creditor, but he is not sure of realising his money from an agriculturist whose fortunes are subject to so many vicissitudes, to some of which I have already referred. Therefore, naturally he must take a little more interest than he is paying. As you know the rate of interest is in proportion to the amount of risk involved or to the security offered. You cannot therefore say that this is a class of blood suckers, a class of robbers or thieves, who are out to rob the poor ignorant helpless agriculturist.

Then again it appears that the framers of this Bill were visualising only the village money-lender and his so-called victim, the agriculturist. I would not repeat what Mr. Puri has said; but certainly this is a most important consideration and I would ask my honourable friend, the Premier, if he is the author of this Bill, or Sir Chhotu Ram if he is the author, or any other gentleman who may have taken part in the drafting of it, whether he was at the time taking a comprehensive view of the money-lenders, whether they were at all thinking of the urban money-lenders who had no dealings at all with the villagers and in whose case the question of the poor agriculturist does not at all come in and in whose case no question of any fraudulent transaction can arise—because it is one big *baniya* lending to a small *baniya* and both are astute. They know what they are about and the wealthy *baniya* is not in a position to cheat the other *baniya* either because he is wealthy or because of some other reason—both understand the business and no question of any fraud can arise there. Has it ever occurred to them that they are putting all these people also in great difficulty and their measures will affect trade and commerce in cities as well? My honourable friend, Sir Chhotu Ram, ejaculated a remark. He said it does not matter. The money will go to industry. Do you think that when you are destroying public confidence in your government, any industry can flourish? Take my word for it that by these measures you are destroying public confidence in your government, I mean the confidence of the people who count. It is not the confidence of the people who live in the villages and have two or three acres and carry on cultivation. It is not they who are likely to encourage industry. It is those people, the others whom you are ruining, whose business you are destroying, who can be relied upon to give an impetus to industry in this province. Once they find that their property is not safe, that their transactions of 36 or 48 or 58 years are being set aside so ruthlessly, do you think they are going to invest their money in this province? Even many years before some people were reluctant to invest their money in this province and I tell you most respectfully and with as much conviction and all the earnestness that I can command, that it is fatal for any government to destroy public confidence in itself and if you contemplate dispassionately and consult people outside who are not your official

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opponents and who are not even members of the Assembly and on whose judgment you can rely and in whose friendship you can trust, you will be convinced that these measures which you are bringing forward are not calculated to enhance confidence and will result in destroying the confidence, whatever little of it there is, in the Government of the province. There will be no question of the encouragement of industry. It cannot be said that if money-lending is totally stopped, industry would develop. There may be something if normal conditions prevail in the province, but as normal conditions do not prevail in this province owing to various reasons, industry is not likely to develop and will not be encouraged in this province. People who can spare some money would rather invest it in concerns which are under other governments whom they can trust. Apart from this, remember no industry can be carried on without borrowing. For the development of industry borrowing is absolutely necessary. Point out to me one industry in the Punjab or anywhere else in India which is being carried on without borrowed money. No one can carry on without borrowing, howsoever rich he may be. Even the richest man has to borrow. Even owners of lakhs have to borrow and if borrowing and lending are going to be reduced to these straits in this province, do you think there is any hope of industries being developed in this province? Certainly not. It would be impossible to give any impetus to industry in these circumstances. My friends are becoming impatient. (*Honourable members*: Go on).

Before I sit down I must come to the statement of objects and reasons attached to the Bill. It is stated therein "It is further a step towards the fulfilment of an undertaking which the Premier gave to a recent deputation as to agricultural money-lenders being placed for the purposes of the Alienation of Land Act in the same position as non-agriculturists in the matter of the power to purchase land. The Alienation of Land Act will be amended in due course so as to place agriculturists money-lenders registered under this Bill on the same footing as non-agriculturists in this matter." Now I do not know what this deputation was; but with the utmost respect to the personnel of the deputation I would say that it was a most unwise request to have been made to the Premier. They did not understand what they were asking for. I say it with great respect although some of them might be very astute men of business. I would say again that the Bhoja Raja (*Raja Narendra Nath*) himself does not understand what the fulfilment of this promise implies. (*Interruption*). I use the term Bhoja Raja as a term of endearment and I mean no disrespect and the other day Honourable Minister of Revenue was unduly excited over it. Raja Sahib himself fears that this promise might not be fulfilled. I hope it will not be fulfilled. (*An honourable member*: Why?). I must explain the position. Raja Sahib thinks like the deputationists that it would be a solace to him if agriculturist money-lenders are also placed in the same position with respect to Land Alienation Act as the non-agriculturist money-lenders. In the first place I would say that it is a wish which is rather impious. It does not improve your status. It brings down the status of the others. It is like the *koospusht* old woman in the story (*Diwan Bahadur Raja Narendra Nath*): It is a step towards equalisation for which we have been pressing). Sometimes God teaches wisdom through the mouth of babes. You are an already elderly man and you should learn a little wisdom from

me to-day. (*Interruption*). Please listen. (*Bai Bahadur Mr. Mukand Lal Puri*: Why elaborate this point?) Raja Sahib is feeling rather excited over it.

Mr. Deputy Speaker : The honourable member should not be personal.

Dr. Sir Gokul Chand Narang : It is like the wish of a *koozpusht* woman about whom we used to read in some Persian textbook. She was a hunch-back—and what she said was, that she did not want that her back should be straightened but she wanted the backs of her neighbours to be bent like hers. What will Raja Sahib gain if the agriculturist money-lenders are also placed in the same position as he himself is. Does it equalise? It does not. Listen to me. What is the implication of it? After that he will join with me in hoping that the promise is not fulfilled. Who are the money-lenders in this province among the agriculturists? There were nineteen thousand money-lenders among the agriculturists some time ago. Can you say that one per cent. of them belong to any other community than the Hindu and the Sikh ?

Diwan Bahadur Raja Narendra Nath : No.

Mr. Deputy Speaker : The honourable member should address the Chair.

Dr. Sir Gokul Chand Narang : All right. What did this request mean? The request meant that the whole land of the people who mortgage or sell should pass to another community but not to the Hindus or the Sikhs. This will be the result and, therefore, I say that it was a most unwise request that the Hindu deputation, it was a Khatri deputation, made to the Premier. The number of agriculturist creditors was nineteen thousand many years ago and now it must be thirty thousand. It is increasing every day. Go to Amritsar district. Who are the money-lenders there? As many as 85 per cent. of the money-lenders in Amritsar district are Sikh jats who are in a position to realise debts by usufructuary mortgage or by purchasing the land. If they are placed in the same level as *banias* then what happens? They lose their money. Will they make this demand? Certainly they will not. Ask them—there are thirty thousand of them—whether they are prepared to be placed in the same level in this respect with Raja Sahib howsoever exalted he may be. They will certainly not agree. I am not a *koozpusht*. My back may be bent but I do not want that the backs of my Hindu and Sikh agriculturist friends should also be bent. I, therefore, say that the request which the deputation made was absolutely unwise and was not properly considered and I, therefore, hope that the Premier, who seems to be too ready to accede to that request, will not comply with that request. It will create a grievance among the Hindu and Sikh Jat money-lenders and as these people are crying that you are ruining them, they will cry that you are ruining them by complying with the wishes of the Khatri deputation.

Diwan Bahadur Raja Narendra Nath : I know all the facts and I know the consequences.

Dr. Sir Gokul Chand Narang : Then it means that you also want to reduce them to your own level.

Diwan Bahadur Raja Narendra Nath : Yes.

Dr. Sir Gokul Chand Narang : If there were money-lenders in all communities, and probably this is what they thought, then the case might have been different. I am not an authority on Muslim law but so far as I understand it, it is not considered *hatal* in Islam to take interest or even to pay interest. But I know that thousands of pious Muslims also pay interest and there are some—I do not know how many—who also take interest but their number is very small. The fact remains that not 5 per cent. of money-lenders are Muslims or Christians.

Pir Akbar Ali : Wrong.

Dr. Sir Gokul Chand Narang : A vast majority of the money-lenders among the agriculturists are first Sikhs and, in the second place, Hindus.

Pir Akbar Ali : Who are the borrowers?

Dr. Sir Gokul Chand Narang : The borrowers are your brethren and some of their brethren but it means that if they are also made *koopusht* like the Raja Sahib they will also suffer. Therefore, I do not think much of this promise given in the Statement of Objects and Reasons which Raja Sahib considered to be some *quid pro quo* for the misery and hardship which this Bill proposes to inflict upon his class of people. It is certainly no *quid pro quo* and I would leave it absolutely aside as a wash-out—nothing more than a wash-out—I do not attach the slightest importance to this part of the statement of Objects and Reasons. It does not advance the case of the sponsors of this Bill. There is, therefore, nothing left which can be said in support of a measure like this. I would not like to discuss, nor can I properly discuss, the various provisions of the Bill but I would just in passing make a brief comment on the principles, if any, underlying some of the clauses. In the first place, you have defined "money-lender" as one who carries on the business of money-lending. Who has to decide whether a person is carrying on the business of money-lending? It depends upon the whim of every sub-judge.

Premier : But see the definition of 'loan.'

Dr. Sir Gokul Chand Narang : I am referring to the definition of "money-lender" which simply means,

"..... a person, including a firm, but not being a bank or a company or a co-operative society, who carries on the business of advancing loans,"

Let us take the definition of "loan." Does it carry the case any further?

"Loan" means an advance of money made with the object of pecuniary gain, whether secured or not, together with any other advance either in cash or in kind which the court may find in substance to be a loan, but shall not include an advance in cash or kind made by a landlord to a tenant....."

It does not advance the case any further. Money-lender is a person who advances loans or carries on business of advancing loans. But who is to decide? What are the criteria in the Bill for deciding whether a man is carrying on the business of money-lending? There are thousands of people who are lending now and then. Is it lending to three persons which would be tantamount to carrying on the business of money lending? Is it lending to half a dozen or to one hundred people which would be tantamount to carrying on the business of money-lending? Is there any provision in this Bill which would exclude a person who has lent only once or who has got one *asami* from the definition of a money-lender? Certainly not. And

that was the reason why on so many occasions the attempt to pass a measure like this was abandoned and why all the local governments throughout India opposed it. Their main plea was that it was impossible to define a money-lender, and now we find some great legislators and jurists in the Punjab Government consisting of zamindars, who are trying to surpass all the legislators and jurists in India. (*Premier: And in England.*) Unless things are to be carried on in a rough and ready manner and the car of Jagan Nath is to be driven on irrespective of who is crushed under it, I submit that this Bill cannot be justified in any way. Of course any law that you pass will operate but it will operate in the same manner as a car driven at fifty miles' speed would operate on the Dusehra grounds where the *meta* is at its thickest. Certainly no government can justify its conduct when such is the result apprehended by those who are in a position to know and to understand. Do not do everything in *Jatka* manner. In ordinary matters you may proceed in that manner but in the case of making laws, for heaven's sake, show some acumen, some sense, some reason and a little more intelligence before you legislate for 28 millions of people living in this province. Certainly the way you are proceeding is far from satisfactory. What are you doing next? You say that no claim would be entertained unless the plaintiff is registered and, secondly, unless he holds a valid licence. In another part of the Bill you say that a licence may be taken within six months after the operation of this Act. Now supposing my limitation expires on the day this Bill is enforced. I bring a suit. What is to happen to my suit? You have made no provision for such things—absolutely none. My suit will be thrown out simply because I am neither registered on that day nor do I hold a licence on that day. Throughout this province where there are more than 40,000 money-lenders and they have probably millions of debtors, there must be hundreds of cases, if not thousands whose limitation may be about to expire or may expire on the day the Act is enforced. Even within the next four days they cannot obtain a licence. There is a procedure to be prescribed for obtaining a licence. Licences cannot be obtained in every village. Probably one will have to go to the *tahsil* or the district head headquarters to obtain a licence. In the meantime many suits may become time barred and be thrown out by courts. You have not taken any cognizance of such a contingency. Perhaps it was far beyond you to have visualised such things.

Sir, even if we were to assume that registration is necessary for certain purposes, if not for anything else, at least to know the number of money-lenders and as the directors of the Reserve Bank say in order to approach them to extend credit to agricultural areas, even if we concede that, the penalty proposed is simply preposterous. No reasonable man could ever think of imposing such severe penalties with such dire consequences to people concerned. What do you do? You say a money-lender's licence may be cancelled, if he has contravened the provisions of Section 3 of the Regulation of Accounts Act more than once. Now if I am not mistaken the reference is to the sending of copies of accounts, I have not got the Act before me. Supposing a money-lender has failed to do so in two or three two-penny half-penny cases and the man after this Bill is passed brings a suit for Rs. 10,000 against a barrister worth 2 lakhs in Lahore. It is produced in evidence that this man had such and such debtors and on one occasion he did not send a copy of the account to X

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and on the second occasion did not send a copy of the account to Y, therefore his suit must be dismissed, not only should be dismissed but his name should be removed and his licence cancelled. You do not make any provision against this. The money-lender might have thought, well I need not send the copy of account in these petty cases. He knows if he does not send a copy of the account his suits might be dismissed. He does not send because he thinks it is not worth while to do so in petty cases. He knows that if without complying with this section he brings a suit, the suit may be dismissed or he may not be awarded interest. He does not mind it. Probably that is the reason why he does not comply with Section 3 of the Act. Now how could he know that for that omission under some law which might be made ten years later his suit for Rs. 10,000, not against a jat, but against a rich banker or a barrister, or a rich factory owner might be dismissed! When you drafted this measure, did you ever think of these things?

Mr. Deputy Speaker : Please discuss only the principle of the Bill.

Dr. Sir Gokul Chand Narang : There is another point which deserves consideration. The section says:—

“ Has been held by a Court to have contravened the provisions of section 3 of the Regulation of Accounts Act, more than once.”

This provision does not say when, whether after the commencement of this Act or even before the commencement of the Act. Were you conscious of this? If you were, then you are consciously inflicting oppression and tyranny on this class of people. In sub-clause 6 you have mentioned “ after the commencement of this Act.” It would be interpreted by the courts to mean that only in this case you wanted the penalty to arise after the commencement of the Act. Who drafted the Bill I do not know!

Mr. Deputy Speaker : The honourable member should confine himself to the principle of the Bill.

Dr. Sir Gokul Chand Narang : It is the lack of principle that I am pointing out to you. Am I not entitled to point out the lack of principle, the lack of wisdom and foresight, and the lack of fairness and equity of the legislative measure which is under discussion in this House? What are the principles? Where there is no principle what is to be discussed? It is the lack of principle to which I am referring.....

Mr. Deputy Speaker : At this stage the honourable member should discuss only the principle of the Bill.

Dr. Sir Gokul Chand Narang : Also lack of principles and omissions. The learned Premier is conceding the force of my arguments. He is realising the omissions. If he will go through the Bill he will take note of more. I am referring to them here as I am not in the select committee, not that I want to be. Then go further. In sub-clause (iv) it is stated—

has had his suit dismissed as vexatious, fraudulent or frivolous.

The Bill does not say the kind of suit. I bring a suit for injunction, I bring a suit for dissolution of partnership, I may bring hundreds of suit. One of these suits may be dismissed by a sub-judge who does not understand. He says ' it is a vexatious case between two brothers, I dismiss

the case.' If any of my suits is once held to be vexatious and is dismissed then all my debts go and my name is absolutely obliterated from the register of moneylenders and my license is forfeited. Is this the law that you want to impose upon this province? Have you any sense of fairness?

In the same way there are other provisions which the learned Directors of the Reserve Bank of India never contemplated. When they suggested this registration they never dreamt that some wise Ministers in some provinces of India would adopt this suggestion and would impose such penalties and disabilities on money-lenders and that they would frame such a law. I would make one proposal to the Ministers and that is this. Let them send this Bill to nobody else but to the Directors of the Reserve Bank themselves. Have they done that? Are they acting upon the recommendations of the Directors of the Reserve Bank? The motion is for circulation. That will be defeated, I know. I know all these gentlemen are waiting here for voting. Some are hungry, some want tea and some want dinner and so on, but still they are here. If they are not going to agree to the motion for circulation, what objection have they got for waiting for 10 or 15 days to get the opinion of Reserve Bank Directors? Refer this Bill to the Directors of the Reserve Bank whose suggestion, they say, they have adopted. If you have already approached them, my suggestion carries no force. If you have not approached them, then I would respectfully submit that you better send this Bill to them. If you have already sent this Bill to them and if they have made any suggestions, you should adopt those suggestions. I am afraid that in a hurry to rush this Bill through this Assembly you have not approached them. Are there any experts whom you have consulted? Has this Bill been circulated even to deputy commissioners, district judges and High Court judges?

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

Now, Sir, coming to the actual question of circulation will the Honourable Premier tell us if he has consulted the judges of the High Court, if he has consulted the district judges, if he has consulted any other officers who are competent to pronounce opinion on the subject? If he has not, what is the hurry? Are the heavens going to fall or is the earth going to shrivel up, if my honourable friend, Mr. Mukand Lal Puri's amendment is accepted? After all for 90 years, since its annexation, the Punjab has gone on without this registration of money-lenders. What is going to happen if those gentlemen are consulted? Consult judicial officers, consult the Directors of the Reserve Bank, consult prominent businessmen and then, if they approve of this Bill, you will have some justification. Why rush it through? As the Honourable Raja Sahib pointed out in a paternal and affectionate manner, there would be no harm if this Bill is circulated. It would not take very long. It would satisfy at least those who are going to be affected by it. They must be given an opportunity of expressing an opinion on the merits of this Bill, and also those who are in a position to express their views should be given an opportunity of giving an opinion. I would earnestly ask you—I am not simply saying this for the sake of making a speech—to consider

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it seriously. You will not lose anything. You will be the gainer. You will be able to mend and repair your confidence, which is so badly damaged by accepting this amendment and by consulting competent people. That is all I have to say and with these words I strongly support the amendment.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I am afraid that it is my misfortune always to come last when the House is restive and tired. Excellent speeches have been made to-day by my honourable friends, Dr. Sir Gokul Chand Narang and Rai Bahadur Mr. Mukand Lal Puri, who have specialised in the subject. I cannot, I believe, claim the same eloquence, but I shall try very briefly to meet, as best as I can, the points which they have made. My honourable friend Mr. Puri started by the remark that this Bill is going to kill not only the casual lender, but the whole of the money-lending class. I am afraid that his rhetoric has outrun his logic, because if he had read the Bill carefully, he would agree with me that our object is to weed out the dishonest money-lender and to put the honest money-lender on a pedestal where he was held in the past when he was honest and enjoyed public respect. That is the main object of the Bill. We have no sinister motive. We do not want to kill the honest money-lender. We do not want to wipe out honest money-lending. We merely want to weed out the black-sheep from amongst money-lenders, as my honourable friend, Mr. Mukand Lal Puri, himself admitted that there are black-sheep amongst them as elsewhere. We want to weed out those black-sheep so as to make this profession as honourable, dignified and respectable as it used to be in the olden times. This is our main object. My honourable friend, Mr. Puri, also made a point that it was going to hit hard those poor hawkers who go about and who do not borrow money from money-lenders, but borrow from casual lenders say Rs. 50 or Rs. 100 and set up their trade and go from street to street and make their livelihood that way. My honourable friend, Dr. Gokul Chand, said that credit has already been restricted and that the money-lender has got no work to do and that he has got no scope for his capital and there is no place where he can invest his capital. I may assure them that this measure is in the long run going to help money-lenders because they will be privileged to lend their money to those people. It would not be necessary for a casual lender to give help to those hawkers. Those money-lenders, who may not find any outlet for their capital will have plenty of outlet for their investment in lending money to those hawkers and other small business men. But what would the casual money-lender do who cannot advance money? That was the point which my honourable friend Mr. Mukand Lal Puri made. What he would do I cannot say or prophesy, but I know what he should do and that is that he should invest in gilt-edged securities, he should invest in industries of the province as they do in other countries. The man who has got small savings, should invest his money in safe securities, in safe investments, in railway shares and gilt-edged securities and that is how those countries flourish because they find no difficulty to borrow money from small investors in the country as well as from the biggest capitalist. (*Dewan Bahadur Raja Narendra Nath*: What about those who need money?) My honourable friend the Raja Sahib has put me a question. He says, what about those who need money? My honourable friend Dr. Gokul Chand

said that the money-lender has got no scope for lending out his money because his business is risky. If he is an honest money-lender, not a black-sheep, he will have every scope to lend his money to these needy people.

Another point which my friend Mr. Puri raised was that the conditions in India are quite different from those of other countries. Why are they different? Because hitherto we did not possess full responsible powers and therefore could not set our economic position in order. But now we, as people's chosen representatives with fuller powers placed in our hands under this new constitution want to place our economic position on a solid and sound foundation and bring our country up to the level of other advanced countries of the world. When you weed out the dishonest money-lenders and bring in this Bill many people who were lending money hitherto would prefer to deposit their money in banks. There will thus be an incentive to open more banks which when they come into existence would be able to meet the requirements not only of urban areas, but I hope in time to come of rural areas also. Is that an ideal for which we should not strive? There are several people who say that democracy cannot succeed in this country and that this country is not suited for democratic government. It may be so in certain respects under the present conditions, but is that any reason why we should not strive for the emancipation of our country? Is the honourable member prepared to concede that because there are some people who think that reforms are not suited to this country we should not work them and ask for more reforms? I am afraid that argument is not likely to hold water.

The honourable member further pointed out that there was some difficulty with regard to definition. I think that point was also laboured to some extent by my friend Dr. Gokul Chand Narang. I concede that it is extremely difficult to have a water-tight definition of the words "money-lender" and "loan." But we have tried our best to arrive at a suitable definition of these terms. I shall welcome any constructive suggestions in the select committee which would make the definition more exact and less open to doubt. My honourable friend said that we would be leaving everybody at the mercy of sub-judges of the 4th class if we retain the present definition. But what is the definition in the English Act? Has my honourable friend seen that? If he had seen it, probably he has forgotten it. We have copied the basic definition of the English Act and not only that but the Bombay Bill also is based on the English Act; so also the Central Provinces Act.

Dr. Sir Gokul Chand Narang : But the English Act was in existence when all the local Governments made their recommendations against this measure.

Premier : If my honourable friend will allow me, I will read to him an extract from a speech made by the Honourable Mr. Munshi when he introduced a similar Bill in the Bombay legislature. But before doing so I should like to refer to a point mentioned by Mr. Puri, namely, that in the Bombay Bill there is a provision giving right of appeal over the decision of the registering officer.

Rai Bahadur Mr. Mukand Lal Puri : This is wrong. Here is the Bill. In that Bill the provisions defining "competent courts" are very

[R. B. Mr. Mukand Lal Puri.]

specific and definite. If anybody is dissatisfied with the orders of the Registrar of money-lenders he can go to civil courts, which are specified and whose functions are detailed.

Dr. Sir Gokul Chand Narang : And not to the collector or commissioner.

Premier : My honourable friend Mr. Puri says that in Bombay they have given right of appeal to civil courts, while Dr. Narang says that we would be leaving these money-lenders at the mercy of sub-judges of 4th class who may not do justice or who may not understand the law. I may point out that we have given the right of appeal to a much higher dignitary, the commissioner. He is one of the seniormost and experienced officers and even now discharges important judicial and semi-judicial functions.

Dr. Sir Gokul Chand Narang : But the decisions of the commissioner have been set aside by sub-judges of the 4th class. What then is the value of the commissioner's decisions ?

Premier : My honourable friend is quite correct. But we are not going to allow any anomaly of that sort to creep into this law. This is what Mr. Munshi said in regard to dual control, that is, control both by the executive and the judiciary.

"Therefore to-day, we have in different provinces in India several money-lending Acts which give to courts control over money-lending transactions which come before them. Now, as a matter of fact, most of them followed the lines suggested by the Banking Enquiry Committee which adopted the old English Act of 1900. But that Act which gave judicial control over money-lenders did not prove much of a success in England; and Parliament enacted another Money-Lenders Act in 1927, which, for the first time gave control over money-lenders not only to courts of law but also the executives. It introduced administrative control in the shape of licensing and registration. The control was dual. The money-lender had to be licensed and registered. If he was disqualified for any reason, he was removed from the list of money-lenders. The court also could do the same if it found that he was disqualified. The judicial control over the terms and conditions of money-lending was maintained."

Just as we have got the Relief of Indebtedness Act and the Regulation of Accounts Act. The courts will still have jurisdiction over those spheres.

"The court had control over the rate of interest; it had control over various other items. Penalties also could be imposed under certain circumstances. So, it was the 1927 Act which ultimately gave a complete machinery for administrative as well as judicial control over money-lenders. And experience during the last nine years in England shows that that Act has been working much more successfully than the previous Act."

This is what the Honourable Mr. Munshi said and he merely cited the experience with regard to the English Act.

My honourable friend, Mr. Puri, made another point. He said, "Look at the risk which the money-lender would be taking if his licence is cancelled or if his licence is not renewed." He said, a man may have forty or fifty lakhs outstanding which he would like to get back, but if in a small transaction he makes a slip, then it will be impossible for him to realise the other money. That certainly would happen if the limitation with regard to that transaction is likely to run out. But if the honourable member had studied the actual provisions of the Bill he would have found that it is left to the discretion of the registering authority to specify the time for the cancellation of the license. Is it conceivable that the registering authority will not

take into account all these various factors? If a man has made a slip with regard to a loan of Rs. 80 or Rs. 40 and he goes and proves to the registering authority that he has got forty lakhs out on loan, do you think the registering authority would be so callous as to disable him from recovering his 40 lakhs, or even if the registering authority makes a mistake, the commissioner will not rectify that mistake? I am afraid that he is trying to attach too much importance to the risk which in my opinion exists not only in this enactment but in all other similar enactments. My honourable friend is a lawyer and he knows perfectly well that touting is prohibited. Lawyers do not resort to touts because they know that if they do so, they would be in trouble and their license would be taken away. The lawyer concerned may have a practice of Rs. 10,000 a month. But if in a small case worth Rs. 500 he is caught because a tout has got the case for him, not only this Rs. 500 is gone, but his entire practice for the year, if he is debarred from practice for one year as punishment, amounting to Rs. 1,20,000 is gone. But does that mean that the law relating to touts is a very serious or unfair bar to the legal profession? Similarly when we have weeded out black sheep and only honest money-lenders are left, you will find that they will take good care and their business will be much more flourishing and respected than it is now, because dishonest money-lenders will be weeded out and the others will keep accounts regularly and properly. But if by some misfortune they make a mistake, the registering authority cannot be so callous or senseless not to take into account their antecedents and past record and the various factors under which the license is to be cancelled or the period for which it is to be cancelled. Then there is also the appellate authority which can rectify any mistake committed by the registering authority. So that point also does not seem to be very convincing and can nevertheless be discussed in the select committee, to remove any genuine ground for doubt or difficulty so far as it is likely to affect honest money-lenders.

Now, another point made by both of my honourable friends, Mr. Pur and Sir Gokul Chand Narang, was that by enacting this law we will be absolutely wiping out rural credit. Very likely it will have the effect of further restricting credit. But what was the object of the Land Alienation Act? It was meant definitely to restrict credit. But what is the actual result? We do not find any restriction of credit. On the other hand we find that credit has been growing and the amount of money given on loan to the agriculturists prior to the passing of the Land Alienation Act was one-fiftieth of what it is to-day. Has it, therefore, in any way killed credit? No. But as a matter of fact I think that it will bring out and encourage honest money-lenders and honest borrowers, and the honest money-lender would not lend his money to a dishonest borrower and when both sides are honest, credit is bound to increase, because the property on which that credit is to be based is still there. This enactment is not going to take away that property. In any case, let us assume for a moment that credit is restricted to such an extent that there will be inconvenience. We have the representatives of rural property clamouring "we are slowly dying, we are having a lingering death and if you give this particular medicine we hope to survive and live and if we do not survive it is our own risk." So why should my friends feel nervous about it? (*An honourable member*: Have you consulted them, those poor villagers and petty shopkeepers?) We

[Premier.]

have got 138 representatives of those people in this House and it will be for them to say whether those people want this remedy or not. Similar misgivings were prophesied with regard to the other measures enacted in this House relating to the agriculturists. But what do we find? The agriculturist is still alive. The money-lender is still alive, not only alive, but kicking and in spite of all that legislation he is still alive and kicking. I do not think that this extra piece of legislation will in any way affect him. My honourable friend Sir Gokul Chand Narang gave an illustration of the hunch back. May I in reply point out the Punjabi saying that *kubbe nan lat kari a gas*. It is very likely that this legislation instead of doing money-lenders damage will do them good. (*Interruption*). I am quite certain that it will have that effect. It will mean that dishonest money-lenders will go away and honest money-lenders will flourish.

Diwan Bahadur Raja Narendra Nath: The whole business of money-lending will be done by a particular class.

Premier: Now, Sir, let me take one or two points made by Sir Gokul Chand Narang. He said the previous Government was not a baniya government and why did they not bring forth similar legislation before the House or pass Registration of Money-lenders Act. My honourable friend will remember that attempts were made not once but several times in this respect. First in 1925 an attempt was made to get the money-lenders registered. Again in 1933 a further attempt was made. Then again in 1934 we made another attempt but were thwarted. Why? Because the previous Government wanted to take the line of least resistance. They knew that if they did anything which did not suit agriculturists, those poor dumb people will say nothing, but if they did anything which was likely to cause even a pin prick to the class belonging to my honourable friends' category there will be a howl in the press and from the platform and there will be resolutions and telegrams from every mandi in the province and from every small and big town and every bar association and other associations. They, therefore, took the line of least resistance. They tried their best and they thought "if we can get on without trouble, all right let us go on" and if there was any likelihood of any trouble or a hue and cry being raised or where they would find themselves facing a possible agitation, because of the power of the press or due to the vociferousness of the classes whom the legislation affected, they naturally said, "all right Chaudhri Sahib, all right Sardar Sahib, we had better take a middle course and leave things to drift." (*An honourable member:* And you want to give a big blow?). I want to cut at the very root of the disease and remove that disease so that that disease does not spread any longer. This is not going to do any harm to the honest money-lender but it will do damage and elbow out the dishonest money-lender.

My honourable friend, Sir Gokul Chand Narang, also mentioned two practical difficulties with regard to some of the provisions of the Bill. One of them, I think is a very important one and I asked my honourable friend, Mr. Mukand Lal Pari, to make a note of it and if we find that that omission must be rectified, I will be only too glad to have it rectified in the select committee. We do not want to give a retrospective effect to fraudulent

acts and omissions committed antecedent to the commencement of this Act, and if the Bill is defectively worded, we will rectify it in the select committee. (*Hear, hear.*)

Now, Sir, both my honourable friends referred to the Reserve Bank's report and said that it was not the report of experts. Mr. Puri said, after all why worry about Reserve Bank's report which is not a report of the experts, which was hurriedly drafted and sent to the various governments? Now a statutory body created specially to control the fiscal policy of this country, the currency of this country, in whose control you have given the whole currency policy of the country, according to my honourable friend, is not a representative or an expert body, as if you can find a better body than that anywhere in any country whose opinion would have more weight. Now this is a body which is more or less charged with the responsibility of keeping liquid the finances of the country as a whole. And who are the members or governors or deputy governors or directors of that Reserve Bank? All the leading businessmen, all the leading financiers of the country and further although not one of them belongs to the agriculturist class, they have made a recommendation, knowing full well that their own personal interests should be subordinated to the bigger interests and wider interests of the country. Instead of giving credit to those patriotic gentlemen who

O. R. M.

have been selected and some of them elected by experts and businessmen, instead of showing them our gratitude for giving us a lead in this matter and for having the courage of their conviction incorporating in their report which they submitted to the Government of India and also sent to the provincial governments so that we might take advantage of their ripe and mature experience and views.....

Sardar Sahib Sardar Santokh Singh: Did they hold any regular enquiry? Did they take any evidence?

Premier: If my honourable friend would hold himself in patience, I will come to that point. Mr. Puri also said that they recorded their views haphazardly without making any enquiry. Let me inform my honourable friends, if they have any misapprehension on that point, that Mr. Darling, who is one of the biggest practical economists in India at the present moment, was put on special duty and he went from province to province for 18 months and this report is based on his investigations. It is on his enquiries and on the personal experience of those experts and financiers that this report is based. Now what do these people say? My honourable friend read out to the House a paragraph which he thought suited him. But as a matter of fact the major portion of the balance of views in that paragraph were in favour of the enactment which is before us. Now let me read out to you paragraph 11 of that report which is really germane to the point and not paragraph 10 although it also supports my contention.

"It is true that there are innumerable ways of evading debt legislation and that legislation alone will not succeed in improving the methods of the money-lenders. It is only natural that money-lenders both good and bad should dislike the new restrictions imposed on them and the impression that recent debt legislation has resulted in a contraction of credit of the agriculturist is probably true. In areas where such legislation is in force it is said that money-lenders have discontinued lending except to old and trusted clients of their own tenants and have restricted their loans to the minimum."

[Premier.]

All to the good—

“ But though this has probably caused some hardship to the cultivator it has not been an unmixt evil. It has taught him to try to live within his means and so far there are no complaints of land remaining uncultivated for want of finance. The legislation for regulating money-lending must not, however, be judged by this temporary result. Money-lenders who conduct their business honestly and whose dealings are above board will soon find that they have nothing to lose from enactments which regulate rates of interest, insist on the maintenance of proper and regular accounts and the furnishing of accounts and receipts to debtors, restrict usufructuary mortgages to a reasonable number of years, allow debtors to redeem certain old mortgages and in general protect the ignorant cultivator from his own folly. Such legislation stands in a different category from legislation which presumes dishonesty on the part of the creditor. It only requires him to conform to certain standards and by doing so tries to ensure that he will not take undue advantage of the ignorance or necessity of the borrower. Companies, banks, and insurance companies which have to deal with an enlightened public are required to submit to its regulation and there is no reason why money-lenders who have to deal with illiterate ryots should claim exemption. We are therefore in favour of reasonable legislation regulating money-lending and making registration compulsory for all money-lenders. We suggest further that apart from any penalties which might be prescribed in such legislation for violation of its provisions a procedure should also be devised for the inspection of the accounts of money-lenders. This will impose a salutary check which will be more effective in eliminating malpractices than any other sanctions. If the business of money-lending is regulated in this manner it will also be possible to obtain more accurate information regarding the incidence of agricultural indebtedness by reference to the account books of the money-lenders and measures to deal with it can then be discussed on surer grounds.”

They go even further than our Bill. Then they go on to say :

“ It will further be possible to create a privileged class of money-lenders who may be licensed and approved for dealings with the Reserve Bank on conforming to our regulations on the general lines suggested in Chapter V for indigenous bankers and in the special manner indicated in paragraph 41, Chapter IV.”

Thus this measure, if enacted, is going to be of real benefit to the honest money-lender not only for the reasons which I gave, but also for the additional reason, a very cogent reason which the Directors of the Reserve Bank have given here.

The significance of this must be realised. I do not think my honourable friends have quite caught the import of the last sentence which I have read. Now what happens? A money-lender has got Rs. 500 and he has to lend it to his clientele. He charges exorbitant interest on it because he has to make as much as possible out of it. If that money-lender was an honest money-lender and if this enactment is passed, I still prophesy that within a few years, within the next decade, or much earlier than that, almost all the dishonest money-lenders will be weeded out. (Dr. Sir Gokul Chand Narang: Probably dishonest money-lenders will get themselves registered and honest money-lenders will walk out.) I should like to stick to my opinion that the honest money-lenders will then get themselves registered and out of these, those who keep their accounts regularly and who are more or less regular with regard to the statements which they have to furnish to borrowers and comply with the various provisions of the law, will soon find themselves on that privileged list of the Reserve Bank. What will happen then? They will be able to borrow at 2½ or 3 per cent., at very cheap rates, and instead of lending out only Rs. 500 at 12 and 25 or more per cent., they will be able to borrow Rs. 10,000 at 2½ or 3 per cent. and lend

it out at 4 or 5 or 6 per cent. and thus make a bigger profit, an honest profit and an honest living. (*Hear, hear*). That is the benefit which will accrue as a result of this legislation.

Now, Sir, before I conclude I should like to refer to one or two points which my venerable friend, Raja Sahib, made. His speech was as usual, brief, to the point, and, if I may say so, short and sweet. He chafed me, as usual again, for hustling this measure through the House. He said there would be an economic catastrophe if we pass this legislation because we have not consulted anybody outside the coterie of five or six ministers. That is not a fact. Let me remind Raja Sahib that we have consulted every class of interest, officials, money-lenders, bankers, commercial magnates, commercial concerns, associations, chambers of commerce, judges of High Court, sub-judges, district judges, deputy commissioners, commissioners and others, in fact every category including district boards and municipal committees. Let me show to Raja Sahib the volume of opinions which we have got. This is the book that we have got with regard to this matter.

Dr. Sir Gokul Chand Narang : This should have been circulated to members.

Premier : We have got opinions from all sources in this book and the Select Committee will be at liberty to refresh their memory with regard to these things should it so desire.

Dr. Sir Gokul Chand Narang : This is the old book.

Premier : Yes.

Dr. Sir Gokul Chand Narang : Not new ?

Premier : My honourable friend says that this is an old book. Well, we have opinions of High Court judges and everybody else with regard to this very matter of registration. As a matter of fact, if my honourable friend had taken the trouble to see, he would have found lot of material in the old debates of the old Legislative Council itself. We know that there is only one specific remedy for malaria at the moment, i.e., quinine. We know the malady and we know the remedy. No fresh remedy has been suggested. If my honourable friend can suggest some better remedy, then we will try to follow that.

Before I finish, there are just one or two points that I would like to make, but before I do so I might say with due deference to my honourable friend opposite that when he referred to agriculturist money-lenders, he looked at it from a purely communal point of view and he tried to twit Raja Sahib on his "folly" in trying to welcome... (*Interruption*). (*Dr. Sir Gokul Chand Narang :* I never said that. I would never dream of using such a word for Raja Sahib). He said that Raja Sahib was unwise in accepting that attitude. Let me say that he looked at it from a communal point of view. Raja Sahib looked at it from the point of view of principle. (*Dr. Sir Gokul Chand Narang :* From a Koozpusht's point of view). He looks at it from the point of view of principle and not a garbled version or even through coloured, communal or jaundiced glasses. Sir Gokul Chand also said that if such bills are passed there will be no confidence left in this Government, and, that people would invest money outside the Punjab and

[Premier.]

thus it would fly out of the Punjab. My honourable friend is aware that we have got several Acts already on the Statute Book in which we have tried to place restrictions on the agriculturist classes also. What has been the fate of those enactments? In spite of the big majority of agriculturists in this House I can confidently assert they will support them in future as in the past. I am proud to say that we not only enjoy the confidence of reasonable elements of every class in this province, but also the confidence of the capitalist class in other provinces. I cannot divulge names but let me tell him.....

Dr. Sir Gokul Chand Narang : We know the names.

Premier : I may tell my honourable friend opposite that I have received letters from eminent capitalists from a neighbouring province saying that they would be glad if I could give them a foothold in the Punjab. That is the position.

Dr. Sir Gokul Chand Narang : Have they seen these Bills?

Premier : They know all these enactments.

Dr. Sir Gokul Chand Narang : Not at all. Let them see the Bills.

Premier : I think that I have taken a lot of time of this House and I would wind up by making just one more point and explaining to Raja Sahib what my position is with regard to the agriculturist money-lenders. Some doubt has been expressed by my friend Mr. Mukand Lal Puri and also Raja Sahib whether I am going to redeem that undertaking which I gave to that deputation. So far as I am concerned—of course it is for the House, because they are the final authority, to add to or delete from any enactment or any provision or clause in this Bill—I can assure him that I not only want to redeem my undertaking, but that a Bill has already been drafted towards that objection.

Rai Bahadur Mr. Mukand Lal Puri : Would you exclude them from all provisions of the Land Alienation Act?

Premier : I will exclude them from those provision of the Land Alienation Act which place them in a position of vantage against their debtors. I would not exclude them from those provisions which are more or less in the nature of disability. For instance what can an agriculturist money-lender do? He can lend money to agriculturists and he can purchase their land. A non-agriculturist cannot. I am going to restrict him that he will not be able to purchase land of his agriculturist debtor (*loud applause*).

Rai Bahadur Mr. Mukand Lal Puri : Why not exclude him from all the privileges of Land Alienation Act?

Premier : Not only this, I have got one or two other provisions under consideration which perhaps would prove acceptable not only to the non-agriculturists, but also to other agriculturists who do not belong to notified agricultural tribes. However, I have taken enough time of the House and it is not necessary for me to labour these points further. I trust that the House, including my honourable friends on my right Diwan Bahadur Raja Narendra Nath and Rai Bahadur Mr. Mukand Lal Puri and Dr. Sir Gokul

Chand Narang will not press their motion and instead support us in the motion which I have moved. (*Loud applause*).

Voices : Question be now put.

Mr. Speaker : Question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That the Punjab Registration of Money-lenders Bill be circulated for eliciting public opinion thereon by the 15th January, 1939.

The motion was lost.

Mr. Speaker : Question is—

That the Punjab Registration of Money-lenders Bill be referred to a Select Committee consisting of the following with instructions to report on or about the 28th June, 1938 :—

The Honourable Minister of Development.

Rai Bahadur Mr. Mukand Lal Puri.

Lala Sita Ram.

Munshi Hari Lal.

Sardar Lal Singh.

Maulvi Ghulam Mohy-ud-din.

Mir Maqbool Mahmood.

Rai Sahib Chaudhri Het Ram.

Sardar Pritam Singh Sidhu.

Khan Bahadur Chandhri Riass Ali.

Shaikh Muhammad Sadiq.

Sardar Gopal Singh (American).

Mian Sultan Mahmood Hotiana.

Advocate-General.

Nominee of the Honourable Speaker,

The Mover, and

Sardar Uttam Singh Duggal.

(Legal Remembrancer to act as Secretary).

The motion was carried.

The Assembly then adjourned till 2 p.m. on Monday, 27th June, 1938.

PRINTED BY
THE SUPERINTENDENT GOVERNMENT PRINTING, PUNJAB.
134 PLA-820-17-8-30-SGPP Lahore.

Handwritten text:
L.A.H. 134.

15710
Lahore Chamber
LAHORE

PUNJAB LEGISLATIVE ASSEMBLY

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 27th June, 1938.

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

STARRED QUESTIONS AND ANSWERS.

SCHEME FOR SUPPLY OF DRINKING WATER TO AMBALA DISTRICT.

***2808. Lala Duni Chand:** With reference to the reply to my question No. *231, asked on 17th June, 1937, will the Honourable Minister for Education be pleased to state whether the scheme stated to have been submitted by the Superintending Engineer, Public Health Circle, to solve permanently the question of scarcity of water in Ambala City has been considered by the Government, and, if so, with what result?

The Honourable Mian Abdul Haye: As the Government made a grant of Rs. 5,000 for sinking new wells and another grant of Rs. 15,000 for the purpose of purchasing new machinery for pumping water, Government is not in a position at this stage to take any decision on the scheme referred to in the question.

Lala Duni Chand: May I know what that scheme was that the Superintending Engineer was to submit to the Honourable Minister?

Minister: To make supply of water available from Ghaggar.

Lala Duni Chand: Can the Honourable Minister give any idea of what that scheme was?

Minister: It was intended to construct works and make water available from Ghaggar.

Lala Duni Chand: May I know why is it that the scheme has not been accepted by the Government?

Minister: Because it involves an expenditure of more than 8 lakhs of rupees.

Lala Duni Chand: May I know if Government is contemplating any permanent solution of the water supply difficulty at Ambala or is it content with shelving it as it has been doing during the last 3 years?

Minister : Government has done more than its duty in this case. It is an urban area and in the matter of an urban area the scheme has, in the first instance, to be formulated by the local body; they then come up to Government for a grant which if granted usually does not exceed 88 per cent. In the past we have been granting grants-in-aid to the local body up to 100 per cent.

Lala Duni Chand : My question was different. I wanted to know from the Minister whether Government have got any intention of finding a permanent solution of this question or whether they are content with shelving the question for all time to come.

Minister : Primarily it is the concern of the local body. Government would be prepared to solve it in co-operation with the local body and the citizens of Ambala.

Lala Duni Chand : Is it not a fact that several schemes have been submitted by the Municipality of Ambala in connection with the solution of the problem of water supply?

Minister : They have first to make funds available.

Lala Duni Chand : Have Government called upon the Ambala Municipality to supply funds, if so, how much?

Minister : I would say that the Ambala Municipality has expressed its inability to supply funds.

Lala Duni Chand : Do I understand clearly and definitely that Government is not going to solve this problem, and the conditions will remain as they have been?

Minister : You can draw your own conclusions. Government is always willing to help and to do its part of the duty.

Lala Duni Chand : Is it not a fact that when the Honourable Minister for Education was pleased to pay his visit the first time, he was kind enough to say that he would help the Municipality?

Minister : In co-operation with the citizens of Ambala and the local body, Ambala.

Lala Duni Chand : Has Government any idea of taxing the people of Ambala for this purpose?

Minister : It is for the Municipality to decide that.

PAYMENT TO DOCTORS OF FEES REALIZED FROM FAMILY WARD PATIENTS.

*2309. **Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state the aggregate amount paid to the doctors out of the fees realized from family ward patients in Mayo Hospital, Lahore, during the last financial year?

The Honourable Mian Abdul Haye : Rs. 14,927 as detailed below :—

	Rs.
(1) Visiting Surgeons and Physicians' fee ..	12,479
(2) Anæsthetist's fees	2,448

POLICE OFFICIALS TRAVELLING FREE OF CHARGE IN PUBLIC
LORRIES.

*2810. **Lala Duni Chand**: With reference to the reply to my question No. *261 asked on 17th June, 1937, will the Honourable Minister of Revenue be pleased to place on the table of the House a copy of the special orders issued by the Inspector-General to check the mal-practices of police officials travelling free of charge in licensed public lorries and state in how many cases action has been taken during the last financial year against those found guilty of disregarding these special orders?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): A copy of the special orders issued by the Inspector-General of Police is laid on the table. During the year 1937-38 departmental proceedings were taken against 55 police officers for contravening the orders of the Inspector-General of Police, dated the 2nd February, 1937. In addition, action was taken against five other officers for travelling in public vehicles without paying the regular fare.

Lala Duni Chand: Has Government by this time come to know that the subordinate officials generally travel free in lorries or taxis?

Parliamentary Secretary: No, this statement is incorrect.

Lala Duni Chand: Does Government know this fact?

Parliamentary Secretary: My reply is perfectly clear that anyone contravening these orders of the Inspector-General is severely dealt with. Action has been taken against sixty police officers.

Lala Duni Chand: May I point out that my question was different? I wanted to know whether it is within the knowledge of Government that ordinarily subordinate officials travel free in public vehicles?

Parliamentary Secretary: It is not within the knowledge of Government that ordinarily the police officers travel free. But whenever they are found to be travelling free, action will be taken against them.

Lala Duni Chand: Is it true that ordinarily subordinate officials travel free?

Parliamentary Secretary: No.

Sardar Hari Singh: Is it a fact that invariably they travel free?
(Laughter).

Parliamentary Secretary: No.

Extract from the Inspector-General of Police's standing orders for the guidance of District Traffic Staffs.

(f) Attention is invited to the orders contained in *Police Gazette Memorandum No. 547-A*, dated the 2nd February, 1937, which are intended to check both the disregard of traffic offences by police officers and the objectionable practice of obtaining free rides. In connection with the latter complaint one Superintendent of Police has issued orders that all officers in his district should hand over the lorry voucher to the driver of the vehicle at the commencement, rather than at the close of the journey. In this way gazetted officers, when checking vehicles and finding police officers seated in them, are able to ascertain whether the voucher is with the driver or with the officer. Superintendents of Police in other districts might like to adopt this system.

[S. B. S. Ujjal Singh.]

Copy of Memorandum No. 547-A, dated Lahore, the 2nd February, 1938, published in the Punjab Police Gazette, dated the 10th February, 1938.

Several cases have recently come to the notice of the Inspector-General in which Police Officers have themselves travelled in over-loaded public vehicles contrary to the orders in paragraph 8 of this office letter No. 513-M.B., dated the 4th July, 1933, and there is reason to believe that some Superintendents of Police are treating such cases too leniently. Inspector-General, therefore, calls the attention of all Superintendents of Police to the importance of checking such breaches of the law by the award of severe punishments, and directs that offenders shall be placed under suspension when detected by Gazetted Officers, of districts, the Assistant Inspector-General, Traffic, or Inspectors, in charge of Range Mobile Patrols.

PRISONERS STILL IN JAILS OUTSIDE PUNJAB.

*2811. **Lala Dani Chand** : Will the Honourable Minister of Finance be pleased to state the number of prisoners still confined in jails in the Punjab or outside belonging to the following classes of prisoners, namely :—

- (1) The state prisoners confined under the State Regulation No. 3 of 1918.
- (2) Babar Akali prisoners that is those prisoners who were tried by special tribunals in connexion with terroristic crimes committed in Doaba district of the Punjab.
- (3) Conspiracy cases prisoners that is those prisoners who on their return from foreign countries were tried by special tribunals at Lahore in 1915 or thereabout for waging war and committing other similar crimes.
- (4) The prisoners tried by ordinary courts of the Punjab since 1st April, 1937, till now for political or semi-political offences such as the offence under sections 124-A., 153-A., Indian Penal Code, section 108-A., Criminal Procedure Code.
- (5) Persons dealt with under Criminal Law Amendment Act of 1937 ?

The Honourable Mr. Manohar Lal : (1) 3.

(2) 9. Orders for the early release of six of these prisoners have already been passed.

(3) 3.

(4) 5, nil, and 1 respectively.

(5) None.

MEDICAL OFFICER OF HEALTH, FERROZPORE.

*2812. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Education be pleased to state—

(a) whether the Medical Officer of Health, Ferozepore, who has been entrusted with the work of Medical Examination of School children is allowed private practice as well ;

(b) whether he is being paid any special allowance for Medical Examination of the School children ?

The Honourable Mian Abdul Haye : (a) No.

(b) No.

*2313.—*Cancelled.*

TRANSFERS OF A PUNJABEE CONVICTED IN SHANGHAI TO OLD
CENTRAL JAIL, MULTAN.

*2314. **Shrimati Raghbir Kaur :** Will the Honourable Minister for Finance be pleased to state—

(a) whether he is aware of the fact that a Punjabee convicted in Shanghai (China) has been transferred to Old Central Jail, Multan, recently ;

(b) when and on what grounds he was convicted ; what is his term of imprisonment, and when it expires ; what is his present state of health and whether anybody has interviewed him in the jail so far ?

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

(b) He was convicted in Shanghai under section 29 (1) (a) of the Larceny Act, 1916, for aggravated robbery on the 18th of March, 1935. The offence for which he was convicted and to which he pleaded guilty, was that on the night of the 1st of February, 1935, he and one accomplice, both armed with pistols, broke into the bed-room of a Chinese lady and, after threatening to shoot her, carried off a sum of 7,500 dollars which represented the wages for distribution the next day among the employees of a factory managed by the lady's father-in-law. In escaping they shot and wounded a Chinese accountant who had been awakened by the noise. The sentence awarded was imprisonment with hard labour for fourteen years and deportation. The date of release cannot be exactly determined owing to remissions that may be earned. On present calculations he is due for release in November, 1948. His present state of health is good and his weight is above average. He was interviewed by his younger brother on the 31st of March last.

Lala Duni Chand : May I know as a matter of information whether the Punjab Government recognise the Shanghai courts ?

Minister : That does not arise out of this question.

Sardar Hari Singh : May I know who is this Punjabi and to what place he belongs ?

Minister : I have not the name with me here but his record is fairly vicious, and the honourable member need not pursue it with any degree of interest.

Sardar Hari Singh : Who is this Punjabi ?

Minister : This Punjabi was convicted in Shanghai. I have not got his name here.

TRANSFERS OF POLITICAL PRISONERS FROM ONE JAIL TO ANOTHER.

*2315. **Lala Bhim Sen Sachar :** Will the Honourable Minister of Finance be pleased to state—

(a) whether transfers of political prisoners from one jail to another are intimated immediately to the relatives of those prisoners, and ; if not, why not ;

[L. Bhim Sen Sachar.]

(b) whether it is a fact that the jail authorities do not acknowledge letters of the relatives of the political prisoners unless letters addressed to them are accompanied by reply-paid post cards or envelopes; if so, the reasons therefor?

The Honourable Mr. Manohar Lal: (a) There are no specific orders in respect of any class of prisoner that transfers from one jail to another are to be intimated to relatives but Superintendents have been instructed that if any prisoner wishes to inform a relative of his transfer he should be allowed under paragraph 551 of the Jail Manual the privilege of a special letter.

(b) Government has no reason to believe that Superintendents of Jails do not acknowledge letters from relatives of any prisoners when such action is required; the matter lies within the discretion of individual Jail Superintendents.

Lala Bhim Sen Sachar: Will it not be desirable if information is automatically made available to the relatives of a prisoner when he is transferred from one jail to another as it will save considerable inconvenience?

Minister: That is a matter of opinion. Every possible facility is given to every prisoner to intimate his transfer to his relatives. We do not know how many relatives he may wish to have the information.

PUNJAB CABINET AND JOINT RESPONSIBILITY.

*2316. **Chaudhri Krishna Gopal Dutt:** Will the Honourable Premier be pleased to state whether the Punjab Cabinet acts on the basis of what is known in constitutional nomenclature as "Joint Responsibility"?

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

Chaudhri Krishna Gopal Dutt: Is it open to any Honourable Minister to say disparaging things in the public against another Minister?

Mr. Speaker: How does this arise out of the question?

Chaudhri Krishna Gopal Dutt: My question was whether the Punjab Cabinet acted on the basis of what was known in constitutional nomenclature as "Joint Responsibility" and the answer was 'Yes'. I want to know whether it is open to any Minister to say certain things which are disparaging to other Ministers in the public?

Premier: It is a very hypothetical question.

Mr. Speaker: Yes, it is hypothetical and does not arise out of the question.

Chaudhri Krishna Gopal Dutt: I am seeking information on the basis of joint responsibility. When the answer of the Government is that there is joint responsibility, the question arises whether any Minister has a right to misrepresent another Minister in public, because that would be in contravention of the principle of joint responsibility?

Mr. Speaker : Ministers may be working harmoniously ; but yet they may not like each other. The honourable member may ask a notice question instead of a supplementary one.

Chaudhri Krishna Gopal Dutt : I want to know when it is admitted on the Government side that there is joint responsibility, whether one Minister can say disparaging things against another Minister in public, if that is so, then it is a great constitutional mistake.

Mr. Speaker : No question regarding Parliamentary practice and speeches made by one Minister with regard to other Ministers can be asked.

Chaudhri Krishna Gopal Dutt : Even in respect of public matters ?

Mr. Speaker : Yes.

Chaudhri Krishna Gopal Dutt : Then the entire edifice of joint responsibility falls to the ground.

Mr. Speaker : The honourable member's question is disallowed.

Chaudhri Krishna Gopal Dutt : Will the Honourable Premier please state whether the Bills introduced recently in the Punjab Assembly enjoy the consent of all the members of the Cabinet ?

Premier : My honourable friend is apparently quite ignorant of the functioning of democratic form of government. The convention is that whatever is done by the Cabinet is not divulged by the Ministers even to their successors.

Chaudhri Krishna Gopal Dutt : Is that an answer to my question ? I refuse to learn principles of democratic government from the Premier. He can only say that he cannot divulge the secrets of the Cabinet. May I again ask him if he had the consent of the Cabinet with regard to these Bills ?

Mr. Speaker : The question is disallowed.

Chaudhri Krishna Gopal Dutt : Do you disallow this question or does the Honourable Premier refuse to answer ?

Mr. Speaker : He clearly stated that the question related to internal affairs of the Cabinet. Therefore it could not be asked.

Premier : That is a convention of democratic form of government in every country. I may add further that when the Ministry goes out of office, all its papers are sealed and even its successors have no access to them.

Chaudhri Krishna Gopal Dutt : May I draw the attention of the House to the fact that when there was a rumour regarding the resignation of Mr. Eden, questions were asked in the House of Commons and answers were given ? I listened to them with my own ears.

Mr. Speaker : The Parliamentary practice, as given in *Campion*, page 128, paragraph 18, under the heading "Responsibility of Ministers", is that a question cannot be asked to seek information about matters which are in their nature secret, *e. g.*, the decision of the Cabinet and other committees, etc. Our practice is the same.

Pandit Shri Ram Sharma : With regard to any decision by the Government, can any Minister say that he has no connection with it ?

Mr. Speaker : This is a hypothetical question and is, therefore, disallowed.

Lala Duni Chand : Does the principle of joint responsibility apply to the legislation that is introduced in this House ?

Premier : How does it arise out of this question ?

Lala Duni Chand : I am not asking you to divulge what the views of the Ministers are. I simply want to know whether the principle of joint responsibility applies to the legislation that is put in the Legislative Assembly ?

Premier : As I have said, I am in honour bound not to divulge the views of the Cabinet. Any act done by any single Minister means, according to the basis of joint responsibility, that the whole Cabinet takes responsibility for it.

Lala Duni Chand : May I point out that it is not a question of anything being divulged, but I want to know whether the principle of joint responsibility has been accepted and whether that principle applies in the case of legislation ?

Mr. Speaker : I don't think the honourable member can ask the question ?

Lala Duni Chand : Why does the Honourable Premier hesitate to answer that question ?

Chaudhri Krishna Gopal Dutt : Is it a fact that the Honourable Minister for Development said in a public speech that the Honourable Minister for Finance represents the Mahajans ? Does the Government feel that that speech was delivered by a Minister against his fellow Minister and is not in contravention of the principle of joint responsibility ?

Mr. Speaker : The question is disallowed.

Chaudhri Krishna Gopal Dutt : On what grounds do you disallow this question ? (*Voices : Order, order.*)

Mr. Speaker : I disallow the question as a supplementary question. The honourable member may give notice for it.

Chaudhri Krishna Gopal Dutt : You have always been pleased to give reasons.

HISSAR COMMUNAL RIOT AFFAIRS.

*2817. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether in the second week of May last the Commissioner, Ambala division, passed any orders regarding the disputed matters of cow slaughter, and the chabutra, in the Hissar communal riot affairs ;

(b) whether he would be pleased to lay a copy of those orders on the table of the House ;

- (c) the communal situation after passing these orders, and the reasons why they were passed after so much delay?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) No.

- (b) and (c) Do not arise.

STRICTURES PASSED BY HIGH COURT BENCH AGAINST POLICE IN
MURDER CASE OF VILLAGE DHANGER, DISTRICT HISSAR.

*2818. **Pandit Shri Ram Sharma**: Will the Honourable Premier be pleased to state—

- (a) whether it has come to the notice of Government that in respect of a murder case of village Dhangar, district Hissar, the High Court Bench consisting of Honourable the Chief Justice and Mr. Justice Bakhshi Tek Chand while acquitting the accused passed strong strictures against the conduct of the police concerned, in the month of April last;

- (b) the action Government has taken or propose to take in the matter?

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

- (b) The Superintendent of Police, Hissar, has been instructed to hold a formal enquiry into the case and to submit a report.

NUMBER OF CONGRESS WORKERS ARRESTED DURING LAST SIX
MONTHS IN DISTRICT KARNAL.

*2819. **Pandit Shri Ram Sharma**: Will the Honourable Premier be pleased to state—

- (a) the number and the names of Congress workers who were arrested as such during the last six months in the district of Karnal and the sections of the Law under which they were tried;

- (b) the dates of their arrests and the period of their respective trials and also whether their bails were accepted or not;

- (c) whether it is a fact that some of them are being tried under section 117, Indian Penal Code?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) None.

- (b) and (c) Do not arise.

COLLECTION OF PARTICULARS re GAUR BRAHMINS IN ROHTAK
AND KARNAL DISTRICTS.

*2820. **Pandit Shri Ram Sharma**: Will the Honourable Minister of Revenue be pleased to state whether in the districts of Rohtak and Karnal the Government is ascertaining through the patwaris the number of Gaur Brahmins and other particulars about them; if so, the object of collecting this information?

The Honourable Dr. Sir Sundar Singh Majithia : No particulars regarding Gaur Brahmins are being collected in the Rohtak and Karnal districts.

REPORTS OF FORCED LABOUR IN THIS PROVINCE FROM ABCHAR
CONGRESS COMMITTEE SECRETARY.

*2821. **Master Kabul Singh :** Will the Honourable Revenue Minister be pleased to state—

- (a) whether he has received any reports of the continuance of the use of forced labour (begar) in this province from Abchar Congress Committee Secretary ;
- (b) what steps the Government intends taking to abolish the system ?

The Honourable Dr. Sir Sundar Singh Majithia : No reports have been received by Government or the Deputy Commissioner. It is understood that the local Congress committee made a complaint to the Superintendent of Police as to certain carpenters and labourers having been employed by the *thamedar* without payment. The Superintendent of Police, however, after enquiry came to the conclusion that the men had been paid.

CRIMINAL COMPLAINTS FILED IN OTHER PROVINCES AGAINST PERSONS RESIDENT IN THE PUNJAB.

*2822. **Mr. K. L. Gauba :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total number of criminal complaints during each of the last ten years or for such period as may be convenient which were filed in other provinces against persons resident in this province, in which warrants or summons were received in the Punjab from the Courts outside the province calling upon the accused to stand their trial outside this province for alleged criminal offences committed by them ;
- (b) whether Government is aware that it has become a very common practice for persons who have some grievances to ventilate against or a civil dispute with a person to file a false or baseless criminal complaint against him in another province ;
- (c) the total number of criminal cases during the last ten years in other provinces against persons resident in the Punjab, in which before the promulgation of the Adaptation of Indian Laws Order, 1937, the Governor-General in Council, and after the promulgation of the said Order, the Provincial Governments of the other provinces under section 527 of the Code of Criminal Procedure transferred criminal cases against persons resident in the Punjab for trial to courts in the Punjab ;
- (d) whether it is a fact that the largest number of such complaints against residents of this province is in the United Provinces,

(e) whether any rules have been framed by the Punjab Government regarding the type of case making provision for a recommendation or request being made to the Government of another province to transfer a criminal case filed in that province against a resident of the Punjab to courts in the Punjab under section 527 of the Code of Criminal Procedure; if so, whether he will be pleased to lay a copy of such rules on the table of the House;

(f) whether it is a fact that in connexion with a complaint filed in Madras Presidency, against certain residents of Montgomery district, who had never been to Madras, the Punjab Government in 1930 or 1931 or thereabout issued some circular on this matter and if so, whether Government will kindly place a copy of that circular on the table of the House?

The Honourable Mr. Manohar Lal : (a) It is regretted that it is not possible to collect the information required.

(b) Undoubtedly this deplorable method of harassing the opposite party in a civil dispute is sometimes used. Such instances, however, which come to the notice of Government, are very few and only ones which in the last year have been reported have been cases in which residents of the Punjab have been the offenders. In both these cases action with a view to criminal prosecution has been taken. If any instances are brought to the notice of the Punjab Government, in which residents of the Punjab appear to have been harassed by false cases in other provinces, the question whether such cases should be taken up with the administrations concerned will be considered.

- (c) It has only been possible to trace two such cases.
- (d) Government have no information on this point.
- (e) No such rules have been framed.
- (f) No such circular is traceable.

WOMEN IN GOVERNMENT SERVICE.

*2823. **Mrs. Duni Chand :** Will the Honourable Premier be pleased to state the number of women in Government service on 31st December, 1937, with reference to each department?

Parliamentary Secretary (Mir Maqbool Mahmood) : A statement showing the number of women in Government service on the 31st December, 1937, in various Departments is laid on the table.

Mrs. Duni Chand : Do the Government intend to consider the advisability of appointing women to Government posts where they can be found useful?

Parliamentary Secretary : It does not arise out of the question but if the honourable lady member gives notice of the question it will certainly be looked into sympathetically.

Chaudhri Fazal Karim Bakhsh : Will the Parliamentary Secretary be pleased to state whether he is aware of the fact that the number of women in Government service is very low and whether Government intend to make up the deficiency ?

Statement showing the number of women in Government service on 31st December, 1937, in various Departments.

Serial No.	Name of Department.	Number of women.
1	Health Department	4
2	Public Works Department, Buildings and Roads Branch	1
3	Education Department	581
4	Medical Department	431
5	Public Works Department, Irrigation Branch	8
6	Industries Department	24
7	Public Works Department, Electricity Branch	1
8	Police Department	5
9	Jails Department	38
10	Co-operative Department	1
11	Law Department	1
12	Criminal Tribes Department	33
13	Office of the Public Service Commission	1
14	High Court of Judicature at Lahore	3
15	Office of the Deputy Commissioner, Lahore	1
16	Office of the Deputy Commissioner, Ferozepore	2
17	Civil Secretariat, Lahore	2
	Total	1,137

CHOLERA EPIDEMIC IN THE PUNJAB.

*2324. **Mrs. Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of cholera cases in the Punjab up to 31st May, 1938, due to recent cholera epidemic and the number of deaths in such cases ;

- (b) the preventive measures, if any, taken by the Punjab Government before cholera epidemic broke out in several districts in the Punjab ;
- (c) the measures taken after the cholera epidemic appeared in the Punjab ;
- (d) whether Government contemplates any well considered plan to prevent the spread of a similar epidemic in future ?

The Honourable Mian Abdul Haye : (a) 5,833 cases and 2,971 deaths.

(b) The measures taken to prevent the importation of cholera in the Punjab from the Kumbh Fairs at Hardwar were :—

- (i) Wide publicity was given that all intending pilgrims should receive protective inoculation prior to their departure and were warned regarding the risk entailed in consuming food or water from unauthorised sources.
- (ii) Elaborate arrangements were made for early detection of cases of cholera and minor illnesses preceding the disease among passengers by establishing Railway and Road inspection posts at a large number of strategic points.
- (iii) Arrangements were made for immediate isolation and treatment of cases and suspected cases of cholera and the segregation and following up of contacts and also for disinfection of infected articles.
- (iv) The Epidemic Diseases Act was applied to several districts from which the largest number of pilgrims had gone to the Fair.
- (v) All available Public Health Staff in each district was mobilized for anti-cholera measures. Disinfectants, vaccine and essential oil mixture were kept in readiness for emergency at definite points selected in each district.
- (vi) These arrangements were supplemented by the provision of accommodation for cases at dispensaries and hospitals.
- (vii) Special precautions were adopted for prevention of spread of infection in hill areas.

(c) The measures taken after the cholera epidemic appeared in the Punjab are :—

- (i) Extension of Epidemic Diseases Act throughout the Province.
- (ii) Twenty Sub-Assistant Health Officers and 9 Sanitary Inspectors have been engaged as emergency staff, in addition to the existing epidemic staff of 10 doctors and 15 Sanitary Inspectors, to combat the disease in the most heavily infected localities and this staff has been further supplemented by the staff employed by local bodies.
- (iii) 967,867 c.cs. cholera vaccine have been issued free of charge for use in rural areas and 268,085 inoculations have been performed up to 28th May, 1938.
- (iv) The Director of Public Health, Punjab, has visited several districts and discussed the anti-cholera measures with the local authorities.

[Minister for Education.]

- (v) Similarly, Assistant Directors of Public Health are constantly on the move visiting infected localities to supervise anti-cholera measures and also to tender advice to local authorities.
- (vi) The civil authorities on the advice of the Public Health Department have prohibited fairs in several places and the public is advised to postpone marriages and other gatherings which help in the spread of the disease.
- (vii) Public is kept informed by weekly Press *Communiqués* regarding cholera situation in the Province and of the mode of the spread of the disease and methods of personal protection by radio talks.

(d) Although it is not practicable to elaborate a plan as the spread of such epidemics depends on factors over which no control can be exercised in the present state of our knowledge, it is, however, proposed to submit a resolution to the Central Board of Health to advise the Government of India to require the various Provincial Governments to take steps to prohibit the entry into a fair of any person not inoculated against cholera immediately before coming to the fair.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is it a fact that the number of cholera cases imported into this province from Hardwar was much larger on this occasion than on any previous occasion ?

Mr. Speaker : That question is disallowed.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Has the Punjab Government made any representation to the "peoples Government" in the United Provinces to take adequate preventive measures in future in order to check the spread of epidemic in other provinces of India ?

Mr. Speaker : The question is disallowed.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Does Punjab Government propose to acquaint the United Provinces Government with the measures which are adopted in the Punjab on the occasions of fairs and other large gatherings for the prevention of epidemic diseases for the guidance of that Government ?

Mr. Speaker : I disallow this question.

Mr. E. Few : Has the Government considered the advisability of sending to the United Provinces Government a bill of expenses incurred by this Government on cholera cases imported into this province ?

Mr. Speaker : That question is disallowed.

Chaudhri Krishna Gopal Dutt : On whose suggestion or recommendation does the Government recommend cholera inoculation to the public ?

Minister : On the recommendation of Government experts in the Public Health Department.

Chaudhri Krishna Gopal Dutt : May I know if the Honourable Minister is aware that this subject is very much controversial and that there are a very large number of physicians in the world who do not accept the preventive value of inoculation ?

Minister : I am not aware of it.

Chaudhri Krishna Gopal Dutt : Is the Honourable Minister prepared to state that there are medicines in other systems of medicine such as Ayurvedic, Homœopathic and Unani which are considered to have preventive value in cholera cases ?

Minister : Not as compared with inoculation.

Chaudhri Krishna Gopal Dutt : Is the Honourable Minister prepared to study the question ?

Mr. Speaker : The question is disallowed.

Lala Bhim Sen Sachar : Were Ayurvedic or Unani systems of medicines used on these occasions ?

Minister : No.

Chaudhri Krishna Gopal Dutt : Is the Honourable Minister aware that the Governments of Bombay, Bengal and the Central Provinces use homœopathic remedies for prevention of cholera ?

Minister : But not throughout India.

Lala Duni Chand : May I know in what manner the precautions pointed out by the Honourable Minister were made known to the villagers in the Punjab ?

Minister : By the issue of posters and by advertisements in papers.

Chaudhri Krishna Gopal Dutt : Do Government think that they have a right to enforce a theory on the public which is not accepted universally ?

Minister : That theory has been accepted by the Government.

An Honourable Member : What did the advertisement cost the Government ?

Minister : I cannot give figures off-hand. If the honourable member gives notice I shall collect them for him.

Chaudhri Krishna Gopal Dutt : Does the Government think that whatever theory it accepts it has a right to enforce on the public ?

Minister : Certainly.

Lala Deshbandhu Gupta : May I draw your attention to the fact that Khan Bahadur Mushtaq Ahmad Gurmani has committed a similar indiscretion which I had done some time back and which led to your ruling my talking in English in this House ? I hope you will give the same treatment to him which you have given to me.

Mr. Speaker : I stick to the practice of the House.

REFUSAL TO GRANT AN INTERVIEW WITH AMARJIT SINGH, PRISONER.

*2825. **Sardar Ajit Singh :** Will the Honourable Minister of Finance be pleased to state the grounds on which the Superintendent, Old Central Jail, Multan, on my application for interview with Amarjit Singh, a convict under section 124-A, informed me in his letter No. 289-B., dated 16th May, 1938, that the convict was not entitled to have an interview ?

The Honourable Mr. Manohar Lal : Under paragraph 550 of the Punjab Jail Manual convicted prisoners are allowed only one interview every three months. Amarjit Singh had an interview on the 6th May, 1938, and is, therefore, not entitled to another before the 6th August, 1938.

DETENTION OF STUDENTS IN LAW COLLEGE.

***2826. Khan Bahadur Chaudhri Riasat Ali :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of the students detained on account of shortage of lectures in the three classes of the Law College in May, 1938 ;
- (b) the number by which the lectures were short in each case ;
- (c) the date on which the students of the P. E. L. classes were allowed leave preparatory to examination ;
- (d) the date on which the list of these students was put up on the notice board ;
- (e) the names of the students who applied for condonement on medical grounds with the result in each case ;
- (f) whether any invidious distinctions were made in the matter of condonement ; if so, why ;
- (g) the total number of lectures delivered and attended in each case ;
- (h) the date and time on which the only student detained in the P. E. L. class was informed of this decision ?

The Honourable Mian Abdul Haye : (a) Only one student of the P. E. L. class was detained on account of shortage of lectures in the three classes of the Law College in May, 1938.

(b) He was short by fourteen lectures.

(c) On 25th April, 1938.

(d) On 25th April, 1938.

(e) *Names of the students.*

			<i>Result.</i>
(1) Muhammad Anwar	..	..	Condoned.
(2) Muhammad Rafique	..	..	Do.
(3) Bashir Ahmad	..	..	Do.
(4) Bhopindar Singh Lehr	..	..	Do.
(5) Indar Singh	..	..	Do.
(6) Kundan Lal	..	..	Do.
(7) Muhammad Malik Khan	..	..	Do.
(8) Syed Nazar Mohy-ud-Din Haanie (Plucked candidate).			Do.
(9) Saeed Ullah Sardar	..	..	Do.
(10) Shah Nawaz, M.	..	..	Do.
(11) Shaukat Sultan	..	..	Do.
(12) S. Dilawar Ali Shahi	..	..	Not condoned.

(f) No invidious distinction was made in the matter of condonement. Each case was decided on its merits.

(g) The following is the total number of lectures delivered and attended by each student :—

Name.	Paper I.	Paper II.	Paper III.	Paper IV.
1. Mohammad Anwar, Sh.	65/82	50/89	61/93	85/107
2. Mohammad Rafique	66/82	38/89	71/92	87/107
3. Bashir Ahmad	57/73	47/85	61/78	81/107
4. Bhopinder Singh, Lehr	53/78	52/85	57/78	76/107
5. Indar Singh	42/79	49/85	53/78	80/107
6. Kundan Lal	52/78	53/85	55/78	86/107
7. Mohammad Malik Khan	42/69	49/81	61/79	60/97
8. Syed Nazar Mohy-ud-Din Hasnli	48/80	39/81	53/76	56/97
9. Saeed Ullah, Sardar	44/80	51/81	60/79	65/97
10. Shah Nawaz, M.	43/80	56/81	55/79	71/97
11. Shaikat Sultan	41/80	53/81	51/79	82/97
12. S. Dilawar Ali Shah	66/72	42/85	52/78	77/107

(h) He was informed on the 30th April, during College hours.

WATERLOGGING IN THE DISTRICTS OF GUJRANWALA AND SHEIKHPURA.

***2827. Lala Bhim Sen Sachar :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that waterlogging of a large area of agricultural land in the districts of Gujranwala and Sheikhupura has occasioned great hardship to a large number of the inhabitants of these districts and has deprived them of their main source of livelihood ; if so, what action Government propose to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : Government is aware of the existence of *sem* in the Gujranwala and Sheikhupura districts. The latest *sem* survey shows a decrease of 449 acres in Sheikhupura and of 183 acres in Gujranwala.

In the tahsils of Hafizabad and Sheikhupura of the Gujranwala and Sheikhupura districts respectively, drains have been or will be dug, where waterlogging is still prevalent. Government is also considering measures other than drains to meet the situation arising out of waterlogging, *thar* and *kallar* ; a special officer has been appointed to investigate the problem and to suggest means how to meet the situation.

Lala Bhim Sen Sachar : Do the Government intend to give lands in exchange for the lands waterlogged ?

Minister : I am afraid I cannot commit Government at this stage.

Lala Bhim Sen Sachar : Did the Government have any opportunity of looking into this matter previous to the receipt of notice of this question ?

Minister : I should think that previously some land was given to some of these people.

Lala Bhim Sen Sachar : Do I take it then that the same policy is intended to be pursued in regard to these lands ?

Minister : I have already said that I am not going to commit myself. But if it is possible to do something Government will sympathetically consider the question.

Lala Bhim Sen Sachar : Do I take it that the Government is looking into the matter ?

Premier : Very much so.

ACQUIRING OF LAND AT NARANG, TAHSIL SHAHDARA.

*2828. **Sardar Jagjit Singh Man :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that Government acquired a piece of land at Narang, tahsil Shahdara, district Sheikhpura, for auctioning it for the proposed grain market at that place, if so, the date when this land was purchased and also the date when Government proposes to auction this land ?

The Honourable Dr. Sir Sundar Singh Majithia : *First part.*—Yes. The acquisition proceedings were complete in 1931.

Second part.—Sites will be put up for auction after the plan for drainage is complete. The plan is being prepared by the sanitary authorities and it is hoped, will be ready very shortly.

Sardar Jagjit Singh Man : May I know if the Government has received lot of representations from the people of that Ilqa pressing for the opening of mandi at an early date ?

Minister : I am afraid I cannot very well give my honourable friend the information, but if any representations we received Government will certainly give them sympathetic consideration.

STRICTURES PASSED BY THE HIGH COURT IN CASE CROWN *versus* MIRZA SULTAN AHMAD AND NABI BUX.

*2829. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether a recent judgment of the Lahore High Court in the case Crown *versus* Mirza Sultan Ahmad and Nabi Bux, of Ferozepore district, under section 802, Indian Penal Code, in which strictures have been passed by the Court on the prosecution to the effect that ' the prosecution was not averse to producing false evidence ' has been brought to his notice ; if so, action taken by the Government in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The attention of the honourable member is invited to the reply given by me to question No. *2709¹ asked by him in the current session of the Assembly.

**EXEMPTION OF PERSONS FROM PAYMENT OF THE COSTS OF PUNITIVE
POLICE POST AT VILLAGE BURKI (HOHBIARPUR).**

*2330. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state the number and names of persons who were exempted from payment of cost of the punitive police post quartered in village Burki, tahsil Garhshankar, district Hoshiarpur, and the reasons for exemption in each case ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The additional police post was established in 1922 and withdrawn in 1925. It is regretted that after this lapse of time the information asked for cannot be collected.

Sardar Hari Singh : May I inform the honourable member that I am referring to the recent police posted at that place—that is in the year after 1931 and not the police posted in the year 1922 ?

Parliamentary Secretary : From the question it is not clear whether the honourable member referred to the year 1931 or 1922.

Sardar Hari Singh : When a question is put clearly it refers to the most recent case.

Parliamentary Secretary : It is not within my knowledge, but I will collect the information for the honourable member if he gives fresh notice.

STRIKE OF LABOURERS AT AMRITSAR.

*2331. **Sardar Hari Singh** : Will the Honourable Minister of Development be pleased to state—

- (a) the causes of the recent strike of labourers of the textile mills at Amritsar ;
- (b) the number of mills affected by the strike ;
- (c) the number of strikers in each mill ;
- (d) action taken by the Government to put an end to the strike ?

The Honourable Chaudhri Sir Chhotu Ram : (a) The principal if not the only cause was the demand for increased wages.

(b) and (c) A statement is laid on the table.

(d) The Director of Industries and Superintendent of Industries, Amritsar, amongst others, assisted in bringing representatives of both sides together for a discussion.

Sardar Hari Singh : What has been the result of the discussion ?

Minister : I am not aware of the result yet.

[Minister for Development.]

Statement showing the number of mills affected by the general strike in weaving factories at Amritsar and the number of strikers in each mill.

Serial No.	Name of factory.	Number of workers before strike.	Date of strike.	Number of workers who went on strike.	REMARKS.
1	Satnam Weaving Factory, Hall Bazar, Amritsar.	31	19-5-38	31	
2	Gobind Ram-Sita Ram Weaving Factory, Hall Bazar, Amritsar.	20	19-5-38	20	
3	Sahgal Weaving Mills, Hall Bazar, Amritsar.	45	19-5-38	45	
4	India Cloth Mills, opposite Royal Talkies, Amritsar.	36	19-5-38	36	
5	Nathoo Mal-Shori Lal Weaving Factory, Hathi Gate, Amritsar.	12	19-5-38	12	
6	Kali Charan Weaving Factory, Hathi Gate, Amritsar.	8	19-5-38	8	
7	Amar Nath-Kanaya Lal Weaving Factory, Hathi Gate, Amritsar.	30	19-5-38	30	
8	Bandamatram Weaving Factory, Inside Hathi Gate, Amritsar.	15	19-5-38	6	
9	Baba Barafwala Weaving Factory, Inside Hathi Gate, Amritsar.	5	19-5-38	4	
10	Becanta Mal-Kidar Nath Weaving Factory, Hathi Gate, Amritsar.	10	19-5-38	10	
11	Khanna Weaving Factory, Durgiana, Amritsar.	19	19-5-38	14	
12	Kapur Weaving Factory, Durgiana, Amritsar.	14	19-5-38	14	
13	J. R. Brothers Weaving Factory, Amritsar.	24	19-5-38	24	
14	Prabhu Woollen Mills, Durgiana, Amritsar.	23	19-5-38	23	
15	Ram Batten-Brij Lal Weaving Factory, More Ganj, Amritsar.	24	18-5-38	24	
16	Shadi Weaving Factory, Lohgarh Gate, Amritsar.	17	19-5-38	17	

Serial No.	Name of factory.	Number of workers before strike.	Date of strike.	Number of workers who went on strike.	REMARKS.
17	Abdullah Weaving Factory, Lohgarh Gate, Amritsar.	13	19-5-38	13	
18	K. C. Textile Mills, Lohgarh Gate, Amritsar.	17	19-5-38	17	
19	Kanaya Lal-Weaving Factory, Lohgarh Gate, Amritsar.	4	19-5-38	4	
20	Peera Mal-Rattan Chand Weaving Factory, Amritsar.	9	19-5-38	9	
21	K. R. Chiman Lal Weaving Factory, Katra Bhai (Sant Singh), Amritsar.	29	16-5-39	29	
22	Mehra Weaving Factory, Outside Lahori Gate, Amritsar.	70	19-5-39	70	
23	Om Parkash Weaving Factory, Outside Lahori Gate, Amritsar.	11	19-5-39	11	
24	Mool Chand Weaving Factory, Outside Lahori Gate, Amritsar.	9	19-5-38	8	
25	Kanaya Lal-Ved Parkash Weaving Factory, Katra Khazana, Amritsar.	15	19-5-38	15	
26	Hari Ram-Puran Chand Weaving Mills, Haripura, Amritsar.	106	19-5-38	106	
27	Behari Lal-Rattan Chand Weaving Mills, Amritsar.	11	22-5-38	11	
28	Modal Woollen and Silken Mills, Kaulsar, Amritsar.	150	19-5-39	69	
29	Great Indian Weaving Factory, Hide Market, Amritsar.	35	19-5-38	35	
30	Parkash Textile Mills, Hide Market, Amritsar.	58	21-5-38	58	
31	Harbana Lal-Chuni Lal Weaving Mills, Chheharta.	50	20-5-39	16	
32	Amritsar Rayon and Silken Mills, Limited, Chheharta.	275	28-5-38	12	

[Minister for Development.]

Serial No.	Name of Factory.	Number of workers before strike.	Date of strike.	Number or workers who went on strike.	REMARKS.
33	Naranjhi Das Weaving Factory, opposite Khalsa College, Amritsar.	18	19-5-38	18	
34	Central Weaving Mills, Putli Ghar, Amritsar.	15	19-5-38	15	
35	Prem Das-Jagat Ram Weaving Mills, Putli Ghar, Amritsar.	100	19-5-38	10	
36	Ram Jas-Ved Parkash Weaving Factory, Putli Ghar, Amritsar.	10	19-5-38	10	
37	Imperial Weaving Mills, Putli Ghar, Amritsar.	30	19-5-38	30	
38	Meharaj Weaving Mills, Lawrence Road, Amritsar.	47	19-5-38	35	
39	Khushi Ram-Amar Nath Weaving Mills, Lawrence Road, Amritsar.	35	21-5-38	35	
40	Ram Gopal Aggarwal Weaving Factory, Amritsar.	15	17-5-38	15	
41	Amritsar Textile Works, Grand Trunk Road, Amritsar.	25	19-5-38	25	Closed.
42	Krishana Textile Mills, Islamabad, Amritsar.	These factories stopped working while they were picketed but restarted work when the picketers left.			
43	Sodesh Weaving Mills, Islamabad, Amritsar.				
44	Bolaki Ram-Bol Kishan Mills, Katra Jallianwala, Amritsar.	21	23-5-38	21	
45	Hira Woolen Mills, Ghee Mandi, Amritsar.	33	19-5-38	33	
46	Sant Ram Mehra Weaving Mills, Amritsar.	42	19-5-38	22	
47	Punjab Weaving Factory, Sultanwind Gate, Amritsar.	43	19-5-38	43	
48	Mohan Manufacturing and Trading Co., Sultanwind Gate, Amritsar.	10	19-5-38	4	
49	Amrit Weaving Works, Kucha Dabgaran, Chhi Mandi, Amritsar.	25	20-5-38	25	
50	Pannu Lal-Hansa Raj Weaving Factory, Bakar Mandi, Amritsar.	10	19-5-38	10	
51	Charanjit Lal Chopra Weaving Factory, Ghee Mandi, Amritsar.	15	19-5-38	15	
52	R. K. Aggarwal Weaving Factory, Jallianwala Bagh, Amritsar.	27	19-5-38	27	

Serial No.	Name of factory.	Number of workers before strike.	Date of strike.	Number of workers who went on strike.	Remarks.
53	Lal Chand Mehra Weaving Factory, Chank Prag Das, Amritsar.	7	{ 19-5-38 23-5-38	{ 1 6	
54	Dina Nath Amar Nath Weaving Factory, Bakar Mandi, Amritsar.	15	19-5-38	15	
55	Swadeshi Weaving Mills, Jallianwala Bagh, Amritsar.	12	20-5-38	8	Closed.
56	Sita Ram Weaving Mills, Malwai Bunga, Amritsar.	16	19-5-38	16	
57	Jaswant Singh Kalpan Singh Weaving Factory, Jallianwala Bagh, Amritsar.	13	19-5-38	13	
58	Ram Lal Mani Lal Weaving Factory, Chit Mandi, Katra Mahan Singh, Amritsar.	27	19-5-38	27	
59	Shiv Gopal Mehra Weaving Factory, Ghee Masodi, Amritsar.	18	19-5-38	18	Closed.
60	Hakim Din Weaving Factory, Bhagtaiwala Gate, Amritsar.	18	21-5-38	18	
61	Bharat Udhar Cloth Manufacturing Co., Amritsar.	37	20-5-38	37	
62	Kalra Weaving Factory, Outside Ram-bagh Gate, Amritsar.	26	19-5-38	26	
63	Raghunath Weaving Factory, Akali Market, Amritsar.	18	19-5-38	18	
64	Nathoo Mal-Durga Das Weaving Factory, Chowk Prag Das, Amritsar.	37	19-5-38	37	
65	National Cloth Factory, Katra Karam Singh, Amritsar.	10	23-5-38	8	

PUNITIVE POLICE POST AT RUKKI, TAHSIL GARHSHANKAR.

*2832. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

- the period for which punitive police post was posted at village Rurki, tahsil Garhshankar, district Hoshiarpur, in the year 1922 ;
- number of policemen posted ;
- monthly cost of the post with details ;
- total money realized from the village ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : I would ask the honourable member to refer to the reply given to question No. 209¹ asked by the honourable member for Amritsar City (General) Urban Constituency in January last. Entry 6 in the statement furnished with the reply of January last gives most of the details for which the honourable member now asks.

PROVINCIALIZATION OF CERTAIN ROADS IN JULLUNDUR DISTRICT.

***233. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Government have decided to provincialize the principal metalled roads of the district boards ;
- (b) whether there is a proposal to provincialize Jullundur-Nakodar and Nawanshahr-Phagwara roads of the Jullundur District Board ; if not, reasons for the same ;
- (c) whether the Government intend to take any other roads of the Jullundur District Board under the control of Public Works Department ; if so, which of them and the reasons for preferring them to those mentioned in (b) above ;
- (d) whether the district authorities of Jullundur or the Chairman, District Board, Jullundur, were consulted when Kartarpur, Kapurthala and Phillaur-Rahon roads were taken over by the Public Works Department ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) No. Government have decided to provincialize the non-competitive, metalled, Class II roads of the District Boards. Most of these roads are the principal metalled roads of the Boards.

(b) No, because both these roads are competitive with the North-Western Railway.

(c) Government contemplates taking over the roads from Phillaur to Rahon and Kartarpur to Kapurthala during 1938-39 and the road from Nakodar to Sidhwan during 1939-40. All these roads are non-competitive, hence preferred.

(d) No, because the selection was not to be made only from the traffic point of view but from the various points of view taken up in the recommendations of the Transport Advisory Council.

Sardar Sahib Sardar Gurbachan Singh : Is it a fact that a few days ago when His Excellency the Governor addressed this House he mentioned about the 8 years road Programme by which they are going to provincialise all the district board roads, whereas now in answer to Part (a) of my question the Honourable Minister says ' no ' ? May I know which statement is correct ?

Chaudhri Muhammad Abdul Rahman Khan : Is the Government prepared to provincialise the road between Phillaur and Rahon ?

Minister : As I have already said, Government contemplates taking over the road from Philleur to Rahon during 1988-89.

Sardar Sahib Sardar Gurbachan Singh : May I know whether the district board roads existed before the railway branch lines were constructed ?

Minister : If the honourable member gives me notice, I shall find out the year.

Sardar Sahib Sardar Gurbachan Singh : I may inform the Honourable Minister that the railway branch lines were constructed in 1914 while the District Board roads existed long before that.

Minister : Thank you for the information.

LAND SETTLEMENT IN HOSHIARPUR DISTRICT.

*2834. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state when the next land settlement begins in the Hoshiarpur district ?

The Honourable Dr. Sir Sundar Singh Majithia : The term of the current settlement of the district expires in *kharij*, 1948 in Una tahsil and in rabi, 1945 in the other three tahsils. The district will be due for resettlement then.

LAHORE DRAINAGE SCHEME.

*2835. **Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to place on the table of the House the report of the sub-committee appointed to explore further the possibilities for the Lahore Drainage Scheme ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Government are not aware of the formation of any sub-committee to explore further the possibilities for the Lahore Drainage Scheme.

EXTRA EXPENSE INVOLVED IN HOLDING SESSION OF PUNJAB LEGISLATIVE ASSEMBLY AT SIMLA.

*2836. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state the estimated extra expense that would be involved in holding the summer session of the Punjab Legislative Assembly at Simla this year ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Estimates indicate that no extra expenditure is involved.

Sardar Hari Singh : May I know the total estimated cost of holding the session here ?

Parliamentary Secretary : The honourable member's question related to the difference between the two estimates and the answer with regard to that has been given. With regard to the supplementary question I want notice.

Sardar Hari Singh : May I ask the honourable member how he has arrived at the conclusion that there will be no difference without actually calculating the estimates ?

Parliamentary Secretary: We have calculated the difference in the travelling allowance of members if the session was held here or in Lahore and we have added to that figure the additional expenditure this year of getting the Assembly office to Simla. We have deducted from that the expenditure that would be required for taking the ministers and other officers required to Lahore and the expenditure for electricity, etc.

Sardar Hari Singh: That is why I asked the honourable member to state the figures on the basis of which he has arrived at this conclusion.

Parliamentary Secretary: I have said that I want notice of that question, if the exact figures are required. But I have answered the question on the basis of the calculations worked out carefully.

Sardar Hari Singh: May I know if he has got the figures with him now?

Parliamentary Secretary: I am afraid not here.

Lala Duni Chand: Is it true that the Parliamentary Secretary has adopted the rule of convenience?

Mr. Speaker: The question is disallowed.

Sardar Hari Singh: May I know whether in his calculations he also included the cost of the move of the Secretariat of the Assembly to this place?

Parliamentary Secretary: It has been done and we got very exact figures from the Secretary of the Assembly.

SIMLA EXODUS.

*2337. **Sardar Hari Singh:** Will the Honourable Minister of Finance be pleased to state the estimated extra expense that would be involved in exodus of the Punjab Government to Simla this year?

The Honourable Mr. Manshar Lal: The estimated expenditure for this year is—

	Rs.
(a) Required Officers	1,46,834
(b) Officers permitted to recess at Simla, Mashobra or Mahasu	8,564
Total	1,55,398

In reply to question No. *64¹ last year, (b) was not included.

GURDASPUR CONSPIRACY CASE PRISONERS.

*2338. **Sardar Hari Singh:** Will the Honourable Minister of Finance be pleased to state—

- (a) the dates when the release of Gurdaspur Conspiracy Case prisoners convicted in 1932 to seven years' rigorous imprisonment, named Tara Singh and Hazara Singh, now confined in Central Jail, Montgomery, is due;
- (b) their weights on admission and present weights;

- (c) the present condition of their health ;
 (d) whether the Government has considered their cases for purposes of release ;
 (e) whether Government intends releasing them before the expiry of their sentences ?

The Honourable Mr. Manohar Lal : (a) The attention of the honourable member is drawn to the reply given to part (b) of starred Question¹ No. 818 put in the last session of the Assembly.

	<i>Weight on admission.</i>	<i>Present weight.</i>
	Lbs.	Lbs.
(b) 1. Tara Singh	110	105
2. Hazara Singh	106	101
(c) Fair.		
(d) and (e) Their cases are under consideration.		

**VOTERS FOR ELECTION OF FELLOWS OF THE UNIVERSITY OF THE
PUNJAB.**

***2839. Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of registered graduates, who were effective voters for the election of Fellows of the University of the Punjab in 1987 and 1988 ;
 (b) the total number of votes polled in 1987 and 1988 ;
 (c) the number of votes secured by each candidate ;
 (d) the number of invalid votes in each year ?

The Honourable Mian Abdul Haye :

- (a) 1268 in 1987 and 1265 in 1988.
 (b) The total number of votes polled in 1988 was 706.
 (c) The number of votes secured by each candidate was 462 and 244 respectively in the year 1988.
 (d) The number of invalid votes in 1988 was 10.

The information asked for in (b), (c) and (d) for the year 1987 is not available.

**PREPARATION OF A REGISTER CONTAINING THE NAMES OF
GRADUATES OF NOT LESS THAN SEVEN YEARS' STANDING.**

***2840. Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the General Secretary of the Punjab Graduates' Union addressed a letter to the Registrar, University of the Punjab, on 15th May, 1987, communicating the decision of the Executive Committee of the Punjab Graduates' Union requesting the Syndicate to get a register of graduates prepared containing the names of the graduates of not less than seven years' standing ;

[Ch. Krishna Gopal Dutt.]

- (b) whether the Assistant Registrar in his letter, dated 28th June, 1937, No. 6027, inquired the object and reasons which led the Executive Committee of the said Union to pass the resolution under reference;
- (c) whether the General Secretary of the said Union in his letter, dated 12th July, 1937, mentioned the following reasons for passing the said resolution :—
- (i) whereas the number of voters was 3,907 in the election held in the year 1930, the number of voters dwindled to a bare 770 in the last provincial Assembly election, thus virtually rendering this constituency a 'Pocket Borough'.
- (ii) the Provincial Legislative Assembly Order, 1936 (188) provides that a person is eligible if he "has been for at least seven years a graduate of the University and was registered as such in the University register throughout, two years immediately preceding the prescribed date." "Several members of our Union have requested you for the registration of their names under the above rule but you have declined to do so."
- (iii) "to remove all ambiguities my committee requested the Syndicate through your goodself to prepare the said register."
- (d) whether the Syndicate appointed a sub-committee to consider and report what action, if any, was required on the said representation from the General Secretary of the Punjab Graduates' Union;
- (e) if so, the personnel and recommendations of the said sub-committee;
- (f) whether their recommendations were unanimous;
- (g) whether the Syndicate considered the proceedings of the said sub-committee; and, if so, the steps taken by the Syndicate in this connexion?

The Honourable Mian Abdul Haye :

(a) Yes.

(b) Yes.

(c) Yes.

(d) Yes.

(e) The following sub-committee was appointed by the Syndicate :—

(1) The Honourable Mr. Manohar Lal, M.A., Bar.-at-Law.

(2) Bai Bahadur Lala Durga Das, B.A., LL.B.

(3) Dr. Khawaja Shuja-ud-Din, M.A., LL.D., Bar.-at-Law.

(4) Lala Mehr Chand Mahajan, B.A., LL.B.

(5) Lala Jagan Nath Aggarwal, M.A., LL.B.

The meeting of the sub-committee was attended by the following gentlemen :—

(1) Bai Bahadur Lala Durga Das, B.A., LL.B.

(2) Dr. Khawaja Shuja-ud-Din, M.A., LL.D., Bar.-at-Law.

(3) Lala Mehr Chand Mahajan, B.A., LL.B.

(4) Lala Jagan Nath Aggarwal, M.A., LL.B.

The sub-committee recommended that register be maintained and it be notified that the University proposes to maintain a register of graduates of five years standing or over, and that those who wish to be enrolled therein should apply to the Registrar giving the necessary particulars.

(f) Yes.

(g) Yes. The Syndicate has decided to ask the Punjab Government to request the Government of India to refer the question to the Federal Court for decision.

Chaudhri Krishna Gopal Dutt : May I know if the Punjab Government has actually referred the matter ?

Minister : No, Sir.

Chaudhri Krishna Gopal Dutt : May I know the reason why ?

Minister : So far as I am aware the matter is under consideration.

Lala Duni Chand : Is it true that the comparative paucity of the registered graduates is due to the fact that the graduates are disinclined to pay the registration fee, and, if so, whether the Honourable Minister will recommend the abolition of the registration fee ?

Minister : That is a request for action. I know in some cases the fee is paid by the candidate.

Lala Deshbandhu Gupta : Do Government contemplate the abolition of the fee ?

Minister : That is required under the Indian Universities Act.

Lala Deshbandhu Gupta : But the Act is open to amendment.

Minister : Not by the Punjab Government.

Lala Deshbandhu Gupta : I know that but the Punjab Government can certainly move in the matter.

DEBT CONCILIATION BOARDS.

*2341. **Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister of Development be pleased to state—

- (a) the districts where Debt Conciliation Boards have been recently set up with the names of the members of each such board, their educational and other qualifications, if any, and also their financial position ;
- (b) the names of the districts where Debt Conciliation Boards are contemplated to be set up immediately with the names of those whose names have been recommended by the subordinate authorities stating therewith their educational and other qualifications, if any, and also their financial position ?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement giving the required information is laid on the table.

(b) Government contemplates setting up Debt Conciliation Board as soon as possible in each district in which no Board has yet been established except Simla, and an additional Board in the Jhang district where the work

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is beyond the capacity of a single Board. It is not desirable in the public interest to disclose the contents of confidential correspondence between Government and subordinate officials on which orders have not yet been passed.

Chaudhri Krishna Gopal Dutt : May I know from what point of view the Government did not consider it advisable to give this information ?

Minister : It is confidential correspondence which cannot be disclosed.

Chaudhri Krishna Gopal Dutt : May I know whether the matter is not public ?

Minister : On the ground that the correspondence is confidential, I am not prepared to disclose it.

Lala Duni Chand : In view of the previous admission of the Honourable Premier to the effect that they have nominated as members of the Conciliation Board in Ambala district their own men, will the Honourable Minister be pleased to tell the House whether the same policy will be followed now in other districts ?

Mr. Speaker : The question is disallowed.

Statement showing districts where Conciliation Boards have been recently set up together with the names, etc., of the personnel for each Board.

District.	Personnel.	Educational and other qualifications.	Financial position.
1. Ferozepore	<i>Chairman.</i> Sardar Prem Singh ..	Retired tahsildar ..	Sound.
	<i>Members.</i> (1) Lala Sham Lal ..	Advocate, Member, District Board and Municipality, Zira.	Do.
	(2) Khan Khalil Ahmad Khan.	Studied up to F. A. and Member Canal Advisory Committee, Member, District Board and Director, Central Co-operative Bank, Ferozepore.	Do.
2. Gurdaspur	<i>Chairman.</i> Mian Amar Singh ..	Retired Income-Tax Officer ..	Do.
	<i>Members.</i> (1) Chaudhri Sulton Ali, Zaidkar.	Vernacular Middle Examination, President, Co-operative Union, Guntala, Member, District Board and Honorary Magistrate, Shakargarh.	Do.
	(2) Lala Ram Chand..	Read up to Metric. Member, District Board and runs a cloth factory.	Do.
3. Ambala ..	<i>Chairman.</i> Khan Sahib Mian Mohammad Yusuf.	Pleader ..	Do.
	<i>Members.</i> (1) Chaudhri Sada Ram	B.A., LL.B. ..	Do.
	(2) Lala Madhuri Saran.	A scion of Raja Joti Parshad family ..	Do.

District.	Personnel.	Educational and other qualifications.	Financial position.
4. Hoshiarpur	<i>Chairman.</i>		
	Khan Bahadur Sarbuland Khan.	Retired Extra Assistant Commissioner	Sound.
	<i>Members.</i>		
	(1) Sardar Sahib Sardar Dasanda Singh.	Matric. Director, Central Co-operative Bank, Hoshiarpur, President of Machhian Co-operative Society.	Do.
	(2) Lala Shiv Saran Das.	B.A., LL.B.	Do.
5. Mianwali	<i>Chairman.</i>		
	Khan Ghulam Mohammad Khan.	Retired Extra Assistant Commissioner	Do.
	<i>Members.</i>		
	(1) Khan Abdur Rahtan Khan.	Literate. Director, Central Co-operative Bank, Mianwali.	Do.
	(2) Lala Jodha Ram.	B.A., and Member, District Board and Municipality.	Do.
6. Muzaffargarh.	<i>Chairman.</i>		
	S. Ghulam Yazdani	B.A., Retired Senior Sub-Judge.	Do.
	<i>Members.</i>		
	(1) Khan Asad Khan	Literate and Divisional Durbar.	Do.
	(2) Chandhri Gopal Das.	Matric. and President, Municipal Committee, Khangarh.	Do.

DEBT CONCILIATION BOARD, KASUR TAHSIL.

*2842. **Chaudhri Krishna Gopal Dutt** : Will the Honourable Minister of Development be pleased to state—

- (a) whether the Sub-divisional Officer, Kasur, has up till now recommended any names for appointment to the debt conciliation board under contemplation for Kasur tahsil ;
- (b) the educational and other qualifications, if any, of the persons recommended by the Sub-divisional Officer, Kasur, with their financial position ?

The Honourable Chaudhri Sir Chhotu Ram : (a) and (b) It is not in the public interest to disclose confidential correspondence of subordinate officials.

Chaudhri Krishna Gopal Dutt : Is it a fact that the Sub-Divisional Officer, Kasur, has recommended the name of a gentleman who is absolutely uneducated ?

Minister : I refuse to answer that question.

Lala Deshbandhu Gupta : Has the Government laid down certain rules with regard to minimum qualifications for persons who are nominated to the boards?

Minister : Government has prepared certain instructions which are confidential.

Chaudhri Krishna Gopal Dutt : May I know why are those instructions with respect to the appointment of a Government servant or members of the conciliation boards confidential?

Lala Deshbandhu Gupta : Is there any educational test applied while nominating these persons?

Sardar Lal Singh : Has the Public Services Commission any say in the matter?

Minister : Absolutely none.

Pandit Bhagat Ram Sharma : Is there any consideration of age when making appointments?

Lala Deshbandhu Gupta : Is it open to a subordinate officer to nominate a wholly uneducated person to a debt conciliation board?

Minister : If he is otherwise fit to discharge the functions of a member of the debt conciliation board, he may be appointed.

Lala Duni Chand : May I know if the confidential instructions are based on the principle of efficiency and competency of the members to be appointed?

Minister : Certainly.

Chaudhri Krishna Gopal Dutt : Are the instructions based on some educational qualification also?

Minister : No.

Lala Deshbandhu Gupta : How many of the persons working on the various debt conciliation boards are uneducated?

Minister : Not one.

Lala Duni Chand : Are the members of a debt conciliation boards supposed to know a smattering of law?

Minister : No.

Lala Deshbandhu Gupta : How many out of these persons, who are working on these boards, are defeated candidates?

Minister : To my knowledge not even one.

Lala Duni Chand : Would ignorance of law be an additional qualification for the post? (*Laughter*).

Chaudhri Krishna Gopal Dutt : Do the Government expect knowledge of law relating to conciliation boards and other allied and kindred matters from the uneducated members?

Minister : Not from every member of the conciliation board.

Chaudhri Krishna Gopal Dutt : What about the uneducated members?

Minister : There is not one among these members who is uneducated.

Lala Deshbandhu Gupta : What is the qualification fixed for nominating members to the board ?

Minister : I am not prepared to define it.

Pandit Shri Ram Sharma : Is the community and *baradari* of a person taken into consideration while making appointments to the debt conciliation boards ?

Lala Deshbandhu Gupta : Are these appointments reviewed every year ? Are they permanent or what ?

Minister : It is open to the Government to dissolve a conciliation board at any time the Government thinks it fit.

Pandit Shri Ram Sharma : Is it necessary to include a *bania* among the members of the board ?

Minister : One representative of money-lending interests is required to be on a board.

Pandit Bhagat Ram Sharma : What are the main considerations for making the appointments ?

Minister : I am not prepared to disclose that.

BIHTA RAILWAY DISASTER.

*2843. **Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether any officer was deputed to meet the Punjabi injured and sufferers in the Bihta Railway disaster ; and, if so, whether he prepared any list of the sufferers and whether any relief was given to them ?

Parliamentary Secretary (Mir Maqbool Mahmood) : No. Medical assistance was offered to the Administration of the East Indian Railway, but was not needed.

Dr. Gopi Chand Bhargava : Was any list of the Punjabi sufferers prepared ?

Parliamentary Secretary : I am afraid it does not arise out of the original question, but if the honourable member wishes, I shall have it looked into.

Dr. Gopi Chand Bhargava : My question is there, whether he prepared any list of the sufferers or not.

Parliamentary Secretary : Obviously the first question answers the second also which is "whether he prepared any list of the sufferers." As nobody was deputed, obviously that list could not be prepared.

Dr. Gopi Chand Bhargava : Will the Parliamentary Secretary let me know that when the Premier accepted my suggestion, why the officer was not appointed ?

Parliamentary Secretary : I am not aware at the moment of the exact terms of the acceptance by the Premier of the suggestion of the Leader of the Opposition, but whatever assurance was given, presumably it must have been carried out; and, as the answer states, medical assistance was actually offered to the East Indian Railway, but they said that it was not needed.

RECOGNITION OF THE SANATAN DHARM HINDI SCHOOL, OKARA.

***2844. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state whether the Sanatan Dharm Hindi School, Okara, has been granted recognition by the Government; if so, when it was recognised and if not, why not?

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

SALE OF A CERTAIN PLOT OF LAND BY THE MUNICIPAL COMMITTEE, DINGA.

***2845. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether any encroachments were made on lands belonging to the Municipal Committee, Dinga, by certain residents of Dinga, district Gujrat; if so, when and whether these encroachments still exist or have since been removed;
- (b) whether the Dinga Municipality has recently adopted any resolution for sale of a piece of land encroached upon; if so, whether it is intended to sell it by calling for tenders or by open auction?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Yes. The encroachments were made in November, 1937, but they have since been removed.

(b) Yes. The land from which encroachments have been removed will be sold by public auction.

Seth Sudarshan : Did Khan Sahib Ghulam Mohy-ud-Din of Koliatahsil Dinga, build a house on municipal land without permission?

Minister : It does not arise out of this question.

Dr. Gopi Chand Bhargava : Was any encroachment made by this gentleman?

Minister : If you will give notice, I will find out for you. The encroachments referred to in your question have been removed and there is no encroachment at the present moment.

Dr. Gopi Chand Bhargava : Have all the encroachments been removed?

Minister : Yes.

Chaudhri Krishna Gopal Dutt : The Honourable Minister cannot put his hand in the pocket of his trousers while speaking.

Minister : I will be glad to get a ruling on that point. I know that there are many people on that side who are in that habit.

Chaudhri Krishna Gopal Dutt : It is disrespect to the Honourable Speaker as well as to the House.

Mr. Speaker : I am not quite sure.

INHUMAN LABOUR IN JAILS.

*2846. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state whether the system of inhuman labour like oil pressing, etc., has been stopped in jails in the Punjab or not ?

The Honourable Mr. Manohar Lal : Steps have been taken to stop the production of oil by manual labour.

Dr. Gopi Chand Bhargava : Has any other labour with the exception of oil pressing been stopped ?

Minister : The question of continuing other kinds of labour, that will be found unsuitable, is being considered.

Lala Deshbandhu Gupta : Do the Government wish to appoint a committee to go into this matter with a view to overhaul the whole system ?

Minister : I have not thought about it.

Lala Deshbandhu Gupta : Do the Government propose to appoint a committee in view of the fact that all other progressive provinces have already taken up this action? (*Voices from Opposition benches :* This is not a progressive province).

Lala Deshbandhu Gupta : Does the Honourable Minister propose to give thought to it ?

Minister : Certainly.

SUPPLEMENTARY ESTIMATES.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : May I, Mr. Speaker, proceed to make a few observations on the non-voted items included in the Supplementary Estimates? I will make my remarks on the non-voted items which have got to be discussed. Under demand No. 1—Land Revenue, there is an item of Rs. 9,250. Under grant No. 8—Charges on Irrigation Establishment there is an item amounting to Rs. 1,500. Under grant No. 84—major head : 57—Miscellaneous—there is a big item of Rs. 7,810. The total of these items comes to Rs. 18,060. Though the amount is not very big yet I would like to make a few observations on each of these items *seriatim*. Rs. 9,250 under demand No. 1—Land Revenue—is a charged amount and it represents the pay and travelling allowance of one I. C. S. officer alone for 5 months. He is the settlement officer appointed for five months in connection with the Gurgaon settlement operations. His pay alone comes to Rs. 7,050. Special pay to be given to him would come to Rs. 750, *i.e.*, at the rate of Rs. 150 per month and his travelling allowance alone would come to Rs. 1,450. So this gentleman alone will get Rs. 9,250 whereas the other four officers employed in connection with these settlement operations will be getting

[S. Hari Singh.]

Rs. 7,905 only. One I. C. S. officer gets as much pay as 4 Indian officers who will be working harder than the I.C.S. officer. I have one more point, that is, why is Rs. 150 per mensem being granted to this man as special pay? I want to know whether the conditions of service require this privilege being granted to him or whether our Ministers have done it out of *likaz* or regard for the officer. I want to stress this point in particular, why Rs. 150 is going to be paid to him as special pay. Where is the necessity for this? I have calculated that in the settlement operations, besides this officer there will be 204 other bigger and smaller officers working. The I. C. S. officer will get 1/5th of the pay which is going to be paid to 204 poor Indians. It comes to this that one I. C. S. officer is costing the revenues of the province as much as 80 Indians. That is a commentary of our financial arrangements and that shows how the revenues of the province are being squandered in the payment of these high officers. I would submit that Government should have appointed an officer whose pay would be voted by the Assembly.

Coming to demand No. 4 we find that Rs. 1,500 would not be voted by this Assembly. Why? What is this the cost of? This is the cost of one executive engineer whose pay is Rs. 875 per mensem plus overseas pay at the rate of Rs. 250 per mensem. This pay of the executive engineer would be charged to the revenues of the province. We also find one superintending engineer whose pay will be Rs. 2,150 per mensem and overseas pay Rs. 177-12-0 per mensem. The pay of the superintending engineer is voted but the pay of the lower officer working under him is not voted by the Assembly. I also want to bring this fact to the notice of the Assembly that overseas pay of the higher officer is Rs. 177 and the overseas pay of the lower officer is Rs. 250. The lower officer gets Rs. 875 a month only and the higher officer gets over two thousand a month. The special overseas pay of the lower dignitary is greater than the pay of the superintending engineer. Why this difference? I want an explanation for that. Then there is travelling allowance which is to be paid to the executive engineer on the same scale which is meant for the superintending engineer. If there is so much difference in pay there must be difference in the travelling allowance paid to these officers.

Coming to demand No. 14 the amount charged is Rs. 7,810 under the head Miscellaneous and it is the pay of officers. This is due to the extension in the period of the Land Revenue Enquiry Committee. Towards the end of the last session of the Assembly, I asked the Revenue Minister the time by which we might expect the report of the enquiry committee to be in our hands. He said he expected that the report would be in our hands by the end of April.

Revenue Minister: I never said that. I said that the report would be signed by that time. It has been signed, but is not yet printed.

Sardar Hari Singh: That meant that the term of the committee would not have to be extended. If the report of the enquiry committee was signed by the end of April that means that the enquiry committee would not be paid any longer from the revenues of the province. But we find that instead of the 15th of April the last day it had to work, the date was extended up to the 18th May. My grouse is that at the time of the

annual budget the period that was required in order to complete the labours of the committee might to have been foreseen by the Finance and Revenue Ministers. Why did they not see that a little more time would be required for the completion of the labours of the committee? The House requires an explanation why they could not foresee that the committee would require more time. We are told that the secretary and officers of the committee have been paid up to the 19th May. Why did the secretary require one more week? The secretary is to be paid up to the 26th May. The House has the privilege of having an explanation from my friend the Revenue Minister.

Revenue Minister: I will deal in the reverse order. When I said that the report would be ready by the 15th April that was the approximate date. I could not be sure. The report was received from the chairman ready signed, but it required a little more time to clean up things, unless my honourable friend wishes that the report should be left unfinished. When we have undertaken a work we ought to see that it is finished and is ready in every respect. As regards the secretary he had to clean the rest of the things and if seven days are taken I cannot understand how my friend raises this objection.

Sardar Hari Singh: Not a single day more should have been taken.

Revenue Minister: The honourable member says that not a single day more should have been taken. The secretary was needed to put things in order. It is necessary that he should do it. I cannot understand my friend raising this objection. He had to clear up things and send the report for being printed.

Then my honourable friend has pointed out the difference in the pay of the superintending engineer and the executive engineer. My honourable friend does not know that Mr. Crump who is appointed as a special officer was the superintending engineer and that we have appointed him after his retirement because he was a special officer well acquainted with the work he had to do.

Sardar Hari Singh: May I correct my honourable friend?

Mr. Speaker: Let the Honourable Minister finish.

Minister: I am not going to give way to him. Mr. Crump was a specially trained officer in this work and he had been tried in this work. His services have again been taken by the Government for this special work. We are giving him the pay which he used to draw. We are not giving him anything extra or more than he was getting before. His pay is voted, because he is not now a Government servant belonging to the Imperial Services. He is specially engaged for this work. Therefore his pay is voted. As regards the executive engineer, he belongs to the Imperial service and his pay is not voted. As regards the travelling allowance, there may be a difference of Rs. 2. This officer is given the same travelling allowance as is given to the executive engineers. Does my honourable friend want to give him a higher travelling allowance? I do not think that it is his intention. That is the reason for this difference in pay and in travelling allowance.

I think his other question is, why is it that we are appointing an I. C. S. officer to carry on the settlement work of Gurgaon? Does my honourable

[Minister for Revenue.]

friend want to put clerks to do this work? I may inform the honourable member that our arrangement would be cheaper, perhaps more than 100 per cent. cheaper than keeping clerks to do the settlement work, which is of a technical nature. He must understand that in Amritsar settlement works we have appointed an I. C. S. officer, in Lyallpur we had appointed an I. C. S. officer and in other places we have appointed I. C. S. officers. If we go out of our way and appoint some ordinary officer or a mere clerk, the work would suffer. He says that it is for the purpose of *khaz* that we have appointed this I. C. S. officer. There is no question of *khaz*. A special pay of Rs. 150 is always given to any settlement officer who does this work. (*Sardar Hari Singh*: Why?) Because this was the custom before. (*Interruptions*). I am not going to give way. We have done nothing more and nothing less than what has been the custom before. If this officer who is going to tour about in the country is going to get an extra pay for the extra work which he is doing in the settlement operations, he has to put in very hard work. Is it right for my honourable friend to object to that extra pay? (*Sardar Hari Singh*: Certainly). We have given this pay because we have been giving this in the past. We have been following the procedure that has been adopted hitherto. Not only this, but we have given this I. C. S. officer one P. C. S. officer as his assistant to work in this department. On the other hand, the work of settlement cannot be carried on by one or two or four men. This work is of a technical nature and unless we appoint patwaris, kanungos, tahsildars and naib-tahsildars we cannot possibly expect that this work would be done properly or thoroughly, specially in a particular district which is very badly placed as regards assessment. We would not take up this question, but our friends from Gurgaon pressed that it is necessary that Gurgaon should be settled first and that is why we have started this work.

SUPPLEMENTARY DEMANDS.

LAND REVENUE.

Minister for Finance (The Honourable Mr. Manchar Lad): Sir, I beg to move that—

A supplementary sum not exceeding Rs. 89,970 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Land Revenue.

Mr. Speaker: The motion moved is that—

A supplementary sum not exceeding Rs. 89,970 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Land Revenue.

Sardar Hari Singh: On a point of order, Sir. May I draw your attention to page 6, item (6), of the Supplementary Estimates, 1938-39, where it is said:—

"One Settlement Officer (I.C.S.) on time scale pay Rs. 7,050."

That is his pay. The next item is:—

"Special pay to the Settlement Officer at Rs. 150 per mensem."

and the total of special pay comes to Rs. 750. These two items taken together constitute Rs. 7,800, charged. My point of order is that

unless it has statutory sanction, it cannot be included in the charged item, but it must be included in the voted item. The pay of the officer is a charge on the revenues of the province because he is an I.C.S. officer, but anything given to him over and above his pay cannot be a charge on the revenue of the province. It must be voted by the Assembly.

Mr. Speaker : The honourable member's objection is that this special pay should be voted by the Assembly. May I know under what law?

Sardar Hari Singh : Because there is no statutory obligation.

Mr. Speaker : Under section 78 of the Government of India Act, the expenditure which is not a charge upon the revenues of the province is votable, while the expenditure that is charged on the revenues of the province is non-votable.

Sardar Hari Singh : But this special pay is not a charged item. If that is so, the Government by way of reward to these officers, may give them a special pay of Rs. 500 or Rs. 1,000 and thus become bankrupt to-morrow. We cannot include that in the charged item. I am perfectly certain that this item cannot be a charged one.

Mr. Speaker : Under what section does the salary or special allowance of an I. C. S. officer fall?

Sardar Hari Singh : No where.

Minister for Revenue : I can only say this much that this special pay has been paid to the settlement officer as has hitherto been the case.

Syed Amjad Ali Shah : May I draw your attention to the relevant section 247 (4) of the Government of India Act which says—

The salary and allowances of any such person as aforesaid shall, if he is serving in connection with the affairs of the Federation, be charged on the revenues of the Federation and, if he is serving in connection with the affairs of a province, be charged on the revenues of the province.

Sardar Hari Singh : That sub-section refers to the salaries and allowances fixed by the Secretary of State and not to those fixed by the Ministry.

Mr. Speaker : What are the honourable member's reasons for that interpretation?

Sardar Hari Singh : Let the Honourable Minister deny it.

Minister for Finance : The opening words of section 247 are—

The conditions of service of all persons appointed to a civil service or a civil post by the Secretary of State shall—

But when you come to sub-section (4) of that section there is no mention of the Secretary of State. Therefore it follows that the pay and allowances of an officer appointed by the Secretary of State, if he is serving in connection with the affairs of a province shall be charged to the revenues of the province.

Sardar Hari Singh : Yes, the pay and allowances fixed by the Secretary of State and not by the Ministry.

Minister for Finance : The conditions of service of all persons appointed to a civil service or a civil post shall be as hereinafter that is, the salary and allowances of such persons serving in a province shall be charged to the revenues of the province. This reproduces the earlier well-known statutory provisions.

Sardar Hari Singh : The special pay of the settlement officer does not fall under this provision.

Sardar Sampuran Singh : It would be simply ridiculous to believe that we can give any allowance to any member of the I. C. S. and make it a charge on the revenues of the province. I think that interpretation is not a sound one. Otherwise it would be very easy for the Government to make the province bankrupt by giving any amount of allowances to the I. C. S. officers and making the same a charge on the revenues of the province, and the Assembly shall have no voice in the matter. That will be simply taking away the right of the Assembly. Even looking at the section from the commonsense point of view it is clear that that cannot be the meaning of the word 'allowance'. The word 'allowance' here means only such allowances which are contained in the conditions of service of the I. C. S. officers in the covenant with the Secretary of State. Every other allowance given by the Ministry or by the local governments comes under the control of this House.

Mr. Speaker : A special pay is not necessarily an allowance.

Sardar Sampuran Singh : May not be. Then the matter becomes still worse.

Minister for Finance : The argument on the other side based on the ridiculousness of the proposition will amount to this that the Secretary of State, if he so chooses, can fix any allowance. The Punjab Government considered the matter very fully—(Interruption). Will the honourable member please permit me to complete the sentence? The Punjab Government considered the matter fully as to what would be the proper allowance in the particular circumstances. I think the burden is entirely on the other side to show that the present provision is not reasonable. Here is the answer. What is the use of generating eloquence on so simple a matter and calling it ridiculous or saying that the Punjab Government may become bankrupt? The special pay proposed in the present case is only Rs. 150 a month. It is no use talking in the abstract. The question is amply resolved by section 247, sub-section (4), and that is all—that the salaries and allowances of a person appointed by the Secretary of State to the Indian Civil Service are charged on the provincial revenues: we are concerned with at the present moment.

Sardar Hari Singh : There is no question of bankruptcy. The question here is a technical one.

Finance Minister : That is exactly so, it is a purely technical question running on the terms of the statute.

Mr. Speaker : The arguments advanced by the Honourable Finance Minister are more convincing. The point is not free from doubt; but the explanation given by the Finance Minister considered with section 247 of the Government of India Act is more convincing than the reasons given by the honourable member who has raised the point of order.

Backwardness and Poverty of agriculturists of Gurgaon district.

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

That the item of Rs. 60,840 on account of total (a) Settlement Operations in Gurgaon district, be reduced by Rs. 1.

As it will appear from my note, my object in moving this motion is to raise the question of the economic backwardness and poverty of the agricultural population of the Gurgaon district as likely to be affected by the proposed settlement. Sir, it appears to me rather surprising that the Government should have approached this Assembly for this item in the form of a supplementary demand. It appears from the note attached to the supplementary estimates that it was well within the knowledge of the Government that the term of the settlement of Gurgaon district will expire by the Rabi 1938. If that was a fact then it was the duty of the Government to have asked for this amount at the time of the general budget. In not doing so a wrong has been done to this Assembly. If this item had been demanded at the time of the budget then the House would have had the right of discussing more fully the question or the principle underlying the settlement operations in the Gurgaon district. I am sorry the Punjab Government made this obvious mistake. Now it appears from their note that the proposed settlement will last for more than 4 years and it is going to cost the Government 661 thousand and odd rupees. It is mentioned in the note that the object of this settlement is not to increase the assessment, but on the other hand the object is to decrease the burden of the agriculturists of the Gurgaon district. It is stated in the note that the Government is satisfied that the burden of assessment already imposed upon the agriculturists of the Gurgaon district is too heavy and therefore it is in order to grant relief to the agriculturists of the Gurgaon district that the proposed settlement has been undertaken. In the first place I submit that if the Punjab Government was really anxious to afford relief to the agriculturists of Gurgaon district they could have done so in a better way than the one that they propose now. I do not know what is the exact land revenue income from the Gurgaon district. It may be roughly 5 or 6 or 7 lakhs of rupees. I shall be glad if I am given the correct figure. Now you may observe that every year for the next 4 years or more something like Rs. 1,50,000 is to be spent on an average. It can be seen whether this will be a burden on the people of the Punjab in one form or the other or not. It was very easy for the Punjab Government to appoint an expert committee of two or three men and that expert committee aided by the knowledge of the district officers and aided by the advice of the representatives of the people affected by the settlement could have very easily settled the question. I could well understand if the Government was to increase the assessment. In that case the settlement would have been necessary. But it is quite clear from the note attached to the supplementary demands that the object is quite otherwise. If that is the object there is no reason why this costly settlement should be started. I submit that in view of the admitted backwardness, the admitted poverty of the people of the Gurgaon district, this settlement will add further to the miseries and troubles of the agriculturists of that district. I see no justification why this operation is going to be started at a heavy cost from October next. Sir, I would say that a large number of

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subordinate officials will be going about in Gurgaon district. Even with the best of intentions of not troubling the people in any way a certain amount of trouble is inevitable. We cannot expect a very high standard of honesty from the subordinate settlement officials. They shall have to be entertained; they shall have to be paid in different ways. This will further add to the troubles and miseries of the agriculturists of that district.

Now as the settlement is going to be started I would like to make certain suggestions. If the real object is to afford relief then the settlement should be done in a manner that would give relief to the people of the district and this could be done only if the settlement is carried on on certain well defined lines. In the first place it is absolutely necessary that a certain number of land owners, small land owners of Gurgaon district, should be exempted from any kind of burden of land revenue. I know a good deal about the Gurgaon district and its people. They are the most economically depressed and extremely poor people. I know for a fact that a fair percentage of the agriculturists of the Gurgaon district do not get two meals a day. It is a fact. I have been to the different parts of that district. I represented this district as a member of the Central Legislative Assembly for three years. I know all about the economic condition of the people of that district. Sir, the Government should make the assessment on what I should call a progressive or graded scale. If really any relief is to be given to the people of the Gurgaon district, a fair percentage of the land owners should be exempted from the liability of the payment of any land revenue. If that is not done, no relief could be granted. The land owners of the Gurgaon district may be divided into three different classes, the poorest class, the middle class and the topmost class. The topmost class should be taxed as heavily as the Government may be pleased. But I want that the poorest class should not be taxed. If this scale of assessment is adopted, then some kind of relief would be granted to the people of that district. It is a district which is within the zone of special influence and special jurisdiction of Chaudhri Sir Chhotu Ram. The majority of the people of that district belong to his beloved caste, namely Jats. I shall be happy if his kith and kin are granted some relief. Let the non-agriculturists, let the menials dependent upon agriculture starve. I do not mind. The Punjab Government is going to pursue that policy. Government wants to kill a certain section of the people and help other sections. I doubt very much whether the Punjab Government will be able to achieve its object. In any case, I do not mind; let the non-agriculturists starve; let those menials who live upon agriculture starve, but let not the beloved Jats of the Gurgaon district starve. I know a very large number of Jats of Gurgaon district are in an extremely depressed condition. As I see the details of settlement operations, I do not see any bright future before them except that they are going to be burdened further. I submit that unless the entire policy of the settlement is changed, no relief can be possibly granted. We on this side have represented quite a number of times that unless income-tax basis is adopted in regard to the taxation of agricultural income, there can be no real relief to the agriculturist.

Mr. Speaker : Will the honourable member please speak to the motion ?

Lala Duni Chand : I submit that the people of the Gurgaon district should not be oppressed. I want that their burden should decrease. I want that a real relief, the relief that the Government has professed to grant to them, should be granted. That relief cannot be granted by spending about 6½ lakhs during the next four or five years on these settlement operations. With these words I move my amendment.

Mr. Speaker : Demand under consideration, amendment moved—

That the item of Rs. 80,340 on account of total (6) Settlement Operations in Gurgaon district, be reduced by Rs. 1.

Chaudhri Muhammad Yasin Khan (North-West Gurgaon, Muhammadan, Rural) : I am extremely surprised to hear the remarks of the honourable mover of this out. I will only say in reply to his remarks that God save us from our friends (*Hear, hear*). The honourable member who has just sat down saw Gurgaon only in 1930 for the last time and he knows very little of that district. With your permission, Sir, I want to bring the facts to the notice of this Honourable House. The Honourable Premier paid his first visit to Gurgaon district on the 6th of May, 1937. The zamindar league of the district made a unanimous representation that the settlement which was due in 1938 should not be postponed for any reason and that request was made under the apprehension that the Punjab Government may not postpone the settlement on the pretence of expenses. After that the Honourable Minister for Development paid a visit to the district in August last and on all occasions and at all places the zamindars who gathered together in thousands made this request that the settlement operations should be started in their ordinary course. After that in April last the address which was presented to the Honourable Premier by the Anbala Divisional Conference on 16th April at Gurgaon contained as one of the requests of the zamindars that the settlement of the district should not be postponed. Last year all the five members of the Legislative Assembly from Gurgaon made a joint representation to the Honourable Minister for Revenue that the settlement should be started in time and should not be postponed. So the settlement is due and it is being done in time and not before time. Thirty years have passed and the settlement of the district is due and that is why it is being done and unlike my honourable friend the previous speaker, the Gurgaon people have full confidence in the Punjab Government (*Ministerial cheers*). The Gurgaon people hope that justice will be done to them and those who want to speak on this motion will be well-advised to see the Gurgaon people first rather than come to this House to waste its precious time.

Sardar Hari Singh : Are they happy and prosperous ?

Chaudhri Muhammad Yasin Khan : My honourable friend does not know the district. It is the unanimous desire of the Gurgaon people that settlement should be started in due time as it is being done and the Gurgaon people are very much indebted to the Punjab Government for its having acceded to their request. I oppose this motion.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural): I wish god-speed to Gurgaon district and the honourable member of the House who has just sat down. I have every sympathy with him and I have not got up to contradict him. The only thing which I want to say is that the Government has very wonderful ways of beginning things and still more wonderful ways of finishing them. It was in this very hope and with this very idea that the settlement of Lyallpur district was started.

Revenue Minister: Has Lyallpur got anything to do with this motion?

Sardar Sampuran Singh: We were actually told that we were going to be gainers to the extent of 27 lakhs of rupees per year. What did we get? I may tell my honourable friend that if they want this settlement in the hope of getting their revenues reduced, they should get definite promise from the Government so that they may not go back upon their word. As I said in the beginning, I wish god-speed to the Gurgaon district if they succeed in getting their revenue charges reduced, but they should not believe in the smooth words of the Government at this stage of the settlement.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (Urdu): Sir, I think, I must hasten to point out that I am not going to make a lengthy speech. It is quite obvious that the Government intend starting settlement operations in the near future in Gurgaon district. The cut motion moved by my honourable friend Lala Duni Chand seeks to invite the attention of the Government to the fact that the poverty of the zamindars of the Gurgaon district is likely to be increased by the proposed settlement. It has been said by an honourable member sitting on the opposite benches that the settlement operations will lighten the burden of the zamindars of the Gurgaon district. I may tell him that it was quite wrong and that he is as usual trying to conceal the facts. Anybody who is well aware of the condition of the zamindars of Gurgaon district will not say so. I am surprised to hear the remark made by the honourable member opposite who has spoken against the cut motion saying that the zamindars of the Gurgaon district are better off and they are anxious for the settlement operations to be completed in that *ilaga*. God save us from such persons who profess to be the friends of the zamindars of Gurgaon district and make such statements on the floor of this House. I beg to differ from my honourable friend. In reality the zamindars of the Gurgaon district are very much down-trodden and poverty-stricken and their condition is really miserable.

I am sorry to observe that the Government are in the habit of making promises during settlements that they would try to lighten the burden of the poor cultivators but when the settlement is over we find that these promises are honoured only in the breach. Land revenue is increased in every settlement and I am afraid history will repeat itself in the case of Gurgaon district as well.

As to the question of Lala Duni Chand's experience, I may submit that he took a very keen interest in the affairs of this district when he represented Ambala division in the Central Assembly. His knowledge is not old but I am speaking of recent experience of the district a portion of which I do represent. I say the Government has been increasing the land revenue as a result of this settlement and that settlement. The district

of Gurgaon adjoins my district and on account of this I am fully aware of the conditions prevailing in that district. In the Rewari tahsil, which adjoins the Jhajjar tahsil, people suffer from scarcity of drinking water and the Government does not pay any serious attention to this difficulty. Perhaps the apathy of the Government is due to the fact that political activities in that *claga* are at the lowest ebb and the poverty-stricken people are too loyal to make any complaint against the Government. The result is that even a police constable or a *chaukidar* can commit all sorts of atrocities on them without any fear of being reported against to the higher authorities who too in their turn do not take any notice. Let us see whether during the next four years of settlement some grievances of the people are redressed. One of their long standing complaints is that *begar* is taken from them by government officials, and, unfortunately there exists and in an increasing degree this cruel practice under the Unionist Government.

Coming to the poverty of the people of Gurgaon, I may be permitted to say that the grand processions of elephants that were recently taken out there in honour of our Honourable Ministers should not be taken as an indication of their prosperity. It was merely a cloak to hide their miserable plight. If the residents of that district entertain any hopes about getting some relief in the coming settlement, I might assure them on the basis of my past experience that they are sadly mistaken. Settlements are invariably intended by Government to increase their revenue and thereby add to the burden of the peasants.

Mr. Speaker : The honourable member is repeating the arguments already advanced by him.

Pandit Shri Ram Sharma : One word more and I have done. I merely wished to throw some light on the aims and objects that the Government has in view in carrying on these settlements from time to time. If the settlement in the district of Gurgaon is also to be carried out on the same lines I am afraid no advantage will accrue to the agriculturists. It seems out of the question to hope that small holders will be exempted from the payment of land revenue. All that can be expected is that the settlement authorities will reduce land revenue in certain areas and increase it in certain other parts of the same district.

With these few words, Sir, I strongly support the cut that is under the consideration of the House.

Minister of Revenue (The Honourable Dr. Sir Sunder Singh Majithia) : My friends on the opposite benches are labouring under a delusion that settlements are taken in hand for the purpose of increasing the revenue of the district.

Sardar Partab Singh : I wish to ask one question through you.

Minister : I am not giving way. That is not generally the question. The settlement of a district is done with the purpose of seeing whether the assessment is heavy so that it should be reduced, or whether the assessment is low so that it may be increased. On the other hand, the assessment is also done for the purposes of correcting the records, settlement maps, etc. These are the objects with which the settlement is undertaken. My friends

[Minister for Revenue.]

opposite are always of the view that they are being undertaken with the purpose of increasing land revenue. My honourable friend Lala Duni Chand said that it should have come in at the time of the last Budget. My friend should understand that at the time of the last Budget we had not come to any decision on the subject. We had to decide whether we had to start settlement operations in Gurgaon, Rohtak or Karnal. These are the three districts which have to come under settlement operations. On the special request of my friends from Gurgaon, who saw me in Lahore, I agreed and I persuaded my other colleagues that we must take in hand the settlement operations in Gurgaon district. I may be permitted to say that this thing was decided after the Budget session was over. Therefore we could not possibly foresee whether we had to start settlement operations in Gurgaon, Karnal or any other place. Last year we could not come forward with a demand and this is the only occasion when we could come with a demand for five months only. The regular demand for next year will come up later when the new Budget is put before the House. My friend said that the difficulties of the people have increased. I do not know what he means, thereby. I do not know what are the difficulties that the people have to face when settlement operations start. I may be permitted to say a few words with regard to the condition of Gurgaon where we are undertaking this settlement. My friends perhaps do not know that the settlement of Gurgaon has practically broken down. It has broken down because people are not able to pay the land revenue and in spite of the very big remissions that we had been giving to this district, the difficulty is still there. Do my honourable friends think that even after doing all that is possible for Gurgaon people, we should sit tight and do nothing or that we should postpone the settlement operations indefinitely and let the present settlement conditions go on as they are? The position is that there is keen demand for resettlement of this district and I am trying to meet that demand by appointing an officer of the I. C. S. to be Settlement Officer of the district. The last settlement, as my friend has himself said, was held in 1929 but the backwardness of the district has to be kept in view as also the economic position of the people of the district. My friends questioned the state of affairs as regards the demand and revenue. They would be interested to know that out of a total demand of Rs. 15,85,621, Rs. 12,88,127 were recovered. Besides that the condition of the people is such that they continue to be under debt on account of taccavi loans and loans due to co-operative societies. The extent of these loans comes to about 50 lakhs of rupees which is a very heavy burden upon the people. We want to see that the settlement is just, equitable and proper. We want to give relief which we have been giving by way of remissions in cases where we could not give relief by way of reducing the demand. I think we are doing our utmost in this matter. As regards the population, in the year 1921 it was 6.82 lakhs and in 1931 it was 67.40 lakhs. The number of wells has increased, the area under well irrigation has also increased and the number of bullock carts is also on the increase. With all these things our objective is to start the settlement not with the idea that we have to make any increase. My friend forgets, as I told him at the time of the Budget, the remissions that we have given under a sliding scale. He forgets that every year we give relief.

Sardar Sampuran Singh : The result is more burden.

Minister : Certainly not. I repudiate that charge (*Hear, hear*) as emphatically as I can.

Chaudhri Krishna Gopal Dutt : How much less burden ?

Minister : Up to this time the old settlement continues. The new settlement has not come into force up till now. We are giving remissions to the tune of 25 to 30 lakhs a year.

Sardar Sampuran Singh : I pay more.

Minister : You pay more because you are able to pay more. Therefore, you must pay more. If you like we will charge you still more.

Therefore we reduce the land revenue where it is possible to do so. The probability is that the demand would go down ; it would not go up. I can assure my honourable friend that the probability is that the demand would go further down than what it has been in the past. I am not able to give figures, but my friends can rest assured that this settlement would be for the benefit of the people of Gurgaon. My friend Lala Duni Chand does not belong to that district but there are other friends who belong to that district. He has never come forward and said : do not have this settlement ; it is not a good thing. His advice is for those people. I am not going to accept the advice of my honourable friend. There is no reason why this ent should be allowed.

4 P. M.

Mr. Speaker : The question is—

That the item of Rs. 60,340 on account of total (6) Settlement Operations in Gurgaon district be reduced by Rs. 1.

The motion was lost.

Mr. Speaker : The question is—

That a supplementary sum not exceeding Rs. 89,970 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Land Revenue,

The motion was carried.

FORESTS.

Finance Minister (The Honourable Mr. Manohar Lal) : I beg to move—

That a supplementary sum not exceeding Rs. 3,39,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Forests.

Mr. Speaker : Demand moved is—

That a supplementary sum not exceeding Rs. 3,39,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Forests.

Settlement of claims of Raja Sir Daya Kishan Kaul in respect of Jallo Resin and Turpentine Factory.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : I beg to move—

That the demand be reduced by Rs. 100.

I move this reduction in order to elicit further particulars of the settlement and to find out whether it is justified. In the note under this demand it

[S. Hari Singh.]

is said that the sum of Rs. 3,39,000, which is quite a big sum for a poor province like the Punjab will be paid to Raja Sir Daya Kishan Kaul as a result, and in consequence, of the termination of a certain agreement entered into by the Punjab Government with the said Raja Sahib in the year 1922. The partnership expired on the 31st January, 1937, and for a year or so negotiations were going on between the co-partner and the Government. On the termination of the partnership Sir Daya Kishan Kaul was paid the sum of Rs. 9,19,781-0-2 and there was still an amount outstanding against the Government on account of what we are told was his right, title, claim, so on and so forth. The interest comes to Rs. 28,425-4-0 at the rate of 6 per cent. per annum. My first objection is to the high rate of interest paid to the co-partner. If it was a part of the agreement deed we may have no objection, otherwise we must object to such a high rate of interest being paid to Raja Sir Daya Kishan Kaul on account of some outstanding claims against Government. We are further entitled to know the main particulars of the agreement deed and the details of Rs. 3,39,000 paid to the co-partner, the amount paid by way of good-will and the amount paid on account of claims and various rights. This House is entitled to know fuller details of this matter before we vote Rs. 3,39,000. That is not a mean sum; we also want an explanation why such a high rate of interest has been paid to the co-partner.

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

That the demand be reduced by Rs. 100.

Malik Barkat Ali: I desire to bring it to your notice that this amount has been paid. If the amount has been paid, can it come in the shape of a supplementary grant before the House? I refer you to page 21 of the Supplementary Estimates where it is said that the balance of Rs. 3,39,000 determined by the Government after protracted negotiations with the outgoing partner has been paid.

Mr. Speaker: A similar point was raised during the budget session when I said, if I recollect aright, that we might wait till our rules of Procedure were passed.

Malik Barkat Ali: You were pleased to hold that a certain sum of money spent as an excess grant can only come before the House after it has been placed before the Public Accounts Committee.

Revenue Minister (The Honourable Dr. Sir Sundar Singh Majithia). My friend has again come up with the proposition that we are probably squandering away the money of the province (*hear, hear*). My friend says (*hear; hear*) (*Interruptions*).

Mr. Speaker: The Honourable Minister may go on with his speech.

Minister: In the matter of this concern, which is valued at several lakhs, may be over 20 lakhs, the Government and Raja Sir Daya Kishan Kaul were the two partners. In the original agreement it was provided that either Sir Daya Kishan Kaul should buy us out or we shall buy him out. We find, Sir, that it was a complicated proposition for Government to buy him out. Any reasonable man having the best interests of the

Province could say that we should not buy him out. The sum of Rs. 3,39,000 has been paid to him to settle up all his claim and interest. Does my honourable friend wish that we take it away and utilise it for the benefit of the province and give the gentleman who had invested his capital no compensation?

The second point that I wish to bring to the notice of the House is that besides that capital he had shares in raw material, royalty and all those other things that were provided. In the agreement it was provided that if we could not come to an agreement between ourselves, the matter would be referred to an arbitrator and that the decision of the arbitrator would be binding on both parties. What have we done? We have tried to avoid the procedure of arbitration, which is a lengthy process and as such may entail longer time. To come to an agreement we had to spend nearly one year and for that purpose it was agreed that the amount that was due to him, as share in raw material, royalty and all other things, should not be paid only in cash but he should have the benefit of the interest that was provided in the agreement. That is what we have done. We have not done anything else. Two respectable accountants, one from his side and the other a chartered accountant from our side, were appointed and they went into the case thoroughly and after going into all the details, they made a report. On the basis of that report, the amount which was due to him has been paid with interest. It is not fair to take this money into the exchequer of the province and deprive that gentleman of his share when he is leaving his partnership. In these circumstances, I am sure that my honourable friend would not press his motion.

Sardar Sampuran Singh : I would ask the Honourable Minister one or two things. How much capital was invested by that party, and was any depreciation for that deducted from the capital investment and how much profit was he supposed to have made during these 15 years? If he answers these three questions, the whole thing will be quite clear.

Minister : I have not got that information but I could satisfy his curiosity.

Mr. Speaker : Question is—

That the demand be reduced by Rs. 100.

The motion was lost.

Mr. Speaker : The question is that—

A supplementary sum not exceeding Rs. 3,39,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Forests.

The motion was carried.

IRRIGATION WORKS.

Minister for Finance (The Honourable Mr. Manohar Lal) : Sir, I beg to move that—

A supplementary sum not exceeding Rs. 1,51,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Irrigation Works.

Mr. Speaker : The motion moved is that—

A supplementary sum not exceeding to Rs. 1,51,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1933, in respect of Irrigation Works.

Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (Urdu) : Sir, I want to say a few words regarding the allocation of a sum of Rs. 1,26,000 on account of Karol Project in the Supplementary Estimates. The scarcity of water in the villages of the Ambala division has time and again been brought to the notice of the Government. But I am sorry to say that Ambala division has been very badly neglected in respect of arrangements for water supply that have hitherto been undertaken by the Government. Nothing has so far been done to remove the grievances of the people of those villages who are suffering great hardships owing to the scarcity of water. Justice demands that a fair share should be allotted out of the sum of Rs. 1,26,000 to Ambala division where conditions are growing from bad to worse owing to the scarcity of canal water.

Mr. Speaker : The honourable member is discussing only one item out of the total demand. Does he not wish to oppose the whole demand ?

Khawaja Ghulam Samad : I am raising the question of tube-well investigation in the whole province.

Mr. Speaker : The honourable member cannot discuss that item alone when discussing or opposing the whole demand.

Khawaja Ghulam Samad : I am discussing the whole demand.

Mr. Speaker : Does the whole demand relate to tube-well investigation in the whole province ?

Khawaja Ghulam Samad : The point which I have brought before the House is that the people of Ambala division are suffering great hardships owing to the scarcity of water. Such experiments should have been made earlier in places where there is scarcity of water and not in territories where there is plenty of water like the territory chosen for tube-well investigation.

Mr. Speaker : The honourable member is again speaking to a particular item in the demand and referring to a particular area.

Khawaja Ghulam Samad (Urdu) : I have referred to Ambala division for illustration purposes. Besides, the grievances regarding the scarcity of water in Ambala division have many a time before been brought to the notice of the Government.

Mr. Speaker : The honourable member is not speaking to the whole demand.

Sardar Sahib Sardar Gurbachan Singh (Jullundur West, Sikh, Rural) : I oppose the whole demand. The demand consists of two parts ; the first is about Rs. 25,000 to be allowed for a special officer about water-logging and the second is the tube-well investigation scheme (Karol Project). The latter project relates to tube-well investigation near Lahore. What I wish to point out is that there is great difficulty in my part of the province, that is the Jullundur and Hoshiarpur districts, where the water level is very low.

Mr. Speaker : The honourable member is not in order in raising the question of his district alone.

Sardar Sahib Sardar Gurbachan Singh : My contention is that there is canal irrigation in Lahore and there is no need for tube-well investigation in that district whereas in my district where there is no canal irrigation it is desirable to carry on this investigation.

Mr. Speaker : The honourable member cannot discuss that. He may discuss why the Government's proposal should not be accepted, but he cannot suggest that the investigation should be done in any specified area.

Sardar Sahib Sardar Gurbachan Singh : I am explaining why the Government's proposal should not be accepted. My reason for objecting to the proposal is that there is plenty of canal water in the Lahore district and that, therefore, there is no necessity for any tube-wells there.

Mr. Speaker : The honourable member is quite welcome to say that, but he is suggesting that this money should be spent elsewhere.

Sardar Sahib Sardar Gurbachan Singh : I am contending that this money should not be spent in Lahore, but it should be saved to be spent in my part of the province.

Khan Bahadur Captain Malik Muzaffar Khan (Mianwali South, Muhammadan), (Rural) (Urdu) : Sir, I rise to support the cut motion under discussion, and I want to make some suggestions in this connection. I have come to know from the speeches that have been made on the floor of this House that the Government is going to undertake tube-well investigation in Lahore district. I wonder whether Government has actually any intention of doing so. I do not think there is any need to adopt tube-well investigations in an area like the Lahore district where the canals are sufficient for irrigation purposes. My submission is that the Government should undertake tube-well investigations in those areas where there is no possibility of extensions of canals. In this connection, I would like to mention Mianwali and Campbellpore districts and tahsil Khushab where even potable water is not available and the people living there are suffering great hardships owing to the scarcity of water. In all the western districts and especially in the district of Mianwali tube-well investigations should be started. I do not understand why Government spend lakhs of rupees on those *ilagas* where there is absolutely no need of undertaking tube-well investigations.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : Sir, I congratulate the Government on the fact that once at least they have tried to take a step in the right direction. This question of waterlogging is really a very serious problem in this province and what I am astonished at is that they should have taken this matter seriously so late in the day. Mr. Crump is admittedly a very capable engineer and has been in the department for so long and it is really a pity that he should not have been employed on this important work for such a long time. The Government spent lakhs of rupees on surveying areas in the Amritsar and Gurdaspur districts for finding out the sub-soil water and with the idea of having tube-wells in that area to make irrigation perennial. It was reported by the department—I mean by the lift irrigation branch of the Agriculture Department—that these tube-wells will not only pay their way but will bring still more money to the Government in the form of *khush kassati*. That scheme, after so much money having been spent, was shelved. My grouse against the Government is that they start things too late and then in a very half-hearted way do things

[S. Sampuran Singh.]

and before anything matures they abandon them. So far as tube-well investigation is concerned, I have to make only one remark. Lahore is not the place where they should try this scheme, because Lahore area is irrigated by the Upper Bari Doab and moreover the sub-soil water there is not very far and irrigation can also be done by ordinary wells with great advantage. In these circumstances, I would submit that part II of this demand should altogether be rejected, not because the scheme is bad but because Lahore is not quite the right place for this work.

Mr. Speaker: The honourable member is discussing only one item of the demand and not the whole demand.

Sardar Sampuran Singh: My line of argument was only to show that the place they have selected for this scheme is not the right one.

Sardar Hari Singh: May I know whether when the items in the demand are not connected with each other as regards the subject matter or otherwise, we cannot discuss the whole demand item by item?

Mr. Speaker: If an honourable member intends to discuss a whole demand item by item he should move amendments to as many items as he wishes to discuss.

Sardar Hari Singh: But we have to discuss one item after another.

Mr. Speaker: In that case notice of amendments to every one of those items should have been given.

Revenue Minister (The Honourable Dr. Sir Sundar Singh Majithia): A great deal of stress has been laid on the fact that this thing is being done, that thing is being done and so on. I shall not be in order to speak on any separate item. But in carrying out the experiments on tube-wells in the province we have to collect a good deal of information before we launch out a big scheme of expenditure. The scheme in Lahore is a sort of experimental scheme to see whether we can pump sub-soil water by means of electric current which is available in Lahore. As regards the complaint of my honourable friend Khwaja Ghulam Samad, I may inform him that the special officer went to Ambala and he had a talk with the district board members on this subject and any scheme that he proposes to put forward would certainly be sympathetically considered when the whole scheme of irrigation of tube-wells is taken up. As regards Sardar Gurbachan Singh who said that we should have started the scheme in Jullundur, the matter was discussed in the conference of which he was a member only as recently as two or three days back, and he knows that that conference is recommending to the Government that some tube-well experiments should also be started in Jullundur and Hoshiarpur. That is also going to be sympathetically considered by the Government when the recommendation of that conference comes before the Government. In these circumstances I think we are trying to meet the demands of everybody. But we cannot meet the demands of some of our friends from long distances. But I may remind Captain Muzaffar Khair that in a short time the Thal project is going to come into existence and his complaint of not having canal water will be met by that. In these circumstances, I think these experiments have also to be conducted with an idea whether we could supplement the supply of canals.

water in Western Jumna Canal and Sirhind Canal and in other ways to carry water to the areas which are thirsting for water. That is the reason why we are making these experiments and to thwart us and throw out the demand would be to throw out the good work which is going to be done by the Government.

Chaudhri Ram Sarup (Rohtak Central, General, Rural) (Urdu): Sir, I wish to make it clear at the very outset that I am not opposed to the scheme but I mean to oppose the method in which it is intended by the Government to carry it out. My main objection is against the place which has been selected by the Government to sink tube-wells. I may be permitted to suggest that Ambala division should have been preferred to Lahore in this matter because it is the Ambala division which suffers most from the scarcity of water, and I must make bold to observe that it would be nothing short of sheer waste of money to spend it on water supply in the Lahore division where water supply is already more than sufficient. In view of these hard facts I may be allowed to remark that the Ambala division would have been a better choice in this connection. That is all I had to say.

Mr. Speaker: The question is—

That a supplementary sum not exceeding Rs. 1,51,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Irrigation Works.

The motion was carried.

IRRIGATION ESTABLISHMENT.

Minister for Finance (The Honourable Mr. Manohar Lal): Sir, I beg to move—

That a supplementary sum not exceeding Rs. 56,600 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Irrigation Establishment.

Mr. Speaker: Motion moved is—

That a supplementary sum not exceeding Rs. 56,600 be granted to the Governor to defray the charges that will come in course of payment of the year ending 31st March, 1939, in respect of Irrigation Establishment.

Subsidence of water table in Bist Doab Ilaga.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural): Sir, I beg to move—

That the item of Rs. 13,800 on account of total A-(4) Executive-Bist Doab Sub-Division—be reduced by Rs. 100.

My object in moving this cut motion is to criticise the delay in devising measures to face the menace of subsidence water table in Bist Doab Ilaga and to make suggestions.

Mr. Speaker: This motion is out of order, and so are the other two on this demand.

SARDAR HARJAN SINGH: That the item of Rs. 13,800 on account of Total A-(4) Executive—Bist Doab Sub-Division—be reduced by Rs. 10.

REMARKS:—To criticise the delay in devising measures to face the menace of subsidence of water table in Bist Doab Ilaga.

SARDAR LAL SINGH: That the demand be reduced by Rs. 1.

REMARKS:—To raise a discussion on the general policy of Irrigation Department in reducing canal water supply generally and in Ludhiana District in particular.

Sardar Hari Singh : Then I suppose I can have my say on the contents of the demands. I am prepared to discuss this demand item by item. One of the items is Rs. 18,800 and may I with your permission first have my say on this item? My honourable friend the Revenue Minister wants this sum in order to implement the recommendations of the Bist Doab Conference held at Simla on the 27th of May, 1938.

Mr. Speaker : The honourable member is now discussing items. This is not in order.

Sardar Hari Singh : I wish to discuss all items. I cannot help doing this. I must discuss the contents of the demand and in so doing I must discuss the items.

Mr. Speaker : The honourable member gave notice of nominal cuts only. Had he given notice of substantive cuts, he could have discussed the items.

Sardar Hari Singh : Sir, I beg to assert my right to have my say on the contents of that item.

Mr. Speaker : I will read out to the House the practice of the Parliament as stated in May—

"In dealing with the items of an estimate it has been ruled that items must be dealt with separately and that an amendment including more than one item cannot be proposed by way of reduction of an item and must be moved as a reduction of the whole grant. Nor can a proposal be made for the reduction of the whole grant, for the purpose of renewing discussion upon an item on which a question has been proposed or debate arisen or upon any item previous thereto." (Page 534).

From this I conclude that when an honourable member wishes to discuss the whole demand, he cannot discuss the individual items of that demand, unless he has given notice for the omission or reduction of each item.

Sardar Hari Singh : We have also to note that the practice in the Parliament is different from what we have here and we must first adopt that practice in presenting demands. The only solution of this difficulty is that we may be allowed to speak on any of the items we please.

Mr. Speaker : The solution of this problem is that we may follow Parliamentary practice in this respect. Sir Erskine May says:—

"A grant may be submitted to the decision of the committee, at the discretion of the mover, by a proposal of the items of which a grant is composed in separate resolutions. For instance, an estimate for the purchase of land at South Kensington comprised three items. The first item was moved as a separate grant which was agreed to; and the other two items, taken together, were proposed as another grant, which was negatived—a course which was pursued with the express sanction of the chair" (page 530).

It is for the Government to decide whether it will follow the Parliamentary practice or not.

Minister for Finance : But to-day the demands have been moved.

Mr. Speaker : If the Honourable Finance Minister has no objection, the items may be allowed to be discussed as a special case.

Minister : There is no objection. Let them make a suggestion. We will take note of that.

Sardar Hari Singh : It is a subject on which so many Doaba people want to speak.

Minister : Naturally.

Sardar Hari Singh : I want to concentrate on item No. 4 under this demand on page 90 of the Supplementary Estimates which relates to the fall of water-table in Hoshiarpur and Jullundur districts. The Honourable Minister of Revenue proposes to spend Rs. 18,900 in order to establish a Bist Doab sub-division at Jullundur. I am grateful to him for this small mercy coming from him. A bird has whispered in my ear that the Honourable Minister says that he is doing something for the Doaba and that there is no reason why we should oppose his action in this respect. We are not opposing him. We are trying to help him with certain suggestions and we also want to make a complaint as to why the Government has made such a delay in coming to the rescue of the Doaba people. It has taken a year. It was during the last session held at Simla that some Members of the Legislative Assembly, I and my friends including some members from the Unionist Party itself, waited on the Minister of Revenue and his chief, the Premier, in the precincts of this Assembly and urged upon them the necessity of tackling the water problem in the Doaba. We told them definitely that there had arisen a desperate situation in that part of the country and that it required a desperate remedy and urgent measures. My grouse is that they have taken full one year in coming to a decision that a sub-division should be established in Jullundur in order that a comprehensive record of rainfall of the whole tract be recorded for the monsoon of 1938 and I hope he has already established this sub-division at Jullundur and that sub-division is in full swing. Secondly, he wants to observe the run-off of the two main drainages of the Doaba. Thirdly, he wants observation of flood levels along the Sutlej and the Beas rivers to ascertain whether it is possible for a system of inundation canals to be constructed to carry water during the period of floods into the Doab to assist in raising the sub-soil water table. It is said—

"In order to carry out this work it is essential that a sub-division be opened immediately so that the selection of an additional number of rain gauge stations and arrangements for observance of gauges may be made by the end of June and observation of run-off of the town Beas be arranged for before the arrival of the monsoon of 1938."

Raja Ghazanfar Ali Khan : Why do you object ?

Sardar Hari Singh : I am reading only certain relevant extracts. I want to say that the situation is such that it will not do to move in the fashion in which the Government is moving at a snail's pace in this matter. After full one year's labour it has produced the proverbial mouse in the form of that sub-division and it may take years to come to a conclusion. Who knows when the officers working in this sub-division may submit their report to the Government. They may take years over this work and go on drawing fat salaries and this Government, after a number of years, may say that such and such scheme is not practicable. There is no guarantee that this sub-division will be immediately tackling the problem. The situation in the Doaba is very serious and my friend will have to tackle the

[S. Hari Singh.]

problem in a very serious manner. The people of Doaba have been agitated over this problem for a number of years. About two decades ago or rather thirty or forty years ago the whole of Doaba was a flourishing and smiling garden and for the last so many years it is being slowly converted into a desert. I dare say that there will be many members to support me in my statement that that tract of land which was one day such a prosperous and smiling garden is being converted now into a desert and unless Government come to the rescue of the people of that *ilaga*, these people would...

Raja Ghazanfar Ali Khan : I want to ask whether the honourable member is still discussing item No. 1 by narrating the history of the last forty years of the Doaba.

Sardar Hari Singh : I am discussing the seriousness of the problem. Perhaps, by this interruption, the honourable Parliamentary Secretary wants to show to the House that he is Parliamentary Secretary to the Minister of Revenue. Everybody knows that Raja Ghazanfar Ali Khan is Parliamentary Secretary to the Minister of Revenue. If my honourable friend had visited Hoshiarpur district thirty years ago, he would have known that the *ilaga* from Dasuha to Garhshankar—a distance of 50 miles—was traversed in those days by small rivulets and those streams were perennial streams which irrigated the lands and there was no necessity of wells for irrigation in those days. But for the last three decades the water in the wells has been going down. Thirty years ago the water level was twenty feet below the surface but now it has gone down to 50 feet. In the course of twenty years it has resulted in a fall of 40 to 50 feet. The water level is constantly going down every year and the Government has not maintained the yearly record of fall of the water. It was the duty of Government to do so. The responsibility devolved upon them in this respect. They should have maintained a record of the fall of water from the very time when this state of affairs was brought to their notice.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : How does the honourable member know that the Government has not kept any record? The Government requires further data for which this staff is required.

Sardar Hari Singh : It appears from the note that the Government wants to have a certain record of rainfall, and other records. From that it appears that the Government has not been maintaining records of previous water-fall, etc. (*Interruption.*) There are so many questions at a time. I want one question at a time, so that I may be able to answer it. My proposition is that this very serious situation in the Doaba (*Voices : Repetition*) is not being tackled by the Government in the manner in which it ought to have been done. Hoshiarpur and Jullundur districts have been paying lakhs of rupees into the Government treasury since the advent of British *Raj*. Millions of rupees must have been paid into the Punjab treasury but in return they have not been given anything by way of relief either by construction of canals or other water-works. The Doaba people need drinking water as well as water for irrigating their fields. The people of this *ilaga*—the agriculturists—found it very easy to meet the land revenue demand of the Government by selling their mango crop because it was a tract of land which was rich with mango orchards and rich.

with crops of every kind but now the situation there is very serious and calls for immediate action and the expenditure of crores of rupees on the part of Government. Now the Government is going to spend a paltry sum of Rs. 18,800. We want that the Government should come next year for

5 P.M.

the vote of the House with a budget worth crores of rupees for the Doaba. If they can spend on the Haveli Project to the tune of 5½ crores, and again they are planning to spend for the south-eastern Punjab through the Bhakra Dam Scheme, and also more money for the Western Punjab, through the Thal Project, what stands in their way to spend crores of rupees for the Doaba people by opening canals, constructing dams to catch the rain water during the monsoon season and then letting it out for irrigation purposes in the dry season or by tube-well experiments ?

There are three suggestions to be made in this connection. One is that canals may be taken from the Sutlej and the Beas rivers. Secondly, tube-well experiments may be tried and, thirdly, big dams may be constructed in the Siwaliks in which rain water may be collected during the monsoon and in the dry season water may be allowed to irrigate the fields in the Doaba. It is certain that this scheme would cost Government crores of rupees, but it is worthwhile spending to satisfy the two districts out of 29 districts of the Punjab. We want that crores of rupees should be spent from the Government treasury for irrigation purposes and for supplying drinking water in that part of the country. I hope the present Government which is proud of calling itself a popular ministry will not grudge our part of the country its due share in the form of supply of water to the two districts.

Master Kabul Singh (Jullundur East, Sikh, Rural) (*Punjab*): Sir, I rise to support the cut motion under discussion. The question of the scarcity of water in the Doaba is not a question of recent times but it has been hanging fire for the last several years. Full fifteen months have passed since this Government came into power, but nothing substantial has been done so far to redress this grievance of the Doaba people. The present Government is going to spend about 14 thousand rupees for opening the Bist Doab sub-division but unfortunately this *ilaga* has failed to catch the Government's eye. It is very deplorable that our requests are always turned down by lame excuses and false promises of the present Government. Now, when we draw the attention of the present Government to the scarcity of water in the Doaba, they would go on putting us off for another two years. The Government would say like this. "The condition of your crops is quite good. This indicates that the water is quite sufficient for irrigation purposes in the Doaba and your complaints regarding the scarcity of water are baseless." This policy of giving evasive answer is very undesirable and it has been condemned many a time before in big conferences outside this House. Let me inform the Minister in charge that the Doaba was a garden of roses some years back but now on account of subsidence of water table it has become a desert. If the Government is going to accept our suggestion in order to face the menace of subsidence of water table it would be good and wise on its part; otherwise I am sure the people of that *ilaga* would revolt against the present Government, so much so that it would be out of their power to control them.

[Master Kabul Singh.]

It is obvious that the Government is taking great pains to complete the Thal Project, but nothing substantial is being done by the Government to redress the grievances of the Kisans of the Bist Doab *ilaga*. Is it because the members of this *ilaga* sit in opposition to the Unionist-cum-Muslim League Government? The Doaba can rightly take pride in the position taken up by their representatives.

(At this stage the Minister for Revenue pointed towards Sardar Sahib Gurbachan Singh.)

Master Kabul Singh: He is your relative.

Minister: You are also my relative.

Master Kabul Singh: Had some minion of the Government been sitting on these benches the Government would have considered this matter favourably. I may assure the Honourable House that the Doaba people do not believe in flattering the Government (*Cheers*). They know where the shoe pinches and how to stand on their own legs. If the present Government go on behaving like that the people of Bist Doab would be obliged to adopt measures for turning the tables on the present Government.

Sardar Harjab Singh (Hoshiarpur South Sikh, Rural) (*Punjabi*): Sir, we agree to the suggestion made by the Government but I think it is too late to bring forward such a scheme. I am very sorry to submit that the real scheme which is very necessary has not been put forward by the Government. For instance, in the Doaba the water level which was at 15 or 20 feet sometimes back, has gone down by 30 or 40 feet at present and almost every year the water level subsides by 2 feet or so. I am afraid if this continues for some years to come, the Doaba will become a desert like Bikaner and the residents of this *ilaga* will be obliged to leave their houses and migrate to other places in search of their livelihood. The attention of the Government has already been invited to the hardships of the residents of the Doaba, and I remember last year a deputation also waited upon the Honourable Premier and the Honourable Revenue Minister requesting them to take immediate steps to redress the grievances of the zamindars of the Doaba regarding the scarcity of water. But it is a thousand pities that the Government has so far been putting us off by saying soft words but has done nothing. Even at this time the Government evades us by saying that this matter is under consideration. Heaven knows when this consideration will end.

His Excellency the Governor was pleased to state the other day while addressing this Assembly, that his Government had granted a handsome amount for carrying out the Haveli Project, and that the Thal Project and Bhakra Scheme were also under consideration. But I would say it with much sorrow that the Governor has not paid any attention to the Doab *ilaga* which was populated centuries ago and which now is suffering hardships owing to the scarcity of water. We all collectively put these grievances before the Honourable Revenue Minister last year and he encouraged us by saying that Government was considering that case and in the near future a scheme would be brought forward for the desired purpose. Months have elapsed since that promise was made and we are still waiting for that scheme to be carried out which probably has been forgotten by the Honourable Minister for Revenue. In this connection my submission is

that a canal may be taken from the River Beas into the River Sutlej. In this way the particular area between the two rivers would be much better irrigated and the zamindars of the Doaba would generally reap benefit out of it, and moreover the water level would rise. Besides, the water coming from the hills that causes damage to the fields of the Doaba in the shape of Ohos should be controlled. If this water is controlled properly by means of bunds and left in a small quantity, the land of the Doaba would be saved from inundations, and by so doing the water-table could easily come up, and thousands of acres of land that have been made useless would become fruitful. My last submission is that the Government may start tube well investigation in the district of Jullundur because in this *ilaga* also water level is sinking. With these words, I support the amendment before the House.

Sardar Sahib Sardar Gurbachan Singh (Jullundur West, Sikh, Rural): Sir, allow me to congratulate my honourable friend, Sardar Hari Singh, who has now woken up from his drowsiness. For the last year and a half, I have been moving cut motions to this very effect but not a single member from that side has supported me. They have been carrying on a false propoganda against us telling people that we have done nothing, while they themselves did not utter a word up to this time to bring this urgent need of the Doaba to the notice of the Government. But now when something substantial is coming before us, they have come forward to oppose this demand for opening of a sub-division at Jullundur.

Mr. Speaker: The honourable member should not be personal.

Sardar Sahib Sardar Gurbachan Singh: May I know if I am personal in saying that my cut motions to that every effect were not at all supported by any member on that side, although, they say, they belong to the Doaba? Where were they then? (*Voices from the Opposition benches*: We moved cut motions.) Yes, not for moving them or discussing them in this House.

Mr. Speaker: The honourable member will please speak to the motion.

Sardar Sahib Sardar Gurbachan Singh: I am speaking to the motion. The motion is that a sub-division should be opened in Jullundur. I am very glad that Government has taken some steps in this direction, though I must admit that this is not enough and lots more will yet have to be done and large sums of money will have to be provided, but I am not ungrateful for this first step that the Government has taken, and we will go on pressing the Government to take further steps immediately. I therefore oppose the cut motion of my friend.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*): Sir, all the three honourable members who have preceded me have thrown sufficient light on the deplorable fact that there is an extreme dearth of water supply in the Doaba. But it is gratifying to note that the Unionist Government has proposed to establish a sub-division in the Doaba with a view to improve the water supply in the *ilaga*, and I, on behalf of my party as well as myself, congratulate the Government for this right step in the right direction. At the same time I am sorry to observe that my honourable friend Sardar Gurbachan Singh has sought to give party colour to this question and tried to claim credit for having brought up this proposal before the House. Let me assure him that we, sitting on this side of the House, are not anxious to seek any credit. We can well realise that a party in power

[Ch. Kartar Singh.]

usually indulges in tall talk like this. But I would like to assure them, through you, Sir, that our party is always prepared to praise the Government provided they do anything for the good of the poor peasants. Besides, I should very much like the Honourable Minister for Revenue to assure us that unless and until the water supply in the Ambala and the Jullundur divisions is improved, no more money would be spent on the Haveli and the Thal projects. In this connection, it is important to remember that a few wells sunk in the cities of Jullundur, Hoshiarpur or Ambala will not suffice to improve the water-supply in these two divisions.

It cannot be gainsaid that the Government intends to please the landlords of other divisions by spending large amounts of money on the Thal and the Haveli projects. Nevertheless we appreciate whatever little good the Government is able to do in our much neglected districts and we feel little hesitation in congratulating them for this. But I would like to make it clear that the poor peasants of the Ambala and Jullundur divisions pay up the land revenue just in the same manner as the landlords do in the Rawalpindi or the Lahore division. You would be rather surprised to learn that while the zamindars of the Jullundur and Ambala divisions pay up every penny of Government dues, the big landlords of the Lahore and Rawalpindi divisions have large amounts of Government dues still outstanding in their names. It therefore equally behoves the Government to accord the same treatment to the residents of the Ambala and Jullundur divisions just as is meted out to the jagirdars of other divisions. With these few words, Sir, I beg to support the motion now before the House.

Sardar Mula Singh (Hoshiarpur South, Reserved Seat, Rural) (*Urdu*): Sir, I rise to support the out motion that has been moved by my honourable friend Sardar Hari Singh. The object of this motion is to discuss the deplorable condition of the people residing in the Doaba. This *slaga* includes the districts of Hoshiarpur and Jullundur and the main cause of the misery of the residents of this area is that a number of streams come down the Siwalik Hills and devastate the fields of the agriculturists. The tahsils of Garhshankar, Una, Dasuya, Hoshiarpur and Jullundur suffer most from this visitation. But it is a thousand pities that the Government has not been able so far to do anything to save the *slaga* from this continuous ruination of the agricultural lands, in spite of the fact that the attention of the Government has repeatedly been drawn towards this in the Assembly as well as through the instrumentality of deputations and conferences. In addition to the ruin and suffering caused by *chos*, the inhabitants of this area constantly suffer from the scarcity of the water supply and the suffering of the depressed classes are even greater. Their miserable condition is better untold.

Even if a well is sunk 75 feet or 90 feet deep, the water level is not reached, with the result that in several cases wells are left uncompleted. There is no doubt that the Government has provided a small sum of money for improving the water supply in this area, but I would observe that this amount is totally inadequate for the purpose and is intended only to serve as an eye-wash. In fact, nothing is being done to raise the water level in this locality.

On the other hand, several lakhs of rupees are being spent on the Haweli Project and the Thal Project, in other divisions in order to benefit the landlords who are henchmen of the Government. But the influential representatives of our class like Rai Hari Chand and Sardar Gurbachan Singh are under the thumb of the landlords of other divisions. They accuse us that we failed on some previous occasions to support a motion which they had tabled in the interests of the Doaba. Let me remind them that when we pressed a similar motion in the last Simla session, the Government which they are out to support, did not show the least consideration for it and rejected it straight off. If they are really anxious to remove the hardship of the Doaba people caused by the scarcity of the water supply, here is an opportunity for them to prove their sympathy. We are presently going to organise a demonstration at Lahore in order to protest against the callousness of the Government in not doing anything to remove this difficulty. Are we to take it that all the seven honourable members representing the Doaba who are also members of the Unionist Party will join this demonstration?

Minister for Revenue: You had better attempt some constructive scheme in the Doaba itself. A demonstration at Lahore would be useless.

Sardar Mula Singh: That is for the Government to attempt. Our duty is only to acquaint them with the real situation. As for as our own activities are concerned, I may assure the Honourable Minister that we are already doing a lot of useful work.

Again, I wish to draw the attention of the House to the destruction caused by the *choks* that come down the Siwalik Hills. The Government should be well-advised to construct a dam which would prevent these *choks* from flooding the Doaba. Another scheme would be to construct a canal from the Sutlej to the Beas in which the water of these *choks* would flow and irrigate the vast area. If that be impracticable, tube wells may be sunk in order to improve the water supply there. I find that my honourable friend Sir Sundar Singh Majithia is signifying his disapproval by shaking his head. I am afraid he is justified in doing so, because he is completely under the influence of the Tiwanas and the Noonas. He dare not think of the welfare of the people residing in the Doaba. I may submit that the residents of the Doaba are suffering from the abovementioned natural calamities. I therefore request the Government that they should at least undertake some scheme in order to ameliorate the condition of the depressed classes in the districts of Jullundur and Hoshiarpur. If nothing is done in this respect, I would submit that the depressed classes as a whole would fall foul with the Government. With these words, I whole-heartedly support my honourable friend Sardar Hari Singh.

Sardar Partab Singh (Amritsar South, Sikh, Baral, Punjab): Sir, I perfectly remember the time when the shortage of water supply in the Doaba came under discussion in the Punjab Legislative Council. If I remember right it was in the year 1931-32 that this matter was first brought to the notice of the Government. But for seven long years the Government remained silent and now when a representation signed by one lakh of people has been submitted and hundreds of conferences have been held complaining about the scarcity of water in the Doaba and literally the whole of the Doaba is up to get sufficient supply of water, the Government have come

[8. Partab Singh:]

forward with a supplementary demand of Rs. 18,800 in order to supplement the recommendations of the Bist Doaba Conference held at Ellerslie on 27th May, 1933. In order to carry out this work the Government have decided to open a sub-division immediately so that the selection of an additional number of raingauge stations and arrangements for the observance of gauges may be made by the end of June and the observation of run off of the two Beins be arranged before the arrival of the monsoon of 1933. In my opinion the only object of the Government is to find out how much rainfall is recorded in Jullundur and Hoshiarpur, and nothing more. I am afraid that this sum of Rs. 18,800 is provided in the Supplementary Estimates with a view to secure jobs for some of the people belonging to the Government Party. It is a strange thing that though this question was brought to the notice of the Government as early as 1931-32 up till now the Government has done nothing to ameliorate the condition of the people of the Doaba. I am of the opinion that the sum of Rs. 18,800 that has been provided in the Supplementary Estimates is too small and paltry as compared with the troubles of the people of this *ilaga*.

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

Besides, I may point out that the wells in the Doaba are so bad that even if a few buckets of water are drawn the water becomes dirty and muddy and consequently unfit for human consumption. So the result is that the people get up very early and proceed towards the wells and await their turn in lines and every one of them tries his level best to reach earlier than the other in order to get pure water. I very regretfully say that the old wells have fallen down, and though many new wells have been dug up, still the troubles of the people remain the same as before. I respectfully submit that the Government or in fact the Irrigation Department, has realised 115 crores of rupees from the agriculturists of this province as land revenue. Up till 1936 the Government paid 33 crores and 80 lakhs as interest against the loan of 33 crores and 40 lakhs that was raised in England. The net savings of this department have been not less than 80 crores of rupees. Further, the Government dug out the Sirhind canal from the River Sutlej running through this *ilaga* and carried the water to other waterless tracts and thereby got a lot of benefit, but the result was that the Doab *ilaga* is being rendered waterless and barren. Everybody knows that the Doab *ilaga* which once was named as the garden of the Punjab, has been converted into a desert. It is a pity that after so many years the Government have come forward with only a paltry sum of Rs. 18,800 to help the poor inhabitants of this *ilaga*.

Besides, many a time the Government have accused that because the Doab *ilaga* is the hot bed of revolutionaries, therefore the Government do not wish to help its inhabitants. I may submit that the people of that *ilaga* have only small tracts of land and they are face to face with the scarcity of water. These difficulties compel them to go outside their own districts for earning their livelihood and thus they have first hand impressions of seeing the workings of free governments and countries. When they come back they naturally reflect in their ideas and actions the spirit of freedom. I make bold to say that the condition of the people of the Doaba has reached such a pitch that if ever a revolution breaks out, it will

certainly start from this place. If my honourable friends over there wish to stop the breaking out of the revolution they should not only spend Rs. 13,800 but they should come forward with a sum of 5 or 6 crores of rupees. If they spend so much money I am sure that within a year all the seething revolutionary ideas emanating from the scarcity of water of the Doaba people would soothe down. Moreover, I can say that if the Government spend the abovementioned amount on the Doaba, they would not be losers in any way, for they have already realised to the extent of 80 crores of rupees as land revenue from the Province. If the Government think that the sum that I have suggested is too much and they can ill-afford to spend this huge sum on one *ilaga* only, I would suggest that a cut should be imposed on the salaries of the officers of the Irrigation Department in order to make up the loss that would be incurred by spending this sum. When I was in America I learnt that the American revolution broke out because the then English Government or the Parliament wanted to impose upon the Americans a duty on sugar. The result was that England lost America just for imposing an absurd duty on sugar against the wishes of the people of that country. I am inclined to think that owing to the mal-treatment of the Irrigation Department in Amritsar, Lyallpur and Ludhiana districts on account of the scarcity of water in the Doaba the revolution is bound to break out early and it will overthrow not only the Irrigation Department but the present Government that allows the autocratic Irrigation Department to do injustice to the people of the Province. This department draws much money in the shape of salaries and working expenses. It is a department of stiff-necked people and is a living example of Caesarism in the Punjab. I am sure that one day this department is bound to have a fall. It would be better that it should mend matters before it should have a fall, and help the hard-pressed people. With these words, I support the contention of Sardar Hari Singh.

Rai Hari Chand (Una, General, Rural) (*Urdu*): Sir, at the very outset I wish to thank the Government for providing the sum of Rs. 13,800 for the Doaba in the Supplementary Estimates. But I am sorry to find that my honourable friend Sardar Hari Singh and other Sikh members of the Assembly who are very alert and serious thinking people and who have been members of the previous Legislative Council, are blaming the present Government for the sins of the past Government. There is a Punjabi proverb which aptly applies to this and it is as follows:—

فانی خصم کو دھتی چٹی بہرے

(*Interruptions*).

If the last Government has not done anything to ameliorate the condition of the people of the Doaba, the present zamindar Government cannot be held responsible for their shortcomings. I am definitely of the opinion that if the honourable members on the opposite take this matter seriously into consideration, they would find that the present Government is conscientiously considering the question of giving relief to the people of the Doaba. As far as I have been able to find out from the Government Gazette and as a member of the non-official committee I can vouchsafe the fact that this question has been under the consideration of the Government for the

[Rai Hari Chand.]

past several years. The previous Government have not published any report nor have they taken any preventive measures, but I take pride in saying that since the year 1937 when this Government came into power and this matter was brought to their notice, they are considering it very seriously (*Interruptions*). When the honourable members on the opposite were speaking, none from this side of the House interrupted them, but it is a matter of regret for me to find that now when we get up to speak, my honourable friends over there interrupt our speeches so often. I would request them to give us the same allowance which they would like to have for themselves.

Coming to the story proper I may submit that two committees were appointed to inquire into the problem of the scarcity of water of the Doaba *ilaga*. One of the committees was an official committee and the other was a non-official one of which I was also a member. Both the committees considered this matter and at present many schemes are under consideration by which water would be supplied to the Doaba *ilaga*. I may also submit that the Government are trying their level best and are spending all the available money in order to give relief to the people of this *ilaga*. It is not an easy problem which the Government can solve in a single day. I was on the committee and I have seen the report for myself and I know the difficulties which the Government has to face in this matter.

The first thing the Government has to do in this connection is to discover the causes which have led to a fall in the water table of the Doaba. I need say nothing in indication of Government's policy. It is for the Minister concerned to defend the Government, but I should like to say this for the benefit of my honourable friend Sardar Partap Singh that this sum is not intended to raise the level of the water but is required for the preliminary arrangements to be made in this connection. By and by the Government will tackle the whole problem itself.

I once again take this opportunity of thanking the Government for bringing forward this supplementary demand for the benefit of the people of the Bist Doab.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Very spirited speeches with a good deal of enthusiasm have been made by my friends on the opposite benches, but my friends do not realize that this is a question which cannot be dealt with like a juggler and that you cannot have in a night's time Allah Din's palace built for you. I may be permitted to say to the honourable members that the question has been before the Government since 1917 and the Government has been trying to find out ways and means of meeting this difficulty. The subject as my friends know is not an ordinary one, but is full of technical difficulties which require to be examined before they can be dealt with in the ordinary way. I may tell my honourable friends that as soon as this Government came into office, hardly about 15 months ago they appointed an officer from the Canal Department in the person of Mr. Benson. He in dealing with this question has looked into all its aspects and has written a big note printed in the form of a book which was made available, if I am not wrong, to some of the non-official members who attended the conference which was called on the 22nd

of this month. That conference was preceded by an official conference which dealt with the report of Mr. Benson and looked into the case very carefully. I may be permitted to say a few words as to the points that were considered by the committee. The following two matters had to be considered.

One is regarding the denudation of forest area which was chiefly responsible for turning this good *shaga* of Hoshiarpur and Jullundur and particularly of Hoshiarpur into *chos*. The second is the diminution of rainfall in the *shaga*, the increase of number of wells and the construction of the Sirhind Canal which is supposed to have done some damage to this *shaga*. All these points were considered one by one. As regards denudation of the forest, my honourable friends know what difficulties the Government is faced with when dealing with Siwalik hills wherefrom torrents after rain rush down and pass through the *shaga* below in the form of *chos* carrying along them heavy matter, boulders, stone and sand, and thereby spoiling the whole outlook of the district of Hoshiarpur. I have been there twice during this short time and I have had to pass over a *cho* almost after every mile of the road. It is sometimes difficult to cross these *chos* even on an ordinary conveyance. What we are doing in the areas affected by these *chos* is that we put in trees and grass in places whence these *chos* come. When people cut down all trees from these hill tracts, they never realize what will be the effect of the denudation of the forest growth. The result of that cutting the forest down is that the water from these hills comes down in torrents and trees, boulders, sand and stone are carried through the lands below to a great deal of ruination of the country. When we try to stop grazing of cattle, sheep and goats in these places we are faced with the difficulty that people complain that we are taking away their rights and their livelihood. These are the difficulties with which we are faced. Unless we do something in the way of growth of trees on these hill tracts which would stop denudation we cannot stop this erosion of the land. The next thing that we are doing in this matter is a sort of gully plugging in this area of *chos* so as to stop the damage which is being done to the country. We have been considering the question of *waiband* in the different tracts of the country so that the rain water should be conserved for the land and level of the well water may be raised. What happens in the absence of these *wats* is that the water flows out to the river and the land remains barren with the result that the water-level falls. Our friends have stated that we are not building dams. The question of building dams has also been considered and that matter is going to be taken up as soon as it is possible for the Government to do so. As regards tube-wells a good deal has been stated by our friends. We are not sinking any tube-wells in this part of the *shaga* for the reasons that I stated while dealing with the cut motion that was before us just now. I informed the House that we are trying to experiment with these tube-wells in some of these *shagas* and that point has been considered by the conference and its recommendations are going to be considered by the Government.

Then I come to the question of canals in this area. I find that this question is not free from difficulty. We have to take water from one river and perhaps put it into another. As my honourable friends know the water in the rivers is distributed amongst all people from higher up in the hills down to Sind into the Indus whose tributaries our rivers are. We cannot possibly go against the decision that has

[Minister for Revenue.]

been arrived at by the Government of India in the distribution of water between different co-sharers. People to whom the water is distributed have their rights and we cannot take away those rights. If we take away a small quantity of water we have to give compensation to these other parties.

Sardar Sampuran Singh: Can you not do without that?

Minister: I am putting forward the difficulties that have to be overcome if we have to run a canal even for the purpose of raising the level of the water. But before we build a canal I think it is absolutely necessary that we must have a contour survey of the *ilaga*. My honourable friend Sardar Partab Singh has stated "give us 6 crores of rupees for this *ilaga*." Does he want to have that to be distributed to the people of the *ilaga* or for the purpose of carrying out these improvements on his special propaganda? We have to adopt these remedies to meet the needs of the people. We cannot distribute this money as the Sardar has in mind. We are collecting data as regards wells, we are finding out how many wells have been sunk, how many wells have gone out of use and what is the depth of water in these wells. We have also to consider what is the rainfall and what is the effect of the rainfall. This grant which has been demanded is necessary for the purpose of starting a sub-division in the place because we cannot possibly expect the headquarters in the Secretariat to run the whole show themselves. They must have somebody on the spot to go into these difficult questions, to go into these points and submit a report for the consideration of the Irrigation Branch. My friends have stated that crores of rupees have been taken away by the Canal Department by way of profits and crores of rupees have been given in interest to those people from whom the money was borrowed. Does my friend want us that we should declare a moratorium or wipe off our debts? Can we do that? I assert that we cannot do that. It will not be right for the Punjab to take that action. If the Punjab has to keep its reputation in the money market that it can repay its debts, you cannot do that. (*Interruptions.*) We are doing that, Sir. We can if need be arrange loans for the purpose of this *ilaga*. My friends have asked, why are we not attending to the Bhakra Dam first and why are we starting this Thal Project? Do my friends know that Mr. Bedford, who is in charge of the Haveli Project, is going to save us lakhs of rupees by finishing the Haveli Project much earlier than would have been done in the ordinary course? Lest I should be bound down to this in future, I may say that my expectation is that in about 18 months or in a year's time, we will have some portion of the present staff which is now engaged in Haveli available to be employed somewhere else. What are we to do? Are we to employ that staff on this thing which requires consideration and which requires a scheme to be formulated, or are we to keep that staff there and get our friends to criticise the Government for wasting money without doing anything? Before we live in a house we have to build it. Before doing anything we have to get the scheme properly drawn out and approved by the Finance Department. My colleague on my left, the Finance Minister, would not allow even a small item to be spent without criticising it keenly. Sometimes I have to press very hard to get my friend agree to the proposal. The Finance Department is there and the Finance Department must keep the strings of the purse very tight in its hands and would not allow anybody

to draw anything which is not really needed. The conference has looked into this matter very carefully and as soon as we are ready with the scheme we will come forward before the House for the money to be provided. Criticism is quite all right, provided it is made with responsibility, but if criticism is simply for criticism's sake and not for constructive purposes, it is not a desirable thing. My honourable friends have said that I am under the thumb of other Ministers. (*Opposition cheers*) I am trying to do my duty according to my lights and I will go on doing my duty in spite of what my friends on the opposite benches say. I will try and do my duty to the best of my ability (*Hear hear from the Ministerial benches*). These are the things that require consideration. My friends know very well that this sort of criticism is not to be found in the provinces where responsibility has been placed on the shoulders of the Congress, in spite of the fact that section 144 is being applied and there are *lathi* charges, and other things are being done in the name of the Congress.

Chaudhri Krishna Gopal Dutt : Only against the landlords.

Minister : I will come to the landlords later on. If you are a landlord I will deal with you. Let my friends say anything that they like I am not going to mind and listen to them and I will go on doing my duty and let the caravan pass (*Hear, hear from the Ministerial benches*).

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : The question is—

That a supplementary sum not exceeding Rs. 56,600 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Irrigation Establishment.

The motion was carried.

GENERAL ADMINISTRATION.

Finance Minister (The Honourable Mr. Manchar Lal) : I beg to move—

That a supplementary sum not exceeding Rs. 1,00,630 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of General Administration.

Mr. Deputy Speaker : Motion moved—

That a supplementary sum not exceeding Rs. 1,00,630 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of General Administration.

Village Improvement Scheme.

Sardar Hari Singh (Kangra and Northern Hoshiarpur (Sikh), Rural) : I beg to move—

That the item of Rs. 21,550 on account of Village Improvement Scheme through District Staff, be reduced by Rs. 100.

The object of this out motion is to criticise the duplication of village improvement through Co-operative Staff and District Staff and to criticise the requiring of villagers to contribute not less than one-third of the cost and other features of the scheme. If you will read the note on page 33 of the Supplementary Estimates under the heading "Village improvement

[S. Hari Singh.]

schemes through district staff" you will find that the Government proposes to spend this money through the district staff in order to improve village roads and it is also said that the villagers will be required to contribute not less than one-third either in cash or in kind including labour. We have to make two objections in regard to this item. In the first place there is going to be a duplication of village improvement work. The Co-operative staff is already carrying on the village improvement scheme. That is the proper staff to be given this money to carry on the work. Duplication will only mean waste of money. We have to make a very strong protest against the proposition that the villagers will be required to pay one-third of the money required for this work. The villagers are already overburdened with so many taxes imposed by the Unionist Government. They are not able to bear any other taxation at the present time and I want to know under what law the Government proposes to raise one-third of the contribution from the villagers. Will that be compulsory contribution or otherwise? This point has not been made clear. If they raise it by compulsion, we will resist it with all the might at our command. I think that no villager will pay the amount on account of this work whether it be by way of improvement of roads or otherwise. We cannot at all subscribe to this proposition and cannot support the Government in duplication of the work and in raising money from the villagers.

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

That the item of Rs. 91,560 on account of Village Improvement Scheme through District Staff, be reduced by Rs. 100.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I would have congratulated the Government for improving the roads by this allotment but I find that there are two or three defects in the scheme itself. You will find that according to this scheme some of the money is going to be contributed by the villagers and two-thirds of the money is going to be allotted by the Government. By this system that money is going to be used through the district agency. The result would be that those district agencies which are going to use that money will have a loophole to coerce the villagers for the full amount of labour which is required for the improvement of all these roads. The villagers are not going to contribute anything in cash. What they can simply do is to provide labour and when providing labour the district staff will not have labour which will only be due from the villagers, but the district authorities will coerce the villagers to give labour for that portion for which they will have to pay from the pocket of the Government. This scheme is, therefore, defective. Either there should be no contribution and the whole improvement should be effected by the Government itself or, on the other hand, the villagers should be paid this whole amount and they may be allowed to make improvements by the contribution or share which they may get from the Government. If by this arrangement the whole money or share of the money due from the Government is given to the villagers, they will not at the same time get return for their labour but they will get the thing done in the best possible manner. So, in my opinion, the best way would be that instead of the

money being used through the district agency the amount of Government contribution should be paid to the villagers and those villagers might be asked to spend that money in the best possible way. This will result in saving to the Government, because there will be no corruption, misappropriation or any other waste. Not only these districts which are included in the scheme but some of the other districts as well, which have not been included in the scheme, might be benefited if my suggestion is adopted. With these remarks I support the motion.

Parliamentary Secretary (Chaudhri Tika Ram): The honourable member from Hoshiarpur, who moved the cut motion, has made two points—rather has taken two objections against the scheme. The first objection is that no contribution should be realised from the villagers and his second objection is that there is going to be a duplication and consequently waste of money and waste of energy if the proposed scheme is carried out. He has asked one question whether the contribution would be a voluntary one or whether it would be a compulsory sort of contribution. I desire to reply to these two objections. So far as his first objection regarding the contribution is concerned, I would like to place before you the difficulty which the Government had in this matter. The Punjab Government was supplied with certain funds out of the village improvement contribution of one crore given by the Government of India in the year 1935. The Punjab Government got eight lakhs and some thousands out of this sum given by the Government of India. Out of that money a considerable amount was not spent in time, because there

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were certain difficulties in the way of purchase of machinery and other schemes were not in hand and certain administrative sanctions had to be obtained for these schemes. Now these schemes are ready and Government had at its disposal only Rs. 1,13,000 and it had to divide this amount throughout the province. If it was going to divide it districtwise, the sum would have been of absolutely no use because there are 29 districts. Such a small sum as Rs. 1,13,000 would not have made any difference. So the Government adopted a scheme in order to encourage local initiative and local enterprise. They laid down the condition that only those villages will be allowed the benefit of this scheme which contribute, of course voluntarily, one-third the expenses of the scheme. This scheme relates only to the improvement of roads and those districts which are keen to improve the condition of their roads are required to meet one-third of the cost of this scheme, and only those districts which are prepared to agree to this condition will be allowed to derive a benefit out of this scheme. Only 11 districts came forward to contribute one-third of the cost voluntarily. Therefore the Government has allotted this amount among those districts and the amount placed at their disposal has been shown in the estimates, the amount allotted to each of the districts is stated quite clearly. In order to ensure the interest of efficiency the Government have had to do so. Of course, if more funds are available, the Government would be only too glad to provide money to all the districts in this way. With the present limited funds at its disposal Government could not do anything but formulate the scheme on this basis.

The other point raised by my honourable friend-Sardar Hari Singh was that this is going to be duplication and consequently waste of energy and

[Ch. Tika Ram.]

money. My submission on this point is that village improvement is being done in the districts of the Punjab through several agencies. There are certain district boards who are helping in this scheme and there are also village community councils in each district. All these various agencies are engaged in this rural uplift work and so the Co-operative Department, which is one of the agencies, is doing, of course, very useful work. The kind of work for which this money is allotted required that some executive officers should be entrusted with this scheme, because of their experience of local conditions and the necessity of the co-operation of the district officials, i.e., patwaris, zaildars, tahsildars and naib-tahsildars and the revenue assistant. So the Government thought it wise to utilise the services of all these officials and has, therefore, decided to supplement the work done through the co-operative and other agencies by that of the district staff. What the district staff is going to do will be only this that they will be supplementing the activities of the Co-operative Department in the matter of the improvement of the village roads. Of course, the Co-operative Department has done very good work in this direction.

Mian Abdul Rab : The Parliamentary Secretary has been saying that so much amount has been allotted. May I know why such a big amount was allotted to the Multan division, and practically nothing has been given to the Jullundur division ?

Chaudhri Tika Ram : I have already explained that when this money, that is, Rs. 1,13,000 was available, suggestions were invited from various districts and this scheme of voluntary contribution was sent to all the districts. The districts that came forward and accepted this scheme have been allowed to have the benefit of the scheme. If more districts of the Multan division are ready and willing to benefit and accept the condition laid down by the Government, then, of course, those districts will also have the benefit of this scheme. Government had an open mind in this matter and made an offer to all the districts and only those districts which came forward to make voluntary contribution to the extent of one-third of the cost of the scheme have been allowed to have the benefit. If more districts come in, Government will very sympathetically consider the case of these districts. There are certain districts which are more interested in the scheme than others. Government has done nothing objectionable : it has only made an open offer to all the districts in the Punjab and only those districts which are prepared to accept the condition of contributing one-third of the cost of the scheme have been allowed to derive benefit from the scheme. If more funds are available Government will be too glad to allot various funds in the next budget. Therefore, I submit that there is absolutely no duplication. The district staff will only supplement the activities in this direction of the co-operative department and of the district boards and community councils and will only confine its activities to the improvement of village roads and as the co-operation of the revenue staff is very essential in this matter, this work could only be done with the help of the district officers. Therefore the Government has thought it wise to put this sum at the disposal of the district officers. I hope this should satisfy my learned

friends Sardar Hari Singh and Sardar Kapoor Singh. I request they should withdraw the cut motion after the explanation I have given.

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

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural): Sir, I have no intention to make a long speech. I only want to bring one point to the notice of my honourable friends on the opposite benches. They claim to have their hand on the pulse of the masses, but I am surprised to find that in this case they are rather ignorant. They do not realise what benefit roads can give to the agriculturists and consequently how keen the villagers feel over this problem of good roads. I would only draw their attention to what has happened in my district. There is a certain kutchha road at present running from Ferozepore to Mullanwala and the villagers on either side of this road have gone so far as to suggest to the district board that they would contribute a sum of one lakh if this road was made pucca. I am just giving this illustration to show how strongly the villagers feel on the subject of good roads. There is absolutely no question of coercion because if this scheme is put forward the majority of villagers will themselves come forward and support the scheme. My honourable friend tried to argue that if the Government have got no money, they should wait. I on the other hand think that by co-operation, some money coming from the villagers and some from the Government, such good schemes should be taken in hand as soon as possible, so that people might derive benefit as early as they can and if the Government have no funds to meet the entire cost then we should not wait, but better achieve something rather than nothing.

Pir Akbar Ali (Fazilka, Muhammadan, Rural): Sir, I have no intention to oppose this cut motion because I infer that the intention with which this motion has been made is not bad. But I think it is a lack of knowledge with which my honourable friend has brought forward this cut motion. The Parliamentary Secretary has fully explained how this sum is proposed to be spent. The districts, which have satisfied the Government that they will fulfil their quota, have been given this amount. But I would submit that there has been one defect in the distribution of that amount. Multan division is given more than its just share. It has been given Rs. 59,797, while, as a matter of fact, that division cannot claim to have done anything up to this time. Similarly, the Lahore division is also given Rs. 35,000 and that also, as a matter of fact, cannot claim to have done anything by way of self-help, while, in the Ferozepore district, the Bagha purana Nihalsinghwalla بگھا پورانا نھال سنگھ والہ road has been made by the villagers, the labour has been supplied by the villagers and only the material is supplied by the district board. Similarly in the case of Mukhu-Ferozepore road, people came forward with an offer that they would contribute a lakh of rupees if the material was given by the district board or the Government, or in the alternative, they were ready to give labour. None of the districts which have been given big amounts can claim to have done anything at all. I submit that the distribution made by the Government is very bad, and, therefore, I take exception to that. But I do not agree with the honourable mover of this cut motion that the villagers should not be required to contribute anything by way of labour or by way of contribution in money, because if the villagers are ignorant now and are not taught

[Pir Akbar Ali.]

the lesson of self-help, the Government will not be doing anything for them. But the time will come when the villagers will know how to make their own roads themselves. So they must be taught a lesson of self-help. Do you wish that Government should plough for them, sow for them, cut for them and reap for them? No. You should rather congratulate the Government on the fact that they are going to teach a lesson of self-help to the villagers. On that ground, I think that this motion, though it might have good intentions, was brought forward through lack of knowledge and I hope that my honourable friend will withdraw it.

Mr. Speaker: The question is that—

That the item of Rs. 91,550 on account of Village Improvement Scheme through district staff, be reduced by Rs. 100.

The motion was lost.

Mr. Speaker: The question is that—

A supplementary sum not exceeding Rs. 1,00,630 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of General Administration.

The motion was carried.

OTHER DEMANDS.

The following motions were then put from the Chair and adopted:—

A supplementary sum not exceeding Rs. 10,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Education (excluding European and Anglo-Indian Education).

A supplementary sum not exceeding Rs. 10,500 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Medical.

A supplementary sum not exceeding Rs. 1,48,090 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Public Health.

A supplementary sum not exceeding Rs. 13,600 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Veterinary.

A supplementary sum not exceeding Rs. 22,100 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Co-operation.

A supplementary sum not exceeding Rs. 55,900 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Industries.

A supplementary sum not exceeding Rs. 51,300 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Civil Works.

A supplementary sum not exceeding Rs. 1,35,700 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Civil Works not charged to Revenue.

A supplementary sum not exceeding Rs. 41,100 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Miscellaneous.

A token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1939, in respect of Capital Outlay on Hydro-Electric Scheme.

The Assembly then adjourned till 3 P.M. on Tuesday, 28th June, 1938.

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PUNJAB LEGISLATIVE ASSEMBLY.

Sad SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 28th June, 1938.

*The Assembly met at the Assembly Chamber, Simla, at 2 p. m. of the clock.
Mr. Speaker in the chair.*

OATH OF OFFICE.

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

STARRED QUESTIONS AND ANSWERS.

FILM OF HIS MAJESTY THE KING'S CORONATION.

*2847. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Development be pleased to state whether the Rural Reconstruction Department has recently secured a film of His Majesty the King's Coronation; if so, the purpose for which it has been obtained ?

The Honourable Chaudhri Sir Chhotu Ram : Part (i) Yes.

Part (ii) The object was to place within the reach of those who have neither the means nor the opportunities to go to foreign countries certain products of the film industry calculated to interest them.

Dr. Gopi Chand Bhargava : Has any money been paid by the Rural Reconstruction Department as price of this film ?

Minister : It must have been paid.

Lala Bhim Sen Sachar : What is the cost of the film ?

Minister : I cannot give that information off-hand.

Sardar Hari Singh : In what manner is this film going to help to improve the economic condition of the agricultural classes ?

Minister : I did not say so.

Sardar Hari Singh : What for, then, was this film bought ?

Minister : I have not specified the object in my answer.

Sardar Hari Singh : Is it to drive home the lesson of imperialism ?

Minister : I have not said so in the answer.

Sardar Sohan Singh Josh : How is this film going to help the rural reconstruction work ?

Sardar Hari Singh : Is it not, then, a waste of money to have purchased this film ?

Minister : No.

Dr. Gopi Chand Bhargava : Is it the object of the Rural Reconstruction Department to show such films to the villagers ?

Minister : Yes.

Dr. Gopi Chand Bhargava : What is the object served by the film ?

Minister : Entertainment.

Sardar Hari Singh : Is the Honourable Minister aware that this film would be a rude reminder to the people of their subjection and slavery ?

Mr. Speaker : The next question.

**FEES PAID BY THE FAMILY WARD PATIENTS IN MAYO AND LADY
WILLINGDON MATERNITY HOSPITALS.**

*2848. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state whether the fees of medical officers paid by patients who stay in family wards of the Mayo Hospital and Lady Willingdon Maternity Hospital, Lahore, are paid by the patients direct to the medical officers or through the Government ?

The Honourable Mian Abdul Haya : Fees from patients treated in the Private and Family Wards of the Mayo and Lady Willingdon Hospitals, Lahore, are realised through the office of the Medical Superintendents concerned. Some patients in the Mayo Hospital have paid their fees direct to the medical officers in spite of written notices in all the rooms of the Private and Family Wards. The Medical Superintendent has been instructed to take immediate steps to stop this practice.

**FEES CHARGED BY DOCTORS FROM THE PATIENTS IN FAMILY
WARDS OF THE MAYO HOSPITAL.**

*2849. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state whether the medical officers in charge of family wards of Mayo Hospital and Lady Willingdon Maternity Hospital charge fees higher than what are fixed by the Government ?

The Honourable Mian Abdul Haya : No such case has come to the notice of Government.

Sardar Hari Singh : Did the Honourable Minister set up an enquiry and satisfy himself that the allegation was not true ?

Minister : No enquiry was set up.

CONFESSIONS MADE IN SESSIONS CASES.

*2850. **Munshi Hari Lal :** Will the Honourable Finance Minister be pleased to state—

- (a) the number of confessions made by the accused in Sessions cases while the crimes were being investigated by the police from 1st April, 1937, to 31st March, 1938, in the Punjab ;
- (b) the number of cases among these Sessions cases in which confessions were retracted ;
- (c) the number of convictions in the Sessions cases above mentioned in spite of retraction of confessions ?

The Honourable Mr. Manohar Lal : It is regretted that the information asked for cannot be given without an expenditure of time and labour incommensurate with the results to be achieved.

STATISTICAL RECORDS MAINTAINED BY LOCAL BODIES OF CATTLE.

*2851. **Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether any statistical records are maintained by the Government in order to show the number of milch cows, buffaloes, and goats within the municipalities, notified areas, small towns, and rural areas in the Punjab ;
- (b) if the answer to (a) be in the affirmative, what was the number of cows, she-buffaloes and milch goats in the Punjab in the years 1936 and 1937 ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) No.

(b) Does not arise.

LEGISLATION TO CONTROL IMPORT OF FOREIGN DRUGS IN INDIA.

*2852. **Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state whether he has received any request from Doctor Bidhan Chandra Roy, President of the Indian Medical Association, to move the Government of India to undertake legislation with a view to control the import of foreign drugs in India ; if so, what action has been taken or is intended to be taken ?

The Honourable Dr. Sunder Singh Majithia : Yes. It was considered that the matter was one for the Central Government.

CORRESPONDENCE BETWEEN PUNJAB GOVERNMENT AND SECRETARY OF STATE.

*2853. **Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) whether since the introduction of Provincial Autonomy, the Punjab Government corresponds direct with the Secretary of State for India in matters regarding services in respect of which the Secretary of State for India is under the Government of India Act, 1935, the final authority ;
- (b) if the answer to (a) be in the negative, whether any channel of communication has been prescribed after 1st April, 1937; and if so, what is that channel ?

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

(b) No.

Sardar Hari Singh : Has not the Punjab Government at all considered the question of high salaries of the Indian Civil Service and other officers ?

Parliamentary Secretary : There is another question with regard to that matter and when it comes up it will be answered.

CORRESPONDENCE BETWEEN PUNJAB GOVERNMENT AND SECRETARY OF STATE.

*2854. **Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) whether the Secretary of State has been addressed by the Punjab Government after 1st April, 1937, regarding the reduction of salaries of present or future holders of posts borne on the cadres of services to which recruitment is made by him ; and if so, with what result ;
- (b) whether he will be pleased to place the aforesaid despatch on the table of the House ?

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

(b) Does not arise.

Lala Duni Chand : Why was not a representation made to the Secretary of State for India in regard to the reduction of the salaries of those services whose appointment is in the hands of the Secretary of State ?

Parliamentary Secretary : I require notice of the question.

Munshi Hari Lal : Does the Government intend to make a representation to the Secretary of State on the subject ?

Parliamentary Secretary : That question also requires notice.

CORRESPONDENCE BETWEEN PUNJAB GOVERNMENT AND SECRETARY OF STATE.

*2855. **Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) whether the Punjab Government has ever addressed the Secretary of State for India after 1st April, 1937, on the question of the provincialization of the Indian Civil Service or the Indian Police Service ; if so, with what result ;
- (b) if the answer to (a) is in the affirmative, whether the despatch will be laid down on the table of the House ?

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

(b) Does not arise.

GORDON COLLEGE, RAWALPINDI.

*2856. **Sardar Partab Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether Government is aware that under provisions of the Punjab Medical Registration Act, appointments of medical officers in Government aided institutions can be held by registered medical practitioners only ;

(b) whether it is a fact that Gordon College, Rawalpindi, which is a Government aided institution, has engaged the services of a German Doctor whose medical qualifications are not registrable in this province; if so, the steps Government propose to take in this matter; if not, why not?

The Honourable Mian Abdul Haya : (a) Yes.

(b) Yes. The matter is being enquired into by the Inspector-General of Civil Hospitals, Punjab, and necessary action will be taken in due course.

COMPLAINT AGAINST THE PATWARI OF VILLAGE KASNI.

*2857. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that a representation signed by a large number of zamindars of village Kasni (Jhajjar) against the patwari of the village requesting for a departmental inquiry was recently submitted to the Deputy Commissioner, Rohtak, through me and that the same was returned on 29th March, 1938, with the remark that the applicants be directed to appear personally in the court with application duly stamped; if so, the grounds on which this remark was based and the action that Government propose to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : Yes. The Deputy Commissioner only demanded observance of proper procedure and Government propose to take no action in the matter.

Pandit Shri Ram Sharma : Is there any specific procedure fixed for applying for a departmental enquiry?

Minister : Yes.

Pandit Shri Ram Sharma : What is that procedure? What special method is adopted in case a departmental enquiry is demanded?

Minister : It is for the person concerned to put in an application and not for the honourable member.

Pandit Shri Ram Sharma : A matter concerning the public is everybody's concern.

Minister : It is more a matter for the persons concerned?

Pandit Shri Ram Sharma : Is it a fact that when an application was made to the Deputy Commissioner, Rohtak, the applicants were asked to apply on a stamped paper?

Minister : Is it the object of the honourable member to find out whether a duly stamped application is regular or irregular? The question of stamps is not now under consideration.

Pandit Shri Ram Sharma : Is it compulsory for a person who applies for the institution of a departmental enquiry against a Government servant to submit the application in person?

Minister : He can simply send in his application and if it is considered necessary for the officer to call him he will do so.

Pandit Shri Ram Sharma : I made it clear in my question that the zamindars who requested for the departmental enquiry against the patwari were asked to appear personally with a duly stamped application?

Minister : Was the application sent to the Deputy Commissioner or to the honourable member ?

Pandit Shri Ram Sharma : It was sent to the Deputy Commissioner through me.

Minister : The Deputy Commissioner must have told them to apply to him direct.

Pandit Shri Ram Sharma : Is it necessary for an applicant to appear in person or can he submit his application by post ?

Minister : It is for the applicant to decide and not for me.

Lala Duni Chand : Is it not too well known a fact that applications of this kind do not require any stamps ?

Mr. Speaker : That is a matter of law. It cannot be decided on the floor of this House.

Lala Duni Chand : It forms the subject matter of the question.

Mr. Speaker : May be, but questions asking for expression of opinion on matters of law cannot be asked.

Lala Duni Chand : My point is that if the law does not require any stamp duty on such applications, why did the Deputy Commissioner insist on their being stamped ?

Mr. Speaker : That is a matter which should be referred to higher judicial authorities.

Lala Duni Chand : Is it not the duty of the Honourable Minister to enquire from the Deputy Commissioner whether he insisted on the affixing of stamps on the application ?

Pandit Shri Ram Sharma : Is it a fact that the application was returned because it was sent by post ? Would it have been accepted if it had been delivered to the Deputy Commissioner in person ?

Mr. Speaker : The next question.

**EXACTION OF BEGAR FROM THE HARIJAN CHAMARS OF VILLAGE
SHAHZADPUR (SONEPAT).**

***2853. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether Government is aware that the Harijan Chamars of village Shahzadpur (Sonapat) sent a representation not very long ago to the Deputy Commissioner, Rohtak, through me against the high-handedness of particular Government and semi-Government servants for exacting *begar* from them ;
- (b) whether Government is aware that the same representation was returned to me on 29th March last with the remark that the aggrieved persons be directed to appear in the court with application duly stamped ;
- (c) the reasons why the district authorities do not entertain applications for departmental action against the subordinates ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) A representation purporting to be from some Chamars and containing certain allegations against the lambardars of village Shahzadpur was presented to the Deputy Commissioner, Rohtak, by the honourable member.

(b) Yes.

(c) Government do not agree that insistence by local authorities on the due observance of proper procedure can be regarded as refusal to entertain applications for departmental action.

Chaudhri Faqir Chand : Is it a fact that many depressed class people have been forced to leave their villages on account of the police exacting *begar* from them? What has the Government done to ameliorate their condition?

Pandit Shri Ram Sharma : May I know the proper procedure in submitting applications requiring departmental enquiry?

Minister : Everybody knows the proper procedure. It is not the proper procedure to submit applications through my honourable friend.

Pandit Shri Ram Sharma : Even when they are submitted through some responsible persons?

Minister : That is interference with the district administration.

Pandit Shri Ram Sharma : Would it be in contravention of the proper procedure if five persons make such an application?

Minister : No.

Sardar Mula Singh : Did not more than five gentlemen make a complaint before the Deputy Commissioner?

Minister : If they have put in an application in the proper form, he will certainly make enquiries.

Sardar Partab Singh : Was that application sent through Pandit Shri Ram Sharma not addressed to the Deputy Commissioner?

Minister : I am not going to recognise that procedure.

Sardar Sohan Singh Josh : Are there any rules for addressing an application in a proper form?

Minister : We are not going to interfere with the discretion of the Deputy Commissioner.

Sardar Partab Singh : Does it mean that when an honourable member sends an application then that application is not in the proper form?

Minister : If the application is sent on his own behalf, it will certainly be in order.

Pandit Shri Ram Sharma : May I know whether the reason of returning the representation was that the application was sent by post?

Minister : Where was the necessity for doing so?

Pandit Shri Ram Sharma : If it had been handed over personally, would it have been acceptable?

Minister : Certainly. We do not want the honourable member to go and interfere with the district administration.

Lala Bhim Sen Sachar : Is the forwarding of an application by a member of the Assembly going to be construed by the Government as interference with the administration of justice ?

Minister : It is interference between the man and the Deputy Commissioner.

Lala Bhim Sen Sachar : Does not the Honourable Minister think that the idea is to bring the matter more prominently to the notice of the authorities concerned ?

Minister : It is a matter of opinion.

Lala Bhim Sen Sachar : Do I take it that the mere fact that an application has been forwarded by a member of the Assembly vitiates the merits of that application ?

Mr. Speaker : That is an argument.

SUICIDE COMMITTED BY MAHESH DUTT SHARMA OF THE HEALTH DEPARTMENT.

***2859. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether one Mahesh Dutt Sharma, vaccinator of the Health Department, Karnal, committed suicide on 8rd December, 1967 ;
- (b) whether the letter which he left behind in his pocket complaining against the Health Officer, and the Vaccination Superintendent was brought to the notice of the Government ;
- (c) whether the Government made any inquiry into the allegations contained in the above-mentioned letter of the deceased ;
- (d) if the answer to (b) and (c) above be in the negative, the reasons therefor ?

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

(b) A letter was produced during the inquest containing an allegation that the suicide was induced by ill-health for which the Vaccination Superintendent and the Health Officer were responsible. The letter, however, did not throw any light as to how these officials were responsible for his ill-health.

(c) No.

(d) No specific allegations were made in the letter in regard to which enquiries might have been held.

DISTINCTION BETWEEN GENERAL AND SPECIAL GROUPS OF AGRICULTURIST CLASS IN MAKING RECRUITMENT TO SERVICES.

***2860. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether in recruitment to the services in the Punjab any distinction is made regarding the general and special groups of the agriculturist class ;
- (b) whether the practice in this respect is the same in all the departments of the Punjab Government ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) and (b) I presume the honourable member refers to the distinction between district groups and separate groups of agricultural tribes notified under the Alienation of Land Act. In regard to recruitment for Government service this distinction is irrelevant. In recruitment for Government service regard is paid not to the question whether a person is or is not a member of an agricultural tribe, but whether he is a zamindar, i.e., whether he is a hereditary proprietor or tenure holder of agricultural land mainly dependent thereon and residing in a rural area or a cultivator of such land. The question whether this definition should be further clarified is under consideration.

INCLUSION OF JANGRA BRAHMINS OF ROHTAK AMONG AGRICULTURISTS.

*2861. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Khatias, who call themselves Jangra Brahmins, of Rohtak, have recently approached the Government with a representation that they may be included among agriculturists ;
- (b) whether those people presented an address of welcome to the Honourable Minister of Development at Rohtak, with this representation in view ;
- (c) whether the matter is under the consideration of the Government ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes, but their representation was returned to them for presentation to local officers.

(b) Yes.

(c) Does not arise.

**JUDGMENT DELIVERED BY SESSIONS JUDGE, RAWALPINDI
IN APPEAL FILED BY ONE FERDOSH KHAN.**

*2862. **Dr. Gopi Chand Bhargava** : Will the Honourable Premier be pleased to state the result of the examination by Government regarding the judgment of the Rawalpindi Sessions Judge referred to in my starred question No. 1762,¹ dated 24th February, 1938 ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The aggrieved persons have filed applications in the High Court for the expunction of the remarks made against them by the Sessions Judge. In addition the Financial Commissioners have ordered a departmental enquiry.

Dr. Gopi Chand Bhargava : Am I to understand that this finding of the District and Sessions Judge has been questioned by the Financial Commissioners ?

Parliamentary Secretary : What I stated was that the parties concerned have moved the High Court for the expunction of the remarks. In the meantime a departmental enquiry on the basis of these remarks has been ordered by the Financial Commissioner.

Lala Bhim Sen Sachar : Do the Government approve of the Financial Commissioners ordering an enquiry in the presence of the final judgment of the District and Sessions Judge ?

Parliamentary Secretary : The procedure is that when remarks are made against a particular officer who has not had a right or an opportunity to defend himself with regard to those remarks, he is given an option or an opportunity to defend himself before action is taken.

Dr. Gopi Chand Bhargava : When the Sessions Judge acquitted this man, could the Financial Commissioners punish him ?

Parliamentary Secretary : There are cases where if in a judicial court full legal proof is not available but otherwise there is sufficient proof to show that though the facts as proved do not bring the case technically within the Penal Code but they amount to clear departmental improper action or indiscretion or inefficiency, I feel sure that the House would require the Government to take suitable action in such cases.

Dr. Gopi Chand Bhargava : Do all the reasons which the honourable member has stated apply in this case ?

Parliamentary Secretary : Yes and no.

Dr. Gopi Chand Bhargava : If they do not apply, then why should the Financial Commissioners interfere in the matter ?

Parliamentary Secretary : They must have *prima facie* applied and then the enquiry was ordered and whether they actually apply will depend on the result of the enquiry.

Dr. Gopi Chand Bhargava : Has the honourable member studied the case ?

Parliamentary Secretary : My honourable friend should give us the credit of doing our duty.

Dr. Gopi Chand Bhargava : My question is, has the honourable member studied the case ? And is he satisfied that the Financial Commissioners have acted rightly ?

Parliamentary Secretary : My honourable friend may take it that we are not in the habit of answering questions without studying the cases.

Dr. Gopi Chand Bhargava : Why does not the honourable member give a definite reply ?

Parliamentary Secretary : Yes, [Sir, I have studied the case.

Dr. Gopi Chand Bhargava : Then why does he say both 'yes' and 'no' ?

Parliamentary Secretary : Because his question does not arise out of the question tabled and if my honourable friend had been more careful in tabling his question or if he had asked for all the information that he required, he would have got it straight off.

Dr. Gopi Chand Bhargava : My question is quite clear and it contained everything.

MURDER OF SHRIMATI KISHEN DEVI, WIFE OF LALA SARAB DIAL.

*2863. **Dr. Gopi Chand Bhargava** : Will the Honourable Premier be pleased to state whether the inquiry in the case referred to in my question No. *1498,¹ dated 24th January, 1938, is complete ; if so, whether the culprit has been arrested and the case challaned ; if not, when will it be completed ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The investigation into the murder of Shrimati Kishen Devi has now been completed. The case was filed as untraced on the 10th June, 1938, as no clue as to the identity of the culprits could be obtained. The investigation will of course be resumed, should further evidence come to light hereafter.

RESOLUTIONS AND BILLS.

*2864. **Lala Duni Chand** : Will the Honourable Premier be pleased to state—

- (a) the number of resolutions given notice of by the honourable members of this Assembly during the last financial year and the number of resolutions discussed and disposed of ;
- (b) the action taken on the resolutions passed by the Assembly ;
- (c) the number of private bills given notice of during the last financial year ;
- (d) the number of bills introduced or allowed to reach further stages ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The number of resolutions which were individually numbered prior to the 4th January, 1938, was 2,738, but the actual number would be considerably less if all the several resolutions which were exactly similar were treated as one resolution. Subsequent to the 4th January identical resolutions were all given only one number with the result that from that date to the 31st March, 1938, the total number was 275. The number of resolutions discussed and disposed of is nine.

(b) The honourable member is referred to the statement² laid on the table on the 27th January, 1938. The action taken on resolutions passed subsequent to the period covered by that statement will be similarly communicated to the House in due course.

(c) 39.

(d) 12.

Lala Duni Chand : Is it true that under the existing conditions the right of moving private bills and resolutions is not of any practical use or value ?

Mr. Speaker : That is a matter of opinion.

Lala Duni Chand : May I know if the Government is prepared to do anything in the matter of giving greater facilities to the honourable members of this House with regard to moving of private Bills and resolutions ?

¹Volume II, page 795.

²Volume II, page 1003.

Mian Sultan Mahmood Hotiana : Has the Government appointed any committee about the Canal Department about which a resolution has been passed by this House ?

Mr. Speaker : That question does not arise from the question about the number of resolutions.

*2365-86.—*Cancelled.*

PASTEUR INSTITUTE AT KASAUJI.

*2367. **Lala Duni Chand :** With reference to the reply to my question No. *848¹ put on the 11th January, 1938, will the Honourable Minister of Education be pleased to state whether the matter of the amalgamation of the Pasteur Institute of India, Kasauli, with the Central Research Institute, Kasauli, referred to the Punjab Government has been considered; if so, the decision or conclusion arrived at by them ?

The Honourable Mian Abdul Haya : Yes. In view of the economies that are likely to be effected the Punjab Government have agreed to the proposal that the Pasteur Institute of India, Kasauli, should be closed down and the Central Research Institute there should undertake the manufacture and issue of anti-rabic vaccine and maintain a treatment centre and quarters for 25 indigent patients.

Lala Duni Chand : May I know if the Government knows anything about the disposal of the buildings belonging to the Pasteur Institute ?

Minister : That matter is being enquired into.

Lala Duni Chand : How is the valuable property of the Institute going to be disposed of ?

Minister : All the buildings are not being transferred and we have asked the Institute to put up their proposals about those that are not required.

Lala Duni Chand : Is it not a fact that the work of the Institute is going to be actually transferred to the Central Research Institute ?

Minister : I have already answered that question.

Lala Bhim Sen Sachar : Does the arrangement include the transfer of the services of the officers ?

Minister : I do not know anything about that. We are not interested in these officers.

Lala Duni Chand : May I know how many employees will be brought under reduction as a result of these arrangements ?

Minister : I have told you that the Punjab Government is not interested in any officers or servants.

MONOPOLIES FOR FLYING MOTOR VEHICLES.

*2368. **Lala Duni Chand :** With reference to the reply to question No. *140² asked on 25th June, 1937, will the Honourable Minister

¹Volume II, page 124.

²Volume I, pages 609—13.

of Revenue be pleased to state whether any of those monopolies have been withdrawn so far and whether motor vehicles free of any restriction have been allowed to be run on any of the roads mentioned therein ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes, on the following ten roads—

- (1) Fatehjang-Gandakhas road in the Attock district.
 - (2) Khushab to Pail in the Shahpur district.
 - (3) Amritsar-Mehta road ..
 - (4) Amritsar-Lopoke road ..
 - (5) Baba Bakala-Mehta road ..
 - (6) Amritsar-Jhabal road ..
- } in the Amritsar district.
- (7) Mandi Baha-ud-Din-Phalia road in the Gujrat district.
 - (8) Mandi Baha-ud-Din to Kothala Sheikhan and Qadarabad in the Gujrat district.
 - (9) Garbhanker-Santokhgarh, and
 - (10) Balachaur-Nurpur roads in the Hoshiarpur district.

Lala Duni Chand : Is it true that according to the statement made earlier by the Honourable Minister even previously the number of monopolies was 65 and that now a larger number of people are being given monopolies for the use of the roads? If so, whether the Government is not going to abolish the system of monopolies ?

Minister : My honourable friend is assuming too much. We are making enquiries about these monopolies and wherever any difficulty is experienced by the people we will consider the question but we are not going to abolish the monopolies in this manner.

Lala Duni Chand : May I invite the attention of the Honourable Minister to his own admission that there were something like 65 roads on which monopolies had been granted ?

Minister : I think the reply to that question is quite clear.

Lala Duni Chand : Does not the Minister consider it scandalous that monopolies should be granted on King's road to particular persons and only particular persons be allowed to ply on those roads ?

Minister : Is that question permissible ?

Lala Duni Chand : That is the object of the question.

Minister : I want the ruling of the chair.

Mr. Speaker : If instead of using the word "scandalous," the honourable member had used the word "unfair," there would have been no objection.

Lala Duni Chand : May I know whether the question of abolition of monopolies is going to be considered by the Government, or has been considered by it ?

Minister : The Government will consider any complaint that is received in this connection.

Lala Duni Chand : Is it not a fact that a large number of representations have been made to the local authorities and the Government to the effect that this system of granting monopolies should be abolished ?

Minister : I am not aware.

PURCHASE OF INDIAN AND NON-INDIAN ARTICLES.

***2869. Lala Deshbandhu Gupta :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that articles manufactured in India are now being preferred to those manufactured in other countries when these are required for use in the various departments and institutions under the Government ;
- (b) if so, the approximate amount of money spent in purchasing Indian and non-Indian articles so far during the present financial year by the Punjab Government and local bodies for use in the various departments and institutions under their control ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Yes—to the utmost extent consistent with economy and efficiency.

(b) The labour and expense involved in collecting this information would not be commensurate with the results likely to be achieved.

TRAVELLING ALLOWANCES DRAWN BY SUPERINTENDENT OF POLICE, LUDHIANA.

***2870. Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

- (a) the travelling allowances drawn by the Superintendent of Police, Ludhiana, in the months of April and May, 1938, and the places visited by him in pursuit of the proclaimed offenders ;
- (b) the number of proclaimed offenders arrested by the raiding party headed by the Superintendent of Police ;
- (c) the travelling allowances drawn by the City Inspector, Ludhiana ;
- (d) the date since which the work of the District Inspector has been entrusted to the City Inspector ; and
- (e) whether a City Inspector has been given anywhere thanas for supervision and inspection ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Rs. 118-11-0 for visits paid to the jurisdiction of Police Stations Shehna and Sidhwan Bet.

(b) Two armed outlaws were arrested by parties led by the Superintendent of Police personally, in addition 17 proclaimed offenders were arrested in April and May, 1938, as the result of measures ordered by the Superintendent of Police.

(c) Rs. 84-10-0.

(d) From the 1st May, 1936.

(e) I am not making enquiries from districts. A City Inspector is not as a rule required to supervise thanas outside the city. But when the District Inspector of Ludhiana went on a refresher course in May last the Superintendent of Police considered the most convenient course would be to transfer his work temporarily to the City Inspector (in addition to the latter's ordinary duties), and Government have no criticism to make of the arrangement.

Chaudhri Muhammad Hassan : Is he aware of the fact that on account of absence of the City Inspector the crime has increased in the Ludhiana town ?

Parliamentary Secretary : I am not aware of it.

Chaudhri Muhammad Hassan : Is he aware of the fact that the number of registered cases has increased ?

Parliamentary Secretary : I require notice for that.

Sardar Kapoor Singh : Was the City Inspector given any allowance for additional duties or not ?

Parliamentary Secretary : I require notice for that question also.

ORDERLIES OF A SUPERINTENDENT OF POLICE.

*2671. **Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

(a) the number of orderlies that a Superintendent of Police is allowed to keep under the police rules ;

(b) the number of orderlies that the present Superintendent of Police keeps ; and if more orderlies are kept by him than one the name of each of them, their educational qualifications and their home district ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) One Constable orderly.

(b) It is not clear to which Superintendent of Police the honourable member refers.

Chaudhri Muhammad Hassan : All the Superintendents of Police in the province ?

Parliamentary Secretary : If the honourable member will give notice of that question I shall get the information collected.

Chaudhri Muhammad Hassan : Are the duties of these orderlies defined anywhere ? What duties are to be exacted from these orderlies ?

Parliamentary Secretary : This does not arise out of this question.

COMPLAINTS OF CORRUPTION RECEIVED BY SUPERINTENDENT, POLICE, LUDHIANA.

*2672. **Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

(a) how many complaints of corruption were received or came to the notice of the present Superintendent of Police and what action, if any, was taken in each case ;

[Ch. Muhammad Hassan.]

- (b) how many out of these complaints were proved to be true and how the offenders were dealt with, judicially or departmentally ?

Parliamentary Secretary (Sardar Babadur Sardar Ujjal Singh) :
(a) The honourable member is referred to the reply given to his question No. *2581¹. Subsequent to 1st April, 1938, two complaints of corruption were received by the Superintendent of Police, Ludhiana.

(b) Enquiry showed that one was false, while the second is under enquiry.

Chaudhri Muhammad Hassan : Is it a fact that one Munsha Singh made a complaint of corruption to the Superintendent of Police, Ludhiana ?

Mr. Speaker : That question gives rather than seeks information and is therefore disallowed.

DACOITS AND ABSCONDERS NEAR SEDHWAN BET.

*2873. **Chaudhri Muhammad Hassan** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that dacoits and absconders haunt the neighbourhood of Sedhwan Bet, Manaka, Malha, Rasulpur villages of the Sedhwan Bet and Jagraon police stations and Rajewana, Kamalpur, Nurpur, Herain of Raikot Shehna and Dhapali of the Shehna police station ;
- (b) whether police patrolling parties were formed for the purpose of extensive patrolling in the ilaqas mentioned above ;
- (c) whether Superintendent of Police recommended some respectable people of the district for gun licences ; if so, the names of all those persons, their parentage, education and the extent of their property ;
- (d) whether the tahsildars were also consulted at the time of recommendations for gun licences ;
- (e) the number of gun licence-holders of each of the three tahsils in the Ludhiana district ;
- (f) the number of pistol or revolver licence-holders in each of the three tahsils in the Ludhiana district ;
- (g) whether pistol or revolver licence-holders are greater in number in towns and cities than in the villages in the Ludhiana district ; if so, the reason for the same ;
- (h) the name, place of residence, status and education of each of the pistol or revolver licence-holders ;
- (i) the considerations that prevail with the District Magistrate for granting pistol or revolver licences ;
- (j) whether tahsildars are also consulted in the matter of grant of licences for pistols and revolvers ;

- (b) the number of pistol or revolver licences that were granted by the predecessor of the present District Magistrate ;
- (d) the names of all these with their places of residence, their educational qualifications and the extent of their property as well as the services rendered to the administration by each one of them ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) This *ilaga* has a reputation for sheltering dacoits and absconders.

(b) Two head constables and ten foot constables, all armed were deputed under the charge of an assistant sub-inspector to patrol the area of police stations Jagraon, Sedhwan Bet, Raikot and Shehna. This patrol has now been replaced by a section of mounted police consisting of one head constable and ten constables.

(c) No.

(d) The tahsildars are consulted regarding the financial status and general standing of applicants for licences.

(e) Ludhiana tahsil	..	..	..	..	715
Jagraon tahsil	..	..	..	..	228
Samrala	..	..	..	..	162
(f) Ludhiana tahsil	..	..	..	..	182
Jagraon tahsil	..	..	..	..	40
Samrala tahsil	..	..	..	..	12

(g) No. The number of pistol and revolver licences in villages is 99, and in towns, 85.

(h) The list runs to six pages, and I am giving instruction for it to be sent to the honourable member.

(i) Licences for pistols and revolvers are granted only in cases of real necessity to persons of approved character.

(j) Not necessarily in all cases.

(k) Six.

(l) A statement is laid on the table. Other details are not available.

Statement.

1. Lala Rakha Ram Ahluwalia, Proprietor Raikhy Theatre, Ludhiana. Was granted only for one year.
2. Dr. Autar Singh of village Ayali Kalan. Temporary licence was granted as he brought the weapon from Africa.
3. Dr. Sher Singh, L.M.D., Military Hospital, Lucknow, of village Pohir in this district. The revolver formed a part of his equipment.
4. Lala Diwan Chand, Sub-Divisional Officer, Canals, Jagraon.
5. Sardar Gopal Singh, M.L.A., of village Lal.
6. Captain Dr. Gurbakhsh Singh, P.C.M.S., Civil Hospital, Ludhiana (now at Amritsar). His revolver formed a part of his equipment.

TYPEWRITING MACHINES USED IN GOVERNMENT OFFICES.

*2874. **Sardar Partab Singh** : Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of typewriting machines used in Government offices throughout the Punjab and the annual amount spent on cleaning them ;
- (b) the annual amount spent on repairs and replacement of new parts of these machines ?

The Honourable Dr. Sir Sundar Singh Majithia : It is regretted that the information is not readily available. The time and labour involved in collecting the figures required will not be commensurate with the results.

Sardar Partab Singh : Is the Government quite sure that the time and labour involved in collecting the figures required will not be commensurate with the purpose for which the question is put ?

Mr. Speaker : The question is disallowed.

AGREEMENT BETWEEN GOVERNMENT AND REMINGTON AND BONEO
TYPEWRITER COMPANIES.

*2875. **Sardar Partab Singh** : Will the Honourable Minister for Revenue be pleased—

- (a) to lay on the table of the House the agreement entered between Government and Remington and Boneo Typewriter Companies, for inspecting, cleaning and repairing of typewriters, which came into effect from 1st October, 1931 ; and state
- (b) whether the tenders were called for before entering into the above contract ; if not, the reasons for not doing it ;
- (c) whether the Government received any applications from other firms than those mentioned above offering better and cheaper services ;
- (d) whether this agreement has placed a bar upon repair of typewriters by other firms, with the result that the offices are compelled to get dearer services than those available in the market locally ;
- (e) whether Government has received any complaint from any office regarding the dearer contract entered into by the Punjab Government ; if so, whether he would lay on the table of the House the correspondence that took place in this connexion, for the information of the honourable members ;
- (f) whether Government is aware of the fact that Honourable Khan Bahadur Nawab Muzaffar Khan, the then Revenue Member, in reply to question No. *5074¹ by Sardar Jawahar Singh Dhillon promised to revise this arrangement ; if so, what steps have been taken in the matter so far ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Copies of the agreements² are placed on the table of the House.

¹Volume XXVII, page 859.

²Kept in the library.

(b) and (c). Tenders were called ; but considering that these companies do not sell their spare parts, it has been found necessary in the public interest that the repairing, cleaning, etc., should be entrusted to accredited representatives of respective manufacturers of type-writing machines.

(d) As explained under (b) Government considered it advantageous to place the work of repairs in hands of the accredited representatives of the firms concerned ; so obviously others had to be barred out.

(e) Only one complaint in 1932 was received and the question was referred by the Deputy Commissioner to Government and it was dealt with under the agreement entered into with the firm.

(f) Yes, but after careful examination it was found necessary in the interests of economy and efficiency to maintain existing arrangements.

EDUCATION DEPARTMENT AND PRIVATE COMMERCIAL COLLEGES.

*2876. **Sardar Partab Singh** : Will the Honourable Minister for Education be pleased to state—

(a) whether the Education Department has issued any order prohibiting the recognition of private commercial colleges, regardless of their equipment and efficiency ; if so, the reasons for doing this ;

(b) the number of commercial colleges privately managed that applied for recognition and were refused ;

(c) whether any privately managed commercial colleges in the Punjab are recognised by the Education Department ; if so, their names and particulars ?

The Honourable Mian Abdul Haya : (a) The Punjab Education Department does not entertain applications for the recognition of privately managed Commercial Colleges as the existing institutions maintained by Government are quite sufficient to meet the demand. Moreover, the future of vocational training is under the consideration of Government.

(b) One.

(c) The Continuation Clerical classes maintained by the Young Men's Christian Association, Lahore, are approved since these classes, which were originally the only classes maintained by Government, were handed over to the Young Men's Christian Association in 1907.

GRIEVANCES OF SIKH UPPER SUBORDINATES IN IRRIGATION BRANCH.

*2877. **Sardar Partab Singh** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that none of the ten upper subordinates in the Irrigation Branch, promoted in recent years to Sub-Engineer grade, is a Sikh ;

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- (b) whether it is also a fact that some of the Sikh Upper Subordinates fulfil all the necessary conditions laid down for such promotions and are drawing maximum pay of their present grade for the last several years ;
- (c) if reply to (a) and (b) above be in the affirmative, the steps that he proposes to take to remove the grievances of the Sikh community in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes. There are not 10 but 9 sub-engineers ;

(b) Yes. Two only ;

(c) Promotion to the rank of sub-engineer is by selection. Upper subordinates who fulfil the conditions of the Punjab (Residue) Service Irrigation Branch Rules of 1935 are promoted by selection. In making selections, however, requisite qualifications being there, endeavour is made to remove the inequalities of any community not properly represented.

DAMAGE TO CROPS DUE TO BREACH IN INUNDATION CANAL NEAR SIDHAWAN BET IN LUDHIANA DISTRICT.

*2878. **Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Inundation canal (commonly known as King's way) near Sidhawan Bet in Ludhiana district in consequence of great flow of water, recently broke its embankments and the water damaged the fields of several villages in the neighbourhood ;
- (b) if the reply to the above be in the affirmative, whether the Collector or the Revenue Assistant and the Tahsildar of Jagraon, District Ludhiana, inspected the damaged fields and the said Inundation canal ;
- (c) the amount of the loss ascertained ;
- (d) whether Government intend to grant remission of land revenue and afford relief to the sufferers ;
- (e) the number of villages in the jurisdiction of Sidhawan Bet thana of the Ludhiana district that were affected ;
- (f) whether Government propose to take any action to avoid recurrence of such an incident in future ;
- (g) whether Government have been able to ascertain the cause of this breach and consequent flood ;
- (h) the name and designation of the officer who made the inquiry into the matter ;
- (i) whether the inquiry was verified by some senior revenue officer of the Ludhiana district ;
- (j) the area of land which remained under water and for how many days ;
- (k) whether officers of the Irrigation Department regularly inspect the banks of the said canal; and, if so, the date of last inspection by an officer of the Canal Department, his report, if any, with regard to this canal ;
- (l) the time taken to make the last repairs to the canal banks and the expenditure incurred in making these repairs ?

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

CASES REGISTERED AT POLICE STATION KAHUTA.

*2879. **Sardar Partap Singh :** Will the Honourable Premier be pleased to state—

- (a) the number of cases registered at the police station Kahuta, district Rawalpindi, since April, 1936, and the number of cases among them which ended in conviction of the accused ;
- (b) the number of challans brought before the court, by the police of Kahuta, since April, 1936, when Mr. Mohd. Mulak, Sub-Inspector, took charge of the thana and were subsequently withdrawn at the instance of the prosecution branch of the police ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- (a) The figures are 140 and 46.
- (b) 84 and 2.

SCHEME TO KEEP ALL POLITICAL PRISONERS AT ONE PLACE.

*2880. **Sardar Rur Singh :** Will the Honourable Minister for Finance please state if the Government has under consideration any scheme or arrangements which when completed will enable them to keep all the political prisoners at one place ; if not, why not ?

The Honourable Mr. Manshar Lal : No. Government does not feel the necessity of such a scheme. The scheme has practical difficulties, and apart from these the finances of the province do not permit such special provision as this would probably involve building a special jail.

Sardar Rur Singh : Does the company of ordinary prisoners not in any way affect the habits of the political prisoners ?

Minister : I do not know. The honourable member might know.

MENTAL RECREATION OF POLITICAL PRISONERS.

*2881. **Sardar Rur Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) how and in what precise manner the Government provides for the mental recreation of the political prisoners, what definite amount the Government spends for the upkeep and renovation of the jail libraries, what amount is spent in supplying new literature and what is the exact number of books in a jail library of an average size ;
- (b) whether he is aware of the fact that the library in the Old Central Jail, Multan, has not received a single new book since a long time, and the books at present available there with a few exceptions are of a very low standard ; if so, the action proposed to be taken in the matter ?

The Honourable Mr. Manohar Lal : (a) Opportunities for mental recreation are not based on the offence of prisoners. There are, however, some distinctions based on the jail classification of prisoners. All jails have a jail library containing books and some newspapers available for the use of all prisoners, while A and B class prisoners can, in addition, get six and three books respectively at a time from outside sources. In some cases also they are allowed to play games like chess.

A sum of Rs. 8,000 per annum is allotted for the jail libraries of the province. Government have under consideration a proposal to increase the number of newspapers available.

I regret I cannot state the exact number of books in a jail library of average size. There are 265 books in English, Urdu, Hindi, Gurmukhi and Arabic in the Old Central Jail library at Multan.

(b) The honourable member is misinformed. Some new books have been purchased during the present financial year for this library. The books available provide for the needs of prisoners with different standards of education but Government has no reason to believe that books of a high standard are not sufficiently represented.

CIVIL SURGEONS AND THEIR HOURS OF WORK IN DISTRICT JAILS.

*2832. **Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state the number of hours devoted daily by the Civil Surgeons of the districts of Ludhiana, Ferozepore, Lyallpur, Jhelum, Multan and Sialkot to their work in their district jails of which they are the medical officers ?

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

Statement showing the number of hours devoted daily by the Civil Surgeons of the districts of Ludhiana, Ferozepore, Lyallpur, Jhelum, Multan and Sialkot to their work in their district jails of which they are the Medical Officers.

Serial No.	Name of the Civil Surlgency.	Number of hours devoted daily to duty as Medical Officer of the local district jail.
1	Civil Surgeon, Ludhiana	1½ hours on Mondays and ½ hour on week-days.
2	Civil Surgeon, Ferozepore	One hour daily.
3	Civil Surgeon, Lyallpur	From ¾ of an hour to 2 hours daily.
4	Civil Surgeon, Jhelum	¾ of an hour daily on an average.
5	Civil Surgeon, Multan	Approximately 1 hour daily.
6	Civil Surgeon, Sialkot	Two hours on Mondays and about one hour on other working days.

WHOLE-TIME MEDICAL OFFICERS IN JAILS.

*2883. **Munshi Hari Lal** : Will the Honourable Minister of Finance be pleased to state—

- (a) whether in the Punjab there are any jails other than those where the superintendents are medical men where whole-time medical officers are posted ;
- (b) if so, how many such jails are there and what are the qualifications of such medical officers ?

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

(b) One : Montgomery Central Jail. The officer is M.B.B.S., P.C.M.S.

CIVIL SURGEONS AS MEDICAL OFFICERS.

*2884. **Munshi Hari Lal** : Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that in the district jails of Ludhiana, Ferozepore, Lyallpur, Jhelum, Multan and Sialkot, the Civil Surgeons of the district are the medical officer of the jails ;
- (b) if the answer to (a) be in the affirmative, whether they get any allowance ; if so, what is its amount ?

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

(b) Rs. 100 per mensem each.

TECHNICAL EXPERTS IN JAILS.

*2885. **Munshi Hari Lal** : Will the Honourable Minister of Finance be pleased to state—

- (a) whether there are any technical experts engaged in order to educate the prisoners technically in the jails other than Central Jails or Borstal Jails ;
- (b) if the answer to (a) be in the negative, the qualifications of persons that give technical advice or suggestions to the prisoners and what is the number of such jails ?

The Honourable Mr. Manohar Lal : (a) Yes, except in subsidiary jails and smaller district jails. In those jails the number of prisoners is small and no industry is carried on which necessitates the employment of technical experts.

(b) Does not arise.

WORKING HOURS FOR PRISONERS IN PUNJAB JAILS.

*2886. **Munshi Hari Lal** : Will the Honourable Minister of Finance be pleased to state—

- (a) the number of hours for which a prisoner in good health is ordinarily required to do jail labour and the working hours for the prisoners in the Punjab jails during the winter and summer months ;
- (b) when these hours were fixed ?

The Honourable Mr. Manohar Lal : (a) Working hours during the summer months are from 6-30 A. M. to 11 A. M. and from 2 P. M. to 5-30 P. M. During the winter months they are 7-30 A. M. to 11 A. M. and 12 NOON to 4-30 P. M. A task is allotted for these working hours, but if it is completed earlier the convicts are not given any extra task to fill up the remaining time. The allotted task is usually finished before the end of the working hours.

(b) The time allowed for labour has been eight hours since 1874 but the present distribution was introduced in 1908.

MOTION FOR ADJOURNMENT.

FAILURE OF POLICE TO APPREHEND CRIMINALS IN LUDHIANA DISTRICT.

Mr. Speaker : Has the Honourable Premier been able to collect information regarding the adjournment motion of Sardar Lal Singh ?

Premier : Yes, I have got the information. The information which Sardar Lal Singh wanted is here put in a concise and brief form, it is this, and with your permission I will read it out to the House. Sardar Lal Singh's adjournment motion contains the following statements :—

(a) Failure of Government to arrest several desperate criminals and proclaimed offenders who have recently committed murders in villages Man, Jodhpur and Chananwal, district Ludhiana.

This is the first part.

(b) The second statement he made was that these men on account of police inaction of move about with firearms committing dacoities and other serious crimes and terrorising the *ilaga*.

(c) The third portion of the adjournment motion was that as a result a state of serious insecurity prevails in thanas Shehna and Jagraon.

Am I correct ? Is that not the gist of the adjournment motion ? The information which I have been able to collect in this short time is as follows :—

(a) There were two murders in Man in 1938. They are believed to have been committed by local people out of private enmity. Both murders are believed to have been committed by the same party and are under investigation, but the accused have not yet been arrested—one certainly is absconding.

That is the position with regard to these murders.

(b) Now the information with regard to the second part of the adjournment motion is that there was one murder with dacoity in Jodhpur in 1938. This is believed to have been committed by a gang known as Zora's gang. Zora is a proclaimed offender of Faridkot who is wanted for a number of murders and dacoities in Ferozepore district and in Nabha, Faridkot and Patiala States. This is the first murder committed by this gang in the Ludhiana district.

- (c) There was no murder in Chananwal in 1938. There was one in 1937 but the facts are not known. Gurnam Singh, a well known outlaw of Ludhiana district, is however credited with the desire to murder his enemies in Chananwal. That is merely a surmise. Accordingly a permanent armed guard of 1 head constable and 4 constables has been placed in the village. A reward of Rs. 1,000 has been announced for the arrest of Gurnam Singh.

The next assertion is that these dacoits move about armed committing dacoities and other crimes. The answer to this is that they committed one dacoity with murder in Jodhpur this year referred to above. They also committed one armed robbery in police station Shehna. They have committed no other crime this year in police stations Shehna and Jagraon.

Since last cold weather there have been two patrols in the *ilaga* to catch these criminals and protect the villagers. One is of 12 armed men under a sub-inspector working in Shehna and Jagraon. The other patrol consists of a sub-inspector and 11 men all mounted; they patrol in the same *ilaga*. During the current year out of 41 proclaimed offenders in these two thanas 21 have been arrested by the police.

In addition to this, as I have already stated in this House on a previous occasion, we are trying to encourage respectable people to get arms and have also provided them with a certain amount of free ammunition, so that in case of emergency they might defend their villages and defend themselves. We have issued further instructions some time ago to encourage the distribution of arms in this *ilaga* so that there may be no danger on account of people being helpless. That is the position. Therefore I submit that so far as this adjournment motion is concerned it is unnecessarily alarming and there is no substance whatever in it.

Sardar Lal Singh : Will the honourable Premier give the total number of murders committed during the last year in Shehna and Jagraon ?

Premier : I have stated there was no murder in Chananwala in 1938. There was one in 1937. There was one murder with dacoity in Jodhpur in 1938. It is believed to have been committed by a gang known as Zora's gang.

Sardar Kapoor Singh : I want some information. About ten days back five murders took place.....

Mr. Speaker : I cannot allow discussion on the statement made by the Honourable Premier.

THE PUNJAB SUPPRESSION OF MISCHIEVOUS AND DEFAMATORY STATEMENTS BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I beg to introduce the Punjab Suppression of Mischievous and Defamatory Statements Bill.

Pandit Muni Lal Kahla : On a point of order, Sir. With regard to the introduction of this Bill I have to raise a point of order that this Bill cannot be introduced without the previous sanction of the Governor-General. Has that sanction been obtained ?

Mr. Speaker : Will the honourable member please quote the law or rule on which he relies ?

Pandit Muni Lal Kalia : I am referring to section 108 of the Government of India Act, clause (2), sub-clause (b). It says :—

" Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—

* * * * *

(b) repeals, amends or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General; or

(c) affects matters as respects which the Governor-General is by or under this Act, required to Act in his discretion; or....."

With regard to sub-clauses (b) and (c) this Bill proposes to amend, as is given in the statement of objects and reasons, sections 505, 124-A, 153-A, 499 and 500 of the Indian Penal Code and also according to clause (6) of this very Bill, it is proposed to amend the Act XXIII of 1931 in its application to the Punjab and then also this Bill intends or proposes to amend the the Indian States Protection Act of 1935.

Mr. Speaker : I have not been able to follow the honourable member's argument.

Pandit Muni Lal Kalia : I am referring to sub-clauses (b) and (c) of clause (2) of section 108 of the Government of India Act. My submission in this case is that the Bill as it is presented to the House seeks to amend different sections of the Indian Acts.

Mr. Speaker : There is no reference to Indian Acts in clause (b). It refers to Governor-General's Acts.

Pandit Muni Lal Kalia : The Governor-General under the Government of India Act is authorised expressly to pass Acts under the circumstances.

Mr. Speaker : So far as I am aware up till now the Governor-General of India has passed no Act under the Government of India Act, 1935.

Premier : Sir, it is with great reluctance and with a great deal of hesitation that I get up to speak on this Bill. I cannot tell you how very sorry I feel, not only for myself but also for my province, that the necessity should have arisen for us to enact a law of this nature. But, Sir, I beg to submit that during the past 15 months it has been my privilege, or if you may like it, it has been my misfortune to warn the press in the province, not once, not twice, not thrice, but several times either through press communiqués, or through press interviews, or through press statements or orally in heart to heart talks with my journalist friends or from the platform. I had been hoping, and unfortunately it looks that I had been hoping against hope, that my friends of the press would take to heart those friendly warnings which I gave them and see that that section of the press, who are real offenders were duly persuaded to fall into line with the respectable section of our press, which is not only a credit to our province, but if I may say so, a credit to the whole of India. It is the black-sheep in any community which are largely responsible for doing damage to the interests of the com-

munity as a whole. In this case also let me submit at once and without hesitation and without any qualification that it is only that section of the press which has got no sense of responsibility, or, if I may say so, which has got no sense of decency, propriety or honesty which is responsible for bringing into discredit the whole press of the province, which is not only a disgrace to the press of the province of which every one of us should be jealous, but it is a disgrace to the province as a whole.

Sardar Sohan Singh Josh : Have you in mind the *Inqilab* ?

Premier : I am not including or excluding any particular paper. But, if you will allow me, I shall very briefly refer to the occasions on which I issued warnings to my friends of the press. The first occasion was on the very first day of assumption of office by the present Government, when in the very first press *communiqué* or statement which I issued I solicited the help of the press with regard to communal matters and also their help with regard to matters which pertained to the welfare of the province. Subsequent to that I had an occasion to meet my friends of the press in an informal way and in pleasant surroundings. I, then, discussed the whole question with them and I was given an assurance that they would help me in not only restoring harmonious relations between the various communities, but also in improving the tone of the press. Subsequent to that I saw the journalists on another occasion and gave them my views in detail in regard to the grievances which I had against that particular section of the press. Then again, the representatives of the Associated Press and the *Civil and Military Gazette* saw me and I gave them an interview on the 6th of March last which was reproduced practically by all the papers in the province and was reproduced *verbatim* more or less in the *Civil and Military Gazette*. If you will allow me I will just read the concluding portion of that statement. This is what I said—

The communal press unfortunately has not responded to my repeated appeals, with the result that we are very nearly on the brink of a volcano. Unless the tone of this section of the press shows an immediate improvement I may have reluctantly to take action in the interests of the province.

There is the recent instance of the Shahidganj agitation. Instead of trying to ease the situation, which is the paramount duty of a national press, the tendency, I am constrained to say, has been in the opposite direction. Provocative articles have been appearing in the press almost regularly without the slightest heed to the consequences or the position of the province.

I hope that these newspapers will realize the consequences of their present trend. I have shown them every possible leniency, but there is a limit to everybody's patience. I have given them a long enough rope, but they should remember that the longer the rope the greater is the jerk when it comes. As you remember, I promised to examine the case of individual newspapers with a view to returning their securities. I have examined all cases, but found that in view of their attitude, instead of returning their securities, I should be quite justified in enhancing or forfeiting the securities. But I have so far taken no drastic action but only given them warnings. I am, however, afraid that their record is now sufficiently black.

I have been speaking all this time with regard to a particular section of the press. Subsequent to that there were two or three occasions on which I administered friendly warnings and I must confess, and it is my pleasant duty to say this, that I was supported by several journalists of repute in my endeavour to bring this section of the press to the right course. I hope that their support will continue. Then you are aware that several press *communiqués* were issued last year from Simla after those two or three riots

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which had taken place and reflected sadly on the fair face of the province. I have merely mentioned these facts to bring home to those journalists that I have given them every possible opportunity to mend their ways, that I have not allowed any opportunity to pass, which I could avail of to warn them that they were heading towards a precipice and that they were going to do damage not only to themselves, but also a bigger damage to the province as a whole. As I have already said, my warnings have all been in vain. That is one of the reasons that have forced me to draft this Bill with a view to getting it enacted by this legislature.

Now, if I were to read out the extracts from the papers which have been offending against decency, honesty and morality of the press, I think that I will have to be on my feet if not for a fortnight at least for a week, because I have sheaves and sheaves of cuttings to read; but I do not propose to take up the time of the House in reading all these extracts. I shall merely confine myself to the headings only which will give the reasons why it has been necessary for us to bring this measure before the House. I shall briefly read the headlines and if my honourable friends want me to read any particular extract in detail I shall gladly do so or, if necessary, I shall hand it over to them to read for themselves. But as I have said, it will take an enormous time to read all the extracts and it will not only take up the time of the House but I will myself get exhausted if I read all of them. The thing which I object to and which I think every public man will object to is the exaggerated and distorted accounts. Nobody will gainsay that this should be discouraged. Then again there are news about the attempt on the part of a member of one community to kill one of another community, murder news which are baseless but which are likely to incite, news which spread panic in the city, news about the arrests of innocent people who are not innocent, reports which are likely to provoke one community against another and all these accounts are given unnecessary prominence and in some places where they do not exist they are merely brought into news items to create mere sensation. Such news have appeared from time to time. Then, you remember the kidnapping scare. There was of course a certain amount of what you might call anxiety amongst people, but as you all know if there was one correct news there were a thousand false news which did not in any way help to allay that anxiety, but rather fanned the feelings of those people who were already anxious over these reports which were mostly false. Then there are mischievous reports deliberately published to provoke one section against another when there was no ground for provocation at all. Such news are concocted or based on something quite different with a view to provoke one community against another. Then, there are the inflammatory statements with regard to riots. You can mention a fact in a simple language, but instead of doing so the press adds *mirch* and *masala* in order to increase the sale of their paper. That is also very objectionable.

Lala Duni Chand : These are not the headings which you proposed to read.

Premier : These are the various categories of news to which I object and to which I hope everybody will object.

Sardar Sampuran Singh : Will the Honourable Premier give instances ?

Premier : I shall give instances presently. I hope the House will agree with me that these things are objectionable. Now, I will come to facts.

Lala Deahbandhu Gupta : The existing laws are quite sufficient for the purpose.

Premier : My honourable friend has not made my position easy by the statement he has issued. It is one-sided and of course he is welcome to do so. But being a journalist himself I do not grudge him that privilege. My honourable friend wants instances. Let me quote a few instances. I will not read out the whole extract. But I have got here the whole file giving instances which have happened. Now a Muslim paper drew a comparison between Ala and Amritsar and in such language that it provoked a riot in Amritsar. Is not that objectionable ? I am sure my friends will agree with me that it is objectionable. Then another paper makes mention of Sikh-Muslim riots at Amritsar under flaring head-lines. The news is not entirely false as such. That is true news according to that paper. But it was very much exaggerated and a number of sensational head-lines were given with the result that it provoked the other side to issue similar rumours with flaring head-lines. Then another paper tells of the peaceful and innocent—I would not name—men of a certain community having been arrested, instead of pointing out that those people were largely responsible for throwing brick-bats and assaulting a certain procession. Then again another paper published proceedings of a meeting with regard to certain riots in a very sensational form. This is again a Muslim paper. Then a Hindu paper gives the news of a Muslim selling beef near a temple. Then another Hindu paper said that a certain family in Gujrat has started preaching *Jehad* with a view to the murder of Hindus and Sikhs. Then another set of articles appeared during the riots of Jandiala, Ala, Amritsar and other places of all those unfortunate incidents which happened, in very sensational head-lines with false news and in very provocative language likely to disturb the peace in other parts of the province. Let me give you a few instances of false and sensational news and reports. A certain paper reported that Muslims of a certain locality were bent upon raiding a certain village of the Sikhs. There was not an iota of truth in that report. But not only was it published once but published many times with glaring head-lines and even comments were made and leaders were written. Similarly a report from a correspondent in a Hindu paper said that a Sikh-Muslim clash was apprehended and was likely to take place at Garhshankar. There was no foundation whatever for this. It was intended merely to provoke the local Muslims and Sikhs to quarrel. That is why the news was published by that correspondent. Then another paper publishes that a Muslim of Khangarh Dogran openly displays a weapon and it said that he had come from Jandiala after murdering the Sikhs there to murder them here. This is another bit of news which is without any foundation whatever. Then another paper said that a small boy of 18 had been forcibly converted and big head-lines were given and there was no foundation whatever to there being any boy existing in that place and much less of his having been converted. Then another Hindu paper mentioned that

[Premier.]

a *mandir* had been demolished at Amritsar. My Amritsar friends and Dr. Satya Pal would have known at once if a *mandir* had been demolished and I ask him whether any *mandir* had been demolished there recently or within the past 15 months. Then another paper published the news that the Muslims had been preaching that they should sacrifice cows in front of a Hindu *mandir*. There is no substance, not an iota of truth in this news also. But you can imagine the feelings of Hindus throughout the province when they read that bit of news. I think it is a most provocative bit of news and if the Hindus ran amok and assaulted a few Muslims I would not be surprised, and I can understand their indulging in extreme revenge if this thing had been true. But there was not an iota of truth in this news. But it was published with impunity without regard to the consequences. Then a similar news was published by another paper in another district, that a cow had been sacrificed in a *mandir* itself by force by Muslims. Then you remember that famous case about Jandiala Sher-Khan where a riot had taken place and several murders had been committed. Three days later a news-agent published that another riot had taken place and four more people had been murdered. We telephoned at once and found that there was not the slightest truth in that news which had been sent only from Sheikhpura and this was published in the press without verification. Sheikhpura was on the telephone and yet that news was published without verification from any Government official or from another news agency which is an agency of repute not only in India but outside also and it was that other press which immediately contradicted that news when they verified that it was not true. There are also other instances. But I think these are sufficient to indicate the nature of material which has been appearing in the press which has forced my hands, as I said reluctantly, to place this measure before you. There are other things which are comparatively of a minor character, but even so very serious. For instance, a Muslim paper reported about sensational disclosures which it proposed to make with regard to an anti-Islam league of certain officials of the Canal Department at a certain place. I will not mention the names. But there was not the slightest truth. We asked them to report with a view to verifying the statement and we found that as a matter of fact the actual conditions were quite the contrary to what had been published. It was merely to damn some non-Muslim officials who were working there at that time. Again there was a report of a criminal assault on a girl which had no foundation whatever, but it was so provocative that it very nearly led to a riot. Then again another paper published the news that a deputy commissioner of a certain district had prohibited the Muslim employees of his office from saying their prayers. But there was not an iota of truth in that allegation and it was absolutely false news. But you can imagine what the effect of that news should have been on the Muslims throughout the province.

Then there are other articles which are of a scurrilous and abusive nature and I do not propose to refer to these articles. I think this would be sufficient for my purpose. As you are aware there are two distinct aspects of this Bill. One of them directly concerns the press and affects it and the other is more general and is likely to affect those people who are

not concerned with the press but who make defamatory statements or disseminate false statements or news and you will find that one of the clauses in this Bill provides a certain amount of protection—no more than what the official himself has at the moment under the Penal Code. It merely gives Government the concurrent power to take action against the offenders and not forcing the officer himself to take action. That is the main difference with regard to the clause. I trust you will allow me just briefly to run through a few statements of that kind made by people which we have collected at random and made only for a period of a few weeks. I asked them to collect at random a few of these statements and I give you a few specimens.

A gentleman making a speech in a public meeting rebuked the Indians serving in the Army for killing their own brethren, in spite of the fact that this is a thing which is quite contrary to the orders of the Congress High Command, orders which I myself made sure of when I went to Calcutta. I had an opportunity of meeting one of the very prominent members of the Congress Working Committee and I asked what is your decision with regard to the preaching of anti-recruitment ideas, because I find that in Bihar, United Provinces, Bombay and in the other neighbouring provinces there are schemes for military training of young men, schemes for encouraging people to fit themselves for services in the Army; but on the other hand, some of our public men unfortunately are preaching anti-recruitment ideas in the Punjab. What is the correct position of the Congress in this matter? He told me that he was sure that that should not be the case. I said that I was almost certain that this was the case, because I had an opportunity of talking to one of those gentlemen and he said that they were preaching against imperialism. My Calcutta friend said that that was all right. I said that is not quite all-right because after all we want the defence to be more or less handed over to public control in due course, and if we dispense with the whole of the Army to-day and if we persuade our British rulers to leave this country to-morrow, who is going to defend this country and I am very seriously concerned about this matter, because I am very intimately connected with the defence because I am at the gate-way of India and I who had been fighting imperialist battles, now just when I am coming to fight the battles of my own country, should not be made impotent. I am not prepared to take up that position. He said that there was nothing of the sort and that they did not for a moment countenance any such thing. I hope my friends opposite will also make enquiries and make themselves sure that this is not the policy of the Congress and that they do not want to make any anti-recruitment propaganda or preaching as one of the basic parts of their policy and creed. It is not done in any other province and I hope that my friends opposite will also follow the lead of the High Command in this matter.

Then he went on to tar the whole of the Police force with a tarred brush without exception. He said that they were scorpions and snakes and that they should be killed, every one of them.

Dr. Satya Pal: Was this man prosecuted?

Premier: I cannot possibly prosecute every man. I do not want to soil my hands with the small fry.

Dr. Satya Pal : You would not prosecute those who advocate the killing of the policeman and yet you would bring in such a Bill. Is not the law of the land sufficient ?

Premier : Who said I do not advocate it ? I am merely telling you what is happening. If you want me to take a more drastic action, I do not want to do so.

Dr. Satya Pal : Why not ? If a man violates the law of the land, why not take action against him ?

Premier : If I can cure a man with quinine I would not give him arsenic. Here is another gentleman who in a public speech said that 80 per cent. of Government servants were *badmashes*.

Sardar Partab Singh : It is by way of retort to what happened here.

Premier : Another very brilliant speaker and perhaps he was himself very clever, said, not only all the policemen are criminals and in league with the criminals but that the Government is deceitful and puts the Congressmen in jail after concocting cases against them. He did not confine himself to the police but he went on further. (A voice : That is correct). My honourable friend says that is correct, but I suppose that he has forgotten what happened at the Congress Working Committee meeting. There, as my honourable friends are aware, this question was raised, the question of the liberty of the press and the liberty of the citizens, and every one of the Premiers, so I gather from the press reports, said that they were having that trouble and they will not only not allow licence to the press but they will also not allow hatred being preached against the Congress Government. These were the words used and my honourable friends say that I take objection to these things, but if my confreres in other provinces take objection to these things.....

Chaudhri Kartar Singh : But they are popular governments.

Rai Bahadur Lala Gopal Das : This is also a popular government.

Premier : More popular than others. Another gentleman preached to the ignorant yokels, and I want to emphasize this ignorant yokels. He said 'treat all Government officials with contempt.' This is the kind of advice which they give to the citizens of the Punjab, 'treat all Government officials with contempt.' They do not realize that if every Government official was treated with contempt some of my honourable friends would be hiding in their houses and would not come outside. (Voices : No, no). I am not talking about Sardar Sohan Singh Josh.

Dr. Gopi Chand Bhargava : We are not cowards.

Premier : The police of course are all *badmashes* and the patwaris are dishonest and treacherous, every one of them. (Voices : They are).

Dr. Gopi Chand Bhargava : You are not going to prosecute those who tell the truth.

Premier : A very decent public man said that the Congress workers should not be afraid of policemen, because they are their brothers-in-law. That is the kind of speech that a public man makes in a village or a town.

Sardar Hari Singh : These reports may be false and wrong.

Dr. Gopi Chand Bhargava : May be? They are wrong.

Premier : Another gentleman who was for some time in the limelight but I am afraid who is still absconding made a speech and said the Punjab Police are wretches and low-bred (*sab kamia hain*) and they are worse than sweepers and cobblers. This is the kind of public spirit that they show. Another public-spirited gentleman said, "Police officers from the Inspector-General of Police down to the smallest constable are all corrupt."

Sardar Sampuran Singh : A small exaggeration only. (*Laughter*).

Premier : *Badmash* of course is a term ordinarily used in every speech while referring to the Police.

Chaudhri Krishna Gopal Dutt : They were using your vocabulary.

Premier : Another public-spirited gentleman called them as 'dogs.' He said "Policemen are all dogs."

Mian Abdul Aziz : If it is said that they are dogs, then do they become dogs?

Premier : They are the watch-dogs to look after you.

Chaudhri Krishna Gopal Dutt : But this is the American slang for a policeman.

Premier : Another gentleman—who is an educated person and is supposed to be a public man—said, "Government is tyrannical and consists of *haramzadas*." (*Laughter*). My honourable friends laugh. That is the kind of treatment meted out to these people. I am citing these cases because I am going to seek the help of my honourable friends of the Opposition and the President of the Provincial Congress Committee. He should see that at least the Congress workers do not indulge in these things.

Dr. Satya Pal : I deny it.

Premier : An honourable body like the Congress should not allow such things to be said.

Dr. Satya Pal : I take responsibility and say that no Congressman has ever used such words.

Premier : I will not take any more time of the House in quoting these things. An argument might be put forward that Government should not bring forward a measure like this—a measure which is being condemned by every section of the press. I have gone through the press comments during the past few days on this Bill and I confess that they are not favourable to this Bill. The *Statesman* and the *Civil and Military Gazette* have also criticised the Bill. My honourable friend over there is happy that the *Statesman* has also criticised the Bill. He must remember that the *Statesman* and other papers like the *Statesman*, when the original Press Emergency Bill came before the Central Legislature, supported that Bill. Why? My honourable friend should consider at his leisure the reason why?

Chaudhri Krishna Gopal Dutt : Conditions are different.

Premier : Conditions were not different, but there was another set of people here whom they wanted to support. They cannot support me, but they wanted to support another set of people. (*Voices : No.*) My honourable friends say "no." They had confidence in that Government, and that is the reason why they supported them. The *Civil and Military Gazette* in its comments against this Bill say that it does not know what the position of the present Government may be later on and how this Bill is going to be worked. The *Statesman* has also said quite clearly that it is not so much the Act or the wording of the Act that is opposed as the spirit and the manner in which that Act is going to be applied.

Dr. Gopi Chand Bhargava : They have no faith in you.

Premier : The point which I was going to make was that if they had confidence in the previous bureaucratic Government—a foreign Government—I expected that very treatment from my own countrymen—they should have confidence in me, that so far as this Act is concerned, if it comes on the statute book, it will not be used against those journalists who are honest or those people who play the game. (*Interruptions.*)

Mr. Speaker : I cannot allow interruptions.

Premier : As I have said I do not grudge the criticism made by these newspapers and I am not surprised of it because after all it affects the whole fraternity of journalism but, as I have said, we do not want this weapon, because there is a section of honourable journalists among them. We have to add this weapon to our armoury because of those black sheep in the community which we want to get at. That is the main reason of bringing forward this Bill. But, unfortunately, it is impossible in a law like this to discriminate and if my honourable friends opposite or the friends of the press can make a suggestion whether we can discriminate or allay the anxiety of that section of the press about whom I am perfectly confident that they will play the game and continue to play the game, I am prepared to incorporate a clause in my Bill. But let them come out with their suggestions. What I want as a result of this Bill is to stop that scurrilous and irresponsible section of the press which is responsible for all the evils as a consequence of which there result various faults. I want to suppress dishonest and immoral news which are published in the newspapers. That is my main object. I think I have detained the House sufficiently long and I need not go into the merits of the clauses of the Bill because I had the privilege of receiving a representative deputation of the Punjab Journalists Association day before yesterday and I might take the House into my confidence and say that we had a heart to heart talk and discussion for over three hours in a very cordial atmosphere and I am glad to be able to say that I found my friends again very helpful and we came to the conclusion that the disease existed, the evil was there, but its eradication might be possible by another method. (*Hear, hear.*) It might be possible without going to the extent of a surgical operation and by perhaps administering harmless drugs. I am personally not satisfied that those gentlemen will succeed in removing the disease by administration of those harmless drugs. I have now had experience of the press for several years and during the last fifteen months I have been indirectly in touch with the various sections of the press and I have unfortunately come to the conclusion that it will require fairly drastic

methods and remedies to eradicate the evil out of that section of the press. (A voice : *مرغس پڑھنا گیا جون جون نوا کی* That will not help you). My friend has correctly said *مرغس پڑھنا گیا جون جون نوا کی* I have tried to do everything possible but that section of the press is incorrigible and we have not been able to achieve any effective results. Some of the journalist friends amongst the deputation, for whom I have got the greatest regard and whom I hold in greatest esteem, put to me the suggestion that they will themselves try to help to eradicate this evil and that the Journalists' Association will themselves take effective measures against these people, provided I agree to postpone this measure. I put forward before them two alternatives. My first alternative was that I will pass this measure in this House but I will add a clause to it that it will not come into force unless I notify to that effect in the Gazette. I would give them as much time as they wanted—two or three months, four or five months or six months—and if during that period they were satisfied that they had not been able to effect that improvement which they hoped to effect in that section of the press, I shall notify the Act and it will go on the statute book. If, on the other hand, that section of the press showed any real sign of improvement and there was a genuine ground to believe that the evil was more or less on the wane and the malady would be checked then it would not be necessary for us even after six months to promulgate that law or bring it into force. Then we can wait further and see how this cure develops and eventually if the cure were effected, it would not be necessary to bring this Bill on the statute book at all. But there was criticism to this method that it will take away all the grace and that the idea which the Journalists' Association had before them or which they thought would be effective will not have the same force. The other alternative open to me is not to proceed further with this measure and leave it suspended in its present stage, i.e., I need not make further motion for its consideration or that the Bill be passed into law by this House.

I have in deference to the wishes of my journalist friends decided to adopt the latter course (*hear, hear*). I hope that they will do their best to eradicate the evil out of the black sheep of their community. I can also assure them that if they want my moral support or help in any manner it would be unstintingly placed at their disposal with a view to effect improvement. I have no desire to bring this law, which has been termed as a repressive measure, on the statute book. I want to give the fullest possible opportunity to the press, but I cannot possibly give the press unbridled licence. That is what I want to check and curb. In view of what I have said I will be perfectly content to wait for another six months, or if need be, longer, to see that we achieve the object without bringing this measure on the statute book. I hope that as a result of our conference and discussion the Punjab press will soon improve its tone and that the respectable and responsible section of the press will be able to persuade or even coerce, if necessary, the other section of the press so that the Punjab press in the real and true sense of the word be a popular and free press, a press which will do credit not only to the Punjab but to the whole of India. I do not wish to make the further motion.

Dr. Gopi Chand Bhargava : May I put one question to the Honourable Premier? Is the treatment which he suggests more dignified than the disease itself?

Premier : As I have already said sometimes you have to administer bitter medicine to cure a patient. My honourable friend is a doctor and he knows it.

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THE PUNJAB ALIENATION OF LAND (FURTHER AMENDMENT) BILL.

Premier : Sir, if you permit me I want to make a subsidiary motion with regard to the Select Committee on the Punjab Alienation of Land (Further Amendment) Bill. It is this—

That the Select Committee on the Punjab Alienation of Land (Further Amendment) Bill be directed to make its report by the 2nd of July, 1938.

The date was left out the other day by oversight.

Mr. Speaker : The motion moved is—

That the Select Committee on the Punjab Alienation of Land (Further Amendment) Bill be directed to make its report by the 2nd of July, 1938.

Rai Bahadur Mr. Mukand Lal Puri : Under the Rules of the Assembly a Select Committee, unless there are instructions to the contrary, cannot report earlier than two months. In this case you would remember Sir, that at the time of the introduction of the Bill I moved a motion that the Bill be circulated for eliciting public opinion and amongst the grounds that I put forward I stated that the Bill has not had sufficient publicity, and if I am not mistaken the Premier in his reply stated that although the publication in the Gazette had been delayed there will be publicity enough when the Select Committee makes its report. Now, Sir, if that period is to be cut short the idea of publicity would be defeated. Therefore, it is most unfair that after the House has actually passed the resolution without limiting the time during which the Select Committee should report, the House should be asked at a later stage, to give directions to the Select Committee to make its report within three days. No publicity has at all been given to these Bills. I have repeatedly pointed out that a surprise is being sprung upon unsuspecting subjects and the circumstances show that this is being designedly done. Therefore, if the House at this stage goes back on its previous decision it will prevent the publicity altogether. Therefore, I oppose this proposal. The Select Committee ought to be asked to go on with their work. The minutes of dissent are still to be written, and those people who want to append minutes of dissent would get sufficient time under the resolution passed by the House. If this period is cut short the time for consideration will be denied to those people who after consulting the persons likely to be affected adversely by this legislation wanted to append minutes of dissent.

Premier : I am afraid my honourable friend raised the point of order and made a speech on a very technical quibble, if I might call it. I think he is making heavy weather for nothing. He said that those members will not get enough time who want to append minutes of dissent. The report has been signed and the report is ready.

Rai Bahadur Mr. Mukand Lal Puri : It is not signed.

Premier : The report has been signed. As a matter of fact in all such motions we mention a specific date, but through an oversight in this case the date was overlooked. We always go on till the thing is passed. With the permission of the House, I would rectify the mistake. If the House does not want it, I would be perfectly willing to withdraw my motion. But I think the House will agree with me that this mistake should be rectified and the Select Committee should be instructed to report by the 2nd July to enable us to proceed with the Bill during this session.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I shall be failing in my duty if I do not say a few words in support of the protest made by my honourable friend Mr. Mukand Lal Puri. The other day I said a lot about indecent haste. Is it not an example of indecent haste? Is there any other word which would be appropriate to describe the haste with which the Government is rushing these measures through the House? The Honourable Premier said that there was an oversight. That itself is a proof of indecent haste, that they do not know what they are doing and that has been our grievance from the very beginning that no proper thought is given to the measures which they are placing before the House. The Honourable Premier says "I am trying to rectify an oversight. It is only a legal quibble." Are these Rules a legal quibble? It is a disrespect to the Rules of this House and the framers of these rules to call them legal quibble. I do not think that if the Honourable Premier were a lawyer he would call them a legal quibble. They are substantial rules of business of this House and they are intended to be acted upon. If he thinks that all these rules are rubbish, we ought better proceed as his predecessors used to proceed about 200 years ago without any rules or with rough and ready rules. Then he says "we have full confidence and support of the members of this House and if the honourable members want to carry this motion it will be carried, otherwise I am not particular if they do not want to carry." He knows fully well that it is his duty to observe decency and decorum and follow these rules. It is not expected of these gentlemen to suggest to him that he is going out of the ordinary procedure. He is referring to the members of the House knowing fully well that they would never say "No". It is his duty to show reasonableness and fairness and I may add, sense of decency.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I did not wish to intervene in this debate at this stage, but I have been tempted by the speech of my honourable friend opposite. I have never before listened to a speech from my honourable and distinguished friend opposite conceived and delivered in such indecent haste. He stated that the honourable member in charge of the Bill had flouted the rules of procedure and with indecent haste had come forward with this proposition. I would ask my honourable friend—whose opinion and remarks so far as I am concerned are always entitled to respect—to look to the standing order 44 of the interim rules. It says—

"(2) Such report shall be made not sooner than two months from the date of the first publication of the Bill in the Gazette, unless the Assembly orders the report to be made sooner."

[Mir Maqbool Mahmood.]

The rule does not lay down that once a Bill is referred to a Select Committee, the House cannot specify a date by which the Select Committee report is to be submitted. I submit that this motion is made perfectly in accord with the Standing Orders of the Assembly by which we are governed at the moment. I am sorry to say that my honourable friend should have allowed himself in an indecent haste to make his statement.

With regard to the point made by my honourable friend, Mr. Mukand Lal Puri for whom I have great affection, let me remind him that the draft rules, to which he has referred, have been adopted by the Assembly but they have not yet been given effect to. When those rules become law, he may rest assured that in the hands of the Honourable Leader of the House they will be observed in spirit and in letter. I submit that what we are doing to-day is perfectly straightforward and reasonable. We are only asking that the Select Committee may report on this Bill of a very few clauses— which I think involves no change of principle—within 4 or 5 days. The Bill has already been under consideration for a sufficiently long time in the hands of the Select Committee. With these words I oppose the objection raised by my honourable friend opposite and support the motion made by the Honourable Leader of the House.

Mr. Speaker : The question is that—

The Select Committee on the Punjab Land Alienation (Further Amendment) Bill be directed to make its report by the 2nd of July, 1938.

The motion was carried.

RULES OF PROCEDURE.

Mr. Speaker : Now the Assembly will proceed to consider the draft rules.

New Rules.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :
Sir I beg to move—

That between the rules 133 and 134, the following new rule be added :—

"133-A. On a day fixed by the Governor before the last of the days allotted by him for the moving of demands for grants, further demands for grants may be moved :
Further demands for Grants.

Provided that—

- (i) they are required for purposes which in the opinion of the Governor are of an emergent nature ;
- (ii) they are for new matters which have not been included in the original estimate of the year. Such demands shall be classified according to the original demands for grants, the details being shown by sub-heads of appropriation in detailed account heads under each grant."

Certain new rules that were moved by me the other day were incorporated in the draft rules. The draft rules, as originally framed, leave out certain rules which are appropriately to be framed by this House and after a considerable discussion on the last occasion, the Leader of the House and the whole House agreed to the incorporation of those rules on similar grounds and on similar arguments. I beg to move that these rules ought to be incorporated in the rules framed by this House.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, I rise on a point of order. My point of order is that these new rules of which notice has been given by my honourable friend contravene the Government of India Act and for that purpose I should like to refer to certain provisions of the Government of India Act, which, to my mind, make it absolutely clear that there can be no question of considering any supplementary grant unless and until the budget has first been passed and in accordance with that passed budget an authenticated schedule has been presented to this House. I draw your attention to sections 78 to 81 of the Government of India Act, 1935. Under the scheme of these sections, the first step is the presentation of the annual financial statement. Section 78 says—

4 P.M.

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, in this Part of this Act referred to as the 'annual financial statement.'

Now according to section 79 this annual financial statement shall consist of two kinds of expenditure, one, expenditure charged upon the revenues of the province which this House can only discuss under certain restrictions and the other, votable expenditure which this House may assent to or reject. After the annual financial statement has been considered by the House and the votable items voted or rejected, comes section 80. It says—

The Governor shall authenticate by his signature a schedule specifying—

- (a) the grants made by the Assembly under the last preceding section;
- (b) the several sums required to meet the expenditure charged on the revenues of the Province but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Chamber or Chambers.

Section 80 also empowers the Governor to alter the various demands in the due discharge of any of his special responsibilities. As soon as the Governor has authenticated this schedule it is laid before the Assembly, but it is not open to discussion. It is this authenticated schedule which is the sanction for the Government for its expenditure in the course of the year. When this process has been gone through, section 81 comes into play. It provides for supplementary statements. It says—

If in respect of any financial year further expenditure—

I draw your attention to this expression "further expenditure", it is clarified in the latter part of the section—

Further expenditure from the revenues of the Province becomes necessary—
these are very important words—

Over and above the expenditure *therefore* authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement—

It is thus only after the processes referred to in the previous sections have been gone through that the Governor can present a supplementary statement. Now, the rules of which my honourable friend has given notice contemplate that even before the budget has been discussed, even as soon as the budget has been presented before the House, it is open to Government to put forward any supplementary demand and get it passed by the House. You will be pleased to see that these rules of which notice has been given by my honourable friend are also contained in the tentative rules framed by

[Malik Barkat Ali.]

the Governor, but my submission is that they are *ultra vires* as they contravene the provisions of the Government of India Act. Now I will just draw your attention to some of these new rules. The first rule says—

On a day fixed by the Governor before the last of the days allotted by him for the moving of demands for grants, further demands for grants may be moved.

It comes to this that while the budget has not yet been passed, even before the number of days allotted for the discussion of demands for grants elapse, it is open to the Ministry to ask the House to sanction further demands for grants.

Provided—

- (1) they are required for purposes which in the opinion of the Governor are of an emergent nature ;
- (2) they are for new matters which have not been included in the original estimate of the year.

This rule, I submit, is fundamentally opposed to the procedure laid down in the Government of India Act. It may be said that the procedure of other countries allows such a thing to be done. I may point out that in the case of the United Kingdom, the Government even before the Appropriation Act is passed, in order to carry on the business of the Government for a few months, gets necessary credit from the Parliament. They get this credit for three or four months, because it takes some time for the Finance Bill to be passed and for the Appropriation Act to be passed. But this procedure is prescribed in the rules of the House of Commons. But we are from the beginning to the end governed by the Government of India Act and any procedure which conflicts with the provisions of that Act cannot be allowed simply for the reason that similar rules exist in the United Kingdom or that this procedure is to some extent supported by the financial procedure obtaining in other countries. My point is that the budget must first be passed by this House and authenticated by the Governor and the authenticated schedule presented to this House before any supplementary estimate can be presented to the House.

Mr. Speaker : The new rule is not yet before the House. So, I will propose it from the Chair before the point of order can be discussed. The rule is—

That between the rules 133 and 134, the following new rule be added :—

“133-A. On a day fixed by the Governor before the last of the days allotted by him for the moving of demands for grants, further demands for grants may be moved :
Further demands for Grants.”

Provided that—

- (i) they are required for purposes which in the opinion of the Governor are of an emergent nature ;
- (ii) they are for new matters which have not been included in the original estimate of the year. Such demands shall be classified according to the original demands for grants, the details being shown by sub-heads of appropriation in detailed account heads under each grant.”

Malik Barkat Ali : Shall I repeat the points that I have already urged ?

Mr. Speaker : Yes. The honourable member may summarise them.

Malik Barkat Ali: My point is this. Under sections 78 to 81 of the Government of India Act the budget must first be passed by this House. This House cannot entertain any supplementary demand unless and until the budget is passed by this House and is authenticated by the Governor and the authenticated schedule is placed before the House. It is only after the authenticated schedule of expenditure is placed before the House that an occasion can arise for the moving of supplementary demands. But the rules which my honourable friend wishes to be incorporated in the rules of procedure contemplate moving of supplementary grants even before the budget has been sanctioned and the schedule of expenditure authenticated by the Governor is laid on the table of the House. Section 81 of the Government of India Act clarifies the position beyond all doubt. Section 81 is the section under which the supplementary grants can be moved. Section 81 makes it perfectly clear that a supplementary grant must relate to further expenditure. The word 'further' postulates that some expenditure had already been provided or incurred, and it is felt that some thing more is needed than the sanctioned amount. Again section 81 clearly says 'further expenditure over and above the expenditure theretofore authorised for that year'. It is only after the expenditure for the financial year has been authorised that any question of a supplementary grant arises. According to the proposed rule moved by my honourable friend a supplementary grant can be moved during the period allotted for the passing of the budget, and therefore before even the budget has been passed, it will be open to the Honourable Finance Minister to table a supplementary grant. You will be pleased to see how absurd this position is. It may be, though I am doubtful, that after the budget has been introduced it is open to the Honourable Finance Minister, any time when it suits him, to ask for a raised or increased demand in place of the actual demand incorporated in the original budget. But there is really no question of moving a supplementary grant during that interim, because the Act definitely provides that you should first get the authenticated schedule presented to the House, and after that has been sanctioned, expenditure over and above that can only be by means of a supplementary grant. Therefore where is the question of moving a supplementary grant before the budget has been passed and before that schedule has been placed before the House?

Sardar Hari Singh: With your permission I may answer the objection raised by my honourable friend, Malik Barkat Ali. I think he has wasted his breath. All the while he has been harping on supplementary demands. Does he mean to say that there should be no supplementary demands presented before the House? I think his answer will not be in the negative.

Malik Barkat Ali: I am afraid my honourable friend has not understood me. I only say that supplementary grants or further grants can only be moved in the House after the budget has been passed and the authenticated schedule presented.

Sardar Hari Singh: My honourable friend is confusing further demands with the supplementary demands. These are two quite different kinds of demands. They form two distinct categories. I have nowhere proposed that supplementary demands should be moved before the annual

[S. Hari Singh.]

financial statement has been laid before the House and the budget has been passed. Supplementary demands are always moved after the annual budget has been passed.

Malik Barkat Ali : Then what is a further demand ?

Sardar Hari Singh : If the House wants to have further demands presented by the Government, the House may have them.

Malik Barkat Ali : Before the budget is passed ?

Sardar Hari Singh : Yes.

Dr. Sir Gokul Chand Narang : On the whole I agree with the point of order raised by Malik Barkat Ali and I am also of the opinion that section 81 makes it very clear that a further demand cannot be moved unless the budget has been passed or to put it more strictly and more accurately, it should be over and above the expenditure theretofore authorised for that year. Now this authorisation comes under section 80 (1), which says that the Governor shall authenticate by his signature a schedule specifying so and so. I think the only argument that could be raised in opposition to the argument advanced by Malik Barkat Ali would be, though it would be a far-fetched one, that it is not necessary that the authentication should be after the whole budget has been passed. Supposing five demands have been passed or granted by the House and it occurs to the Government that a little more money is necessary for a particular demand, the Minister in charge can approach the Governor and ask him to authenticate the five demands already granted by the Assembly and then literally it would be covered by section 81. If we interpret these sections too literally or absolutely literally it might be argued like what I have submitted, that it is not necessary that the whole budget should be passed, but that after a few or even one demand has been granted by the House and it appears that more money is necessary owing to something which has happened since that demand was framed—for instance in case of a flood or where some breach has been caused to a weir or a canal has been damaged by which a crore and 20 lakhs would be necessary instead of a crore—then the Finance Minister can go to the Governor and say, Sir, such is the emergency, will you kindly authenticate this demand ? In order to comply with section 81 he asks the Governor to authenticate the demand already passed with respect to Irrigation and before any other demand on the agenda is moved. This is the argument which with some show of reason based on a strictly literal interpretation of the sections of the Government of India Act might be advanced. But I am afraid, as I said in the beginning, it would be too literal and too academic. The intention of section 80 seems to be that the Governor would not authenticate the expenditure piecemeal, but that he would wait until the Assembly has had time to consider each demand and after the demands have been discussed then the Governor would authenticate the schedule of expenditure and send it to the Assembly and it is only then that if any further demand is necessary, it would be placed before the House. The other argument would be too literal and when you interpret a section too literally sometimes you misinterpret it and that interpretation would be open to objection. I would submit that section 80 makes it clear

that the whole budget has to be authenticated as a whole and section 81 makes it absolutely clear that no further demand would be placed before the House until all the demands have been authenticated.

Advocate-General (Mr. M. Sleem): The point of order that has been raised is this, that section 81 of the Government of India Act bars this rule. I would submit that if you examine the language of section 81, you will find that it only applies when an authentication has taken place under the provisions of section 81. It says—

“ If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year.....”

There is no question of any piecemeal authentication.

“ the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure and the provisions of the preceding sections shall have effect.....”

This rule just proposed is, I take it, not dealing with that stage. It is dealing with a stage before the Governor has authenticated the expenditure and therefore I submit that it is not out of order. The objection was not under sections 78, 79 or 80. Before he proceeds to authenticate it, it may be realised that further expenditure is necessary and I therefore think that section 81 does not stand in the way.

Mr. Speaker: How?

Advocate-General: My submission is that section 81 comes in after the expenditure has been authenticated. We are dealing with a stage in this rule when there has been no authentication.

Mr. Speaker: Is there any section in the Government of India Act which authorizes the Governor to put a supplementary demand before the Assembly before the annual budget is passed?

Advocate-General: Not before the annual budget is passed.

Dr. Sir Gokul Chand Narang: What do you mean by ‘authorized’ by the Assembly or by the Governor?

Advocate-General: Authenticated by the Governor under section 80. Section 81 is a section dealing with the supplementary statement of expenditure which is only put forward before the House after the first stage is over, namely the expenditure for the year has been authenticated. This is the first stage. There are certain number of demands before the House, and the House has to consider these grants. Authentication is the subsequent stage and after that stage if there is any question of a further demand it comes in a further estimate of expenditure. I submit that there is no bar in any section of the Government of India Act.

Mr. Speaker: What about section 81?

Malik Barkat Ali: What does ‘further’ mean?

Advocate-General: My submission is that section 81 does not apply.

Mr. Speaker: If section 81 does not apply, will the Advocate-General point out any other section of the Government of India Act in which the Governor is authorised to place such a budget before the House?

Advocate-General : It is a question of terminology. All that happens is this that the Governor has under section 78 to place before the House an estimated statement of receipts and expenditure for the whole year. Then it goes on to say that the expenditure is to be put to vote. There is nothing there to bar the Governor saying that when I presented this I left out a certain item and now that the House is going into it, it may also consider this item. There is no rule which prohibits that.

Mr. Speaker : Unless the Governor is authorized by law, how can he place any matter before the House ?

Advocate-General : The rule proposed is this :--

On a day fixed by the Governor before the last of the days allotted by him for the moving of demands for grants, further demands for grants may be moved.

Supposing a further demand is moved which is not included, it certainly would not be barred under section 81.

Mr. Speaker : No question of being barred. The question is under what law the Governor has power or authority to move it.

Advocate-General : Only under section 78.

Mr. Speaker : Only annual budget can be placed under section 78.

Advocate-General : Annual financial statement would be included in it. It is in dealing with the annual budget that these things come in. If anything is not there it may be included in the annual budget. It is a part of that annual statement.

Dr. Sir Gokul Chand Narang : This very section 81 refers to items which become necessary over and above those already authenticated, i.e. demands that have already been passed and authenticated under section 80. It does not refer to the stage when nothing has yet been passed. Then of course they can say that a clerical or other error has crept in and they can convert one crore into one crore and twenty lakhs.

Malik Barkat Ali : Where is the distinction between a supplementary and a further grant ? How does my learned friend make out that a further grant is different from a supplementary grant ? Because so far as the Government of India Act goes, there is either the budget or a supplementary or further grant. Having regard to the fact that the word further is used in section 81 and in no other section of the Government of India Act, my learned friend is wrong when he seems to think that further grants are different from supplementary grants.

Lala Bhim Sen Sachar : These estimates are such as would be placed before the Assembly by the Governor. Now, the Governor sends certain estimates to the Assembly. These estimates are taken up by the Assembly. They are passed. Then they go to the Governor and are authenticated. Before the Assembly has finished its deliberations the Governor comes to know that something has happened and that something more should form part of those estimates which are before the Assembly, and in such a case the Assembly will be within its rights to consider these estimates. After these estimates have been passed by the Assembly and they have been authenticated by the Governor it is only then that section 81 will come into operation. It will not come into operation till the Governor has authenticated the grants as they have been passed by the Assembly. Therefore my

submission is that unless you are pleased to hold that there is a section in the Government of India Act, which I am not aware of, which says that the Governor cannot refer these estimates in two instalments before they are actually passed, section 78 permits the adoption of a procedure under which the estimate may be given in two instalments before the budget is passed.

Mr. Speaker : May I invite the honourable member's attention to the opening lines of section 78? They are as follows :—

78. (1) 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, in this Part of this Act referred to as the "annual financial statement."

How many annual financial statements can a Governor place before the Assembly under this section? I wish to invite the attention of the House to what happened when this Rule was last taken up. I have got the proceedings of 5th April, 1938, before me. I will read out my ruling with a part of proceedings. When Sardar Hari Singh moved this very Rule, I made the following observations :—

The annual budget or the demands for grants, contained therein, are voted on days allotted by the Governor for that purpose. The rule moved by the honourable Sardar Hari Singh empowers the Governor to have "further demands for grants" moved on one of the days, before the last, originally allotted by the Governor for the voting of the budget. It may happen that some of the demands for grants, specified in the budget, might have been disposed of before the day on which the Governor authorises the moving of "further demands for grants"; while no action may have been taken on the remaining demands for grants, mentioned in the budget. It may also happen that some of the further demands for grants, authorised to be moved by the Governor on a particular day, may be integral parts of demands already rejected or passed by the House; while some of these "further demands for grants" may be parts and parcels of some demands for grants, yet undisposed of. In the former case, the "further demands for grants" may be moved, like supplementary demands, as independent demands for grants; but in the latter case the "further demands for grants" shall have to be added on to the original demands for grants of the same class. In other words, an original as well as a "further demand" shall have to be put before the House as one increased demand and not as two independent demands. But according to parliamentary practice even a Minister of the Crown cannot increase the amount of a grant beyond the sum specified in the original estimate; and if such increase is considered necessary the original estimate has to be withdrawn and a revised estimate presented in its place. May I know what will happen if and when such a contingency arises?

Sardar Hari Singh then got up and said :—

May I explain the intention of the rule as moved by me? The intention is exactly as suggested by you. The further demands refer to the demands that have already been voted upon and not the demands which are yet to be voted upon.

I then got up and said, "What has the Minister for Finance to say?". What he said was—

I have nothing to say at this stage.

I then said—

The procedure is open to several further objections; but as an identical rule is being considered by His Excellency the Governor, in consultation with me, I prefer not to raise those objections here.

Diwan Chaman Lall then got up and said—

But we may be passing these rules now without the benefit of the objections you might have to raise on the point. Therefore, I think this is the proper stage at which you should indicate to us your objections.

[Mr. Speaker.]

I then got up and said :—

In the Government of India Act express provisions are made for the presentation to the Assembly of "the annual budget" (see Section 78) and for the submission of "supplementary demands for grants" after the authentication and authorisation of "the budget" (see section 81); but no provision is made for the presentation of further demands for grants, as proposed by the rule, moved by the honourable Sardar Hari Singh.

Later on I said :—

In England there is no law or rule which, like Section 81 of the Government of India Act, permits a 'supplementary demand' to be presented only after the 'regular budget' has been passed, authenticated and authorised under section 80. Consequently, in Commons, if the regular estimates have not been considered prior to the submission of the summer supplementaries, the two are considered together. On this point the practice of the House of Commons is that in addition to the ordinary estimates, which are submitted to the House of Commons as early as possible in each session, the various departments are often compelled to present further estimates for expenditure, which was not foreseen at the time when the original estimates were prepared. Such supplementary or additional estimates, as the case may be, are presented to the House of Commons as soon as possible. If the original estimate for the department in question has not been already disposed of in Committee of Supply, the supplementary sum is incorporated with the sum remaining to be voted for that department; if, however, the original vote has been agreed to, the additional money required is voted separately. But this cannot be done under section 81 of the Government of India Act, which expressly precludes the submission of 'supplementary demands for grants' before the authorisation of the 'annual budget.'

In America the national government and several states and local governments have legal provisions whereby the budget making authority may submit to the legislative body supplementary or additional expenditure estimates after the budget has been transmitted and before final action has been taken on it. It is particularly noticeable that in the United States of America the right to present supplementary or additional estimates, after regular budget has been transmitted and before final action has been taken on it, is regulated by statute, and not by rules or usage.

The rule, moved by the honourable Sardar Hari Singh, is open to several other objections as well. But in my opinion the best course would be to postpone consideration of the rule until the matter is further considered by all concerned.

I meant His Excellency the Governor and myself. Upon this the Honourable Finance Minister got up and said—

There are certain rules to be made by the Governor in the exercise of his discretion after consultation with you. Suppose a rule of this description were eventually to be framed by the Governor in the exercise of his discretion, what would happen if a further demand has to come up? Will you then say that the demand is *ultra vires* of the Government of India Act.

With regard to the four rules which Sardar Hari Singh proposes to include in the Rules of Procedure of the Assembly and of which he has given notice as new rules, I do not think that I will give way. I do not think I will be giving out any secret when I say that His Excellency and I are considering these rules. If we pass or reject them we will be placing an obstacle in his way. I am of the same opinion as Dr. Gokul Chand Narang and Malik Barkat Ali. I entirely agree with them.

Lala Bhim Sen Sachar : It will save time.

Mr. Speaker : Yes, it will save time and money. But it is a complicated matter. Suppose certain days are appointed for discussing certain demands; but after 3 or 4 days the Governor's list of further demands comes. It will interfere with the whole programme, because if this rule is framed, the Governor will fix a certain day on which the additional budget shall be considered. It may be that on that day the House, according to its previous programme, has to discuss Police or General Administration. So, if the Governor fixes, under the proposed rule, some other demand on that day, the House shall not be able to follow its programme and discuss the demand relating to the Police or General Administration. Therefore, at present, I am of the opinion already expressed. It will be better, I think, if the House waits till I have discussed the Rule with His Excellency the Governor.

Sardar Sampuran Singh : These rules must have been framed by Sir Herbert Emerson.

Mr. Speaker : No, they are to be made by him in consultation with me.

Sardar Hari Singh : Do you object to excess demands ?

Mr. Speaker : Yes, I object. In my opinion they are not permissible under the law as it stands.

Sardar Hari Singh : Excess demands should be left out and supplementary demands should be taken up.

Mr. Speaker : The Rule about the supplementary demands is bound to come in. Let us leave all these four rules to His Excellency the Governor and myself.

Sardar Hari Singh : Objections can be taken to further demands under the Government of India Act, but no objection can be taken to supplementary demands. Moreover I may draw your attention to the fact that we have already passed Rules 125-A, B, C and D, regarding the annual financial business. We have got the Rule regarding the annual budget. We should also have Rule regarding the supplementary demands.

Mr. Speaker : As regards Rule 133-B I have no objection. The Governor will have no objection. His Excellency and I have agreed that it should stand as it is. So that the rule may be moved and passed if the House has no objection.

Minister for Finance : May I make a submission, Sir? I gather that His Excellency and yourself have agreed to this rule. I take it that this rule is included in the Governor's Rules. I feel that if we pass these rules and the Governor, agreeing with the Honourable the Speaker, frames similar rules about supplementary demands, the two sets of rules may not be exactly in the same terms. There is a possibility of there being a conflict in the language of the Governor's Rules and the rules framed here. Where then is the advantage to be secured, even though this House may be able to claim the credit of framing some rules in that behalf? I do not think there is any good in doing so. If the Speaker and the Governor are agreed on certain rules, then those rules are going to prevail.

Mr. Speaker : I may further add that it is worth considering whether this House has the power to make these rules which impose some sort of duty on the Governor.

Sardar Hari Singh : There are four rules. Are all of them going to be deleted by the House ?

Minister for Finance : My position was perfectly clear. The Governor in his discretion, in consultation with the Speaker, may frame certain rules which cover the same ground, but their language may differ. My point is that there may be some difference. I was going to add that if there is any further virtue in these suggested rules, that will be duly borne in mind by the Governor.....

Mr. Speaker : If the House passes this rule, I shall be placed in a predicament, as I do not wish to be a party to any decision about these rules.

Sardar Hari Singh : This is not the only rule which the Governor is to frame but there are other rules regarding financial matters as well.

Mr. Speaker : There are two sets of rules. On the rules of one set both the Governor and I are agreed. But on the rules of the other set I differ from him and his advisors and the rule under discussion is one of the rules in the latter set. Therefore, I request the House not to pass it to-day ; and hope that the honourable member will withdraw his motion.

Sardar Hari Singh : Sir, I withdraw my motion.

The motion was by leave withdrawn.

Mr. Speaker : The remaining new rules need not be moved.

Sardar Hari Singh : No, Sir.

Mr. Deputy Speaker (Sardar Dasaundha Singh) : Sir, I beg to move—

That at the end, the following new rule be added :—

Subject to the provisions contained in the Act, or, any law, in force for the time being, defining the powers, privileges and immunities of the Assembly and of the members and committees thereof, and subject to the rules framed by the Governor under the proviso to sub-section (1) of section 84 of the Act, in all cases not provided for hereinbefore, the practice and procedure of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed so far as they may be applicable to this Assembly.

Mr. Speaker : The question is—

That the following new rule be taken into consideration :—

Subject to the provisions contained in the Act, or, any law, in force for the time being, defining the powers, privileges and immunities of the Assembly and of the members and committees thereof, and subject to the rules framed by the Governor under the proviso to sub-section (1) of section 84 of the Act, in all cases not provided for hereinbefore, the practice and procedure of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed so far as they may be applicable to this Assembly.

The motion was carried.

Minister for Finance (The Honourable Mr. Manohar Lal) : You will see, Sir, that this new rule proposes the incorporation of the whole procedure as it prevails in the House of Commons. Are we prepared really

to import that procedure in this wholesale manner? After all our rules are few and simple, 100 or a few more. They make definite provisions only as to our needs and requirements, as regards particular contingencies. It has also been open to us, as you have been invariably pleased to do so, where direct and definite light can be sought in the Rules of the House of Commons, to follow them. But if we adopt a comprehensive rule of the description proposed, I may say that we shall be compelled to undertake an elaborate study of May's Parliamentary Practice and other technical works dealing with parliamentary procedure in the Kingdom of Great Britain and Northern Ireland. That is not all. You remember, Sir, that all those rules, which have been evolved in the House of Commons, have a long technical history behind them and they have no real immediate application to our conditions; and in our efforts to apply them, we are certain to get involved in practical difficulties. We have these simple rules framed by ourselves. Let us proceed according to these rules. We have, further to help us, a large number of rulings of this House and of the Central Legislature where we work under parallel and comparable circumstances. I have no doubt in my mind that if we adopt this rule, we shall be cast on a study of all the elaborate technicalities in May's Parliamentary Practice based, as they are, on the peculiar conditions of British constitutional history and tradition. That practice has no direct bearing here. Those rules are highly technical and many of them really of obsolete character. We shall be embarking on an uncharted sea of artificial provisions, and we shall be involving ourselves in real and often inextricable difficulties, and I see no advantage in incorporating those rules. The new rule proposed by the Deputy Speaker is like this:—

That at the end, the following new rule be added:—

Subject to the provisions contained in the Act, or, any law, in force for the time being, defining the powers, privileges and immunities of the Assembly and of the members and committees thereof, and subject to the rules framed by the Governor under the proviso to sub-section (1) of section 84 of the Act, in all cases not provided for hereinbefore, the practice and procedure of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed so far as they may be applicable to this Assembly.

Sir, I am not aware of any legislature, incorporating in such terms as these, rules from across the sea, from the Kingdom of Great Britain and Northern Ireland. We have helpful rulings in abundance and I see on the table a book which contains rulings given by the Chair in the Central Assembly. Now, over and above this, if we incorporate this rule and follow the British technical procedure as it obtains in the House of Commons, I for one will feel myself in extreme difficulty in knowing, from day to day, where I stand. I am also sure that our members, particularly those who are not familiar with the English language, and not only with the English language but with all the intricacies of that peculiar language, I was going to say jargon, in which British parliamentary procedure chooses to express itself, they will find themselves in great day to day difficulty. I am making no confession when I say that I for one do not understand even half of this book—May's Parliamentary Practice. Much of it conveys no meaning whatsoever to me. And so far as the financial procedure therein is laid down, I understand it even less. Even in England a high

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authority—E. Hilton Young—speaks of the maze of parliamentary procedure in matters of finance where the path to tread is devious. He speaks of financial procedure as being planned on no orderly or scientific scheme and as having been evolved bit by bit to suit the conditions and needs of the moment. He characterises the procedure as a meaningless ritual, the

5 P. M. rules of the House for financial business being full of fossils involving waste of time on precautions against dangers which passed with the seventeenth century and have no application at present. My position is, therefore, simply justified and I think that many of our members would admit that they are probably also in the same position. In those circumstances, because of the extreme technicality of the British procedure and because of the obvious impropriety of bodily importing comprehensive practice from outside, I do not see any value or virtue in the proposition of the Deputy Speaker.

Parliamentary Secretary (Mir Maqbool Mahmood): I wish to add only one word in supplementing the objection on grounds of convenience raised by the Honourable Finance Minister. My objection is based on constitutional premises. I fear that my friend the Deputy Speaker has by accident omitted to consider these points. I grant that there is a great deal in the Parliamentary procedure that we can very well adopt. But I refuse to concede that we should abdicate the powers given to us under the Government of India Act to frame our own rules of procedure. While it is open to us to adopt by convention whatever suits us in the procedure of the British Parliament, we should retain our right to frame our own rules and to alter them from time to time as necessity may arise. I am confident that in view of this the Deputy Speaker will withdraw his amendment.

Mr. Deputy Speaker: In view of the wishes of the House I beg leave to withdraw the amendment.

Premier: I should like to submit one point. Our practice at present where our own rules are silent and where the practice of the House of Commons is not inconsistent with our rules, is to adopt the Parliamentary procedure. You have been adopting this practice all these years. I can assure you that in future you will have the fullest discretion to adopt the same practice. Therefore, this amendment is unnecessary. Besides there may be cases where our rules are silent and the Parliamentary procedure may not be applicable to our conditions. In such cases this amendment will fetter your discretion and our discretion also unnecessarily. Therefore, I suggest that the matter may as well be left to convention retaining to ourselves a right to alter that convention where desirable.

The amendment was by leave withdrawn.

Rule 50.

Mr. Speaker: Let us now take up rules, the consideration of which was postponed.

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

That for Rule 50 the following be substituted:—

50. All proceedings of the Assembly shall be conducted in English or vernacular language but any member who is unacquainted or not sufficiently acquainted with the English language may address the Assembly in any recognised vernacular language of the Province.

Explanation.—For the purpose of this recognised vernacular language shall be in any case one of the following languages, viz., Urdu, Hindustani and Punjabi.

Mr. Speaker: The honourable member's amendment is out of order. It amounts to this that between the words "English" and "language" the words "or vernacular" be inserted and in the explanation the word "Hindustani" be inserted between the words "Urdu" and "and". Now instead of suggesting his verbal amendments he has moved a new rule for taking the place of the original rule. The honourable member, an experienced lawyer as he is, will admit that, I hope, his amendment is inconsistent with section 85 of the Government of India Act.

Lala Duni Chand: I quite recognise the difficulty that is in my way and in the way of any honourable member who may like to move an amendment with regard to this rule. If really we are going to stick to the interpretation of section 85 which you have been pleased to put upon it—

Mr. Speaker: If I am wrong, the honourable member is welcome to correct me.

Lala Duni Chand: I admit that your interpretation is correct. I do not question it. But we have to find a way out of the difficulty. The House must be reminiscent of the lively controversy that was created last time.

Mr. Speaker: I have one humble suggestion to make. It may be that if something is done on the basis of that suggestion, some solution may be found. Now the first part of section 85 says: "All proceedings in the Legislature of a Province shall be conducted in the English language." This cannot be possibly changed except by the Parliament itself. Then the proviso—so far as it concerns this province—says: "Provided that the rules of procedure of the Chamber shall provide for enabling persons unacquainted or not sufficiently acquainted with the English language to use another language." This proviso is so widely worded that it may include the making of rules by this House as to what 'unacquainted' or 'not sufficiently acquainted' means. If honourable members appoint a small committee of three sound lawyers of this House to make a rule defining what 'unacquainted' or 'not sufficiently acquainted' means, perhaps the difficulty might be solved to a certain extent.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh Rural): Sir, I beg to move—

That in line 2, between the words "who" and "is" the words "declares that he" be inserted.

The motion was carried.

Mian Fazal Karim Bakhsh (Muzaffargarh Sadar, Muhammadan, Rural): Sir, I beg to move—

That in line 4, between the words "Assembly" and "in" the words "in Urdu or Punjabi or with the permission of the Speaker" be inserted.

That in line 4, between the words "any" and "recognized" the word "other" be inserted.

That the explanation be deleted.

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

That in line 4, between the words "Assembly" and "in" the words "in Urdu or Punjabi or with the permission of the Speaker" be inserted.

That in line 4, between the words "any" and "recognized" the word "other" be inserted.

That the explanation be deleted.

Parliamentary Secretary (Mir Maqbool Mahmood): The amendment of my honourable friend suggests that the explanation may be deleted and that instead of the words 'recognized language' the words 'Urdu or Punjabi or with the permission of the Speaker any other recognized language of the province' be added. It attempts to codify the existing practice with regard to various languages used in debate.

Mr. Speaker: That will make the rule more complicated.

Parliamentary Secretary: I submit that an amendment has been moved with a specific purpose by the honourable member.

Malik Barkat Ali: May I in support of this position just draw your attention to the fact that so far as Urdu and Punjabi are concerned, we understand them very well, but any member may start speaking in Persian. Therefore, I submit that so far as Urdu and Punjabi are concerned, there is no restriction and the matter is crystalized by this amendment, but if there is any other language to be used, naturally it should be with the permission of the Speaker. This amendment clarifies the position and makes the matter perfectly clear, and further does not in any manner depart from the practice heretofore in force in this House. Urdu and Punjabi are clearly understandable by everybody, but so far as any other language is concerned, let the matter of the permission rest with the Speaker. This is really a very useful amendment and I certainly support it. Anybody may take it in his head to address this House in Persian or any other language which may be Greek to us. In case this is agreed to the explanation would become unnecessary.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban): May I suggest one thing? Why not take all these amendments, Nos. 6, 7 and 13 together? As a matter of fact it is an attempt to modify this rule and I think all these should be taken together. I would suggest further that you should consider all of them together, besides 6, 7 and 13, because it is in no way against the spirit of section 85. Now those members who do not know English, are entitled to know what is being said in the House and if they are kept in ignorance they would object. I hope that is not the spirit of the law that they should be kept in ignorance.

Parliamentary Secretary (Mir Maqbool Mahmood): The rule as amended by my friend Mian Fazal Karim Bakhsh would read like this—

All proceedings of the Assembly shall be conducted in the English language, but any member who declares that he is unacquainted or not sufficiently acquainted with the English language may address the Assembly in Urdu or Punjabi, or with the permission of the Speaker in any other recognized language of the province.

The explanation shall be omitted.

Lala Duni Chand : I object to the proposal of the honourable member.

Mr. Speaker : The rule as amended will read as follows :—

"All proceedings of the Assembly shall be conducted in the English language, but any member who declares that he is unacquainted or not sufficiently acquainted with the English language may address the Assembly in Urdu or Punjabi, or with the permission of the Speaker in any other recognised language of the province.

Question is that the amendments proposed be made.

The motion was carried.

Lala Deshbandhu Gupta : I propose—

That after the words "Urdu and Punjabi" the word "Hindustani" be inserted in the rule as amended.

Malik Barkat Ali : I just want to point out that there is no such amendment on the printed paper supplied to me.

Mr. Speaker : As no such amendment stands in the name of the honourable member, who has moved it, it cannot be allowed to be discussed.

The amendment of Sardar Sohan Singh Josh (No. 11)¹ is out of order because it relates to the explanation, while the other amendments, which have been moved and which have been carried, relate to the Rule itself.

Mr. Speaker : Question is—

That Rule 50, as finally amended, be adopted.

The motion was carried.

Rule 61.

Mr. Speaker : Rule 61 will now be taken up.

Lala Duni Chand : I beg to move—

That in sub-rule (1) lines 1-2, between the words "proposed" and "a", the words "and discussed" be inserted.

Mr. Speaker : Rule 61 under consideration, amendment moved—

That in sub-rule (1) lines 1-2, between the words "proposed" and "a", the words "and discussed" be inserted.

Syed Anjad Ali Shah : Sir, there is absolutely no need of this amendment because Rule 61 is more or less the same as laid down in the Manual of Procedure in the Public Business at page 127. There it is said—

"135. (1) After a question has been proposed, a member rising in his place may claim to move, 'That the question be now put,' and unless it appears to the chair that the motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question, 'That the question be now put,' must be put forthwith."

This amendment is, therefore, not necessary.

Mr. Speaker : Question is—

That in sub-rule (1), lines 1-2, between the words "proposed" and "a", the words "and discussed" be inserted.

The motion was lost.

¹That in line 3 of explanation, for the words "Urdu and Punjabi," the word "Hindustani" be substituted.

(1) **Sardar Sohan Singh Josh** : I beg to move—

That in sub-rule (1), lines 6-7 for the words "decided without amendment or debate," the words, "if 50 members rise in support of it shall be decided in the affirmative without amendment or debate" be substituted.

The motion was lost.

Sardar Hari Singh : I move—

(i) That in line 8 of sub-rule (2) for the word "any" the word "a" be substituted.

(ii) That in line 9 of sub-rule (2) for the word "any" the word "the" be substituted.

Mr. Speaker : Amendment moved—

(i) That in line 8 of sub-rule (2) for the word "any" the word "a" be substituted.

(ii) That in line 9 of sub-rule (2) for the word "any" the word "the" be substituted.

Premier : If the object of my honourable friend in moving this amendment is to improve the language, then I would suggest that it should be left finally to the Drafting Committee.

Sardar Hari Singh : That is in case of a consequential amendment.

Premier : I hope my friend the Secretary will make note of it and see that this is not over-looked at the drafting stage.

Mr. Speaker : Question is—

That Rule 61 be adopted.

Mian Abdul Aziz : But I have put a proviso to that ?

Mr. Speaker : I rule the proviso to be out of order. It is vague and indefinite.

Mr. Speaker : Question is—

That Rule 61 be adopted.

The motion was carried.

Rule 83.

Sardar Hari Singh : I beg to move—

That in line 5 of proviso, for the word "four" the word "seven" be substituted.

Four clear days are not sufficient for us.

Premier : Four clear days mean six days.

Sardar Hari Singh : Seven clear days will mean nine days.

Premier : Exactly. Therefore, we do not want to give nine days. I think six days is a good compromise between four days and nine days.

Sardar Hari Singh : We want that members of the House should have as much time as possible. I therefore move my amendment—

(After some verbal discussion it was agreed to insert 5 for 7 days).

Mr. Speaker : The question is—

That in line 5 of the proviso, for the word "four," the word "five" be substituted.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Ruraf) : Sir, I beg to move—

That at the end the words 'and Punjabi in Gurmukhi script' be added.

According to the rules, for those persons who are not acquainted with English the Bills shall be translated in Urdu. Those who are lawyers know that Urdu phraseology is so solid that some persons who know it cannot understand the Bills when they are translated into Urdu, not to speak of those who do not know Urdu. It is necessary that the Bills should be translated into Punjabi and at the same time in Gurmukhi script because some of us do not know Urdu at all. (A voice: Which Punjabi?) Punjabi of the Punjab. Those persons who come fresh from the Law College must have the experience that when they enter the courts they are not sometimes able to understand Urdu phrases which are found in the plaints. I know for certain that my honourable friend the Finance Minister would not be able to understand the translation of a Bill when it is made in Urdu. My friend has been an examiner. Let him be an examinee to-day. I would like to ask him as to what is meant by the phrase استحصا بالجر. The honourable member cannot suggest a Punjabi equivalent for it. At least I plead guilty that just when I entered the courts my munshi stated that a client had come and he wanted to sue another person for زوالہ حیثیت. I could not understand what it meant. I wonder if the Revenue Minister understands it.

Revenue Minister: It means under section 500.

Sardar Kapoor Singh: When rules have been made for the benefit of those who are unacquainted with English, at the same time for those members who do not understand Urdu, Bills should be translated in Punjabi with Gurmukhi script also.

Mr. Speaker: Rule under consideration, amendment moved—

That at the end the words "and Punjabi in Gurmukhi script" be added.

I wish further to add that the same point is involved in Rules 94 and 98.

Sardar Kartar Singh (Lyallpur South, Sikh, Rural): (Punjabi): Sir, I rise to support the motion now before the House. It goes without saying that the honourable members who do not understand English or Urdu do require the Bills to be translated in Punjabi in the Gurmukhi script. It is their privilege and right to have as full an acquaintance with the proceedings of this House as any other honourable member is entitled to have. I am inclined to think that not a single vote of the House should be cast without knowing the pros and cons of the matter under the consideration of the House. I, therefore, request that those honourable members of this House, who do not understand Urdu translations of the Bills and other business of the House, should be supplied with copies in the Punjabi language. Some of my friends have expressed the opinion that it is next to impossible to translate the difficult phrases of law into the Punjabi language. I would like to make it clear that this is not correct, for many laws have been translated by the court readers into the Punjabi language. Besides, the Gurdwaras Act has also been translated into

[S. Kartar Singh.]

Punjabi. If this change can be accomplished with a little inconvenience, I would request the Government that it should give effect to it without any delay.

I may submit that the Bills can be translated very easily into the Punjabi language. If any phrases are not to be found in Punjabi, they can be very easily coined. If this amendment is agreed upon, I am sure that all the honourable members of the House would understand the contents of the Bills and other business of the House.

Further, I may point out that there is yet another important matter which I wish to bring to the notice of the honourable members opposite. They are in the habit of declaring it over and over again that they are the protectors of the interests of minorities. I appeal to them that just as they demand protection in other provinces, in the same way, they should do justice here and give the minorities their due. It is just possible that by understanding the business of the House, the honourable members of the House may change their mind to cast their votes in favour or against a proposition. The casting of one vote can literally change the whole business of the House. I would, therefore, appeal to the Honourable Premier that he should accept this amendment in order to educate the honourable members of this House. I would also appeal to those honourable members of the House, who claim to be great supporters of the Punjabi language and who are at this time siding with the Government, that they should ask the Honourable Premier to agree to this amendment. They claim to have a great influence with the Government and if there is any iota of truth in it, I request them to exert their influence and get this amendment accepted. If they cannot do so, we would be justified in saying that our impression was right that they neither had any influence in the past nor have they any at present, and that they are supporting the Government in order to serve their own ends. (*Hear, hear from the Opposition benches.*) They claim that they are there in order to safeguard the interests of the Hindus and the Sikhs, but the truth is that they have no influence with the Government at all. I may submit that they will be seen in their true colours when voting is taken on this matter. We will surely press this amendment to a division. With these words, I whole-heartedly support the amendment now before the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I have listened with great interest to the speech of my honourable friend Sardar Kapoor Singh. He would have been more reasonable if he had also given the equivalents of the Arabic and Persian words which he quoted. That indicates the difficulty with which we are faced. But if my honourable friend had seen amendment No. 10, which is going to be moved by Bai Hari Chand, he would have found that we have ourselves tabled an amendment, which says that not only the Bill be translated into any language, but also transcribed into any script in vogue in the province, such as Gurmukhi, etc. Why are the honourable members opposite unnecessarily wasting the time of the House? If my honourable friends are satisfied, I would be prepared to accept further amendment to this amendment that the Bill be translated into Punjabi or in any other recognised language of the province. If this is going to satisfy them, the whole question will be settled.

Sardar Sampuran Singh : Sir, Rai Hari Chand's amendment is a bit different. It says:—

"The Secretary shall, with the permission of the Speaker, cause the Bill to be translated....."

But we want it as a matter of right.

Mr. Speaker : The question is that—

At the end the words "and Punjabi in Gurmukhi script" be added.

The Assembly divided: Ayes 28; Noes 67.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chanan Singh, Sardar.
Duni Chand, Lala.
Duni Chand, Mrs.
Gokul Chand Narang, Dr. Sir.
Hari Lal, Munshi.
Hari Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Kishan Singh, Sardar.

Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram, Seth, Dr.
Sohan Singh Josh, Sardar.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Haanie, Sayed.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Barkat Ali, Malik.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dina Nath, Captain.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazal Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Karim Bakhsh, Mian.

Few, Mr. F.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Maulvi.
Ghulam Samad, Khawaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib
Sardar.
Hans Raj, Bhagat.
Hari Chand, Rai.
Jafar Ali Khan, M.
Jagjit Singh Man, Sardar.
Khizar Hayat Khan Tiwana, The
Honourable Nawabzada Major.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Muhammad Akram Khan, Khan.
Bahadur Raja.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Hassan Khan Gurchani,
Khan Bahadur Sardar.

Muhammad Hayat Khan Noon, Nawab Malik Sir.	Newazish Ali Shah.
Muhammad Hussein, Chaudhri.	Pir Muhammad, Khan Sahib Chau- dhri.
Muhammad Nurullah, Mian.	Pritam Singh Siddhu, Sardar.
Muhammed Saadat Ali Khan, Khan Sahib Khan.	Ram Sarup, Chaudhri.
Muhammad Sadiq, Shaikh.	Rashida Latif Baji, Begum.
Muhammad Sarfraz Khan, Chaudhri.	Ripudaman Singh, Thakur.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Shahadat Khan, Khan Sahib Rai.
Muhammad Wilayat Hussain Jee- lani, Makhdamzada Haji Sayed.	Shah Nawaz, Mrs. J. A.
Muhammad Yasir Khan, Chaudhri.	Sham Lal, Rai Bahadur Chaudhri.
Muhammad Yusuf Khan, Khan.	Sikander Hyat-Khan, The Honour- able Major Sir.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Singha, Mr. S. P.
Muzaffar Khan, Khan Bahadur Cap- tain Malik.	Sumer Singh, Chaudhri.
Muzaffar Khan, Khan Bahadur Nawab.	Sundar Singh Majithia, The Honour- able Dr. Sir.
	Suraj Mal, Chaudhri.
	Talib Hussain Khan, Khan.
	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.

Rai Hari Chand : I beg to move—

6 P.M.

That at the end the following be added :—

"or if requested by any member who is unacquainted with English and Urdu, the Secretary shall, with the permission of the Speaker cause the Bill to be translated into Punjabi or any other language of the Province or transcribed into any other script in vogue in the Province."

Mr. Speaker : Rule under consideration, amendment moved—

That at the end the following be added :—

"or if requested by any member who is unacquainted with English and Urdu, the Secretary shall, with the permission of the Speaker cause the Bill to be translated into Punjabi or any other language of the Province or transcribed into any other script in vogue in the Province."

Parliamentary Secretary (Mir Maqbool Mahmood) : There is a misunderstanding with regard to the purpose of this clause which I should like to clear up.

Mr. Speaker : The clause is so well-worded that it requires no comment.

Parliamentary Secretary : With regard to the discretion contained in the last clause, it is necessary to explain the position.

Mr. Speaker : The amendment is clear and everybody understands it.

Parliamentary Secretary : It is necessary that the purpose of this amendment and its underlying meaning should be explained before we can expect our friends to vote with us on this amendment. There appears to be some misunderstanding as to the purpose of this rule and the amendment which has just been voted upon. Sardar Kartar Singh particularly challenged those of our Hindu and Sikh friends who sit on this side of the

House to oppose us on this controversial matter. In the first place, I submit, that that challenge was very uncharitable and I am sorry it came from Sardar Kartar Singh.

Sardar Hari Singh : On a point of order, Sir. The honourable member has made a reference to the proceedings of the House in the current session and said that Sardar Kartar Singh has challenged the members.

Parliamentary Secretary: I wish to explain the purpose of this amendment. I submit that if my honourable friend will carefully consider the rules as they stood originally and the rules as they are now drafted, he will find certain important changes. It will be found that in deference to the wishes of our non-Muslim friends who sit on this side and who have strong opinions on this question we have evolved a very reasonable and honourable compromise. If the *status quo* was preserved the publication of Bills and the select committee's report could only be in English and Urdu and in no other language. We have gone a step forward and provided that if honourable members are not acquainted with English or Urdu they can get the Assembly papers not only translated in any other language but in any other script, Punjabi and Gurmukhi obviously being included. Therefore, I submit that if people want to pick holes only with a view to incite communalism surely we cannot satisfy them. But if dispassionately on merits it is sought by my friends forming the minority community to effect a compromise which is reasonable and honourable to all concerned they will find that such a compromise is offered in this amendment (*hear, hear*), thanks to the statesmanship of our Honourable Leader, the Premier, and the accommodating spirit of all parties concerned, a compromise is offered which will do honour to any Ministry in any province. Not only that, they will find that in the clause which has been proposed speaking in Urdu and Punjabi has been officially placed on the basis of our previous practice. I, therefore, appeal to all sections of this House that in matters of such controversial nature we should not look to the next election but to the next generation and try to evolve formulas which are fair and honourable to all concerned. (*Hear, hear*). I appeal to all friends with honour and courage to vote for this motion.

Sardar Samparan Singh (Lyallpur West, Sikh, Rural) : I am rather astonished to see the enthusiasm of the honourable member who has just spoken on this motion. He seems to be very enthusiastic and naturally I think he should feel about it because he has scored a point so far as his compromising of the Urdu language is concerned. (*Question*). I will explain. He has given superiority to the Urdu language in this province of the Punjab where I am sure his own children and mother are speaking the Punjabi language. He has betrayed his mother language in this House, and he takes pride over it. My friends there are very enthusiastic about it, but they have done a great wrong to their own mother tongue. My sorrow about this matter is this. Those gentlemen who have fought all their lives in supporting the Punjabi language officially and have tried their best not only to give the Punjabi language the same status which Urdu has in this province, but have always argued and asserted that Punjabi is the language of this province of Punjab, have now given preference to Urdu and they have fallen a victim to it and they have compromised their position. I would say that if by compromise is meant that one has to come down

[S. Sampuran Singh.]

and surrender himself and fall in with what you say, then you can have that compromise and we do not want to be a party to that compromise. (Hear, hear). With these words I oppose the motion.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I wish my friend from Lyallpur had not wasted his eloquence and bitterness on this House. I am sorry to say that he has imported into this debate that communal question which we all want to avoid.

Sardar Sampuran Singh: On a point of order. He calls it communalism. It is on that communalism—

Premier: My honourable friend has again risen to a point of order and wants to make the same incoherent speech to show his patriotic love for Punjabi. I know his patriotism and the patriotism of several other people in the province and when the time comes we will know who is the real supporter of Punjabi as he just professes to be a supporter of Punjabi.

Now what is the position under the existing rules? "If any member is unacquainted with English the Secretary shall, if requested, cause the report to be translated into Urdu." That is the present position. Under rule 46 (2) they have a right to get it translated into Urdu and no other language. Now you are aware that in rule 50 where we had formerly only 'Urdu' we have now got 'Urdu and Punjabi.' It is not only your mother tongue but my mother tongue also and I am equally proud of that mother tongue. My honourable friend should know that all of us have the patriotic sense like himself. It is not only the mother tongue of my friends on this side but my mother tongue and I am proud of that mother tongue. We have brought Punjabi into line with Urdu where speeches are concerned. Now what do we propose to do with regard to this particular rule?

We say that if any member is unacquainted with English—I am acquainted with English and I do not want any translation—but if any member is unacquainted with English he can go to the Secretary and ask him to give him a translation in Urdu. Similarly if my honourable friends are unacquainted with English and Urdu, they can go and tell the Speaker, 'we cannot possibly follow this; let us have a translation in Punjabi,—not only a translation in Punjabi but also in Gurmukhi script. That is what we are doing. Instead of getting it translated into Urdu, a member can get it translated either into Urdu or Punjabi and not only that, he can get it written in Gurmukhi script. That being the case, how have my honourable friends got the audacity—and if I may say not only the audacity but the courage—to try to throw dust into the eyes of my friends? But they cannot throw dust into my eyes. We should look at this question dispassionately and not only from the point of view of any community but from the point of view of the province as a whole.

Sardar Partab Singh (Amritsar, Sikh, Rural) (*Punjabi*): Sir, two things stand out very prominent in this amendment. One of them I have already explained to you. The other point is this. If the meaning of the words "The Secretary shall with the permission of the Speaker cause the translation of the Bill to be made in Punjabi....." is that the Secretary shall cause the translation of the Bills to be made into

Punjabi with the permission of the Honourable Chaudhri Sir Shahab-ud-Din, then we have absolutely no objection to this rule. We have full confidence in Chaudhri Sahib and are sure that he will never hesitate in permitting the Secretary to get the Bills translated into Punjabi because he is the acknowledged champion of the cause of Punjabi in this province. He has the greatest love for this language and in fact it is he who has by his constant endeavours enhanced the prestige of Punjabi-speaking people in this province. As long as he occupies this Chair, our rights and interests will remain quite safe in his hands. But if some other gentleman happens to occupy this Chair who may not have any love for Punjabi, we are afraid no Bills will be allowed to be translated in Punjabi or written in Gurmukhi script. I do not wish to mention the name of any honourable member but I know that there are certain honourable members in this House who have absolutely no love for Punjabi. If any one of them happens to be elected as the Speaker of this House, he will not allow the Secretary to cause the translation of Bills to be made in Punjabi. It can never enter into the head of such persons that Punjabi is a fit language in which translation of Bills can or should be made. In view of these facts, I request on behalf of my party that Punjabi may be placed on the same footing as Urdu so that no such danger should remain. With these few words, I close my speech.

Mr. Speaker : Question is—

That at the end the following be added :—

“or if requested by any member who is unacquainted with English and Urdu, the Secretary shall, with the permission of the Speaker cause the Bill to be translated into Punjabi or any other language of the province or transcribed into any other script in vogue in the Province.”

The motion was carried.

Mr. Speaker : The question is—

That Rule 83 as amended be adopted.

The motion was carried.

Rules 94 and 98.

Mr. Speaker : The question is—

That the following amendment be also made to rules 94 and 98 :—

“or if requested by any member who is unacquainted with English and Urdu the Secretary shall, with the permission of the Speaker cause the Bill to be translated into Punjabi or any other language of the province or transcribed into any other script in vogue in the Province.”

The motion was carried.

Mr. Speaker : Question is—

That Rules 94 and 98 as amended be adopted.

The motion was carried.

Rule 90.

Mr. Speaker : Question is—

That Rule 90 be adopted.

The motion was carried.

Rule 124.

Mr. Speaker : Question is—

That Rule 124 be omitted.

The motion was carried.

Mr. Speaker : A committee has now to be formed for examining the amended rules and report what amendments of a formal or consequential character should be made in the rules as a matter of drafting. I suggest the following names :—

The Honourable Mr. Manohar Lal,
Sardar Hari Singh,
Mir Maqbool Mahmood,
Advocate-General,
Sardar Dasaundha Singh,
Malik Barkat Ali, and
Bai Bahadur Mr. Mukand Lal Puri.

The committee shall submit its report on or before the 6th July, 1938. The quorum of the committee will be three and the Secretary of the Assembly will be its *ex-officio* Secretary.

The Assembly then adjourned till 2 p.m., on Wednesday, 29th July, 1938.

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 29th June 1938.

*The Assembly met at the Assembly Chamber, Simla, at 2 p. m. of the clock.
Mr. Speaker in the chair.*

STARRED QUESTIONS AND ANSWERS.

RECREATION FOR PRISONERS IN PUNJAB JAILS.

*2937. **Munshi Hari Lal** : Will the Honourable Minister of Finance be pleased to state whether any time is allowed to prisoners in the Punjab Jails for exercise and recreation ; if so, whether any arrangements are made in the jails for outdoor and indoor games ?

The Honourable Mr. Manohar Lal : There are special arrangements both for exercise and recreation in the Borstal Institution, Lahore. In other jails no such arrangements exist. The daily task allotted provides for many prisoners sufficient exercise. Superintendents of Jails, however, as far as possible, carry out the instructions which have been issued from time to time that physical drill should be arranged for the prisoners every morning.

Sardar Hari Singh : May I ask the Honourable Finance Minister to kindly state the reforms introduced by the present Ministry in the matter of exercise and recreation of prisoners in jails ?

Mr. Speaker : That is much wider than the original question.

Sardar Hari Singh : My question has emanated out of the answer given by the Finance Minister. It does concern exercise and recreation.

Mr. Speaker : The next question.

Sardar Hari Singh : May I put the question whether the present Ministry has issued any instructions to the Jail Superintendents in the matter of exercise and recreation to be allowed to prisoners in jails ?

Finance Minister : The Ministry has issued no such instructions.

Sardar Hari Singh : Does the Ministry intend to introduce reforms as regards recreation of the prisoners ?

Minister : If the Ministry feels that there is any necessity for a change in any particular direction, the Ministry will gladly do so.

Sardar Hari Singh : Has he considered this matter at all ?

Minister : No.

Sardar Hari Singh : Has it been brought to his notice that far-reaching changes and reforms are being made in the jails in Congress provinces ?

Minister : I am aware of no such thing. The report of the United Provinces Jail Reform Committee is still a confidential document and came into my hands only to-day and was probably issued only a few days ago.

Chaudhri Krishna Gopal Dutt : Are the Government prepared to instal wireless sets in jails for the recreation of prisoners ?

Minister : I think that if the honourable member will exercise a certain measure of patience, he will hear in answer to one of the questions that wireless sets have been installed in some of the jails.

Chaudhri Krishna Gopal Dutt : Which jails ?

Minister : I cannot say off-hand but I think there is one at Campbell-pur jail. Does wireless, Mr. Speaker, come within the scope of this question ?

Mr. Speaker : 'Recreation' is a very wide word.

Sardar Hari Singh : Will the Honourable Finance Minister let us know if any leisure time is left to the prisoners after they are free from their daily labour ?

Minister : Usually it is.

Sardar Hari Singh : Up to what hour ?

Minister : I gave particulars about hours only yesterday.

EDUCATION FOR PRISONERS IN PUNJAB JAILS.

*2838. **Mumshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

(a) whether any arrangements are made by the Jail Department to impart education to the prisoners in the Punjab Jails besides the Borstal Institution ;

(b) if the answer to (a) be in the affirmative, what expenditure was incurred in this direction during the year 1937-38 ?

The Honourable Mr. Manohar Lal : (a) Arrangements to impart a certain measure of education exist in some of the jails, but in several of the jails these arrangements are at present of a very meagre character.

(b) Rs. 1,976. In addition in a number of cases writing material, books, small grants and even teachers are provided by Prisoners' Aid Societies.

Sardar Hari Singh : Has he considered the question of making better and satisfactory arrangements for the education of prisoners ?

Minister : I am considering this question.

Lala Duni Chand : May I know if the question has been considered by the Government, namely, just as certain prisoners are qualified for certain kinds of work, similarly educated prisoners may be made to serve other prisoners by educating them or by teaching them ?

Minister : A very complicated question, but if the honourable member means that the agency of the educated prisoners might be utilised for the purpose of imparting education to other prisoners, then I would say that that is actually being done.

Sardar Hari Singh : What is the nature of the proposals he has under consideration at present ?

Minister : The nature of the proposals is concerning the matter with regard to which the question was put.

Sardar Hari Singh : What concrete proposals has he under active consideration at the present time ?

Minister : The question whether a large measure of education, and not the meagre arrangements which I have referred to, can be given to prisoners in our jails.

Sardar Hari Singh : For how long has he been considering these proposals ?

Minister : Not for very long.

Pandit Shri Ram Sharma : What are those legal arrangements ?

Minister : I said 'meagre arrangements'. I am not placing any unduly favourable complexion on any thing.

Chaudhri Krishna Gopal Dutt : May I know what the Honourable Finance Minister understands by the word 'education' ?

Minister : Here it means education in the ordinary sense of the word.

LIGHT FOR PRISONERS IN JAILS.

*2388. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state if there are any facilities of light provided to the prisoners in the cells in the night for the purposes of encouraging them to study in the winter in the Jails in the Punjab that are electrically fitted or are without such fittings ?

The Honourable Mr. Manohar Lal : (a) Electric light is provided in cells of the following jails where prisoners can study in the night if they so desire :—

- (1) New Central Jail, Multan.
- (2) Lahore Borsal Institution.
- (3) Gujranwala District Jail.
- (4) Ferozepore District Jail.
- (5) Karnal Subsidiary Jail.

(b) Kerosine oil lamps are supplied to those prisoners who express a desire to study in the night in the following jails :—

- (1) Old Central Jail, Multan.
- (2) Multan District Jail.
- (3) Gurdaspur District Jail.
- (4) Hissar District Jail.
- (5) Campbellpur District Jail.
- (6) Amritsar Subsidiary Jail.

(c) Instructions have been issued to provide lighting facilities in all the other jails as in (b) above.

TECHNICAL EXPERTS IN CENTRAL JAILS.

*2899. **Munshi Hari Lal** : Will the Honourable Minister of Finance be pleased to state whether it is a fact that technical experts are kept in the Central Jails of the Punjab for the purposes of imparting technical education to the prisoners ; if so, their names, qualifications and monthly salaries.

The Honourable Mr. Manohar Lal : Yes ; a statement is laid on the table showing the technical staff in the Central Jails.

Statement.

Jail.	Name.	Present pay.	Qualification.
		Rs. A. P.	
CARPENTERS.			
Multan New Central ..	Shambo Nath ..	56 0 0	(a) Middle standard examination of Industrial Schools. (b) Diploma of Mayo School of Arts.
Lahore Borstal Institution.	Kirpal Singh ..	110 0 0	Carpenter by profession.
Ditto	Naahs Singh ..	110 0 0	Ditto.
Ditto	Chanda Ram ..	66 0 0	Diploma of Punjab Mayo School of Arts for expert carpenters.
Multan Old Central ..	Mehr Singh ..	65 0 0	Carpenter by profession.
Lahore Central ..	Abdul Rahman ..	42 0 0	Trained Mistri of Mayo School of Arts.
DYING MASTERS.			
Lahore Central and Lahore Borstal Institution.	Balwant Singh ..	75 0 0	(a) Matrie. (b) Government Dyeing School, Shahdara.
Montgomery Central ..	Jodha Ram ..	42 8 0	(a) Matrie. (b) Passed Higher Course of Textile manufactures from Government Central Weaving Institute, Amritsar. (c) Final examination in Dyeing from Government Dyeing School, Shahdara. (d) Certificate in technology (cotton, plain and fancy), silk and wool dyeing of City and Guilds of London Institute.

Jail.	Name.	Present pay.	Qualification.
		Rs. A. P.	
WEAVING MASTERS.			
Multan Old Central ..	Ghebs Khan ..	37 0 0	(a) Primary standard 5th class. (b) Weaver by profession.
Multan New Central ..	Imam Din ..	63 0 0	Worked in Government Central Weavery, Lahore.
Lahore Borstal Institution.	S. A. Chatterji ..	100 0 0	Certificate of Technology of Government Central Weaving Institute, Sarampore.
Montgomery Central ..	Raj Kishen Midda ..	40 0 0	(a) F.A., J. A.-V. (b) Diploma Higher Course of Textile Manufacture from Government Central Weaving Institute, Amritsar.
MASONS.			
Lahore Borstal Institution.	Abdel Aziz ..	57 0 0	Mason by profession.
Ditto	Fazal-ud-Din ..	51 0 0	Ditto.
Lahore Central ..	Beant Singh ..	40 0 0	(a) Matrie. (b) Mistri class of Government School, Rasul.
GARDENER.			
Lahore Borstal Institution.	Maktab Din ..	40 0 0	Trained with Setton & Co.
AGRICULTURAL ASSISTANT.			
Lahore Borstal Institution.	Chaudhri Allah Ditta	115 0 0	Passed Punjab Agricultural College Leaving Certificate examination.
PAINTER SUPERVISOR.			
Lahore Borstal Institution.	Ghulam Hussain ..	90 0 0	(a) Studied up to Matrie. (b) Painter by profession.
TENT MASTER.			
Lahore Borstal Institution.	Rochan Din ..	72 0 0	Tent maker by profession.
TAILOR MASTER.			
Lahore Borstal Institution.	Fazal Ilahi ..	66 0 0	Tailor by profession.

[Hon. Mr. Manohar Lal.]

Jail.	Name.	Present pay.	Qualification.
		Rs. A. P.	
BLACKSMITH.			
Lahore Borstal Institution.	Qamar Din ..	110 0 0	Blacksmith by profession.
Multan New Central ..	Abdul Rahman ..	45 0 0	(a) Passed Vernacular, IV Standard Examination of Municipal Schools, Bombay. (b) Worked in various Motor Firms.
CANE MASTER.			
Lahore Borstal Institution.	Ram Kishan ..	57 0 0	Cane worker by profession.
LEATHER MASTER.			
Lahore Borstal Institution.	Mushtaq Hussain ..	80 0 0	Final Examination of Government Leather Working School, Cawnpore.
POTTER.			
Lahore Borstal Institution.	Allah Din ..	50 0 0	Potter by profession.

SUB-ASSISTANT SURGEON IN PUNJAB JAILS.

*2891. **Munshi Hari Lal**: Will the Honourable Minister of Finance be pleased to state whether it is a fact that a Sub-Assistant Surgeon in the Hospitals of the Punjab Jails is invariably or generally a borrowed officer from the Medical Department; if so, the ordinary term for which a sub-assistant surgeon stays in the Jail Hospital and the allowances, if any, that in addition to his pay is paid to him for his services in the Jail?

The Honourable Mr. Manohar Lal: The reply to the first part of the question is in the affirmative. The normal term of deputation of a sub-assistant surgeon in the Jail department is about 2 years. In addition to his pay he receives a jail allowance of Rs. 15—40 per mensem according to the class of the jail to which he is attached.

REVISION OF ELECTION RULES.

*2892. **Chaudhri Krishna Gopal Dutt**: Will the Honourable Premier be pleased to state—

- (a) whether the attention of the Government has been drawn to the judgment of the election tribunal presided over by Rai Bahadur Bangi Lal accepting election petitions of Munshi Hari Lal, M.L.A., who was a candidate for the Punjab Legislative

Assembly in the South-Western Towns (General Constituency) at the time of the recent General Elections of the Punjab Legislative Assembly and Shrimati Parvash Kaur, a candidate in the Amritsar Rural Constituency in the last General Elections of the Punjab Legislative Assembly ;

(b) if so, whether the Government have issued instructions to the Returning Officers not to reject nomination papers of candidates for the Punjab Legislative Assembly on flimsy technical grounds ;

(c) whether there is a proposal to so revise the election rules as to make it possible to lodge an appeal against the decision of a Returning Officer prior to polling ?

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

(b) Scrutiny of nominations is governed by statutory rules. Returning Officers have been asked from time to time to make themselves familiar with these rules.

(c) Yes ; the matter is under examination.

SHORTAGE OF WATER SUPPLY IN PASRUR TAHSIL.

***2333. Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister of Education be pleased to state—

(a) whether the attention of the Government has been drawn to the fact that Pasrur (a tahsil in Sialkot district, with a population of ten thousand people) is suffering acutely from shortage of water supply that its wells have dried up and its hand-pumps have failed ;

(b) whether the Government have recently received any memorials from the Pasrur public and a resolution of the Pasrur Bar Association on the subject ;

(c) whether Government is aware that the financial position of the Pasrur municipality is too weak to further any scheme of water-supply ;

(d) if the answer to (a) is in the affirmative, what action the Government propose to take in the matter ?

The Honourable Mian Abdul Haye : (a) No.

(b) No.

(c) While the question whether the municipal committee of Pasrur can further a water-supply scheme has not been examined as there was no need for it, the financial position of the committee is satisfactory.

(d) Does not arise.

Chaudhri Krishna Gopal Dutt : Will the Honourable Minister please care to enquire from the Deputy Commissioner, Sialkot, or the President of the municipal committee, whether the public of Pasrur did submit a memorial to this effect ?

Minister : They have not submitted any memorial to me and if the honourable member wants to know whether they submitted any memorial to the Deputy Commissioner, I will enquire if a notice is given.

Chaudhri Krishna Gopal Dutt : The question does not refer to the Education Minister. Did he draw the attention of the Deputy Commissioner or the local officials ?

Minister : I will enquire.

**RENT CHARGED FOR ACCOMMODATION PROVIDED TO LEGAL PRACTITIONERS
AND PETITION-WRITERS.**

***2894. Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the legal practitioners and the petition-writers work and sit in the various court compounds in the province ; if so, what kind of accommodation is allotted to the legal practitioners and the petition-writers separately ;
- (b) whether it is a fact that the petition-writers are charged a rent for the accommodation provided to them whereas nothing is charged from the legal practitioners ;
- (c) if the answer to (b) is in the affirmative, the reasons for exempting the legal practitioners from the rent when both work on the authority of their licences ;
- (d) whether it is a fact that the petition-writers of Sialkot have given a notice to the Government under section 80, Civil Procedure Code, that the said rent charged from them is illegal, that this practice should be discontinued and that in case of non-compliance with this request the Government would be sued by them ;
- (e) if the answer to (d) is in the affirmative, the action the Government propose to take in the matter ?

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

SUMMER VACATION FOR SCHOOLS.

***2895. Khan Bahadur Chaudhri Riasat Ali :** Will the Honourable Minister of Education be pleased to state—

- (a) whether a circular was issued last year fixing the dates and periods of the summer vacation in the schools ;
- (b) if so, whether he will be pleased to lay a copy of it on the table of the House ;
- (c) whether it applies to Government schools only and, if not, the names of private aided schools in the Ambala division which have not complied with its provisions ?

The Honourable Mian Abdul Hays : (a) Yes.

(b) A copy of the C. M. (220-G. S., dated the 16th June, 1937) is laid on the table.

(c) It is not obligatory on the privately managed schools to close for summer vacation on the same date on which Government schools are closed.

GOVERNMENT OF THE PUNJAB, PART I OF GAZETTE.

Notification No. 219-G. S., dated the 16th June, 1937.

The Governor of the Punjab is pleased to authorize the following amendment to the Punjab Education Code, 11th edition reprints (1932) and (1934):—

Article 214. *Substitute the following for the existing article as amended by corrigendum No. 74:—*

"The summer vacation in—

Vacations in schools and colleges.

(i) Government schools.

(ii) Municipal Board, and

(iii) District Board anglo-vernacular schools for boys and girls.

shall be two calendar months commencing from about the end of the month of July.

3. The above mentioned schools, as well as the vernacular schools under private management in urban areas, and all anglo-vernacular schools under private management for boys and girls, (district board primary and vernacular middle schools excepted) shall be closed for spring vacation from the 1st to 14th April, including the Easter holidays if they fall within this period, otherwise from the 1st to 10th April.

3. District board primary and vernacular middle schools for boys and girls should be given two harvest vacations instead of the summer vacation, provided that the total duration thereof does not exceed nine weeks in the aggregate.

4. The summer vacation in—

(i) Degree colleges.

(ii) Intermediate colleges for women, and

(iii) Intermediate colleges for men shall be of 12 weeks, two and-a-half, and two calendar months, commencing from about the beginning, middle and end of the month of July, respectively.

5. All Government colleges shall be closed for spring vacation from the 22nd March to the 4th April, including the Easter holidays if they fall within this period, otherwise from the 22nd to the 31st March.

NOTE 1.—In the case of local body schools the exact dates of the vacations will be fixed by the local body concerned, and in the case of Government schools by the inspector.

NOTE 2.—Special periods may be fixed under paragraph 3 above with the sanction of the Department in the case of schools for boys situated in hill districts, schools for girls at places where the climate is extremely hot, and in the Government Middle School for Girls, Dera Ghazi Khan."

W. H. F. ARMSTRONG,

Under-Secretary to Government, Punjab.

[Hon. Mian Abdul Hays.]

No. 220-G.S. dated the 16th June, 1937.

Copy forwarded to the Divisional Inspectors and the Circle Inspectresses of Schools, and the Principals of all Government Arts and Professional Colleges for men and women in the Punjab, for information. Every effort should be made to close all Government and recognised institutions located in the same town for the summer vacation on such a date as will ensure their simultaneous re-opening.

MAN MOHAN,

ASSISTANT DIRECTOR,

for Director of Public Instruction, Punjab.

*2896.—Cancelled.

REMODELLING OF OUTLETS OF RAJBAB FATEHKI, LOWER CHENAB CANAL.

*2897. **Khan Bahadur Chaudhri Riasat Ali**: Will the Honourable Minister of Revenue be pleased to state—

- (a) the dates on which outlets Nos. 180 (left), 6985 (left), and 10760 (left) of Rajbah Sukheki, outlets Nos. 3190 (right), 5186 (left), 8000 (right), 8000 (left), 14000 (right), of Rajbah Fatehki and outlet No. 14000 (left) for Mauza Dobar, Hafizabad Division, Lower Chenab Canal, were first opened;
- (b) the date on which remodelling, if any, has taken effect;
- (c) whether it is a fact that the water supply has now been considerably reduced due to the outlets having been constructed at a high level;
- (d) the total amount of the irrigated area on the outlets mentioned above a year before and after the remodelling of those outlets;
- (e) whether it is a fact that the cultivation of cotton has especially suffered by the remodelling of the outlets;
- (f) whether it has been brought to his notice that the zamindars of villages Sukheke, Dobar, Tabelewali, Mochiwala, Walgan Baran, have been ruined on account of the loss suffered and if so, the action that the Government intends to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia: (a) In the year 1901. It is pointed out that there are no outlets at R. D. 8,000 Right and Left; and at R. D. 14,000 Right and Left, on the Fatteki Minor. It is therefore presumed that the question refers, *inter alia*, to outlets at the following R. Ds. :—

R. D. 8,820-R instead of R. D. 8,000-R.

R. D. 9,050-L instead of R. D. 8,000-L.

R. D. 14,100-R instead of R. D. 14,000-R.

R. D. 14,470-L instead of R. D. 14,000-L.

(b) April 1938.

(c) The table below gives the amounts of reductions and increases that have been effected by the recent remodelling:—

Serial No.	R. D.	DISCHARGES.			TYPE OF OUTLET.		
		Permissible.	Before Remodelling.	As designed at time of remodelling.	Before April, 1938.	After April, 1938.	Percent reduction.
1	2	3	4	5	6	7	8

SUREKI DISTRIBUTARY.

1	180-L	0.28	0.30	0.28	Orifice ..	4 inches diameter pipe.	4½
2	6,985-L	1.77	1.20	1.77	K. G. O.	A. P. M. ...	Increase.
3	10,760-L	0.49	0.53	0.49	Do.	Do.	7½

FATTEKI MINOR.

4	3,190-R	0.81	1.05	0.93	K. G. O.	A. P. M. ...	11½
5	5,136-L	0.38	0.44	0.38	Do. ..	Do. ..	13½
6	8,820-R	0.46	0.65	0.55	Do. ..	Do. ..	18
7	9,655-L	0.61	0.66	0.61	Do. ..	Do. ..	7½
8	14,100-R	0.52	0.61	0.52	Do. ..	Do. ..	14½
9	14,470-L	1.07	1.00	1.07	Do. ..	Do. ...	Increase.

As will be seen, outlets Serial Nos. 2 and 9 had their discharges increased while those of serial Nos. 4 and 6 were only partially reduced on account of full reduction to their permissible discharge at one time being considered to be too drastic. The remaining outlets have had their discharges reduced to some relatively small extent, but in no case have they been reduced to give less than their authorised supply. The original outlets were of an obsolete type which had become rusted and worn out, and it was therefore necessary to replace them by those of modern design, which have been fixed at correct levels in accordance with present day practice.

[Hon. Dr. Sir Sundar Singh Majithia.]

(d) The areas irrigated during the year 1937-38 are given in the table below :—

Distributary.	Outlet.	PERMISSIBLE AREA.			AREA ACTUALLY IRRIGATED.		
		Kharif.	Rabi.	Total.	Kharif 1937.	Rabi 1937-38.	Total.
1	2	3	4	5	6	7	8
		Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Sukheki ..	180-L	25	50	75	88	39	77
Do. ..	6,925-L	156	312	468	216	404	620
Do. ..	10,760-L	43	86	129	45	64	109
Fatteki Minor ..	3,190-R	72	143	215	159	276	435
Do. ..	6,136-L	33	67	100	83	145	228
Do. ..	8,820-R	41	81	122	91	126	216
Do. ..	9,055-L	54	107	161	171	250	421
Do. ..	14,100-R	46	82	138	90	163	243
Do. ..	14,470-L	94	189	283	220	342	571

Since the outlets were only remodelled last April and the *kharif* sowings are not yet complete, the actual figures for irrigation for a year, or even for a season, since the remodelling of the outlets, are not yet available.

(e) As cotton is still being sown, it is too early yet to say whether its cultivation has suffered by the remodelling of the outlets.

(f) The areas sown during the present *kharif* season as compared with the 'Permissible' areas are given in the table below :—

Village.	Permissible <i>Kharif</i> area.	Area sown up to 15th June 1938.
	Acres.	Acres.
Sukheki (including Walgan-Baran) ..	301	278
Dobar	86	103
Tabelwali	264	339

NOTE.—No part of Mochiwala village is irrigated from the Sukheki Distributary or Fatteki Minor.

Sowing will not be completed until the end of August, but the above figures would go to show conclusively, that the zamindars have not been ruined by the replacement of inefficient, worn out and obsolete outlets by efficient modern type ones.

REFRESHER COURSES AT PHILLAUR.

*2898. **Khan Bahadur Chaudhri Riasat Ali** : Will the Honourable Premier be pleased to state—

- (a) the category of police officers who are required to attend the refresher course at Phillaur before promotion to the next higher grade ;
- (b) the year since this rule has been enforced with the reasons for enforcing it ;
- (c) whether any exemptions are granted from the rule and if so, on what grounds ;
- (d) whether Government is aware that this rule has caused a great dissatisfaction in police force ; if so, the action that the Government intends to take in the matter to remove that dissatisfaction ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- (a) Senior inspectors and senior sergeants of police.
- (b) The refresher courses for inspectors and sergeants were instituted in 1933 to bring their knowledge of lines administration, office work and general duties up-to-date.
- (c) There has so far been no exemption.
- (d) Government has no information to this effect.

GIRLS' SCHOOLS IN KANGRA DISTRICT.

*2899. **Captain Dina Nath** : Will the Honourable Minister of Education be pleased to state—

- (a) the number of girls' schools in rural area of the Kangra district at present ;
- (b) whether the Government intends to open any new girls' schools in the district ; if so, where ?

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

PANCHAYATS IN KANGRA DISTRICT.

*2900. **Captain Dina Nath** : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of panchayats in the Kangra district at present ;
- (b) whether the Government intends to establish new panchayats in this district ; if so, where and when ?

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

(b) The power of establishing panchayats was delegated to Commissioners of divisions in 1933. It is proposed to establish 17 panchayats in the Kangra district, vide Commissioner, Jullundur division's notifications Nos. 3217-D. C. and 3217-A.-D. C., dated the 11th June 1938, which were published in Part I-B of the *Punjab Gazette*, dated the 17th June, 1938.

Captain Dina Nath : How long will it take to establish panchayats in the district of Kangra ?

Minister : As early as possible. In a matter of this type it is not possible to fix the period.

Lala Bhim Sen Sachar : Why was it not found feasible to establish panchayats before ?

Minister : Ask the last Government.

Lala Bhim Sen Sachar : I seek the protection of the Chair. The reply to my question has not been given.

Mr. Speaker : I cannot extort answers.

Minister : I have said 17 panchayats are being established and I cannot say why they were not established before. The present Government came into office last year.

Lala Bhim Sen Sachar : I am eager to know the causes as to why they were not established before ?

Minister : I can only say that it has now been decided to establish panchayats.

FERRY ON BEAS RIVER IN SUJANPUR TIHRA.

***2901. Captain Dina Nath :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Government is aware of the fact that ferry on Beas river in Sujanpur Tihra, district Kangra, is very dangerous to cross throughout the year ;
- (b) whether it is a fact that the people of that place sometime ago had submitted a representation to the Government for the construction of a bridge over the river Beas near Sujanpur and promised to contribute Rs. 20,000 for this purpose ;
- (c) if the answer to (a) and (b) above be in the affirmative, the action that is proposed to be taken in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Yes, but only during heavy rains in monsoon and sometimes when the snows are melting. This is the case with all other Beas ferries.

(b) No representation has been made to Government but such representations have from the time to time been made to local officers.

(c) Sujanpur Tihra is not situated on any arterial or semi-arterial road and is not considered to be of sufficient provincial importance as compared with many other places in the Punjab so as to justify the construction of a bridge estimated to cost about 2 lakhs.

FALL IN PRICES OF AGRICULTURAL PRODUCE AND RELIEF TO ZAMINDARS.

***2902. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state whether the Government is aware of the heavy drop in prices of wheat and other agricultural commodities in the Punjab ; if so, whether the Government intend to give any special relief to landholders and tenants in the matter of land revenue and *abiana* and, if so, its nature ?

The Honourable Dr. Sir Sunder Singh Majithia : Yes. The question of remission of land revenue on account of fall in prices, where necessary, is under the consideration of Government.

Sardar Hari Singh : May I know when the Government will take a decision in the matter ?

Minister : I am afraid I cannot give a definite answer beyond what I have said. The matter is under the consideration of the Government. I cannot say how long it will take ; but it will be expedited.

Lala Bhim Sen Sachar : Is there any other relief which is contemplated to be extended to the zamindars ?

Minister : We are only discussing the question of the fall in prices in areas where it applies.

Sardar Hari Singh : May I know if it is a fact that land revenue is being collected in many parts of the Punjab ?

Minister : Relief may be given in the next harvest.

Sardar Hari Singh : Why are the remissions being given in instalments ?

Minister : We are expediting the matter as much as is possible. For Lyallpur orders have been issued.

Mr. Dev Raj Sethi : Will it have any retrospective effect ?

Minister : If any remission is due and is not given just at present that might be granted in the next instalment.

RESOLUTION REGARDING FEE CONCESSION TO STUDENTS OF DISTRICT BOARD SCHOOLS, LUDHIANA.

*2903. **Seth Kishan Dass :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the District Board, Ludhiana, in its resolution No. 8, dated the 10th August, 1937, resolved to charge no fees from the students reading in all the high schools under the management of the District Board and belonging to the depressed classes up to the 10th class and submitted that resolution to the Government for its sanction ; if so, whether Government has accorded its sanction to the resolution, and if not, why not ?

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

Seth Kishan Dass : Sir, the question as tabled here differs in some respects from the one that I had given notice of. I wished to elicit information about the Jullundur District Board but I am being given information regarding the Ludhiana District Board. I do not require that.

Minister : If the question relates to Jullundur, the Punjab Government have accepted the recommendations of the Jullundur District Board (*hear, hear*).

REPRESENTATION OF DEPRESSED CLASSES AMONG PANCHAYAT OFFICERS.

*294. **Seth Kishan Dass** : Will the Honourable Minister of Public Works be pleased to state—

(a) the total number of panchayat and assistant panchayat officers in the Punjab at present ;

(b) whether it is a fact that none of these officers belong to the depressed classes ; if so, the reasons therefor ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) There are at present 18 panchayat officers in the Punjab.

(b) Yes ; as the appointments were made by the previous Government no reasons can be given.

Chaudhri Jugal Kishore : How many *Achhuts* will be recruited as panchayat officers in the Punjab ?

Minister : That is a request for action.

Chaudhri Jugal Kishore : Will any member of the depressed classes be taken from the Ambala division ?

Lala Deshbandhu Gupta : Do Government contemplate recruiting panchayat officers from the scheduled castes ?

Minister : No appointments have yet been made. I cannot anticipate the decision of the Government. All these considerations will be taken into account.

Sardar Hari Singh : May I ask the Minister whether any vacancy of a panchayat officer has occurred during the life time of the present Ministry ?

Minister : None has been filled so far.

Sardar Hari Singh : Have any vacancies occurred ?

Minister : None has been filled so far.

Sardar Hari Singh : Has there been any vacancy ?

Minister : Yes.

Sardar Hari Singh : May I know whether in making these appointments the rights of the depressed classes will be considered ?

Minister : I have already replied. I have nothing more to add.

Lala Deshbandhu Gupta : Do Government propose to appoint some of these officers from amongst the depressed classes ?

Minister : No decision has yet been taken. How can I anticipate a decision ?

Lala Bhim Sen Sachar : Since how long have the vacancies been there ?

Minister : For some time. I am unable to specify the date. I require notice for that.

Sardar Hari Singh : What is the number of vacancies ?

Minister : I must require notice for that also.

Lala Deshbandhu Gupta : What are the qualifications fixed for the panchayat officers ?

Mr. Speaker : I disallow this question.

Lala Bhim Sen Sachar : What is the reason for not filling the vacancies ?

Minister : Additional appointments were also under consideration. We thought it would be better to fill all the posts together.

Lala Deshbandhu Gupta : Is there any Government circular saying that persons belonging to the depressed classes will not be nominated as panchayat officers ?

Minister : That is your imagination. Not to my knowledge.

Lala Deshbandhu Gupta : Is there any circular saying that the depressed classes are entitled to be nominated ?

Mr. Speaker : I disallow this question.

AWARD OF SPECIAL CERTIFICATE TO TEACHERS.

*2905. **Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that of the conditions laid down in Under-Secretary to Government, Punjab (Ministry of Education) C.M. No. 2791-X, dated 26th February, 1925, the one is that the teachers who enter service for the first time as teachers after 1st April, 1925, are ineligible for the award of a special certificate ;
- (b) if the reply to (a) above is in the affirmative, the number of such applications as have been rejected every year in the five divisions since the imposition of the above-mentioned restrictions ;
- (c) the number and names of such applicants as have been granted special certificates in spite of the above restriction and the reasons for granting them those certificates ;
- (d) the action the Government proposes to take in respect of such teachers as have fulfilled the other necessary conditions except the one laid down in the Punjab Government (Ministry of Education) letter No. quoted in part (a) above ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) It is not in the public interest to collect this information.

(c) The Government is not aware of any exceptions.

(d) None.

Sardar Hari Singh : How is it not in the public interest to collect this information ?

Minister : It would serve no useful purpose.

MURDERS COMMITTED IN LUDHIANA DISTRICT.

*2986. **Chaudhri Muhammad Hassan** : Will the Honourable Premier be pleased to state—

- (a) the number of murders committed during the first quarter of 1938 in the Ludhiana district ;
- (b) how many cases relating to murders were put in courts during this period with the result in each case ;
- (c) the number of *parchas* (cases registered) in each *thana* in the Ludhiana district ;
- (d) whether there is an appreciable increase in the number of cases registered in the said district and if so, the reasons therefor ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Five.

(b) All these cases were sent up for trial ; one resulted in acquittal, one ended in conviction and three are still pending.

(c) A statement is laid on the table.

(d) There has been slight increase which is accounted for by the stress laid on registering all possible cases.

Lala Duni Chand : Is it true that one of the causes of increase of murder in the Ludhiana district is the belief that prevails amongst the murderously inclined people that in the first place they will not be detected and if they are detected they will avoid prosecution by approaching corrupt investigating police officers ?

Mr. Speaker : This question not only gives information but makes an insinuation.

Lala Duni Chand : May I know whether it is an insinuation to say that such and such investigating officer is corrupt ?

Mr. Speaker : What information does the honourable member seek ?

Lala Duni Chand : I want to seek the information whether it is within the knowledge of the Government that one of the causes of increase of murder in the Ludhiana district is the belief that prevails among the murderously inclined people that in the first place they are not detected and if they are detected their prosecution is avoided by approaching corrupt investigating officers ?

Mr. Speaker : I disallow the question.

Chaudhri Muhammad Hassan : Is this increase due to the incompetency of the investigating and supervising staff ?

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : Is this increase in murders due to corruption among the police officers ?

Mr. Speaker : I disallow the question.

(c) Cases registered during the first quarter in each Police Station are as follows :—

Serial No.	Stations.	Total Crime.	Murder (1938).	1937.
1	City Ludhiana	46	..	..
2	Sadr Ludhiana	47	..	..
3	Jagroon	36	(Including 2)	1
4	Sidhwan Bet	16	..	..
5	Raikot	23	..	..
6	Khanna	28	..	..
7	Dakha	9	..	..
8	Sahnawal	17	(Including 1)	..
9	Machhiwara	11	..	..
10	Dehlon	32	(Including 2)	..
11	Shehna	17	..	1
12	Samrala	10	..	..
13	Railways	8	..	..
	Total	300	5	2

INSPECTION AND SURPRISE VISITS TO POLICE STATIONS IN LUDHIANA DISTRICT BY SUPERINTENDENT OF POLICE, LUDHIANA.

*2907. **Chaudhri Muhammad Hassan** : Will the Honourable Premier be pleased to state—

- the names of the *thanas* in the Ludhiana district inspected by the Superintendent of Police, Ludhiana, during the last three months with the dates of inspection of each of them ;
- the names of the *thanas* among them which the said Superintendent of Police has kept for himself as a supervising officer ;
- whether the said Superintendent of Police has paid any surprise visits to any of the *thanas* in the Ludhiana district during the said period for the purpose of detection of corruption in his department ;
- if the reply to the above be in the affirmative, the names of the *thanas* to which the said Superintendent of Police paid surprise visits ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) The Superintendent of Police, Ludhiana, inspected during the last three months :—

- P. S. Raikot from 24th February 1938 to 7th March 1938.
- P. S. Dehlon from 13th March 1938 to 21st March 1938.

[Parliamentary Secretary.]

- (3) P. S. Shehna from 27th March 1938 to 30th March 1938.
- (4) P. S. Sidhwan Bet from 6th May 1938 to 8th May 1938.
- (5) P. S. City Ludhiana from 1st June 1938 to 6th June 1938.

(b) The following police stations are under the direct charge of the Superintendent of Police :—

- (1) City Ludhiana.
- (2) Sadr Ludhiana.
- (3) Railway Police Station, Ludhiana.
- (4) Sahnewal.
- (5) Railway Police Station, Sangrur.

In addition he is responsible for and supervises the work of all *thanas* in the district.

- (c) Surprise visits were paid to check irregularities generally.
- (d) Dehlon and Shehna Police Stations.

Chaudhri Muhammad Hassan : During the course of his surprise visit, was he able to find out any cases of corruption against this officer ?

Parliamentary Secretary : I require notice for that question.

Sardar Sohan Singh Josh : Was any case of irregularity brought to his notice ?

Parliamentary Secretary : I also require notice for that.

RECRUITS ENLISTED BY SUPERINTENDENT OF POLICE, LUDHIANA.

*2908. **Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

- (a) the names of recruits enlisted by the Superintendent of Police, Ludhiana, during the months of January, March, April and May, 1938, with their educational qualifications and their home districts ;
- (b) the number of recruits from the *Beit* Ilaga enlisted during these last six months with the names and educational qualifications of each of them ?

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

(b) It is not clear what villages the honourable member includes in the "Beit" *ilaga*. Of the 21 recruits enlisted during the first half of 1938, two are residents of the Sidhwan Bet. One is educated up to 6th class, while the other has passed the middle standard.

Sardar Kapoor Singh : May I know whether these recruits are enlisted communitywise or *ilaga*-wise ?

Parliamentary Secretary : No particular rule is laid but both considerations are borne in mind.

Sardar Mula Singh : Whether in these six months any Achhut has been recruited from the Ludhiana district ?

Parliamentary Secretary : I require notice for that question.

Statement of recruits enlisted in the Ludhiana district during the first half of 1938.

Serial No.	Date of enrolment.	Name.	Religion or caste.	Educational qualification.	Home district.
1	3rd January 1938.	Gauri Chand ..	Hindu Brahmin	Matriculation..	Kangra.
2	5th January 1938.	Nasib Chand ..	Hinda Saini ..	Do. ..	Hoshiarpur.
3	Do.	Fazla ..	Muslim, Arain..	Illiterate ..	Ludhiana.
4	Do.	Sher Singh ..	Sikh, Jat ..	Matriculation..	Hoshiarpur.
5	Do.	Umar Din ..	Muslim, Arain..	Illiterate ..	Ludhiana.
6	Do.	Bhajan Singh ..	Sikh, Jat ..	8th Class ..	Do.
7	Do.	Mukhtar Singh	Sikh, Jat ..	Slightly edu- cated.	Do.
8	3rd April 1938.	Mohan Lal ..	Hindu, Brahmin	Do.	Do.
9	Do.	Bachitar Singh	Sikh, Jat ..	Do.	Do.
10	Do.	Gurdial Singh..	Do.	Do.	Do.
11	Do.	Ala Hassan ..	Muslim, Jat ..	Do.	Do.
12	Do.	Sucha Singh ..	Sikh, Jat ..	Do.	Do.
13	Do.	Nahar Singh ..	Do.	Do.	Do.
14	Do.	Abdul Abad ..	Muslim, Sheikh	Middle ..	Do.
15	Do.	Davinder Singh	Sikh, Ahluwalia	Matriculation..	Do.
16	Do.	Rahmat Ali ..	Muslim, Arain..	Illiterate ..	Amritsar.
17	Do.	M u h a m m a d Azam.	Muslim, Pathan	Middle ..	Ludhiana.
18	Do.	Kishori Lal ..	Hindu, Rajput	Matriculation..	Do.
19	Do.	Rattan Lal ..	Hindu, Jain ..	Do.	Jullundur.
20	Do.	Abdur Rahman	Muslim, Dogra	Slightly educa- ted.	Hoshiarpur.
21	Do.	Prem Nath ..	Hindu, Brahmin	9th class passed	Ludhiana.

REPORT OF THE FOREST COMMISSION.

*2909. **Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state whether or not Government intends to give this House an opportunity to discuss the report of the Forest Commission appointed in 1937 ?

The Honourable Dr. Sir Sundar Singh Majithia : The report has only recently been received and is under consideration. Government will bear in mind the honourable member's suggestion and indicate in due course whether, and if so when, it should give the House an opportunity to discuss it.

Lala Duni Chand : May I know whether it is the intention of the Government to give this House an opportunity to discuss it ?

Minister : Certainly.

INQUIRY AGAINST THE EXECUTIVE OFFICER, RUFAR MUNICIPAL COMMITTEE.

*2910. **Lala Duni Chand :** Will the Honourable Minister of Public-Works be pleased to state whether it is a fact that in pursuance of applications, dated 8th November, 1935, 25th March, 1936, and 30th March, 1937,

[L. Duni Chand].

addressed to the authorities concerned by Pandit Babu Ram Sharma of Rupar, district Ambala, containing serious allegations against the executive officer of Municipal Committee, Rupar, an inquiry was held by the Sub-Divisional Officer, Rupar, and also by the Senior Auditor; if so, the result of the inquiries held and the action, if any, taken on the matter as a result of the inquiries?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Exhaustive enquiries into the allegations made by Pandit Babu Ram Sharma against the Executive Officer, Municipal Committee, Rupar, were held by the Sub-Divisional Officer, Rupar, but nothing serious calling for any disciplinary action against him was found out. He was however directed to be more careful in the discharge of his duties.

Lala Duni Chand : May I know whether during the enquiry it was found that the allegations made against the executive officer were substantiated?

Minister : Apparently, according to this report, he was only found to be slack; and he has been informed to be careful in future.

Sardar Sohan Singh Josh : What were the reasons that necessitated this warning?

Minister : A certain amount of slackness.

Lala Bhim Sen Sachar : Slackness in what?

Minister : In the discharge of his duties generally.

Lala Duni Chand : Has the Honourable Minister gone through the report?

Minister : I have given you the gist of the whole affair.

Lala Duni Chand : I want to know whether he has gone through the report?

Minister : How could I collect the gist, if I had not gone through the substance.

Lala Duni Chand : Then I understand that the Honourable Minister has been pleased to go through the report. May I know what were the main charges?

Mr. Speaker : I disallow the question.

Lala Duni Chand : Will the Honourable Minister be pleased to place a copy of the report on the table of the House?

Minister : No.

Lala Duni Chand : Is there any objection to that?

Minister : Yes.

Lala Duni Chand : May I know what is the objection?

Minister : All communications between the Government and its officers are confidential.

Lala Duni Chand : Is it contrary to the public interest to disclose the wrong doings of certain officials?

Minister : There is no question of wrong doings. Certain allegation were made against the executive officer, but they were not substantiated.

DISTRIBUTION OF WATER FROM THE GHAGGAR RIVER.

*2911. **Lala Duni Chand** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that one Gurdial Singh Karkun of Mahant Ram Singh of the Dera Nirmala Sadhus, Manimazara, tahsil Kharar, district Ambala, and several other persons who are entitled to get water from the Ghaggar river for irrigation purposes have recently complained to the Deputy Commissioner, Ambala district, and other authorities against Chaudhri Khair-ud-Din, darogha ab-i-Ghaggar as to the improper distribution of Ghaggar water for irrigation purposes by him ; if so, the action, if any, that the Government proposes to take in the matter ;
- (b) since how long the said darogha has been incharge of the control and distribution of Ghaggar water ?

The Honourable Dr. Sir Sundar Singh Majithia : It is regretted that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

EDUCATION OF THE CHILDREN OF CRIMINAL TRIBES.

*2912. **Chaudhri Ghulam Rasool** : Will the Honourable Minister of Finance be pleased to state—

- (a) the amount of money that the Government spends annually on giving education to the children of criminal tribes in the Punjab ;
- (b) whether he will be pleased to lay on the table of the House a statement giving the number of students of the criminal tribes communitywise who have passed the eighth class and matriculation examinations during the last few years ;
- (c) whether the Government arranges to give higher education at its own cost to such students who may have passed the matriculation examination ?

The Honourable Mr. Manohar Lal : (a) Rs. 87,000.

(b) Information community-wise is not available. The total number of students of criminal tribes, who have passed the 8th class and Matriculation examination during the last five years is given below :—

Year.	Middle Class.	Matriculation Examination.
1933	5	3
1934	12	8
1935	5	2
1936	17	1
1937	7	1

[Honourable Mr. Manohar Lal].

(c) Government does not arrange to give higher education at its own cost to those students who have passed the Matriculation Examination. Ten stipends of Rs. 10 per month for criminal tribesmen have, however, been sanctioned and some of these have been allotted to post-Matriculation students.

Mian Abdul Rab : Is it the policy of Government to provide special facilities to educate and civilise the children belonging to criminal tribes ?

Minister : No, that is not the policy.

Mian Abdul Rab : Why ?

Minister : Firstly, paucity of funds ; and secondly, the unsuitability of a large number of these boys to take any advantage of higher education.

INSTRUCTIONS CONTAINED IN HOME SECRETARY'S LETTER ABOUT
AUCTIONING LORRY STANDS.

*2913. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether or not the instructions issued by the Home Secretary to Government, Punjab, to all commissioners in the Punjab in his letter No. 6877-H-97180 (H.—General), dated 29th October, 1937, are being carried into effect throughout the province ?

The Honourable Dr. Sir Sundar Singh Majithia : So far as Government are aware the instructions mentioned by the honourable member are being carried into effect. The Punjab Motor Union recently drew attention to certain cases in which they assert that the instructions are not being followed, and these cases are being enquired into.

GRIEVANCES OF THE TENANTS OF TAHSIL UNA, DISTRICT
HOSHIARPUR.

*2914. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state the result of the inquiry recently held into the grievances of the tenants of tahsil Una, district Hoshiarpur, regarding *Batai* and *Kankut* system and other matters pertaining to the relations between them and the landlords ?

The Honourable Dr. Sir Sundar Singh Majithia : The Deputy Commissioner's report has been received and it appears that the root cause of the strained relations between landlords and tenants is the *batai* rents. It is proposed to appoint a special officer with a view to seeing if he can persuade and help the parties to come to an amicable and fair agreement. Failing this, Government will consider what steps should be taken to solve the difficulty.

Sardar Hari Singh : When is the special officer going to be appointed ?

Minister : As early as possible.

**AUCTIONING OF LORRY STANDS BY RENALA KHURD AND
MONTGOMERY MUNICIPAL COMMITTEES.**

***2915. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the time since the local bodies in Okara, Renala Khurd, Pakpattan, Arifwala, Chichawatni and Montgomery in the district of Montgomery are auctioning lorry stands (separately) ;
- (b) the total amount realized by the above local bodies during that period separately each year ;
- (c) the total amount spent on the lorry stands for providing sheds, water, light, waiting rooms, etc., for lorry drivers and travelling public separately each year and by each local body ;
- (d) the fees that the *adda* contractors charge from the lorry drivers for taking passengers in each local body ;
- (e) whether it is a fact that Renala Khurd and Montgomery Municipal Committees have taken open lands from Public Works Department and District Board and those places are being auctioned as lorry stands every year ;
- (f) if the answer to part (e) above be in the affirmative the amount of the rent which the above Municipal Committees pay to the Public Works Department and District Boards, respectively ;
- (g) whether it is a fact that the Punjab Government sometime ago issued a letter to all commissioners instructing the deputy commissioners to keep a watch on the receipts and expenditure of the local bodies through lorry stands and to meet any attempt in preventing the local bodies using the lorry stands as a source of revenue ;
- (h) whether any instructions were issued by the Punjab Government to local bodies not to levy fees on motor buses per passenger basis ;
- (i) if so, whether the instructions mentioned in parts (g) and (h) above are being carried out in the Montgomery district and if not, the action proposed to be taken in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Montgomery and Arifwala, April 1928 ; Renala Khurd, January 1931 ; Pakpattan and Okara, April 1930 ; and Chichawatni, April 1931.

(b), (c), and (d) A statement is laid on the table.

(e) Yes.

(f) The Municipal Committee, Montgomery, pays Rs. 860 per annum to the District Board, and the Notified Area Committee, Renala Khurd, Rs. 24 and Rs. 100 per annum to the District Board and the Public Works Department respectively.

(g) and (h) Yes.

(i) Inquiries are being made.

[Honourable Dr. Sir Sunder Singh, Majithia].

Statement.
AMOUNT REALIZED AND THE AMOUNT SPENT DURING THE YEAR:—

Name of the Local body concerned.	1928-29.		1929-30.		1930-31.		1931-32.		1932-33.		1933-34.	
	Amount realized.	Amount spent.	Amount realized.	Amount spent.	Amount realized.	Amount spent.	Amount realized.	Amount spent.	Amount realized.	Amount spent.	Amount realized.	Amount spent.
1	2	3	4	5	6	7	8	9	10	11	12	13
	Rs.	Rs.	Rs.	Rs. A. P.	Rs.	Rs. A. P.	Rs.	Rs. A. P.	Rs.	Rs.	Rs.	Rs. A. P.
Municipal Committee, Montgomery.	5,780	..	5,780	..	2,000	..	4,728	..	5,450	..	3,371	..
Municipal Committee, Okara.	..	..	..	..	4,200	..	6,050	..	2,025	..	3,060	..
Municipal Committee, Pakpattan.	..	..	..	..	1,450	..	2,000	..	1,500	..	1,850	..
Municipal Committee, Arifwala.	2,160	..	6,400	3,299 15 0	4,400	873 6 0	2,511	127 14 0	3,000	123	2,350	104 15 0
Notified Area Committee, Chichawatni.	..	..	..	..	..	..	250	..	505	..	190	..
Notified Area Committee, Rechna Khurd.	*	..	*	..	*	..	*	..	*	..	*	..

* A separate statement is attached showing the amount realized by the Notified Area Committee, Rechna Khurd.

Statement.
AMOUNT REALIZED AND THE AMOUNT SPENT DURING THE YEAR—contd.

Name of the local body concerned.	1934-35.		1935-36.		1936-37.		1937-38.		AMOUNT CHARGED.		
	Amount realized.	Amount spent.	Amount realized.	Amount spent.	Amount realized.	Amount spent.	Amount realized.	Amount spent.	Lorry.	Motor cabs.	Half ton Lorry.
	14	15	16	17	18	19	20	21	22	23	24
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Municipal Committee, Montgomery.	3,145	..	2,405	..	4,155	100	4,713	937	0 7 0	0 3 0	..
Municipal Committee, Okara.	3,000	..	3,500	727	5,700	39	5,000	969	0 7 0	0 3 0	..
Municipal Committee, Pakpattan.	1,300	..	1,800	383	1,625	..	1,225	..	0 8 0	0 3 0	..
Municipal Committee, Artwala.	2,150	546	2,600	510	3,205	3,344	3,300	103	0 10 0	0 3 0	0 5 0
Notified Area Committee, Chichawandi.	195	..	520	..	530	..	800	..	0 0 6 (per passenger).	..	..
Notified Area Committee, Renala Khurd.	*	..	*	..	*	..	*	331	0 1 0 (for first 2 passengers). 0 0 6 (for every additional passenger). 0 10 0 (for full lorry).	..	..

* A separate statement is attached showing the amount realized by the Notified Area Committee, Renala Khurd.

[Honourable Dr. Sir Sundar Singh Majithia].

Amount realized by the Notified Area Committee, Renala Khurd.

<i>Period.</i>	<i>Amount realized.</i>
	<i>Rs.</i>
From 15th January, 1931 to 14th January, 1932	1,676
From 15th January, 1932 to 25th December, 1932	1,400
From 1st January, 1933 to 30th June, 1933	1,010
From 1st July, 1933 to 30th June, 1934	1,885
From 1st July, 1934 to 30th June, 1935	1,650
From 1st July, 1935 to 31st March, 1936	3,075
Year 1936-37	4,000
Year 1937-38	4,000

NOTE.—No separate lorry stand is maintained by the Notified Area, Renala Khurd. The figures given above are in respect of the stand used both for lorries and tongas.

EXORBITANT FEES BY LORRY *Adda* CONTRACTORS IN MONTGOMERY DISTRICT.

*2916. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Punjab Motor Union and Montgomery Motor Union have recently drawn the attention of the Government and the Deputy Commissioner, Montgomery, protesting against the exorbitant fees charged by the *adda* contractors and the heavy auctioning rates by the local bodies in the said district ; if so, the action Government proposes to take ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes. Inquiries are being made. The Municipal Committee, Montgomery, have already reduced their rates from seven to five annas in respect of lorries and from three to two and-a-half annas in respect of motor cabs. Both bodies are being asked to provide amenities at their stands in future.

EXECUTIVE ENGINEERS.

*2917. **Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a member of the Indian Service of Engineers is promoted to the post of Executive Engineer after seven years' service ;
- (b) whether a certain percentage is fixed of the posts of Executive Engineers to which the members of the provincial service of engineers are promoted ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No.
(b) No.

APPOINTMENTS OF *HAKIMS* IN RURAL AREAS.

*2918. **Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware that the Amritsar District Board has appointed some *hakims* in the rural areas ;
- (b) if so, what are their qualifications ?

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

(b) They possess the necessary qualifications laid down in rule 2 of part IV of the District Board Rules, 1926, published with Punjab Government notification No. 3919, dated the 8th February, 1926, as amended by Punjab Government Notification No. 4485-L. G.-87/19883, dated the 20th May, 1938. A copy of the said rule is laid on the table.

Rule 2 of Part IV of the District Board Rules, 1926.

2. (1) No person asserting himself to be a *hakim* or *vaiz* shall be employed by a district board as such unless he—

Hakims or Vaizs—

(a) has passed one of the following examinations:—

- (i) the *Hakim-i-Hasiq* of the Tibbia College, Lahore;
 - (ii) The *Zubdat-ul-Hukma* of the Tibbia College, Lahore;
 - (iii) the *Kaviraj* of the D. A.-V. College, Lahore;
 - (iv) the *Vaidya Vachaspati* of the D. A.-V. College, Lahore;
 - (v) the *Unani* (Arabic) final *Fazal-i-Tib-o-Jirahat* of the Ayurvedic and Unani Tibbi College, Delhi;
 - (vi) the *Unani* (Urdu) final *Kamil-i-Tib-o-Jirahat* of the Ayurvedic and Unani Tibbi College, Delhi;
 - (vii) the *Vedio* (Sanskrit) final *Ayurvedacharya Dhanvantri* of the Ayurvedic and Unani Tibbi College, Delhi;
 - (viii) the *Vedio* (Bhasha) final *Bhishagacharya Dhanvantri* of the Ayurvedic and Unani Tibbi College, Delhi;
 - (ix) the *Haziq-ul-Hukma* of the Bhupindra Tibbia College, Patiala; or
 - (x) the *Tabib-i-Akmal* of the Bhupindra Tibbia College, Patiala; or
- (b) is a registered medical practitioner not being, in, nor having been dismissed from, the service of Government;
- (c) has a diploma showing that he has been the pupil of a practising *hakim* or *vaiz*, and has himself continuously and satisfactorily practised the profession for not less than seven years; or
- (d) is a sanad holder of the *Takmil-ul-Tib* College, Lucknow.

(2) Except with the previous sanction of the Local Government, no person describing himself to be *hakim* or *vaiz* shall be paid by any district board a remuneration exceeding fifty rupees per mensem, and without such sanction no *hakim* or *vaiz* who has not one or other of the qualifications specified in clauses (a) and (b) of sub-rule (1) shall be paid by any district board a remuneration exceeding twenty-five rupees per mensem.

(3) A district board may supplement the remuneration payable to a *hakim* or *vaiz* under sub-rule (2) by the supply of medicines either free or on commission sale.

(4) Every *hakim* or *vaiz* employed by a district board shall keep a register of patients and the Commissioner or the Deputy Commissioner or the Civil Surgeon or the Chairman or Secretary or any other person authorized in this behalf by the board may call for and inspect such register.

REPRESENTATION OF DEPRESSED CLASSES AMONG PATWARIS IN
JULLUNDUR, HOSHIARPUR AND KANGRA DISTRICTS.

*2919. **Seth Kishen Dass** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number of patwaris in the Jullundur, Hoshiarpur and Kangra districts and the number of Sikhs, Hindus and Muslims among them;

[Seth Kishen Das].

- (b) whether Government is aware of the fact that the depressed classes are not represented or very inadequately represented in this service and, if so, whether Government intends to take any steps to give the depressed classes proper representation among these partwaris and, if so, what steps does it propose to take ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The figures are as under :—

					Total.
Jullundur	..	..	..	..	416
Hoshiarpur	..	..	..	..	485
Kangra ..	..	..	..	..	855

(b) 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.

CANDIDATES FOR PATWARSHIP.

*2920. **Seth Kishen Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of candidates for patwarship who passed out of the Training Class for patwaris opened in 1934 in the Jullundur district and the number of successful candidates who have so far been appointed to the posts of patwaris ;
- (b) the number of the candidates belonging to the depressed classes, who passed out of the said Training Class with the number of those among them who have been posted as patwaris ;
- (c) whether it is a fact that some of the successful candidates belonging to the depressed classes have not been posted as patwaris anywhere so far, if so, the reasons therefor ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 294 and 188 respectively.

(b) 5. All are employed as patwaris.

(c) Six unaccepted candidates from the depressed classes were admitted to the school in contravention of the rules. They have not been accepted as patwari candidates so far.

Sardar Mula Singh : Will the Government open patwar schools in these districts in order to give proper representation to the depressed classes ?

Minister : Patwar schools are not opened for the benefit of any particular class.

Sardar Mula Singh : Is it a fact that in the patwar school which was opened in Jullundur in 1934 only a very small number of persons belonging to the depressed classes was admitted ?

Minister : I have no information regarding the year 1964.

Pandit Shri Ram Sharma : Is the distinction between an *achhut* and a *non-achhut* a communal matter?

Lala Bhagat Ram Choda : Will the Honourable Minister be pleased to state whether those members of the depressed classes of Jullundur who have qualified as patwaris are not given any post for the mere reason that they are above 23 years of age?

Mian Abdul Rab : May I draw your attention to the fact that the Honourable Minister does not answer the supplementary questions without assigning any reasons?

Minister : I cannot add anything to what I have already said in my answer.

Sardar Mula Singh : Does the Minister's refusal to reply to any question regarding the depressed classes, as being on communal grounds, mean that they are to be allowed to remain backward?

Mr. Speaker : The question is disallowed.

Lala Duni Chand : May I know, if the depressed classes have got real grievances regarding their representation in services and if questions are disallowed on the ground of being communal, what other means are there for them to ventilate their grievances?

Mr. Speaker : Supplementary questions, not arising from the answer to the main question, cannot be allowed. If such questions are allowed the result will be that many of the questions of which other honourable members have given notice shall not be reached.

Pandit Shri Ram Sharma : The Honourable Minister refused to reply on the ground that the question savoured of communalism. Is the distinction between an *achhut* and a *non-achhut* a communal one? If so, will the same apply to the distinction between an agriculturist and non-agriculturist?

Sardar Mula Singh : On a point of order. If the Honourable Minister refuses to answer any question regarding the depressed classes on communal grounds, then it will mean that he will not do anything for the depressed classes.

Mr. Speaker : That is not a point of order.

BAN ON TEACHERS IN SCHOOLS IN HOSHIARPUR DISTRICT AGAINST
THEIR BECOMING MEMBERS OF BOARD TEACHERS' UNION.

*2921. **Sardar Hari Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) whether the District Inspector of Schools, Hoshiarpur, has issued circular No. 10, dated 22nd May, 1938, to the teachers of

[S. Hari Singh].

District Board Schools warning them against becoming members of the Board Teachers' Union or attending its meetings on pain of dismissal; if so, the grounds for issuing this circular;

- (b) whether any action has been taken against any of the Board teachers for organizing the said Union;
- (c) whether the said Board Teachers' Union applied for recognition and that the recognition has been refused; if so, the reasons why recognition has been refused?

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

SCHEME OF RURAL DEVELOPMENT.

*2922. **Sardar Hari Singh:** Will the Honourable Minister for Development be pleased to state the details of the scheme of Rural Development for the year 1938-39?

Parliamentary Secretary (Chaudhri Tikka Ram): A statement showing the schemes of Rural Development for 1938-39 is laid on the table. The detailed memorandum relating to each scheme was printed under the relevant head in the printed volume of the Schedule of New Expenditure for 1938-39.

Statement showing the schemes of Rural Development for the year, 1938-39.

Serial No.	Particulars of the scheme.	Amount.	Service Head.
		Rs.	
1	Consolidation of Holdings	1,00,000	7—Land Revenue and 42—Co-operation.
2	Rural Water Supply	1,00,000	39—Public Health.
3	Public Health (Supply of skilled labour for drainage and paving work in rural areas).	40,000	Ditto.
4	Agricultural Improvement	1,00,000	40—Agriculture.
5	Veterinary activities	50,000	41—Veterinary.
6	Co-operative activities	50,000	42—Co-operation.
7	Industries	50,000	43—Industries.
8	Education (Establishment of Model schools).	50,000	37—Education.
9	Medical (Provision for Medical Officers of Rural Dispensaries to travel in their areas).	10,000	38—Medical.
10	General purposes (Women's welfare work, Distribution of cash rewards, etc.).	50,000	57—Miscellaneous.

CLOSING OF VICTORIA PARK AT LAHORE.

*2923. **Sardar Hari Singh** : Will the Honourable Minister for Public Works be pleased to state the reasons why the Victoria Park at Lahore has for some time past been closed to the public ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The Victoria Park has been temporarily closed to the public to save public money spent on it, as expensive grassing has been laid there which has not yet established itself.

Lala Bhim Sen Sachar : May I know how long will it take ?

Minister : It all depends upon the growth of the grass.

Lala Bhim Sen Sachar : What is the expert opinion available to the Government ? Will it take two years for the grass to grow ?

Minister : The grass will grow as it grows and we can neither accelerate its growth nor retard it.

Lala Bhim Sen Sachar : Will he take the opinion of the Director of Agriculture as to how long will the grass take to grow ?

Minister : He has many other important things to look to.

Lala Bhim Sen Sachar : Will he throw it open to public ?

Minister : As soon as the grass has grown, the question will be considered.

Lala Deshbandhu Gupta : Is it for the first time that grass is being grown in that park ?

Minister : I do not know, but if you give me notice I shall find it out.

Lala Deshbandhu Gupta : Is it a fact that it has been closed to the public for the first time ?

Minister : I am not aware.

ARRESTS IN CONNECTION WITH LABOUR STRIKE IN TEXTILE MILLS AT AMRITSAR.

*2924. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state the total number of arrests so far effected in connection with the labour strike in the textile mills at Amritsar ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The total number of arrests effected up to the 18th June, 1938, was 218.

Sardar Hari Singh : May I know if any of the prisoners who were arrested and convicted in connection with the strike at Amritsar are still in prison ?

Parliamentary Secretary : I require notice for this question.

Sardar Hari Singh : Has the Government considered the question of release of prisoners ?

Parliamentary Secretary : The matter is under consideration of the Government.

KING GEORGE MEMORIAL FUND.

2025. **Chaudhri Muhammad Hassan**: Will the Honourable Premier be pleased to state—

- (a) the total amount of King George Memorial Fund collected in the Ludhiana district ;
- (b) the names of all those who made contributions towards the said fund ;
- (c) the amount spent locally ;
- (d) whether any committee or an individual kept regular accounts of the King George Memorial Fund ;
- (e) whether the accounts of the amount spent locally were kept by a committee or an individual ;
- (f) whether these accounts are open to inspection by the public ;
- (g) whether the accounts have been audited ; if so, by whom, if not, why not ;
- (h) the names of the members of the committee in charge of the accounts of the King George Memorial Fund ;
- (i) whether the accounts kept have been published ;
- (j) whether Government intends to publish them for the satisfaction of the contributors ;
- (k) whether it is a fact that public men have been asking for the inspection of the accounts and their requests have not been acceded to ;
- (l) whether it is a fact that subscribers have generally been consulted for spending King George Memorial Fund locally in all the districts of the Province ;
- (m) whether it is a fact that in the Ludhiana district the Deputy Commissioner has of his own accord spent a portion of the King George Memorial Fund without consulting the subscribers ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): I am not prepared to take up the time of the Assembly in answering questions which do not relate to the public administration, but if the honourable member was a subscriber to the fund, and wishes to know that his subscription was properly utilized I shall do my best to satisfy him, if he approaches me informally.

Sardar Hari Singh: There is an insinuation in the answer given by the Parliamentary Secretary. He has said that if the honourable member is a subscriber to the fund and if he wants to know then he can, etc., etc. Honourable members do not put questions to protect their personal interests but to protect the interests of the public unlike the gentlemen opposite. I therefore wish to protest against it and he should withdraw that remark. We do not put questions to protect our own interests.

Mr. Speaker : I don't think he made or meant to make an insinuation. All that he said was that he was not prepared to answer the question; but that if the honourable member had contributed to the fund and wanted to satisfy himself as to its application he shall be glad to satisfy him.

Chaudhri Muhammad Hassan : Is that a ground on which an answer can be refused ?

Mr. Speaker : He clearly meant that he was not prepared to answer the question except to the extent that he did.

Chaudhri Muhammad Hassan : The question was asked in the public interest.

Mr. Speaker : But he does not consider it in the public interest to answer it.

Chaudhri Muhammad Hassan : But he did not say that.

Parliamentary Secretary : If a subscriber wants to satisfy himself, the honourable member should refer him to me and I shall satisfy him.

Mr. Speaker : The question has been put to the Secretary. On what ground does he refuse to answer him ?

Parliamentary Secretary : If any subscriber wants to satisfy himself, I shall satisfy him.

Sardar Kapoor Singh : Is he aware that some of the nearest relations of some members contributed to the fund ?

Parliamentary Secretary : Perhaps the honourable member has not understood my reply. It was—

" I am not prepared to take up the time of the Assembly in answering questions which do not relate to public administration. "

Chaudhri Muhammad Hassan : It is in the interest of the public that I asked the question and not in the interest of the public administration.

Lala Duni Chand : Does not the question raise the question of proper disposal of public fund and if it does why is it that the honourable member refuses to answer it ?

Premier : My honourable friend is at perfect liberty to go to a court of law or use any other remedy that he likes. I have already said that if he is a contributor, I will create facilities to satisfy him, but if he is not a contributor he has no business to ask about a fund which is not a public fund.

Sardar Sampuran Singh : That is a question of some constitutional importance. The question is whether this fund is a public fund, and when it is in the hands of the Government, is the Government responsible to this House or not ? For this reason I would require your ruling.

Mr. Speaker : Were these funds under the control of Government ?

Sardar Sampuran Singh : They were in the hands of the Government officials, and as such it is supposed to be in the hands of the Government.

Sardar Kapoor Singh : Most of the district boards have contributed to this fund with the approval of the Government.

Premier : This fund is not in the hands of the Government. I want to point out to my honourable friend opposite. As a constitutional lawyer if he gives me chapter and verse I might accept his opinion. But on a point of fact, I want to inform you that this fund is not in the hands of the Government.

RELEASE OF HAZARA SINGH AND OTHER BABAR AKALI PRISONERS.

***2926. Master Kabul Singh :** Will the Honourable Minister of Finance be pleased to state when Hazara Singh, Pyara Singh, Bhola Singh, Dhamian, Sunder Singh, Udham Singh, Bachhint Singh, Sursin Singh, Bhola Singh, Katha and Munsha Singh convicted in 1925 in the Babar Akali case are due to be released ?

The Honourable Mr. Manohar Lal : I would refer the honourable member to the announcement¹ made by me in this House on the 23rd June in regard to the release of Babar Akali prisoners.

UNSTARRED QUESTIONS AND ANSWERS.

BREACH OF THE TERMS OF A SETTLEMENT BY THE MUSLIMS AT
KABIRWALA, DISTRICT MULTAN.

420. Munshi Hari Lal : Will the Honourable Premier be pleased to state—

- (a) if it is a fact that in 1934 a settlement was effected through the intervention of the authorities of the district between the Hindus and the Muslims of Kabirwala, Multan district, whereby the former undertook not to lead the procession of *barat* on the occasion of *Dussehra* and the latter (Muslims) agreed not to pass *Duldul* on the occasion of *Muharram* through the bazars and streets of Kabirwala ;
- (b) if the answer to (a) be in the affirmative, whether he will lay a copy of the settlement so reached upon the table of the House ;
- (c) whether it is a fact that the terms of the settlement have been acted upon both by the Hindus and the Muslims till the beginning of 1938 ;
- (d) whether it is a fact that the Muslim tried to pass the *Duldul* procession through the bazars and streets of Kabirwala on 13th March, 1938, on the occasion of the last *Muharram* without obtaining any licence and that the attempt failed due to the timely intervention of the tahsildar of Kabirwala ;
- (e) whether it is a fact that the Deputy Superintendent of Police stationed at Khanewal allowed the *Duldul* procession to pass through the bazars and streets of the town on the 14th March, 1938, when the *Muharram* was over.
- (f) if the answer to (e) be in the affirmative, whether any licence was applied for by the Muslims and recommended by the local authorities at Kabirwala ;

(g) whether any licence was issued by the police for the *Dulal* procession, contrary to the terms of the settlement of 1934, and, if so, the reasons for granting that licence ;

(h) whether it is a fact that the Hindus, therefore, observed complete *hartal* as a protest ; if so, for how many days did it last ?

The Honourable Major Sir Sikander Hyat-Khan : (a) There is no record of any settlement between the Hindus and Muslims. The Hindus of Kabirwala claim that such an agreement was made about 1934, but there is nothing in writing to prove that a settlement actually took place.

(b) Does not arise.

(c) The terms of the alleged settlement are not on record and it is therefore not possible to say whether or not they have been acted upon.

(d) Yes.

(e) The Sub-Divisional Officer and the Deputy Superintendent of Police, Khanawal, did allow the processionists to pass through the bazaar on March the 14th, 1938. They reported, however, that the processionists did not pass through the bazaar in the form of a procession and did not perform any kind of " *matam* " in the bazaar.

(f) No.

(g) No.

(h) Yes. The Hindus observed a *hartal* which lasted for about a week.

CHELLUM PROCESSION AT KABIRWALA, MULTAN DISTRICT.

421. Munshi Hari Lal : Will the Honourable Premier be pleased to state—

(a) if it is a fact that on 23rd April last, the Muslims took out a procession of *chellum* for the first time through the bazars of the Kabirwala town, Multan district, populated by the Hindus, in spite of the protest by the latter ;

(b) whether it is a fact that previous to 23rd April, the Hindus protested against that departure from the past practice and waited in deputation on the Deputy Superintendent of Police, Multan, and represented to the Superintendent of Police and the Deputy Commissioner, Multan, by wire to the effect that taking out procession of *chellum* through the town would be quite an innovation and would be against the spirit of settlement of 1934 besides being opposed to long-established practice ;

(c) whether it is a fact that the Hindus also observed *hartal* as a protest on the occasion ; if so, for how many days ;

(d) whether it is a fact that after 23rd April, 1938, the Hindus sent representations to the Deputy Commissioner, Superintendent of Police and the Commissioner, Multan, requesting an inquiry as to the situation that had arisen from the action of the authorities in allowing the procession ; if so, whether the Government intends to take any action in order to restore amicable relations between the Hindus and the Muhammadans of Kabirwala town ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No Obhelum procession was taken out on the 28rd April at Kabirwala, but a Muslim was permitted to take out a "manauti" procession in Kabirwala on that day. The route sanctioned was one which was found to be acceptable to all communities.

(b) It is a fact that representations were made by the Hindus of Kabirwala protesting against the grant of a licence for this procession, but the licence was sanctioned only after an assurance had been given to the Deputy Superintendent of Police, Khanewal, that the parties concerned had effected a compromise.

(c) The Hindus did observe a second *hartal* as a protest. The *hartal* lasted about a week.

(d) Telegrams and written representations were made to local officials after the procession had been taken out. The Superintendent of Police personally made inquiries at the spot and it was on his assurance to the Hindus that their grievances would be carefully considered that the second *hartal* was eventually called off. Efforts have already been made and will continue to be made to restore amicable relations between the Hindus and the Muhammadans of Kabirwala.

422 and 423.—*Cancelled.*

SILT IN RURKI MINOR (DELHI DIVISION).

424. Chaudhri Ram Sarup : Will the Honourable Minister of Revenue be pleased to state—

- (a) (i) how much silt had gathered at the head of Rurki Minor (Delhi Division) in the months of February, March and April, 1938 ;
- (ii) the authorized gauge on the tail of Rurki Minor and the gauges at the tail on 23rd February, 1938, 17th March, 1938, and 17th April, 1938 ;
- (b) whether it is a fact that the full supply of water according to the authorized gauge does not reach the tail of Rurki Minor ;
- (c) whether it is a fact that the supply of water at the tail of Jasarana branch is greater than the authorized gauge and that due to this the said branch is not opened to its full supply at its head ;
- (d) if the answers to the questions (b) and (c) above be in the affirmative, whether there is any proposal to construct a fall or regulator in the Jasarana branch ;
- (e) what is the authorized and existing discharge at the head of Rurki Minor ?

The Honourable Dr. Sir Sunder Singh Majithia : (a) (i) Silt in the Rurki Minor at head was—

0·6 feet in February, 1938,

0·7 feet in March, 1938,

0·8 feet in April, 1938.

(a) The authorized gauge at the tail of the minor is 1.08 feet. The actual gauge was—

0.8 on 24th February, 1938,

0.65 on 18th March, 1938,

0.75 on 17th April, 1938.

It was not observed on two dates mentioned in the question.

(b) Yes. There has been some shortage at the tail due to silt.

(c) Yes; there is some excess at the tail of the Jaarana branch but the branch is taking its full supply at head.

(d) There is no proposal or necessity for a fall or regulator in the branch. The minor is being improved by silt clearance, widening of its head regulator and constructing a silt excluder to keep silt out of it.

(e) The authorized and existing discharges at the head of the Rurki Minor are 8.8 and 7.6 cusecs, respectively.

GOVERNMENT EMPLOYEES IN ELECTRICITY BRANCH OF PUBLIC WORKS DEPARTMENT.

425. Raja Fateh Khan: Will the Honourable Minister of Public Works be pleased to state—

(a) the total number of Government employees in the Electricity Branch of the Public Works Department;

(b) their communal ratio in each class such as officers, subordinates, clerks and other ranks;

(c) their ratio in each class according to their being statutory agriculturists and non-agriculturists;

(d) if the percentage of the agriculturists in the above-mentioned department is low what action Government proposes to take in the matter?

The Honourable Nawabzada Major Malik Khizer Hayat Khan Tiwana: (a), (b) and (c) The attention of the honourable member is invited to pages 21-22 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, 1938.

(d) The proportion of statutory agriculturists will be raised gradually as vacancies occur and more qualified hands become available.

ADMISSION TO NORMAL SCHOOLS.

426. Pandit Shri Ram Sharma: Will the Honourable Minister of Education be pleased to state the number of normal schools, the places where they are opened, and the number of students studying in each of these schools during the academic year 1937-38 and the criteria according to which the number of students to be admitted to such schools is fixed according to the various districts in the Punjab and the communities, castes and sub-castes to which they belong?

The Honourable Mian Abdul Haye : There are three Government normal schools for boys at Gakhar, Lalamusa and Karnal. The number of students on rolls in these schools during 1937-38 was 133, 147 and 98 respectively. Seats in these schools are allotted by the Director of Public Instruction, Punjab, in accordance with the requirements of each division, and these are further distributed by the divisional inspectors in accordance with the needs of the various communities and districts within their jurisdiction. Five per cent. of the admissions are made from the depressed classes.

ATTENDING MEETINGS OF CONGRESS, MUSLIM LEAGUE AND
OTHER BODIES BY THE GOVERNMENT SERVANTS.

427. Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state—

(a) whether any restrictions still exist preventing Government servants without previous permission of the heads of their offices or departments from attending meetings organised in any part of the Punjab by the (1) Congress, (2) Muslim League, (3) Hindu Sabha, (4) Khalsa Dewan, (5) Zamindara Leagues of the Unionist Party, Punjab, without any active participation therein ;

(b) if the reply be in the affirmative, the names of the bodies in the case of which restrictions still exist ?

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

(b) All bodies that take part in politics.

KIDNAPPING OF CHILDREN.

428. Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state the number of reports received at various police stations of the Punjab about kidnapped children during the present calendar year and the number of cases among them detected successfully so far by the police ?

The Honourable Major Sir Sikander Hyat-Khan : A great deal of labour will be involved in collecting and collating reports from all *thanas* in the province. I recently informed the Leader of the Opposition in reply to his question No. *2787¹ of the position in Lahore and Rawalpindi, and possibly that information will suffice for the honourable member's purposes. As I stated, 11 cases of kidnapping have been reported to the Lahore police during the current year of which one only seems to have been a true case. In Rawalpindi 2 cases have been reported in both of which the accused were challaned but acquitted.

DECORATION OF TAHSIL BUILDINGS BY TAHSILDARS ON THE VISIT OF
DEPUTY COMMISSIONERS.

429. Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that several tahsildars decorate the approaches to the tahsil buildings with bunting on the visit of the deputy commissioners ;

- (b) if so, the names of funds out of which this expenditure is met ;
 (c) if there are no recognized funds for this purpose, how the money is being secured for this purpose ?

The Honourable Major Sir Sikander Hyat-Khan : I regret that the answer to this question is not yet ready.

INADEQUACY OF THE SHARE OF VARIOUS CLASSES OF AMBALA
 DIVISION IN GOVERNMENT SERVICES.

430. Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state —

- (a) whether it is a fact that the grievances of the various classes of the people inhabiting the Ambala division about the inadequacy of their share in Government services are supported by statistics prepared from facts and figures relating to these services available up to the 31st March, 1937 ;
 (b) if so, the steps, if any, taken so far or intended to be taken by his Government in the matter of removing these grievances ?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) Representations have been made in the sense indicated, but they overlook the fact that in district and divisional staff the division receives its full share of posts. For services recruited on a provincial basis it is not practicable to prescribe the share of particular divisions, for other more important factors have to be considered. I can however assure the honourable member that the legitimate interests of the Ambala division, as of other divisions, will not be overlooked.

PUBLIC WELLS AND SCHEDULED CASTES IN AMBALA DISTRICT.

431. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state, whether it is a fact that the number of such public wells as were sunk on grounds owned by Government or local bodies and the platforms of which are still not open to the members of scheduled castes in the Ambala district, as ascertained through the Deputy Commissioner, Ambala, is even now very large ; if so, the action proposed to be taken in the matter ?

The Honourable Mian Abdul Haye : *First part.*—The reply is in the negative in so far as Ambala district is concerned, except Municipal Committee, Jagadhri, in which five wells out of 64 are used by the members of the scheduled castes.

Second part.—The Municipal Committee, Jagadhri, is contemplating action in accordance with the instructions issued by Government in April last for putting up notice boards on all public wells in the Punjab stating therein that they are open to the members of the scheduled castes.

NUMBER OF PERIODS FOR WHICH THE PRINCIPALS AND VICE-
 PRINCIPALS TAKE THEIR CLASSES.

432. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state the number of periods apart from the time spent on research and office work, extramural and supervising duties for

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which actually the principals, vice-principals and senior professors of the Central Training College, Lahore, King Edward Medical College, Lahore, and Government Colleges of Arts to the Degree Standard at Lahore and at other places in the Punjab take the classes per week stating also the number of minutes each period consists of ?

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

ARRANGEMENTS FOR MEDICAL EXAMINATION OF *BONA FIDE* STUDENTS.

433. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state whether any arrangements exist at present for the regular medical examination of the *bona fide* students of Government, Municipal and District Board schools in the Punjab, and for the treatment of those ailing among them particularly when such students are not in a position to pay the fees of the doctors ; if so, what ?

The Honourable Mian Abdul Haye : Government have made the following arrangements for the medical inspection and treatment of school children in Government, Municipal and District Board schools.

In the five selected districts, viz., Gurgaon, Jullundur, Sialkot, Shabpur and Multan, Government finances the medical inspection and treatment of children studying in schools located within a two-mile radius of a dispensary.

In other districts the students enrolled in schools are medically examined and treated by the doctor in charge of the rural dispensary located in the same village.

Two other self-supporting schemes are also in operation in the A. V. schools in urban areas. One scheme is suitable for larger areas with groups of schools which can combine and form a students' health committee, engage a whole-time doctor, open a dispensary and conduct the medical inspection and treatment of the scholars of the associated schools. The other is suitable for smaller areas with single schools, which can arrange with a local practitioner for his part-time services to carry out the scheme.

CO-EDUCATION OF BOYS AND GIRLS IN THE PUNJAB.

434. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state—

- (a) the number of district board primary schools in which there is at present co-education of boys and girls in the Punjab ;
- (b) the number of such district board primary schools where there are arrangements for the teaching of students through the medium of Hindi and Punjabi ;
- (c) if the number of such schools is very small whether any steps are proposed to be taken in future to increase their number ?

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

PRIVATE TUITIONS BY TEACHERS.

435. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state—

- (a) the number of teachers of municipal board primary schools of the Ambala division having had private tuitions during any part of the last financial year with the written permission of the authorities concerned ;
- (b) the number of teachers detected during this period by municipal authorities and the members of the district inspecting staff of schools respectively in the district for having undertaken unauthorised private tuition ?

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

UTILISATION OF CLASS-ROOMS VACATED BY FIFTH CLASSES IN SCHOOLS.

436. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state whether it is proposed to have the fifth classes at present attached to Government high schools transferred to primary ones ; if so, the manner in which Government intend to utilise the class-rooms which will be vacated by the fifth classes at present attached to the schools mentioned above ?

The Honourable Mian Abdul Haye : The matter is under consideration at present.

STUDENTS OF SCHEDULED CASTES READING IN IX AND X CLASSES.

437. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state the number of students belonging to the scheduled castes enrolled in the IX and X classes of the Government and non-Government high schools in the Ambala division on the 31st March of each of the last three years separately ?

The Honourable Mian Abdul Haye : The requisite information is given below :—

Enrolment on	IX CLASS.		X CLASS.	
	Boys.	Girls.	Boys.	Girls.
31-3-86	21	..	7	..
31-3-87	28	..	16	..
31-3-88	27	1	18	..

INADEQUATE SUPPLY OF DRINKING WATER IN AMBALA DISTRICT
FOR SCHEDULED CASTES.

438. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state the number of villages, the scheduled castes of which are suffering at present from inadequate or impure supply of drinking water in the Ambala district as ascertained by the Deputy Commissioner, Ambala ?

The Honourable Mian Abdul Haye : Sixty-nine.

FINANCIAL CONDITION OF LOCAL BODIES.

439. Lala Deshbandhu Gupta : Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the financial condition of several local bodies in the province is unsatisfactory as compared to the condition in the pre-depression days ; if so, the manner in which it is intended to improve their financial condition ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Government consider that the time and labour involved in collecting the required information will not be commensurate with the result. If the honourable member however will name the local bodies he might have in view and specify what he exactly means by ' pre-depression days ' the necessary data will be collected.

PRIVATE USE OF FURNITURE BELONGING TO LOCAL BODIES.

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

- (a) whether Government has issued instructions that presidents, vice-presidents or secretaries of municipalities and district boards are not authorized to lend any part of the furniture of their offices to officials or non-officials to be used by them at their own houses for private functions ;
- (b) when the attention of local bodies was drawn last time to Government instructions on the subject and whether there is any need of doing so again ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) No.

(b) Does not arise.

UTILISATION OF FIBRES LIKE *SUNN* HEMP, *BHABHAR* GRASS,
MUNJ FOR STARTING VILLAGE INDUSTRIES.

441. Lala Deshbandhu Gupta : Will the Honourable Minister of Development be pleased to state whether any research has so far been inaugurated in the utilisation of such fibres as *sunn* hemp, *bhabhar* grass and *munj* for starting village industries supplementary to agriculture with the help of better machines ; if not, when it is likely to be undertaken ?

The Honourable Chaudhri Sir Chhotu Ram : A temporary Fibre Expert was appointed in April, 1928, for a period of about seven months to examine the existing resources of hemp in the Punjab and to enquire into the possibilities of the development of hemp production in the province.

The Government Industrial School, Hoshiarpur, has done some useful work recently in connection with improving the quality and output of *sunh* hemp on improved spinning wheels.

Temporary classes for the development of *munj ban*, palm leaf mat and basket making have been conducted since 1935 in the Muzaffargarh district. Experiments for spinning of *sunh* hemp and *munj ban* have also been carried out by this party on improved Japanese wheels. The results so far achieved are quite encouraging.

Bhabar grass grows in the foothill districts, mainly in Hoshiarpur, and to a lesser extent in Kangra and Ambala.

There is a great demand for this grass by the paper mills at Jagadhri, Ambala district, and at the present time the bulk of the crop is sold by the village proprietors to the mills. The balance is utilised locally for packing mangoes for export and for making ropes. If cultivated on the poor sandy soils along the border of the foothills, this grass might prove to be a useful cash crop.

An experiment has already been started in Hoshiarpur and if results are satisfactory, efforts will be made to persuade villagers to take up the cultivation of the grass.

It is believed that no research has yet been undertaken to further the use of machinery in the manufactures of *bhabar* ropes. For purely local use, the hand made rope appears to be satisfactory. It would be inadvisable to push the manufacture of ropes by machinery for export unless it were known that such ropes could be marketed.

TRAINING SCHEDULED CASTES IN IMPROVED METHODS OF HOME INDUSTRIES.

442. Lala Deshbandhu Gupta : Will the Honourable Minister of Development be pleased to state whether any facilities are being afforded by different Government departments to train the people of scheduled castes in improved methods of home industries in different districts of the Ambala division : if so, their nature and the names of those industries ?

The Honourable Chaudhri Sir Chhotu Ram : The Industries Department maintains the following industrial institutions in the Ambala division :—

1. Government Metal Works Institute, Ambala City.
2. Government Industrial School, Ambala Cantonment.
3. Margaret Irving Industrial School for Girls, Ambala City.
4. Government Industrial School, Rewari.
5. Government Industrial School, Rohtak.
6. Government Industrial School, Panipat.
7. Government Industrial School, Hissar.

[Minister for Development].

- | | |
|---|-----------------------|
| 8. S. P. G. Mission Industrial School, Gurgaon. | } Aided institutions. |
| 9. Industrial School, Satrod Khurd. . . | |
| 10. Muslim Industrial School for Girls, Panipat | |

Students, belonging to scheduled castes, have equal opportunities with other classes to seek admissions to these institutions. As a matter of fact, they enjoy a special privilege in that they have to pay half fees. Although none of the institutions detailed above is specifically earmarked for scheduled castes, the nature of training imparted in some of them makes them of special utility to the members of those castes. A brief description of the training imparted in these institutions is given below:—

- (1) *Government Industrial School, Rewari.*—This school provides two courses of training; (1) Weaving, (2) Leather Work. Training in the former is provided at Rewari City proper, as most of the weavers live in the city. Training in leather work is provided at Rampura—a village near Rewari. Rampura has been specially selected on account of the proximity of *Chamar* population.
- (2) *Government Industrial School, Rohtak.*—This school imparts training in weaving as the main trade. Weavers are given preference in admission.
- (3) *Government Industrial School, Panipat.*—Wool spinning and weaving is the main trade in this school. Preference in admission is given to weavers.
- (4) *Government Industrial School, Hissar.*—A Wool Spinning and Weaving Demonstration Party worked in the Hissar district for a number of years. It imparted training to weavers and others in wool spinning and weaving both at Hissar proper and at other suitable villages of the district. The party has now been merged in a regular school. Training in weaving is given in the school and also through demonstration parties in rural areas.
- (5) *S. P. G. Mission Industrial School, Gurgaon.*—This school teaches leather work and carpentry. Students of the depressed classes generally seek admission therein.
- (6) *Industrial School, Satrod Khurd.*—This school imparts training in wool spinning, weaving and carpet weaving. Weavers are generally benefited.
- (7) A Tanning Demonstration Party worked for a time at Rewari. It taught the *Chamars* the improved methods of tanning.

It is under contemplation to send one or two other demonstration parties to the Ambala division in the near future.

REPRESENTATION OF SCHEDULED CASTES ON DEHAT SUDHAR SABHA AT AMBALA.

443. Lala Deshbandhu Gupta: Will the Honourable Minister of Development be pleased to state whether it is a fact that the number of nominated members of the scheduled castes on 31st March, 1938, on Tahsil and District Dehat Sudhar Sabha in the Ambala division was inadequate; if so, whether same is the case with regard to Dehat Sudhar Sabhas in other divisions of the Punjab?

The Honourable Chaudhri Sir Chhotu Ram: I regret that the answer to this question is not yet ready.

**EXPENDITURE ON WORKSHOPS ATTACHED TO THE AGRICULTURAL
COLLEGE, LYALLPUR.**

444. Chaudhri Kartar Singh: Will the Honourable Minister of Development be pleased to state—

- (a) the total expenditure incurred by the Government on the workshop attached to the Agricultural College, Lyallpur, in the last financial year ;
- (b) the qualifications and the monthly salary that the engineer in charge of the workshops is in receipt of and the university from which he qualified himself as an engineer ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Rs. 64,888.

(b) The workshop is in direct charge of a Superintendent (under the control of the 2nd Agricultural Engineer to Government). The Superintendent has received five years practical training in Mechanical Engineering—two in England and three in India. He spent two years at the Bristol University for B.Sc. in Engineering, but could not complete the degree course, as he had to return to India on account of the serious illness of his father. He joined the MacLagan Engineering College, Moghalpura, and took the third years' course there. Then he took two years training in the Central Workshops of the North-Western Railway. His salary is Rs. 470 per mensem in the grade of Rs. 250—20—750.

BORING DEPARTMENT.

445. Chaudhri Kartar Singh: Will the Honourable Minister of Development be pleased to state the amount of money spent on the Boring Department and the number of wells that have been bored in the province during the last financial year through the Boring Department ?

The Honourable Chaudhri Sir Chhotu Ram : The figures for the financial year 1937-38 are as follows:—

				Rs.
Expenditure	..	..	..	1,67,178
Income	..	..	..	76,809
Net expenditure	..	..	..	90,869
Number of wells bored	..	..	..	366

**DESTRUCTION OF RABI AND GRAM CROPS IN LYALLPUR DISTRICT
AND RELIEF TO SUFFERERS.**

446. Pir Nasir-ud-Din Shah: Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the rabi and gram crops of 1938 of the Lyallpur district in general and of tahsil Toha Tek Singh in particular have been completely destroyed on account of lightning and pest; if so, what action Government proposes to take to give relief to the sufferers?

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

'PARTIAL' OF KHARABA.

447. Pir Nasir-ud-Din Shah : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that the Sidhnai and Kornuga canals have been now in operation for nearly fifty years ;
- (b) whether during this period the *partial* of the *kharaba* of the lands irrigated by these canals has always been done by the Revenue officers concerned ;
- (c) whether these canals are now proposed to be linked up with the Haveli Project system and the *partial* of the *kharaba* is intended to be entrusted to the zilladars ;
- (d) if the reply to (c) be in the affirmative, the reasons for the departure from the arrangement which has been in force since the inauguration of the canals referred to and the action Government propose to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a), (b) and (c).
Yes.

(d) The reason is that these canals will form part of a linked system of canals other parts of which are under the Irrigation Branch and it is very necessary to have the same organization to record irrigation so that Government may know that all parts are equally served by the water available.

SCHOLARSHIPS AWARDED IN F. A. (TENABLE IN B.A.) TO DEPRESSED CLASSES.

448. Sardar Gopal Singh (American) : Will the Honourable Minister of Education be pleased to state the number of scholarships reserved for students belonging to depressed classes for 1937 and tenable in B.A. classes that have so far been awarded with the names and castes of the students who were awarded such scholarships and the names of the colleges in which these students were studying ?

The Honourable Mian Abdul Haya : The number of scholarships for the children of depressed classes, tenable in B.A. classes, awarded annually is three. The scholarships for 1937 were awarded to the following.—

Name	Caste or class.	Institution in which studying.
1. Ram Parkash ..	.. Weaver	Government College, Lyallpur.
2. Milkhi Ram ..	.. Megh.	D. A. V. College, Lahore.
3. Tek Chand ..	.. Chamar.	Ditto.

THE PUNJAB TENANCY (AMENDMENT) BILL.

Khan Muhammad Yusuf Khan (Bawalpindi Sadar, Muhammadan, Rural) : I beg to move—

That the Punjab Tenancy (Amendment Bill) be taken into consideration.

I want to bring it to your kind notice and the notice of the House the invidious distinction that has been made in respect of succession to an agricultural land of an absolute owner and in respect of the holder of land as an

occupancy tenant. We all know that in our province there is no codified law as regards succession to agricultural land. The law that contains the rules of succession is embodied in or rather is known as customary law of the land. Under the customary law we find that there are four canons, well-known canons of law under which an agriculturist succeeds to an estate. The *first* is that when there are male descendants, they invariably exclude widows and all other relatives. *Secondly*, when the line of the male owner is extinguished it is treated as never to have existed and the line of succession is reckoned from the last male holder who died, having left descendants. *Thirdly*, there is the rule of representation whereby the descendants in different degrees from a common ancestor succeed to the land which the immediate holder of the land would have succeeded to if alive, and, *fourthly*, and the most important one is that all the females are deprived of the property; exception is made only in the case of widows and the mother, and occasionally in the case of daughters and their issues if the daughters are married especially in endogamous tribes. There is another special custom according to which there are two well-known rules of succession. One is Pagwand system of devolution of property and the other is the Chundawand system. Under the Pagwand system the unit of the distribution of property is the son and under the Chundawand system, the unit is the wife. In case of Pagwand system the sons of a deceased proprietor divide the property amongst themselves in equal shares, while in the case of Chundawand system we find that the property is divided amongst the widows irrespective of the fact that one widow has two or three sons and the other widow has one son. Thus we see that under the customary law of our province, if a landholder dies, the property goes to the widow, and the mother is entitled to maintenance, and if the widow of the deceased proprietor also dies, the mother succeeds to the property irrespective of the fact that collaterals are in existence. They can only inherit the property where there is neither a widow nor a mother. When the widow dies the mother of the last male holder inherits the property as a widow of her own husband. When we come to the occupancy rights we find that the law relating to the succession of occupancy lands is a codified law. The rule of succession is laid down in section 59 of the Punjab Tenancy Act, 1887, and it will interest the honourable members if I clear my meaning by reading two or three clauses of the Act which lay down the law of succession. The section 59 reads—

“When a tenant having a right of occupancy in any land dies, the right shall devolve—

- (a) on his male lineal descendants, if any, in the male line of descent, and
 - (b) failing such descendants on his widow, if any, until she dies or remarries or abandons the land or is under the provisions of this Act, ejected therefrom, and
 - (c) failing such descendants and widow, or, if the deceased tenant left a widow, then when her interest terminates under clause (b) of this sub-section, on his male collateral relatives in the male line of descendant from the common ancestor of the deceased tenant and those relatives:
- Provided with respect to clause (c) of this sub-section, that the common ancestor occupied the land.”

The amendment that is required in this section deals with sub-section (1) of clause (c). This amendment is required to place the widowed mother of an occupancy holder on par with that of an absolute owner. The amendment requires that after the death of the deceased son's wife the mother of the deceased occupant may be allowed to succeed to the occupancy of the land

[Khan Muhammad Yusuf Khan].

for her life time, as is the case with the general customary law where the females succeed to the land with life-interest. They have only life-interest in the estate and they are not treated as absolute owners and they have no right to mortgage or sell or make a gift of the land, though there are exceptions to this, e.g., in case of necessity or to discharge the debt of the deceased proprietor or in case of an alienation of a certain portion of the land as a gift for charitable purposes, she has a limited right of alienation. Now we have seen that in this case a poor widowed mother is not allowed to succeed to the share of her deceased husband nor of her son and she is also not allowed to have any right of maintenance from the land which was once occupied by her husband or by her son and this is indeed very unjust and iniquitous for the poor old woman because at that time she is too old to remarry or to resort to manual work. We have found that these

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widows are thus forced to go to the houses of big persons and there scrub their utensils, grind their corn, wash their clothes and go to the extent of working as their sweepers. This is a horrible and pitiable state of affairs that a woman who is to-day the owner of plenty of land and enjoys every comfort, is deprived to-morrow of the whole of her property without having regard to the property which was once occupied by her husband and her son. By means of this amendment I want that a widowed mother of an occupancy tenant should be placed on par with a widowed mother of an absolute owner. I know that this amendment is not going to place her exactly on par with a widowed mother of an absolute owner; yet it is evident that if my Bill is passed it will to a great extent remove the disparity that at present exists between a widowed mother of a deceased proprietor who held property as an absolute owner and a widowed mother of an occupancy tenant. A friend of mine informed me of a case where mutation was effected in the names of collaterals while the mother of the deceased occupancy tenant was still living. She went to appeal to the commissioner and my friend was the counsel engaged in that case. The commissioner considered fully and sympathetically the whole question and said that he was very much impressed by the strange implication but he regretted that he was bound by law as it existed. He, therefore, decided against the widowed mother. It has been laid down in the rulings of the Punjab High Court reported in the Punjab Record 1914 that such a widowed-mother has absolutely no right to the land which was occupied by her sons or by her husband. I want to remove this unjust state of affairs by means of this amendment. By the passing of this amendment I am sure that the judgment of the High Court will be counteracted. (*Hear, hear*). If you will allow me to anticipate the objections which are to be raised against this amendment, I would say that one of the most pertinent objections would be that by this amendment I am going to do away with the established rule of law that has been laid down in this province since the advent of the British rule.

Mr. Speaker : The honourable member need not anticipate objections and reply to them at this stage. If necessary he may do so in reply.

Khan Muhammad Yusuf Khan : This amendment is not going to affect in any way the rights of the landlords or the rights of the collaterals. We find that under the present law, the property, after the death of the widow,

is inherited by the collaterals of the occupancy tenant and where there are no collaterals of the occupancy tenant, the property goes to the landlord. After the death of the occupancy tenant the widow should be allowed the right of possession of the property. She will hold that property during her lifetime and as long as she is willing or as long as she is not going to remarry, the collaterals will not be given the right to succeed to the land. There are very rare cases wherein the collaterals are not in existence and the right of the landlord is going to be affected because if this property were not to go to the widowed mother, the landlord would have succeeded to the property. This will be effective only for a very small period and it may be a question of a few years. I do not think that there is any landlord who would be so callous as not to allow the poor widow the right to succeed to the property. I do not think that there would be any man so indifferent to such a widow as not to allow her the right of maintenance and be an obstacle in the way of her succeeding to the occupancy land. With these remarks I submit that this Bill should be taken into consideration.

Mr. Speaker : Motion moved—

That the Punjab Tenancy (Amendment) Bill be taken into consideration.

Parliamentary Secretary. (Mrs. J. A. Shah Nawaz) I take this opportunity of congratulating my honourable colleague Khan Muhammad Yusuf Khan on bringing forward such a beneficent measure, and I thank him on behalf of the woman-hood of this province for pleading the cause of those mothers who are left without any means of livelihood. Under the present customary law a widow is entitled to maintenance but the unfortunate mother of a tenant is left penniless when the son dies. If he leaves a widow, his interests in the property as a tenant, which are known as *mauroosi* rights, go to the widow, but the poor widowed mother is not entitled to anything. I appeal to all sections of this House that they should give their full support to a measure of this type so that the poor mothers should not be the sufferers when their sons die leaving them penniless. With these words I give my full support to the measure.

Khan Haibat Khan Daba (Khanawal, Muhammadan, Rural) : I beg to move an amendment to this Bill as it is a very important measure. I move that the Bill be referred to a Select Committee consisting of—

Honourable Member in charge,
Advocate-General,
Nominee of the Speaker,
Mover of the Bill,
Maulvi Ghulam Mohy-ud-Din,
Chaudhri Ram Sarup,
Pir Akbar Ali,
Tikka Jagjit Singh Bedi, and
Pandit Bhagat Ram Sharma.

Mr. Speaker : Motion under consideration, amendment moved—

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

Honourable Member in charge,
Advocate-General,
Speaker's nominee,
Mover of the Bill,
Maulvi Ghulam Mohy-ud-Din,
Chaudhri Ram Sarup,
Pir Akbar Ali,
Tikka Jagjit Singh Bedi, and
Pandit Bhagat Ram Sharma.

Mir Maqbool Mahmood : I beg to propose the additional name of Begum Rashida Latif Baji.

Mr. Speaker : Bibi Baghbir Kaur's name may also be added.

Mian Abdul Aziz (Outer, Lahore, Muhammadan, Urban) : Sir, undoubtedly at the present moment as the law stands at present there is great hardship for these old ladies. It is not simply out of sympathy that I want to support it but it does require certain consideration. I, therefore, consider that it should be sent to the select committee. I support the proposal of Khan Haibat Khan.

Mr. Speaker : The question is—

That the Bill be referred to a Select Committee consisting of the following:—

Honourable Member in charge,
 Advocate-General,
 Speaker's nominee,
 Mover,
 Maulvi Ghulam Mohy-ud-Din,
 Chaudhri Ram Sarup,
 Pir Akbar Ali,
 Tikka Jagjit Singh Bedi,
 Pandit Bhagat Ram Sharma,
 Begum Rashida Latif Baji, and
 Bibi Baghbir Kaur.

The motion was carried.

Mr. Speaker : The total number is 11. What should be the quorum?

The Assembly agreed that five shall constitute the quorum.

Mr. Speaker : My nominee will be Syed Afzaalali Hamie.

THE PUNJAB ARTIFICIAL GHEE COLOURISATION BILL.

Chaudhri Sumer Singh : Sir, I beg to move—

That leave be granted to introduce the Punjab Artificial Ghee Colourisation Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Artificial Ghee Colourisation Bill.

Is there any objection. (*Voices : No.*)

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Artificial Ghee Colourisation Bill.

The motion was carried.

Chaudhri Sumer Singh : Sir, I introduce the Punjab Artificial Ghee Colourisation Bill.

THE SIKH GURDWARAS (AMENDMENT) BILL.

Sardar Sampuran Singh : Sir, I beg to move—

That leave be granted to introduce the Sikh Gurdwaras (Amendment) Bill.

The motion was carried.

Sardar Sampuran Singh : I beg to introduce the Sikh Gurdwaras (Amendment) Bill.

THE PUNJAB HINDU CHARITABLE AND RELIGIOUS ENDOWMENTS BILL.

Rai Bahadur Binda Saran : Sir, I beg to move—

That leave be granted to introduce the Punjab Hindu Charitable and Religious Endowments Bill.

The motion was carried.

Rai Bahadur Binda Saran : I beg to introduce the Punjab Hindu Charitable and Religious Endowments Bill.

THE SALE OF THE HOLY QURAN RESTRICTING BILL.

Khan Muhammad Yusuf Khan (Rawalpindi Sedar, Muhammadan Rural) : Sir, I beg to move—

That leave be granted to introduce the Sale of the Holy Quran Restricting Bill.

Mr. Speaker : The motion moved is—

That leave be granted to introduce the Sale of the Holy Quran Restricting Bill.

Does any honourable member object ?

Mir Maqbool Mahmood : I beg to object to the introduction of the Bill in its present form.

Khan Muhammad Yusuf Khan : I do not want to make a lengthy speech at the present stage. I do not want to say anything which should be treated as an insinuation ; but what I want to say is that the purpose for which I am introducing this Bill is that I have seen many non-Muslims who from their point of view do not treat the Holy Quran with that veneration and respect which we Muslims do from our point of view. They are unable to treat the Quran with the same regard and veneration that we expect every Muslim to treat it.

Secondly, Sir, non-Muslims do not know that with an alteration of a single *zer* or *zabar* or *pesh*, the meanings of verses of the Quran are changed and they do not know what these mistakes mean to Muslims and this is all due to the carelessness of those who deal with the Quran at the time of printing. Therefore, without in any way derogating from the rights of other persons, I ask that leave be granted to introduce this Bill so that due regard may be paid to Muslim religious sentiments.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I do not think that there can be any Muslim who does not sympathise with the spirit of the Bill which my honourable friend has brought forward. But I am afraid that the object which he has in view will not be achieved by it and it is for that reason that I would request him that he should give us time to consider this matter. There is nobody who does not want to see that the holy books of everybody are held in esteem and respect, and that no disrespect whether by shopkeepers or anybody else is allowed with regard to these holy books. But the Bill as has been worded, appears unworkable, and I think it would be detrimental to the interests of the Muslims themselves. Therefore, I would suggest that my honourable friend should not press his motion and instead, consult a few other Muslim friends, and if necessary, non-Muslims, and devise a measure,

[Premier]

which would achieve the object he has in view without in any way doing damage to anybody, as I explained to him yesterday. I hope in view of what I have said, he will not press his motion.

Mr. Speaker : Does the honourable member wish to withdraw his motion ?

Khan Muhammad Yusuf Khan : I am not going to withdraw my motion.

Premier : I would ask the honourable member to withdraw his motion for the introduction of this Bill in its present form. He may bring forward another Bill without any defects, and the whole House will be prepared to accept it.

Khan Muhammad Yusuf Khan : Its form can be changed in the select committee ?

Premier : The form in which the Bill is now worded is not capable of any modifications in the select committee because there are certain fundamental defects, and you cannot go beyond the scope of the Bill in the select committee. If my honourable friend allows me to refer again to the dangers, which I pointed out and which he also wants to avoid, we will draft a fresh Bill and the object of that Bill will be the same as he has got in view, that is, the sanctity of holy books not in any way to be flouted by shopkeepers or anybody else.

Mr. Speaker : May I ask the honourable member whether he has a mind to withdraw his motion ?

Khan Muhammad Yusuf Khan : If the Honourable Premier gives an assurance that he will bring a Bill of this nature, then I withdraw my motion otherwise not.

Mr. Speaker : The Honourable Premier has expressly stated that he will draft a Bill of this nature.

Premier : I will not only help him in the revision of this Bill, but if my honourable friend will come to me I will probably be able to suggest a small committee to him which can sit down and draft a Bill.

Khan Muhammad Yusuf Khan : I beg leave to withdraw my motion.

Mr. Speaker : Is it the pleasure of the House that leave to withdraw the motion be given ? (*Voices : Yes, yes.*)

The motion was by leave withdrawn.

THE PUNJAB MEDICAL REGISTRATION (AMENDMENT) BILL.

Dr. Gopi Chand Bhargava : (Lahore City, General, Urban) : Sir, I beg to move—

That leave be granted to introduce the Punjab Medical Registration (Amendment) Bill.

Mr. Speaker : The motion moved is—

That leave be granted to introduce the Punjab Medical Registration (Amendment) Bill.

Minister for Education (The Honourable Mian Abdul Haye): Sir, my preliminary objection to leave being granted for the introduction of this Bill is that my honourable friend, the leader of the Opposition, by means of this Bill, wants to legislate not only for the Punjab, but for two other provinces also, namely, Delhi and North-West Frontier Province. My submission to you is that this House has got no extra-territorial jurisdiction. We can legislate for the Punjab but not for other provinces.

My other objection is that my honourable friend, by virtue of this Bill, wants to create a corporation which shall have as its object more than one unit. In this connection I would draw your attention to Federal list No. 1, item 93, which includes:—

“Any corporation whether trading or not will not have for its object more than one unit.”

To undertake this legislation would be *ultra vires* of this House. It could only be undertaken in the Federal Legislature.

Dr. Gopi Chand Bhargava: Sir, my submission is that the Punjab Medical Registration Act exists to-day on the statute book of the Punjab and it has jurisdiction over other provinces as well. This Act was passed in 1916 and it had no jurisdiction over North-West Frontier Province and Delhi. But in 1926, that Act was amended and when it was amended, the Punjab Medical Council got jurisdiction over other provinces. If now those provinces do not want to remain with us, let them go out. We do not want them on our Council. If they do not want to be governed by us, we do not want to govern them. As far as the Act, governing our province, is concerned, we are perfectly within our rights to legislate, because it was the Punjab which passed that Act and it was the Punjab which amended that Act and it is the Punjab which has the right to amend it further.

Mr. Speaker: I invite attention of the honourable members of this House to clause 2 (a) of this Bill. It is:—

“A Medical Council shall be established for the Punjab and shall consist of members elected in the following manner:—

(a) One member each elected by staff Medical School or College situated in the area governed by the Act, i.e., Punjab, Delhi and North-West Frontier Province.”

This Assembly has got no power to legislate for an area which is not within the Punjab. Section 99 of the Government of India Act expressly lays down that this cannot be done. It says:—

Subject to the provisions of this Act, the Federal Legislature may make laws for the whole or any part of British India or for any Federal State; and a Provincial Legislature may make laws for the province or for any part thereof.

Dr. Gopi Chand Bhargava: According to the present Act, under section 5 (1), 8 members are nominated.

Mr. Speaker: The present Provincial Act was passed under the old law. At first this Act was passed in the year 1916. It was amended, if I recollect aright, in the year 1926 and again in 1928. Now we have to make our laws under the Government of India Act, 1935. Under that Act a Provincial legislature cannot make any laws for any area beyond the province itself. Consequently I think that the Honourable Members' Bill is out of order.

Dr. Gopi Chand Bhargava : Suppose I delete the particular clause which is *ultra vires* of this legislature. Can I not amend the Bill in that way ?

Mr. Speaker : In this connection the honourable member may see me in my room.

THE PUNJAB PROHIBITION OF MALBA BILL.

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

That leave be granted to introduce the Punjab Prohibition of *Malba* Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Prohibition of *Malba* Bill.

Minister for Revenue : I object to the motion.

Lala Duni Chand : The proposal from the Opposition benches is not accepted by the Government, because the Government does not want the Opposition to do any good for the country. It has been admitted a number of times on the floor of this House that the levying of *malba* is not sanctioned by any law. I submit that shelter is taken by the Government behind the plea that though the levy of *malba* is not authorised by law, yet it is allowed by custom. If there was any custom in the past which sanctioned the levy of the *malba*, that sanction should not hold good in these days. If there are any traditions behind the levy of *malba*, those are feudal traditions. They are traditions which have come down from feudal times. We have made considerable march these days and any such practice, if it existed before, should not be allowed to continue. So far as the voice of the country with regard to the levy of *malba* is concerned, that has been made quite clear in this House more than once. We on this side of the House are in close touch with the people of the province. We go about in the country, we attend conferences and address large gatherings. But I am not aware of any conference or any public meeting where the levy of *malba* has been approved by the people. On the other hand, I can say that in almost all conferences, the question of levy of *malba* has been considered and it has been definitely disapproved by all classes of the agriculturist population. So far as we are concerned, we are perfectly clear on this point. If the Government wants to satisfy itself whether *malba* is approved or not by the people, it is quite open to it to have this Bill circulated for eliciting opinion, and then we shall be able to know where we stand with regard to this Bill. If as a result of the circulation of the Bill for eliciting public opinion we find that the agriculturists want the continuance of this levy, we shall have no objection and we shall not proceed any further. But I am certain that the entire agricultural population of the province is against the continuance of the levy of *malba*. (*The Honourable Dr. Sir Sundar Singh Majithia : Question*).

Pir Akbar Ali : Will the honourable member please explain what he means by *malba* ? I cannot follow his point. The sort of *malba* he is talking of is not prevalent in my district.

Lala Duni Chand : I cannot help the gentleman who is ignorant of such a thing.

The law says that if there is any custom or practice that is unreasonable or unfair or immoral that custom or practice will not be sanctioned by law. The law does not take any cognisance of any custom of practice that is unfair or unreasonable. I say this practice or custom of levying *malba* is unreasonable and unfair in the highest degree. Now let us see how far this Bill, if passed into law, will benefit the agriculturist? I understand that there are 87,000 villages in the Punjab and if I am not mistaken—I am subject to correction—some time ago the honourable Premier said on the floor of this House that the amount of *malba* collected throughout the Punjab comes to something like 60 lakhs of rupees. I know all sorts of empty promises have been made and will be made to help the agriculturist. But when any real effort is made to help him, our friends object. Will it not be a relief to the agriculturist if he is relieved from the burden of payment of Rs. 60 lakhs a year? Nobody can deny that this will afford an appreciable relief to the agriculturist. We are in a very small minority and all that we can do is to place before this House the point of view of the country and what the country wants. From time to time we try to bring to the notice of the House the problems affecting the country, the grievances of the country and the demands of the country and this *malba* question is one of the acutest demands of the agriculturist population. It is for the Government to see to this. Of course, they have a big majority behind them and they can make two and two not four but five. This Bill is one of the touchstones on which we can test the *bona fides* of the Government, whether the Government is really earnest, whether it is really honest in doing something substantial, something real for the agriculturist whose advocate it claims to be. That is the basis on which they will be tested. With these words, I beg leave to introduce the Bill.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): Sir, I think I have spoken in this House previously on the question of *malba*. Everybody knows that *malba* is a thing which is levied at the request of the majority of the people of the villages. (Question.) I have also said previously that this is a custom which has been in vogue for a long time and my friend by proposing his Bill wishes to ride roughshod on an old custom which has stood the test of ages. In my speech on the previous occasion when this question was being discussed I stated what was happening in Bengal where there is a *jolidari* tax which is similar to *malba* in the Punjab. A similar thing is levied in certain parts of the North-West Frontier Province. My friend has said in his speech that they have been having conferences in different places where this *malba* was objected to and that no conference has been held in its favour. My friends have been very active in going about from place to place, holding conferences and possibly putting forward their view-point before the zamindars whose concern it is to decide this question and not that of my friends opposite. (An honourable member: We represent the agriculturists.) My friend has stated that there are 87,000 villages in the Punjab. Have there been 87,000 meetings held in the Punjab against this custom? (An honourable member: If you agree we will hold the meetings.) He also said that 60 lakhs of rupees are levied from the zamindars on this account. Even so, is it right that this money which could be used for better village sanitation, for better roads and things of that sort, should not be so used? The Bengal tax rules provide for the payment

[Minister for Revenue.]

of establishment and other expenses required for the management of the fund, for the making and improvement of village roads, developing new seed and distributing the same amongst cultivators, defraying the cost of improvement of village sanitation and aiding dispensaries and schools and any other public purpose, the expenditure on which is approved by the committee of *jotidars*, subject to the sanction of the deputy commissioner. I admit that there may be some places where this fund is not properly used. (*An honourable member*: Everywhere.) But is that a reason why this old custom should be abolished, instead of removing the defects in the system and using it for better purposes? My proposition is that this fund could be utilised for the general improvement of the villages in the Punjab. We must take advantage of the *panchayats* that are established in the different villages of the Punjab and hand over this fund to them to be utilised for the betterment of the villages. My friend has said that there is no legal provision. I say that under section 77(8) (j) of the Act this fund could be realised by the *lambardars* themselves. I also say that this *malba* is included in the cesses and other things connected with the land administration of the province. I think there is a special provision in the Tenancy Act for the levy of this cess. Government themselves have no hand in the matter. It is the village community that has to decide whether they would like to keep it or not. If they keep it Government would be prepared to help them in its proper administration and will provide means and facilities for establishing any committee they may like and removing any difficulty that may be there. Therefore my objection against my friend's motion is that he is not moving this in the interests of the zamindars. He may be a representative of the zamindars, but I do not admit it (*Hear, hear*). He is a representative of a class of people who take money from.....

Mr. Speaker: That is personal.

Dr. Gopi Chand Bhargava: Do landlords not take money from the pockets of the zamindars?

Lala Duni Chand: Do you know that I have been elected by an overwhelming majority from a rural constituency?

Mr. Speaker: Apart from that every member of this House, is a representative of the whole province (*hear, hear*) and not only of the constituency by which he has been elected.

Dr. Sir Gokul Chand Narang: But those gentlemen only represent zamindars.

Minister: I have in mind the interests of the zamindars though there may be differences of opinion as to how to serve them. With these words I oppose to the motion.

Sardar Partab Singh: May I ask a question through you whether the Revenue Minister is aware of the popular verse sung in the villages which reads—

اللہ جو ملہا کٹھا کر دے۔۔۔ سارا پلاٹ پولیس دا ہیر دے۔

Mr. Speaker : That is a speech not a question. The question is—

That leave be granted to introduce the Punjab Prohibition of Malwa Bill.

The Assembly divided : Ayes 85 : Noes 88.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Lala.
Duni Chand, Lala.
Duni Chand, Mrs.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.

Kartar Singh, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Muhammad Hassan, Chaudhri.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Afzaali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badr-Mohy-ud-Din Qadri, Mian.
Balbir Singh, Rao Bahadur Captain Rao.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Chand, Chaudhri.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar Major Raja.
Fateh Jang Singh, 2nd-Lieut. Bhai.
Fateh Khan, Khan Sahib, Raja.

Fateh Muhammad, Mian.
Fateh Sher Khan, Malik.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Gauba, Mr. K. L.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Maulvi.
Ghulam Rasul, Chaudhri.
Ghulam Samad, Khawaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib Sardar.
Haibat Khan Daha, Khan.
Hans Raj, Bhagat.
Harnam Das, Lala.
Harnam Singh, Captain Sodhi.
Indar Singh, Sardar.
Jagjit Singh, Man, Sardar.

Jalal-ud-Din Amber, Chaudhri.	Nasrullah Khan, Rana.
Jogindar Singh Man, Sardar.	Naunihal Singh Mann, Lieutenant Sardar.
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.	Pir Muhammad, Khan Sahib Chau- dhri.
Kishan Das, Seth.	Prem Singh, Chaudhri.
Manohar Lal, The Honourable Mr.	Pritam Singh Siddhu, Sardar.
Maqbool Mahmood, Mir.	Ram Sarup, Chaudhri.
Muhammad Akram Khan, Khan Bahadur, Raja.	Ranpat Singh, Chaudhri.
Muhammad Ashraf, Chaudhri.	Rashida Latif Baji, Begum.
Muhammad Azam Khan, Sardar.	Ripudaman Singh, Thakur.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Shahdat Khan, Khan Sahib Rai.
Muhammad Hussain, Sardar.	Shah Nawaz, Mrs. J. A.
Muhammad Hussain, Chaudhri.	Sikandar Hyat-Khan, The Honour- able Major Sir.
Muhammad Sadiq, Shaikh.	Sohan Lal, Rai Sahib Lala.
Muhammad Sarfraz Khan, Chaudhri.	Sultan Mahmood Hotiana, Mian.
Muhammad Sarfraz Khan, Raja.	Sumer Singh, Chaudhri.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Sundar Singh Majithia, The Honour- able Dr. Sir.
Muhammad Wilayat Hussain Jeelani Mukhdumzada Haji Sayed.	Suraj Mal, Chaudhri.
Muhammad Yasin Khan, Chaudhri	Talib Hussain Khan, Khan.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Tara Singh, Sardar.
Muzaffar Khan, Khan Bahadur Captain Malik.	Tikka Ram, Chaudhri.
Muzaffar Khan, Khan Bahdur Na- wab.	Ujjal Singh, Sardar Bahadur, Sardar. dar.
	Wali Muhammad Sayyal Hiraj, Sardar.

THE PUNJAB TENANCY (AMENDMENT) BILL.

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

That leave be granted to introduce the Punjab Tenancy (Amendment) Bill.

Mr. Speaker : Motion moved :

That leave be granted to introduce the Punjab Tenancy (Amendment) Bill.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : I object to it.

4 P.M.

Lala Duni Chand : One voice of mine has been drowned. I am raising another voice on behalf of the agriculturists. (*Hear, hear.*) The voice that I raised was one of justice and the voice that I am going to raise through this Punjab Tenancy (Amendment) Bill is another voice of justice.

Mr. Speaker : The Honourable member should not make even indirect reflections.

Lala Duni Chand : Under the existing Tenancy Act of 1887 the occupancy rights can be granted only under three sections, viz., section 5, section 6 and section 8. It is only in exceptional cases, as these three sections show, that occupancy tenancy rights can be established. There is section 9 of the Punjab Tenancy Act which lays down that length of time—howsoever long—will not be a ground for granting the occupancy rights. Since the Punjab Tenancy Act was passed about 50 years ago conditions have changed greatly in regard to the rights of the tenants and the landlords. Mine is not a revolutionary Bill, nor is it confiscatory or expropriatory. I want to test your wisdom of the basis of this measure. What I want is that those tenants who have been continuously in occupation of the land for 20 years on the 31st December, 1941, should be granted the right of occupancy subject to the payment of the rent either in kind or in cash and subject to the payment of any customary rights that they were paying on the last day of the completion of the 20th year. Sir, as regards those cultivators who will acquire the right of occupancy tenancy after the 31st December, 1941, I have reduced the period from 20 to 15 years. If a tenant continuously occupies land with the consent of the landlord for 15 years he shall acquire occupancy rights subject to the payment of the rent which he has been paying or for which he was liable. This is a truly democratic Bill. It affects the tenants belonging to all castes, classes, creeds and communities. We do not make any difference between one class and another and one community and another. If it affects in any way it affects landlords of all classes and communities in the same way. Sir, if the argument of doing good to the tiller of the soil applies and if the Government benches have any regard for them, then of course here is a measure that is intended for the benefit of the tenants. Sir, after all what is it that I want? The fact that a cultivator has occupied land for a certain period, that by itself, creates a certain amount of right. That is what the world knows. It is one of those Bills which could not be moved without the consent of His Excellency the Governor. His Excellency has been pleased to grant his consent to the moving of this Bill. This fact by itself should be a good ground for the Government benches to consent to the introduction of this Bill. After all it is a matter that requires further consideration. If there are any objections, let us see what are the objections that come from the side of the landlords. I do not take away the proprietary rights of the landlords. I do not in any way reduce their rights to realise rents from their tenants, but if a tenant occupies the land continuously with the consent of the landlord he may be granted occupancy rights subject to the payment of the rent. What objection can there possibly be? It is said that agriculture is the most important industry of India. I do want that the scope of agriculture may be extended to the uttermost limit in the country but efforts are being made to curtail the right of taking to agriculture. If this Bill of mine is passed into law, then a good many people who have not taken to agriculture or who have not been cultivating land will take to agriculture. There are tenants belonging to the untouchable class. It is for their benefit and to improve the lot of menials who live in villages on agriculture. What objection have you? Let them have the right of irrigating that land. After all there are large tracts of land in the hands of the landlords and some of those landlords do not know how to manage and control their lands. How would they suffer if the benefit of cultivating land per-

[L. Duni Chand.]

manently, subject to the payment of rent, is granted to a large number of people? What objection can there be? It is to be seen whether this Bill injures anybody. I have taken great care to see that it does not injure anybody. Instead of having tenants year after year and after every three years, the landlords will have permanent tenants subject to the payment of rent. It would be advantageous to him that he should have permanent tenants subject to the payment of rent. I submit that section 9, the repeal of which I want by this Bill, can no more be a good one. I know of cases in which tenants have been in occupation of land for as many as 60, 70 or 100 years. I have done many cases in which tenants have been occupying land for long periods. I invite the attention of the Honourable Sir Chhotu Ram that tenants occupying land for 60, 70 or 80 years in Hissar, Rohtak and Gurgaon districts have been denied the right of occupancy because the Punjab Tenancy Act does not help them. I say that I have done most of the cases coming from Hissar, Gurgaon and Rohtak. Will not Sir Chhotu Ram extend this right to those numerous people who have been occupying lands for a long time? I know, as a matter of fact, that in Hissar district those people have been occupying lands for over 60 years. It has been stated in some of the rulings of the Financial Commissioners: "we very much like to extend to them the benefit of occupancy but we are powerless!" Similar views have been expressed by High Courts. It is to benefit that class of people that I have moved this Bill. The Punjab Tenancy Act as it stands does not allow any court, High Court or Financial Commissioner to extend to them the right of occupancy. Take the case of a person who for three generations has been occupying the land, cultivating the land and has eked out his livelihood from the land and there are dozens of cases of this kind. I want to know whether any pity is being felt for these people. I have moved this Bill for the serious consideration of this House. I have dozens of Bills in my armoury and I am going to make a present of them to the Unionist Government one after another. I am going to prove whether we on this side are the real benefactors or you gentlemen are the real benefactors of these people. I appeal to each and every member of the House that he should see to the merits of the Bill and not to the fact that I am moving this Bill or a member of the Opposition is moving this Bill: if he does that his conscience will not allow him to vote against this motion.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): Sir, my friend has been very eloquent in showing kindness and sympathy to poor tenants. I do not know whether he has studied the whole situation. What would be the effect of this Bill in this province? May I say, Sir, with your permission that this province and the adjoining province of the United Provinces are slightly different from each other? There they have a large number of big landlords and here in the Punjab we have petty landlords, and big landlords according to that scale are hardly 18 in this province. (*A voice*: An unlucky number.) Yes, it may be an unlucky number. (*Lala Duni Chand*: Why are you applying the same analogy here?) I must apply the same analogy of the United Provinces because things have happened there of which I am personally aware. In the time of Lord Macdonald and previous to that, landlords and tenants lived happily for ages together. There was no occasion for a landlord to turn out his tenant and he was considered to be a part and parcel of his family. Then

the question of occupancy tenant came in and landlord's interests and tenants' interests were thus separated from each other. The landlord wanted the tenant not to acquire occupancy rights; while the tenant wanted to have occupancy rights. The period of acquiring occupancy rights in the United Provinces at that time was 12 years. My honourable friend is very kind and sympathetic to the tenants here and wants 15 to 20 years. That is one of the kindnesses which he has shown to the tenants. Coming to the other thing, Lord Maedonald, for fixity of tenure introduced a *patta* system under which the tenant got a *patta* for 7 years and that period was not to be counted towards making up 12 years for him to acquire the occupancy tenure. Endeavours were made after the *patta* lease expired to keep land without a *patta* so that as soon as he completed 12 years he got occupancy rights and he became occupancy tenant of the land that more or less he had in his possession before. That is not the situation here at all. The solution of the difficulty has been found in the United Provinces in that once a tenant then a tenant for life, and for five years after his death, his son will be the tenant and no landlord will be able to turn him out. This is the fixity of tenure that has been given to the tenants in the United Provinces. My friend's sympathy is that he wants to give them 15 to 20 years' rights of tenure against their having the right for life tenancy and 5 years afterwards. My honourable friend said that this is for the benefit of tenants. May I point out to this honourable House, through you, Sir, what will be the effect? As soon as this Bill is allowed to be introduced, there will be thousands and thousands of ejections of those tenants, who have been living on those lands for years together. Is that the sympathy that my friend is going to show to them? The question is of giving a fixity of tenure. That must be before us and not a temporary measure with which my honourable friend wishes to achieve the object. As I have said, the Punjab is a land of peasant proprietors. One man keeps a small piece of land to make his living and make his tenure a sort of economic holding. He has his own land and gets some land from the landlord of the adjoining holdings and cultivates it and goes on cultivating it. If this is the sympathy that my honourable friend has that this man should be ejected, I am afraid I cannot see eye to eye with him in this matter. But if some measure can be produced which would give a sort of fixity of tenure, that would have my sympathy and support. Here my honourable friend's proposition is to break up the homogeneity of the relations between the tenant and the landlord. That is the thin end of the wedge which he wishes to introduce here. In these circumstances, I think, he is doing no service to the tenants of the province but it is a sort of great dis-service to that community.

Well Sir, that unlucky number 18 may be divided by the sons of the landlord. The old man goes and dies and his sons step into his shoes, so that the unlucky number will not be there unless some special law has been passed. If my honourable friend wants all these tenants to be turned out, then I think, he is at liberty to proceed with his Bill. But in these circumstances and in the interest of a large number of tenants who have been holding these tenancies, according to his own words, for 50 or 60 years in the Gugaon district who will be turned out by landlords, this measure should not be proceeded with. Why turn these tenants out by ejection in this province, simply for the purpose of certain people to fill in their pockets if litigation is resorted to?

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Tenancy (Amendment) Bill.

The Assembly divided. Ayes 83, Noes 82.

AYES.

Ajit Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Lala.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh Chaudhri.
 Kartar Singh, Sardar.

Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh Sardar.
 Muhammad Hassan, Chaudhri.
 Mula Singh, Sardar.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sohau Singh, Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rabim, Chaudhri (Gurdas-
 pur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Afzaali Hasnie, Sayed.
 Ahmad Yar Khan Daulatana, Khan
 Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar-Mohy-ud-Din, Qadri, Mian.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Chand, Chaudhri.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali, Khan, Subedar Major
 Raja.
 Fateh Jang Singh, 2nd Lieut. Bhai.
 Fateh Khan, Khan Sahib, Raja.
 Fateh Muhammad, Mian.

Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Gauba, Mr. K. L.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Maulvi.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib
 Sardar.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Harnam Das, Lala.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Jogindar Singh Man, Sardar.
 Jugal Kishore, Chaudhri.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Kishan Das, Seth.

Manohar Lal, The Honourable Mr.	Muzaffar Khan, Khan Bahadur Nawab.
Maqbool Mahmood, Mir.	Nannihal Singh, Mann, Lieutenant Sardar.
Mubarik Ali Shah, Sayed.	Nawazish Ali Shah, Sayad.
Muhammad Akram Khan, Khan Bahadur, Raja.	Pir Muhammad, Khan Sahib Chaudhari.
Muhammad Ashraf, Chaudhri.	Prem Singh, Chaudhri.
Muhammad Azam Khan, Sardar.	Ram Sarup, Chaudhri.
Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar.	Ranpat, Singh, Chaudhri.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Ripudaman Singh, Thakur.
Muhammad Hussain, Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Nurullah, Mian.	Shahadat Khan, Khan Sahib, Rai.
Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.	Shah Nawaz, Mrs. J. A.
Muhammad Sadiq, Shaikh.	Shan Lal, Rai Bahadur Chaudhri.
Muhammad Sarfraz Khan, Chaudhri.	Sikandar Hyat-Khan, The Honourable Major Sir.
Muhammad Sarfraz Khan, Raja.	Singha, Mr. S. F.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Sundar Singh Majithia, The Honourable Dr. Sir.
Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.	Talib Hussain Khan, Khan.
Muhammad Yusuf Khan, Khan.	Tara Singh, Sardar.
Muzaffar Khan, Khan Bahadur Captain Malik.	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur, Sardar dar.

THE PUNJAB MATERNITY BENEFIT BILL.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) : I move—

That leave be granted to introduce the Punjab Maternity Benefit Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Maternity Benefit Bill.

Parliamentary Secretary (Chaudhri Tikka Ram) : I object to leave being granted.

Dr. Gopi Chand Bhargava : A Royal Commission was appointed to report on the labour conditions in India in the year 1931. That commission made certain suggestions and recommendations. The Government of India has been trying to give effect to a majority of the suggestions of that commission. This Bill of mine proposes to give effect to one of their recommendations. This Bill is intended to give some benefit to those women workers in factories as defined in the Indian Factories Act at the time of maternity. At the time of the visit of this Commission there were Maternity Benefit Acts in Bombay and in the Central Provinces only. But those Acts did not go far enough. After the Commission made its recommendations on this question, the Madras Legislature passed an Act to give benefit to women

[Dr. Gopi Chand Bhargava.]

workers in maternity cases. After that, even the Chief Commissioners provinces of Ajmer and Delhi extended this Act to their provinces. In Assam there are not many factories, and there are tea plantations and Maternity Benefit is given to women worker there. But I am not concerned with them at present. Because what I aim at is that some benefit be granted to the women who work in factories only, for the present. I would very much like to extend it to plantations as well as mines. But I want to go step by step. What I desire is that permission be granted to introduce the Bill and it will be circulated to elicit public opinion. There is only one difference which I have suggested. The Labour Commission suggested that if a woman has worked for 9 months in a factory then she should be given benefit of the Act. What I have suggested is that if she is in service for 6 months she should be given the benefit. It does not entail any expenditure on the Government, because whatever advantage of benefit I propose should be given to the woman worker at the time of the maternity is to be given by the factory owners. It was argued before that Commission that if such an Act were passed then the number of women employed in the factories would go down. I only beg to invite your attention to page 68 of their report—

We do not attach importance to the argument that compulsory maternity benefits will result in employers reducing the amounts already being paid to the minimum laid down by law. Most pioneers in the field of social betterment are not deterred by enactments counselling others to follow in their footsteps. Nor do we attach weight to the argument that legislation will result in an appreciable restriction of the employment of women who are an essential part of certain of the leading Indian industries.

What I propose is only this, that if a woman worker gives notice which she is expected to give four weeks before the expected time of maternity, then she is to be given leave with pay and after she is delivered she is to be paid an allowance on a smaller scale, and what I suggest is as. 8 a day or an aggregate of 3 days' income, whichever is less. Practically it will come to as. 8 a day. It is only Rs. 15 that she will be paid if this proposal of mine is accepted and passed into law. All over the country—not only this country, but all over the world, laws are being passed to benefit the labour population of the country. Such a Bill has been introduced and probably adopted by the United Provinces Government and as far as my knowledge goes, such Bills are in contemplation by other governments. We have many factories in the Punjab and I think it is high time that we should pass this legislation or at least grant leave for the introduction of this Bill. It will add to the fair name of the Province and it will show that our province is a progressive one. If the Government has any objection, it will have sufficient time to move amendments after public opinion has been invited and when it comes before the House for consideration. The Bill might be referred to a select committee for the removal of any defects which the Government or the people outside might contemplate. I therefore think that my proposal is very reasonable and modest and I hope that the Government will not stand in the way of publishing the Bill in order to elicit public opinion.

Minister for Development (The Honourable Chandan Sir Chhotu Ram): I am extremely sorry that I should have to oppose this motion, because the class of people for whom the honourable mover claims relief

and benefit has my entire sympathy. I am also aware of the fact that two lady members belonging to the Ministerial Party and two lady members belonging to the Opposition are very keen that something substantial should be done to improve the lot of women all round and particularly in respect of those who have to serve in factories. But the real difficulty is that the Punjab is industrially a very backward province. If the Punjab had been anywhere near Bombay I am sure this Bill would have had my support and when the time comes for the Punjab to claim something like equality with other industrially advanced provinces, I am sure the Government will be fully sympathetic towards a measure of this kind. What I feel is this, that unless Government is sure of its ground and has already made up its mind that it will allow this Bill to pass, I consider it a perfect waste of time not to oppose this measure or to allow this motion to pass. Government is not sure of its ground, is not sure of the facts and so far as my information goes, the industrialists of the province are opposed. Anyway while I sympathise fully with the objects which the honourable mover of this motion has in view, I feel distinctly that the time has not yet come when the Punjab can undertake to enact a measure of this kind. If this Bill were passed, what would be the result? Every woman will on an average get a benefit to the extent of about Rs. 30. With this contingency in view employers, having regard to ordinary human nature, would be very chary to employ women and I expect that this would result in a diminution of the employment that is now open to women in factories. That is one serious fear which I entertain. The other fear is that such a measure is bound, in the present circumstances, to affect the prosperity of the existing industries and also retard the growth of fresh industries. On account of these apprehensions and on account of the fact that under the present circumstances the Government will not be justified in allowing this Bill to be passed finally, I have to oppose this motion.

Mr. Speaker: The question is—

That leave be granted to introduce the Punjab Maternity Benefit Bill.

The Assembly divided: Ayes 92, Noes 71.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sacher, Lala.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Lala.
Duni Chand, Lala.
Duni Chand, Mrs.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.

Kishen Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.
Mula Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarsban, Seth.

NOES.

- Abdul Haye, The Honourable Mian.
 Abul Bahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Afzaah Hasnie, Sayed.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Ashiq Hussain, Captain.
 Badar-Mohy-ud-Din Qadri, Mian.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 Faqir Chand, Chaudhri.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar Major Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib, Raja.
 Fateh Muhammad, Mian.
 Fazi Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Gauba, Mr. K. L.
 Ghazanfar Ali Khan, Raja.
 Ghulam Rasul, Chaudhri.
 Gopal Singh (American), Sardar.
 Gurbaohan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Harnam Das, Lala.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mehmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur, Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Nurullah, Mian.
 Muhammad Sartraz Khan, Chaudhri.
 Muhammad Sartraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Khan Sahib Chaudhri.
 Muhammad Wilayat Hussain Jee-lani, Makhdumzada Haji Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Naunihal Singh Mann, Lieutenant Sardar.
 Pir Muhammad, Khan Sahib Chaudhri.
 Prem Singh, Chaudhri.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shara Lal, Rai Bahadur Chaudhri.
 Singha, Mr. S. P.
 Sohan Lal, Rai Sahib Lala.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.

THE PUNJAB HINDU, SIKH AND JAIN MARRIAGE LAW
(AMENDMENT) BILL.

Mrs. Duni Chand (Lahore City, Women, General) (Urdu) : Sir, I beg to move—

That leave be granted to introduce the Punjab Hindu, Sikh and Jain Marriage Law (Amendment) Bill.

Mr. Speaker : Motion moved is—

That leave be granted to introduce the Punjab Hindu, Sikh and Jain Marriage (Amendment) Bill.

Chaudhri Ram Sarup : I object to the Bill.

Mrs. Duni Chand : The main object of this Bill is to mitigate the two kinds of hardship which are present in the customary laws of the Hindus and on account of which the Hindu women have to undergo a lot of trouble.

(At this stage Mr. Speaker left the Chair and Lala Bhim Sen Sachar of the Panel of Chairmen occupied it).

On the one hand, the Hindu, Sikh and Jain women are neither entitled to marry another person in the lifetime of their husbands nor have they any right to obtain separation from their husbands. On the other hand, men are free to marry as many wives as they desire and can leave their first legally wedded wives at their own sweet will. The Hindu customary law at present in force is of a character under which not a single woman feels herself out of danger. Their very existence depends on the mercy of men, who are entitled to keep them and to turn them out at their own pleasure. Such laws could have been useful in the times of Manu but owing to social and religious notions of society having undergone a great change in recent times, these laws are proving to be a source of great danger to the Hindu community. In short, on the one hand, there is unnecessary oppression and, on the other, unusual freedom which has led the women to deem this oppression as direct affront to them. It is, therefore, highly necessary that the laws concerning the marriage of Hindus, Sikhs and Jains be modified on the lines indicated in the Bill.

Besides, I am perfectly aware of the fact that marriage is considered to be a sacrament in Hindu Law. I would like to congratulate those men and women who fulfil the conditions of this sacrament and live a very decent life. But, I may submit, that this thing does not in any way alleviate the pain and suffering of those women who live a hellish life in the houses of their husbands. The number of such women in our province is sufficiently large. I may add here for the information of the honourable members that I have not moved this Bill without any cause or reason. I have been working among my sisters for the last 20 or 25 years and I have seen thousands of such cases where the women folk pass a condemned life and suffer numerous tortures at the hands of their husbands. The oppression by men is sometimes so very intolerable that these unhappy conditions sometimes even lead to the commission of crime. It is no wonder that as a direct result of these hardships no less than 100 Jat women committed suicide. The commission of suicide is not an easy matter and I am also aware of the fact that the women-folk have a great courage for showing forbearance, but in spite of all this they are forced to commit this crime. It has grieved

[L. Duni Chand.]

me to find that though such cruelties have been perpetrated on them, who finding them intolerable have been forced to commit suicide, still an honourable Jat member of this House has deemed it proper to oppose leave being given for the introduction of this Bill. It was beyond my expectations, for I was inclined to think that these tortures were quite sufficient to move their hearts and arouse pity in them. I had a mind to say many other things, but as they are not relevant to the motion now under the consideration of the House, I postpone them to some other occasion.

I may make it clear that the honourable members should not think that I have moved this Bill in order to become a pioneer for moving an amendment in the personal and customary law of the Hindus, Sikhs and Jains. But I may point out that many Bills have been introduced in the past by many Hindustani leaders in order to mitigate the harshness of the customary law of the Hindus and they have been placed on the statute book. It was in the year 1856 that a first attempt of this kind was made and the result was that the marriage of the Hindu widows was legalised. Then the Special Marriage Act was passed in the year 1877. Recently it has been amended, but this law has not proved useful, because usually the Hindu marriages are according to *dharma* custom. Further the Sarda Act which has recently been amended was passed. I do not claim that my Bill is complete and flawless as regards its language and form, nor do I profess that there is no room for amendment in it. But I hope that this House will help me in modifying this Bill still better. This much I do claim that my Bill is of such an urgent and important nature, that at this stage it does not deserve to be turned down. This Bill concerns the Hindus, Sikhs and the Jains and I cannot even imagine for a minute that there is any honourable member in this House who would like to oppose it. Who can be such hard-hearted person who can leave the sisters and daughters of his community in such a woeful and pitiable condition and not take pity on them and try to rid them of such a disgraceful life? Besides, I may submit that I have moved this Bill after consulting the Hindu institutions and I have sought their help as well. I have been encouraged to move this Bill after duly consulting public opinion. I am

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conscious of the fact that the members of the Ministerial party and my Muslim brethren will remain neutral, yet I hope they will have full sympathy with their unfortunate sisters, and will lend me their support in seeing this Bill through the House.

According to paragraph 6 of list 3, Schedule 7 of the Government of India Act, the Assembly is empowered to undertake marriage legislation. In drafting the provisions of this Bill I have taken special care to ensure that they should not be unnecessarily harsh to any man or woman, nor should they give any one a chance to take undue advantage of it. The various grounds mentioned in the Bill for obtaining separation are as follows :—

- (1) When a husband systematically commits such acts of violence towards his wife as to endanger her life, limb or health.

It would perhaps be within your knowledge that sometimes the hands of the wives are placed under *charpais* and they

are coerced in this manner. The Bill requires that they should be treated like human beings and not like dogs.

(2) When the husband is living an immoral life.

(3) When the marriage was brought about by practice of deception upon the wife and a notice of such deception had been given by the wife.

The fourth ground is.....

Mian Abdul Rab : On a point of order, Sir. Can the provisions of a Bill be discussed at the time of asking for leave to introduce the Bill ?

Mr. Chairman (Lala Bhim Sen Sachar) : The honourable member will please wind up now.

Mrs. Duni Chand : The fourth ground is :—

When the husband is suffering from an incurable disease of a revolting and contagious nature.

As all these grounds have been mentioned in the Bill I need not mention them here.

I am glad that our province is leading all other provinces in the domain of social reform, and I hope that by enacting this Bill it will add another feather to its cap. I request the honourable members of this House through you, Sir, that before deciding the fate of this Bill every member should bear it in mind that he is the representative of both men and women alike, and hundreds of his sisters are looking up to him for justice. I hope you will not disappoint them but prove through your action that you are their real representatives.

Chaudhri Ram Sarup (Rohtak, Central, General, Rural) (*Urdu*) : Mr. Chairman, Sir, at the very outset let me express my pleasure that on the occasion of the introduction of a Hindu Bill you are in the chair. There are two parts of the Bill that has just been introduced by the honourable lady member from Lahore.

Before taking up the Bill itself I would like to mention the fact that the honourable lady has entered the field of social reform on the footsteps of her husband Lala Duni Chand. I would like to remind the honourable lady that the first and foremost reform which is urgently needed is that of providing bread to the poor people of this province. If you must take part in social reform why not start with providing maternity centres in rural areas? This will save the lives of thousands of poor women who die every year in this province for want of proper care and medical advice.

The Bill that has just been introduced aims at giving the financially well off women, residents of the cities, an opportunity of giving a slip to their husbands. (*Laughter*).

Mrs. J. A. Shah Nawaz : On a point of order, Mr. Chairman. The words used by the honourable member are a direct insult to the women of this province and he should be asked to withdraw those words.

Mr. Chairman (Lala Bhim Sen Sachar) : I would ask the honourable member to withdraw what he said. It is an insult to the women of the province. These are not parliamentary words.

Chaudhri Ram Sarup : I am prepared to withdraw my words, but this would mean that you will have to withdraw this Bill also. (*Laughter*).

Mr. Chairman (Lala Bhim Sen Sachar): The honourable lady members have objected to the words which the honourable member has just used and I expect that in deference to their wishes the honourable member will withdraw them.

(*As Chaudhri Ram Sarup rose to resume his speech, Begum Rashida Latif Baji stood up and began to speak*).

Mr. Chairman : I may point out just for the information of the honourable members that if any one of them wants to interrupt a speaker he will please rise on a point of order; otherwise it would not be possible for the Chair to accommodate him. Has the honourable lady member to raise a point of order?

Begum Rashida Latif Baji : On a point of order, Sir. The Bill does not afford the women an opportunity for leaving their husbands, it rather aims at putting a stop to men's cruelties towards them.

Chaudhri Ram Sarup : Now, Sir, that the Bill has been withdrawn I think there is no need for discussing it further. (*Laughter*). The Bill is divided into two parts. The one is in regard to divorce, which has been copied from the customs and practices of the Muslims. Among the Mussalmans marriage is a contract whereas amongst the Hindus it is a sacred ceremony, and a Hindu woman remains a wife even after the death of her husband. This Bill is directly opposed to the spirit of Hindu *dharma*.

Mr. Chairman, I think you have heard that we are passing through the *Kalyug* era and this Bill proves it. There was a time when Hindu women prepared to immolate themselves on the funeral pier of their husbands rather than live a life of widowhood. (*Applause and Cheers*).

Mr. Chairman : The Chair can have no objection to honourable members relishing the remarks of a speaker, but it should not be done in such a manner as to drown the speech itself.

Chaudhri Ram Sarup : But a Hindu lady who is the chosen representative of Hindu women has brought forward this Bill which conclusively proves that they are not prepared to live with their husbands.

Chaudhri Krishna Gopal Dutt : May I enquire from the honourable member whether he has consulted his wife? (*Interruptions*).

Mr. Chairman : Order, order. It is impossible for me to express myself if we all join and create a pitch of voice which is not the one which could be tolerated in parliamentary proceedings. I think we are all agreed that personal remarks should not be encouraged in this House. I shall therefore expect that the honourable member will be so good as to withdraw the remarks which he has made. (*Voices : Withdraw, withdraw*).

Chaudhri Krishna Gopal Dutt : What do you mean by personal remarks? If you rule that the sentence which I used is not parliamentary I will withdraw it, but if you suggest that I should withdraw it I would not withdraw it. I do not see anything in it: it is such a light remark. It is not unparliamentary and I do not withdraw those remarks.

Lala Deshbandhu Gupta : The honourable member has not taken exception to it.

Chaudhri Krishna Gopal Dutt : The honourable member has indulged in remarks which are clearly very disparaging to women and he is not prepared to withdraw those remarks. (*Voices : Withdraw, withdraw.*)

Mr. Chairman : (Lala Bhim Sen Saohar) May I enquire from the honourable Chaudhri Ram Sarup if he objected to the utterance of those remarks ?

Chaudhri Ram Sarup : Yes, Sir.

Mr. Chairman : In view of the fact that the honourable member against whom those remarks were made took objection to them and in view of the fact that the honourable Chaudhri Krishna Gopal Dutt had no right to interrupt the speaker at that moment and further in view of the fact that those remarks were likely to be understood in a different spirit from the one which might have been intended by the honourable Chaudhri Krishna Gopal Dutt, I request him to withdraw those remarks. (*Cheers from the Treasury Benches.*)

Chaudhri Krishna Gopal Dutt : With due deference to the Chair I beg to say that I am not prepared to withdraw those remarks.

Chaudhri Ram Sarup : If he is not going to withdraw those remarks I will give him a reply myself.

Dr. Sir Gokul Chand Narang : May I say a word ? I would request my honourable friend, Chaudhri Krishna Gopal Dutt, to withdraw those remarks. They may not be unparliamentary, I am not sure, but it is not at all necessary that remarks should be unparliamentary before they are withdrawn. It will create a very undesirable atmosphere in the House if such remarks are made and persisted on. I would, therefore, as a friend, ask him to withdraw his remarks.

Chaudhri Krishna Gopal Dutt : I have not that conception of wife as the honourable Dr. Gokul Chand Narang has. I did not do anything wrong in asking the honourable member whether he had consulted his wife or not. I did not mean any offence or insinuation.

Mr. Chairman : In making my observations, I was actuated primarily by the same considerations as have been put forward by the honourable Dr. Gokul Chand Narang. Remarks may not be unparliamentary, strictly speaking, but they may be undesirable. In order to keep proper atmosphere in the House, it is, I think, the privilege of the Chair and the privilege of the House to ask the honourable members to help to maintain an atmosphere of peace and goodwill. What I understood my honourable friend, Chaudhri Ram Sarup, to say was that he did not object to the remarks made by Chaudhri Krishna Gopal Dutt.

Dr. Sir Gokul Chand Narang : I am sorry to say that you misunderstood him. What he said was that if Chaudhri Krishna Gopal Dutt does not withdraw his remarks, he would not mind because he has in his mind to pay him back in the same coin as occasion arises. That would be a thing which would be most undesirable. I would ask the Honourable Leader of the Opposition to ask his colleague to request him to withdraw his remarks.

Dr. Gopi Chand Bhargava : I feel it is very unfortunate that this thing should have taken a turn it has. I feel that when one honourable member takes objection to what another honourable member has said and when you, as Speaker of this House, have requested him to withdraw, it is not for us to see whether the sentence, which you want to be withdrawn, is parliamentary or unparliamentary. When you have once expressed a desire, it does not look nice that we do not submit to that desire. Therefore, Sir, I would, through you, request my honourable colleague not to discuss the question further whether it is parliamentary or not, and whether it is desirable or not. I think he should submit to the desire of the Speaker and establish a very healthy convention. (*Hear, hear from the Treasury Benches*).

Mr. Maqbool Mahmood : On a point of order, Sir. My point of order is this that according to our rules of procedure (Rule 29), it is not only the unparliamentary expressions that are debarred, but we are not to use *offensive* expressions. I submit that the authority to interpret what is and what is not offensive lies with the Chair and therefore, after a very fair and reasonable appeal made by the honourable Leader of the Opposition, I would, as a friend of Chaudhri Krishna Gopal Dutt, appeal to him to withdraw these words.

Pandit Shri Ram Sharma : On a point of order, Sir. If any honourable member does not obey your orders he may kindly be asked to leave the House.

Chaudhri Krishna Gopal Dutt : I want to say a word by way of explanation. I have carefully listened to the view given by you, as well as by the members opposite and by my honourable Leader, whom I respect very much. I do think that in view of the atmosphere prevailing—an atmosphere of conservatism—I am being coerced to do a thing which I do not want to do. This is a conviction with me that I did not say anything wrong and I assured the House I meant no offence. I put a question to the honourable member which affects men and women. I asked him "Did he consult his wife?" These words were very relevant and it was a very pertinent question. It was very unfortunate that the House laughed at that. In view of the fact that women are treated like that and in view of the fact that I have a notion about women different from my honourable friend, I feel very strongly on this question that men keep women under subjection. It is not a party question and it has not been discussed in the party. I do realise that my position is very awkward at this hour, specially when my own friends and colleagues say that I should withdraw these words. But it is a matter of conviction with me, conviction regarding relations between men and women. I feel that I asked a very pertinent question and I am not going to withdraw. I am prepared to withdraw from the House if you rule so.

Mr. Chairman : Honourable members, you must have observed that I have made a departure from the ordinary procedure in allowing expression of different views by various honourable members of this House. The reason for the latitude shown by me is that I am anxious to preserve an atmosphere of real goodwill and friendship in the House. I thought that even a little departure from our rules of procedure

would be worth while if it could take out the bitterness from this House. It is much to be regretted that in spite of what appears to me to be the unanimous wish of the House that the honourable member, Chaudhri Krishna Gopal Dutt, should withdraw the remarks that he has made, on the score that they are objected to by the honourable member against whom they were uttered, he has not withdrawn them. I expect honourable members to support the Chair which derives its authority from them, even though the occupant of the chair is a temporary chairman. (*Interruption*). Since Chaudhri Krishna Gopal Dutt is not willing to withdraw the remarks that he has made, it is for me to determine whether or not his conduct is such that he should be asked to leave the House. I do not propose to ask him to leave the House, but would leave him to the judgment of the House. The honourable member, Chaudhri Ram Sarup will now proceed with his speech.

Mr. E. Few : Before the discussion proceeds, with due deference to your ruling, may I ask whether it does not amount to an encouragement of defiance of the order of the Chair ?

Mr. Chairman (Lala Bhim Sen Sachar) : I do not think it will encourage defiance of the order of the Chair, because I am sure the views of the House as expressed in unmistakable language will serve as a great deterrent for any member indulging in the sort of language which has been objected to.

Chaudhri Krishna Gopal Dutt : Do you consider that there is anything objectionable or any insinuation in my remark ?

Dr. Sir Gokul Chand Narang : The subject should now be treated as closed.

Mr. Chairman : Chaudhri Ram Sarup will now proceed with his speech.

Chaudhri Ram Sarup : The Hindu *dharma* is as old as life itself in this world and I wonder as to why such reforms as are being contemplated here were never proposed in any other period of its history.

Mrs. Duni Chand : Because these are days of enlightenment.

Chaudhri Ram Sarup : With your permission, Sir, I wish to explain one point more, and it is that the conditions which prevail in the cities are quite different from those in the villages. In fact, the dwellers of the cities are not able to keep their womenfolk quite under control. (*Laughter and loud cheers*).

Mr. Chairman : I am very sorry my attention was drawn elsewhere and so I was not able to catch the last sentence of the honourable speaker. I hope there was nothing objectionable. (*Cries of 'no, no' and loud shouts*). I request honourable members that they will please make the task of the Chair easy by observing discipline. It would be impossible for any Chairman to maintain discipline unless the members themselves are so good as to recognise the limitations that have been placed on them by their own rules.

Lala Duni Chand : I want the Chair to know what was exactly said by the honourable member. Chaudhri Ram Sarup said that it is the people of the town that cannot keep their wives under control. (*Interruption and loud uproar*).

Mr. Chairman (Lala Bhim Sen Sachar) : It will be impossible for me to conduct the proceedings of the House unless honourable members will observe silence that is due from them. It is difficult to go on in this atmosphere of shouting and talking.

Mrs. J. A. Shah Nawaz : If the honourable member indulges in any more such remarks, we women members of this House will walk out of the House.

Chaudhri Ram Sarup : If you allow me I intend to explain the words which I used a little while ago and to which objection is being taken. (*Interruption and loud shouts*).

Mr. Chairman : May I request the whips in this House to please help me by asking their party members to observe discipline ? It is impossible for any one to carry on the proceedings of the House unless he is supported willingly by every section of the House by observing silence to the extent that it is needed for the carrying on of the business of the House. Chaudhri Ram Sarup must have observed that the honourable lady member on this side has seriously objected to his remarks. I expect the honourable member to be chivalrous enough to recognise the force of the objection of the lady members and, without trying in any way to justify his remarks, to withdraw them.

Chaudhri Ram Sarup : I am prepared to withdraw the words in question, but I may be allowed to submit that I spoke about men and not about ladies. Why the honourable lady member should object to my words is beyond my comprehension. However, if the House objects I am prepared to withdraw the words. (*Interruption and loud uproar*).

Mr. Chairman : I am sorry I am in an unfortunate position of having to repeat every time that the honourable members will please help the Chair in maintaining discipline. I do not suppose that the honourable members want their Chairman to feel so impotent that he cannot conduct the proceedings of this House in an orderly way. I therefore request every section of the House to observe discipline which they should in this House. Does the Honourable Chaudhri Ram Sarup withdraw his remarks ?

Chaudhri Ram Sarup : Yes, Sir. (*Hear, hear and cheers*). The object in opposing this Bill is that the English education which is imparted in the cities is giving to our women such freedom which is quite contrary to the laws of our *dharma*.

Shrimati Raghbir Kaur : We on this side of the House wish to do away with the present system of education, but it is you who are enamoured of it.

Chaudhri Ram Sarup : Sir, I was submitting the objects in view of which this Bill has been moved and how it is contrary to the laws of our *dharma* and why it should not be passed.

(*At this stage Mr. Speaker resumed the chair*).

Mr. Speaker : How long has the honourable member been speaking ?

Chaudhri Ram Sarup : Only one minute, Sir.

Minister for Finance : The speaker could not have taken more than two minutes. The rest of the time was consumed in disorder.

Chaudhri Ram Sarup : I would like to make it clear to the honourable members of this House why this Bill is not necessary for the people residing in the rural areas. Our women folk in the villages follow the tenets of the Hindu *dharma* in the spirit as well as in the letter and we do not deem it necessary to consult them in any matter. We simply give them orders and they have no other recourse but to obey them. (*Laughter and Cheers*). But, Sir, in the cities English education is giving such freedom to our women which is quite contrary to the laws of Hindu *dharma* and it is impossible for us to tolerate it. I do not like to take much time of the House, but I would simply wish to bring this matter to your notice that this Bill directly contravenes the principles of the Hindu Law. I may submit that laws which our women have to follow are set down in *Pati-warta Dharma* and I am definitely of the opinion that this Bill is a negation of that *Pati-warta Dharma*.

Chaudhri Krishna Gopal Dutt : You are not the only person who knows about *Pati-warta Dharma*.

Chaudhri Ram Sarup : There is not a single individual among the Hindus who can desert his legally married wife.

Mr. Speaker : How long is the honourable member likely to take to finish his speech?

Chaudhri Ram Sarup : If you are in a hurry, I shall finish my speech.

Mr. Speaker : Question is—

That leave be granted to introduce the Punjab Hindu, Sikh and Jain Marriage Law (Amendment) Bill.

The Assembly divided : Ayes 18, Noes 76.

AYES.

Bhagat Ram Sharma, Pandit.
Bhim Sen Saohar, Lala.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Lala.
Duni Chand, Lala.
Duni Chand, Mrs.
Gopi Chand Bhargava, Dr.

Kapoor Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Hassan, Chaudhri.
Ragbir Kaur, Shrimasti.
Sant Ram Seth, Dr.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Haanie, Sayed.
Ahmad Yar Khan Daultana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.

Akbar Ali, Pir.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar-Mohy-ud-Din Qadri, Mian.
Balbir Singh, Rao Bahadur Captain Rao.
Binda Saran, Bai Bahadur.
Chhotu Ram, The Honourable Chaudhri Sir.

Dassundha Singh, Sardar.	Muhammad Hussain, Sardar.
Faiz Muhammad, Shaikh.	Muhammad Hussain, Chaudhri.
Farman Ali Khan, Subedar Major Raja.	Muhammad Nurullah, Mian.
Fateh Jang Singh, 2nd-Lieut. Bhai.	Muhammad Saadat Ali Khan, Khan Sahib Khan.
Fateh Khan, Khan Sahib, Raja.	Muhammad Sadiq, Shaikh.
Fateh Muhammad, Mian.	Muhammad Sarfras Khan. Chaudhri.
Fateh Sher Khan, Malik.	Muhammad Sarfras Khan, Raja.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Syed.
Fazal Din, Khan Sahib Chaudhri.	Muhammad Yasin Khan, Chaudhri.
Ghazanfar Ali Khan, Raja.	Muhammad Yusuf Khan, Khan.
Ghulam Rasul, Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Girdhari Das, Mahant.	Muzaffar Khan, Khan Bahadur Nawab.
Gopal Das, Rai Bahadur, Lala.	Nasrullah Khan, Rana.
Gopal Singh (American), Sardar.	Naunihal Singh Mann, Lieutenant Sardar.
Gurbachan Singh, Sardar Sahib Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Habib Ullah Khan, Malik.	Pritam Singh Siddhu, Sardar.
Haibat Khan Dahi, Khan.	Ram Sarup, Chaudhri.
Hans Raj, Bhagat.	Ripudaman Singh, Thakur.
Harnam Singh, Captain Sodhi.	Shahadat Khan, Khan Sahib Bai.
Het Ram, Rai Sahib Chaudhri.	Sham Lal, Rai Bahadur Chaudhri.
Indar Singh, Sardar.	Sohan Lal, Rai Sahib Lala.
Jafar Ali Khan, M.	Sultan Mahmood Hotiana, Mian.
Jagjit Singh Bedi, Tikka.	Sumer Singh, Chaudhri.
Jugal Kishore, Chaudhri.	Sundar Singh Majithia, The Honour- able Dr. Sir.
Kartar Singh, Chaudhri.	Suraj Mal, Chaudhri.
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.	Talib Hussain Khan, Khan.
Manohar Lal, The Honourable Mr.	Tara Singh, Sardar.
Maqbool Mahmood, Mir.	Tikka Ram, Chaudhri.
Muhammad Akrom Khan, Khan Bahadur, Raja.	Ujjal Singh, Sardar Bahadur, Sardar.
Muhammad Ashraf, Chaudhri.	
Muhammad Azam Khan, Sardar.	
Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar.	
Muhammad Hayat Khan Noon, Nawab Malik Sir.	

**THE PUNJAB AGRICULTURAL TRIBES' RIGHT OF DEFENCE
BILL.**

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural): I beg to move—

That leave be granted to introduce the Punjab Agricultural Tribes' Right of Defence Bill.

The motion was carried.

Khan Muhammad Yusuf Khan: I introduce the Punjab Agricultural Tribes' Right of Defence Bill.

THE PUNJAB ANTI-BEGAR BILL.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :
 6 P. M. I beg to move—

That leave be granted to introduce the Punjab Anti-Begar Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Anti-Begar Bill.

Parliamentary Secretary (Mir Maqbool Mahmood) : I beg to object to its introduction.

Sardar Hari Singh : It is very difficult to follow the logic of this insensate opposition to this harmless Bill. *Begar* in its various forms has been persistent for centuries in this country. It has continued throughout the British Raj and still continues in the regime of the so-called popular Ministry. I want to know what are they going to do and how are they going to eradicate this disease. What have they done so far? The British bureaucrats issued certain pious circulars, which did not mean anything beyond the issue of these circulars and those circulars did not help in eradicating this disease. Our friends opposite will get up and say, "We have issued instructions banning *begar* and we have asked the district authorities to see that *begar* is not taken from the scheduled castes or other *kamins* of the villages." But in spite of those pious circulars *begar* is being taken in the villages. There is no mitigation of the evil and I think that the evil has aggravated since my honourable friends opposite have assumed office. May I ask whether those seven representatives of the scheduled castes, who are sitting behind the treasury benches, have not brought to the notice of the Government that the evil is existing in the villages and that the lot of the scheduled castes is not at all improved since the present Ministry took office? Let us try to understand the problem. May I ask them a question or two? Are they afraid of displeasing the village landlords, the ruling magnates, the aristocrats on whose support they depend and who are notorious for taking *begar* from the depressed classes? Are they afraid of the zaildars, the honorary magistrates or other officials and landlords who depend upon the forced labour of chamars, bhangis and other menial classes in the villages? What is the reason that they are going to oppose a measure which is quite harmless and which says that any person, official or non-official, who takes *begar* from the poor people should be penalised. He should be put in a court of law, hauled up before a court and he should be fined or sent to jail if the offence is repeated again and again. This Bill is not at all going to incur any expenditure from the Exchequer of the province. Therefore, I fail to understand why they oppose this Bill. If they have any sympathy at all, beyond lip sympathy, for the poor people, then they should not oppose this Bill and show the method by which they are going to tackle the disease which is so grave and of very old standing. When the sub-inspector, tahsildar or naib-tahsildar or other subordinate officials go to the villages, what do they do? Whom do they ask to fetch grass for their horses? It is the poor chamar. It is the poor bhangi in the village and other menial class people who are asked to bring grass and when those poor people ask for payment they are given shoe-beating instead of being paid a few annas. The landlords, zaildars and other mighty supporters of the Unionist Party in the villages exact forced *begar* from scheduled

[S. Hari Singh.]

caste people in spite of the fact that seven representatives out of eight of the scheduled castes are sitting behind the treasury benches. Do they feel sympathy for the depressed classes? How can they oppose such a simple measure which is of benefit to their classes?

Parliamentary Secretary (Mir Maqbool Mahmood): I am afraid my honourable friend opposite has never missed the bus as he missed to-day. We are not opposing the introduction of this Bill for any one or for all, of the reasons which he attributed to us. As a matter of fact, so far as the stoppage of *begar* is concerned, the Premier has in unmistakable terms declared the policy of the Government on these matters. We stand by that and when a genuine Bill for the stoppage of *begar* and giving relief to the depressed classes is brought before the House, as one stands to-day in the name of my honourable friend Mr. Faqir Chand, he will find that we will not oppose the introduction of that Bill. But there are reasons why we oppose this Bill. We object to this Bill because it is a clumsy attempt to play and trifle with the credulity of our brethren of the scheduled castes. I object to it because it is an anti-scheduled caste Bill. (*Voices from Opposition benches: Question*). It is anti-love, anti-human nature and against the interests of the scheduled castes. I have measured every word that I have used against this Bill and I will prove it on reference to the provisions of the Bill that every word of mine is justified. My honourable friend wants to penalise *begar* and how does he define *begar*? He has given the definition of *begar* as follows:—

Begar shall mean the obtaining or utilizing of labour or services or goods or commodities by any person, official or non-official, without making adequate market-rate payment.

In other words, if my honourable friend Khan Bahadur Mian Ahmad Yar Khan Daulatana is tempted to buy a nice saree from Simla and takes it to Lahore for his Begum Sahiba and if she does not pay him the market rate for it then she will be guilty and liable on a summary trial to six months' imprisonment. (*Laughter*). Supposing my honourable friend Sardar Hari Singh goes home and his son comes out of the house to receive him and helps to take his books to his room and in return he is given a doll or a present by Sardar Sahib, then both of them (the coming father and the dutiful son) are liable on a summary trial to six months' imprisonment for accepting labour and goods without payment of market rate (*Laughter*). Supposing my honourable friend the Leader of the Opposition goes on the Mall of Simla and he comes across a poor *faqir* sitting drenched in rain. Being moved by charity he passes on his mackintosh to the *faqir*. The *faqir* not paying the market-rate for the mackintosh will be liable on a summary trial to six months' imprisonment. (*Laughter*). Not only that, but I say that this Bill goes against the members of the scheduled castes whom it seeks to help. Supposing I get some labour from a member of the scheduled castes in my village and being pleased with his work I present him with a coat or a bit of reward, and since the market-rate thereof is not paid to me, he is liable on summary trial to six months' imprisonment. My honourable friend the mover of the Bill is responsible for such a clumsy attempt at legislation and plays with the so-called love of the depressed classes and then without knowing our reasons dares to attribute motions to the Government for not supporting his Bill. I hope that in the light of my comments my honourable

friend who moved the Bill will, in fairness, get up and say that he is sorry for having moved such a Bill. Moreover, from the 1st clause to the end of Bill the words "depressed classes" or "scheduled castes" do not occur even once. So far as the Bill is concerned, from the beginning to the end, the words "scheduled castes" do not occur even once any where in any of the clauses. I am sure my friends of the scheduled castes will not be taken in by such clumsy attempts.

Dr. Sir Gokul Chand Narang : Is the Government prepared to support Mr. Faqir Chand's measure?

Mir Maqbool Mahmood : We are not opposing its introduction (*Interruption*).

Mr. Speaker : Question is—

That leave be granted to introduce the Punjab Anti-Begar Bill.

The Assembly divided : Ayes 25 ; Noes 60.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Saohar, Lala.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Duni Chand, Lala.
Duni Chand, Mrs.
Gokul Chand Narang, Dr. Sir.
Hari Singh, Sardar.
Harjoh Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
Kishan Singh, Sardar.
Kriahna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Mula Singh, Sardar.
Prem Singh, Mahant.
Raghibir Kaur, Shrimati.
Sahib Ram, Chaudhri.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Atzaafali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Balbir Singh, Rao Bahadur Captain Rao.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Fateh Jang Singh, 2nd-Lieut. Bhai.

Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Few, Mr. E.
Gamba, Mr. K. L.
Ghazanfar Ali Khan, Raja.
Ghulam Rasul, Chaudhri.
Girdhari Das, Mahant.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib Sardar.
Habib Ullah Khan, Malik.
Hans Raj, Bhagat.
Harnam Singh, Captain Sodhi.
Inder Singh, Sardar.
Jafar Ali Khan, M.
Jogindar Singh Man, Sardar.

Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.	Muzaffar Khan, Khan Bahadur Captain Malik.
Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir.	Muzaffar Khan, Khan Bahadur Nawab.
Muhammad Akram Khan, Khan Bahadur, Raja.	Nasrullah Khan, Rana.
Muhammad Ashraf, Chaudhri.	Naunihal Singh Mann, Lieutenant Sardar.
Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Pritam Singh Siddhu, Sardar.
Muhammad Hussain, Chaudhri.	Ram Sarup, Chaudhri.
Muhammad Nurullah, Mian.	Ripudaman Singh, Thakur.
Muhammad Saadat Ali Khan, Khan Sahib Khan.	Shahadat Khan, Khan Sahib Rai.
Muhammad Wilyat Hussain Jee-lani, Makhdumzada Haji Sayed.	Shah Nawaz, Mrs. J. A.
Muhammad Yasin Khan, Chaudhri.	Sham Lal, Rai Bahadur Chaudhri.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Sohan Lal, Rai Sahib Lala.
	Sunder Singh Majithia, The Honourable Dr. Sir.
	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.

THE PUNJAB HINDU AND SIKH BIGAMY BILL.

2nd Lieutenant Bhai Fatehjang Singh (South-East, Sikh, Rural):
Sir, I beg to move—

That leave be granted to introduce the Punjab Hindu and Sikh Bigamy Bill.

The motion was carried.

2nd Lieutenant Bhai Fatehjang Singh: Sir, I beg to introduce the Punjab Hindu and Sikh Bigamy Bill.

THE DEPRESSED CLASSES ANTI-BEGAR BILL.

Chaudhri Faqir Chand (Karnal, North, General, Reserved Seat, Rural):
Sir I beg to move—

That leave be granted to introduce the Depressed Classes Anti-Begar Bill.

The motion was carried.

Chaudhri Faqir Chand: Sir, I beg to introduce the Depressed Classes Anti-Begar Bill.

THE PUNJAB ALIENATION OF LAND (AMENDMENT) BILL.

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

That leave be granted to introduce the Punjab Alienation of Land (Amendment) Bill.

Mr. Speaker : The motion moved is—

That leave be granted to introduce the Punjab Alienation of Land (Amendment) Bill.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I object to it.

Lala Duni Chand : Sir, through this Bill I ask for small mercy. It appears that Government is not going to grant even this mercy. The Alienation of Land Act was passed about 58 years ago. I want to amend section 20 of that Act. Whatever might have been the justice or necessity of putting this section on the statute book in 1900, that justification and that necessity does not exist now. I want that this section 20 should be no more on the statute book. At that time perhaps the feeling was that legal practitioners were a mischievous class of people and they were troublesome and probably they were punished for that reason. Perhaps it was also thought at that time that they would create difficulties in the way of administration of the Punjab Alienation of Land Act. I submit that as a result of the working of that Act, we have come to know that a lot of important legal questions arise in the course of proceedings under that Act. I want that the legal practitioners should be allowed to appear in the proceedings under that Act, so that they may be helpful at one time to agriculturists and another time to non-agriculturists. This Bill is going to produce a system that would abolish *benami* transactions. They are welcome to do that, but it is another feature of the Punjab Alienation of Land Act that requires help of the legal profession. Things have greatly changed now. The legal profession is hard pressed. Many lawyers hardly get work worth the name. This Bill is going to affect all classes and all communities equally. Members of the legal profession belonging to all communities will be affected by it. With these words I beg for leave of the House to introduce this Bill.

Minister for Revenue : Sir, I have great sympathy for my honourable friend, but I am afraid that I must oppose this motion. With regard to the object of section 20, I would draw your attention to Sir Shadi Lal's Commentary, 1937 Edition, which says—

The object of section 20 is to confer discretionary powers upon revenue officers for the protection of zamindars, which could be exercised cheaply and expeditiously by the exclusion of legal practitioners.

Though the legal practitioners are excluded, the recognised agents are allowed to appear before the revenue officers.

This Act, as my honourable friend has said, has been before this House for more than 37 years. But not a single case of any difficulty has been brought to the notice of the Government where the exclusion of legal practitioners has appeared as a hardship against any man who has claimed relief under this Act. I need not detain the House any more, but I would say this much that though the legal profession is a bit hard pressed, this is not the only thing which is going to help them. There are other things which can provide means of livelihood for them. My honourable friend said that Government is not going to show even this small mercy to legal practitioners. (*Lala Duni Chand :* I do not require mercy, but the legal

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profession requires it.) Then why are you pleading their cause when you yourself do not require mercy? So, I strongly object to the leave being granted to introduce this motion.

Mr. Speaker : The question is that—

Leave be granted to introduce the Punjab Alienation of Land (Amendment) Bill.

The motion was lost.

THE PUNJAB ERADICATION OF BEGAR BILL.

Seth Kishan Dass (Jullundur, General, Reserved Seat, Rural) : As a similar Bill has been moved by my honourable friend, Chaudhri Faqir Chand, I beg to withdraw my Bill.

THE PUNJAB ERADICATION OF UNTOUCHABILITY BILL.

Seth Kishan Dass : As the Punjab Eradication of Untouchability Bill is still under consideration, I do not wish to move it now.

The Assembly then adjourned till 2-30 P. M. on Friday, 1st July, 1938.

PUNJAB LEGISLATIVE ASSEMBLY:

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 1st July, 1938.

The Assembly met at the Assembly Chamber, Simla at 2-30 p.m. of the clock. Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

MUNICIPAL COMMITTEE, DALHOUSIE.

*2927. **Munshi Hari Lal**: Will the Honourable Minister of Public Works be pleased to state--

- (a) when the Municipal Committee was constituted at Dalhousie;
- (b) when the elective system was introduced in the Municipality;
- (c) the numerical strength of the members of the Municipal Committee;
- (d) how many are elected and how many nominated;
- (e) whether the office of the President of the Committee is open to election?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) The Municipal Committee of Dalhousie was first constituted on 25th July, 1887.

- (b) The elective system was introduced in the Municipality in 1928;
- (c) and (d) The present strength of the Municipal Committee is eleven members, of whom five are elected and six appointed;
- (e) No.

Sardar Hari Singh: Has the Government ever considered the question of making the post of President elective?

Minister: Not so far.

Sardar Hari Singh: May I know whether the Government intends to consider the question in the near future?

Minister: All such questions are considered when occasion arises.

Pandit Shri Ram Sharma: Why is it that the nominated members are for more than the elected members in that Municipality?

Minister: Because it is a hill station.

Pandit Shri Ram Sharma: Does it take a very long time for democracy to reach hill stations?

Minister: No. It is because the population of hill stations is migratory.

Pandit Bhagat Ram Sharma : Does the Government intend to increase the elected element in that Municipality ?

Minister : I have already replied to that question.

Pandit Bhagat Ram Sharma : No, it has not been answered.

Minister : I have already said that such questions are considered from time to time.

Sardar Hari Singh : How does the question of migration of people affect the principle of election to the Municipality ?

Minister : It affects very much, because the people that go to Dalhousie one year do not go there the next year.

Sardar Hari Singh : At that rate Dalhousie Municipality will not have an elected President till eternity.

Pandit Shri Ram Sharma : Does this principle apply to Simla as well ?

Minister : Yes, it does.

Pandit Bhagat Ram Sharma : Does it apply to Dharamsala as well ?

Mr. Speaker : The next question.

MUNICIPAL COMMITTEE DALHOUSIE.

*2928. **Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that in 1936 the elected members of the Dalhousie Municipal Committee protested against the Sub-Divisional Officer who was then a mere member of the Committee being armed with controlling powers under section 231, Punjab Municipal Act, with respect to the Dalhousie Committee ;
- (b) whether it is a fact that, as a protest, the elected Vice-President resigned ?

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

(b) No.

MUNICIPAL COMMITTEE DALHOUSIE.

*2929. **Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) when the office of the Vice-Presidents of the Dalhousie Municipality was thrown open to election ;
- (b) the name of the first Senior Vice-President of the Dalhousie Municipality and the period for which he functioned as such ;
- (c) whether he resigned or ceased to work as Senior Vice-President because his term expired ; if he resigned, the reasons for his resignation ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) In 1931 for the first time two Vice-Presidents, one senior and one junior were elected. Previous to this there was only one Vice-President and he was always elected.

(b) Captain B. H. D. Ross (Station Staff Officer). He remained as Senior Vice-President for 3 years, 4 months and 24 days.

(c) He ceased to function as he was transferred from Dalhousie.

MUNICIPAL COMMITTEE DALHOUSIE.

*2930. **Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether the elected members of the Dalhousie Municipal Committee withdrew from the meeting during the recent election of the Vice-President as a protest against the predominance of the nominated block in the Committee;

(b) whether there is a proposal to revise the constitution of the Committee?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Only two elected members withdrew from the meeting as a protest against the nominated majority in the Committee out of five elected.

(b) Not at present.

Chaudhri Krishna Gopal Dutt : Is it a fact that the Honourable Premier gave a definite promise to Raizada Hans Raj of the Central Legislative Assembly that Government would increase the elected element in the Municipality?

Minister : If the honourable member will have patience he will get a reply to that question which is coming up later.

Lala Deshbandhu Gupta : Is it due to the presence of European population that there is a predominance of nominated members in that Municipality?

Minister : I have already said that this applies to all hill stations because the population is migratory. Moreover this question relates to the Vice-President.

LIEUTENANT-COLONEL MARSHALL.

*2931. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that a retired Military Officer, Lt.-Col. Marshall, has been recently recruited in the Punjab Jail Department as Superintendent;

(b) if so, the salary that he draws in addition to his pension;

(c) the scale of the grade of his salary; and

(d) his special qualifications for employment in the Jail Department?

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

(b) Rs. 700 per mensem.

(c) Rs. 700—80—1,000.

(d) Colonel Marshall was appointed after consultation with the Public Service Commission who considered him suitable.

Munshi Hari Lal : What are the special qualifications that Colonel Marshall possesses for this post ? Has he got any jail experience ?

Minister : Many persons have been employed as Superintendents of Jails without having been previously in Jail service.

Sardar Hari Singh : How does the employment of a retired European Military officer fit in with the policy of Indianisation ?

Minister : A large number of names were placed before the Public Service Commission who went through the qualifications of some 41 persons. The Commission came to the conclusion that this officer was the best qualified.

Chaudhri Krishna Gopal Dutt : Did the Government make any recommendation to the Commission in this respect ?

Minister : No recommendation was made. If I may say so, such a question is to be deprecated. It reflects on the independence of the Public Service Commission, and is unnecessarily offensive to Government.

Sardar Hari Singh : Was no Indian with requisite qualifications available ?

Minister : The Public Service Commission placed this gentleman at the top and the Government had no reason not to accept the recommendation of the Commission.

Lala Deshbandhu Gupta : Do Government realise that military men are really not suited for a service like this ?

Minister : That is the opinion of the honourable member and is not a proposition that is universally accepted. On the other hand, if I may say so, experience of Government shows that the work of military men in jails has been absolutely satisfactory.

Lala Deshbandhu Gupta : Wherever Government has employed ex-military men in jails there has been more trouble.

Minister : Not at all.

Sardar Hari Singh : What is the age of this officer ?

Minister : I have got no information on that point. I may, however, inform the honourable member that this appointment is only for a period of two or three years and nobody who reaches the age of 55 is retained in service. It may, therefore, be presumed that this officer is well within 55, and the appointment is subject to medical examination and report.

Chaudhri Krishna Gopal Dutt : May I know, Mr. Speaker, whether it is proper for an honourable member to characterise a question as to be deprecated ?

Mr. Speaker : The honourable member is presumed to know that the Public Service Commission is a body which acts independently. Therefore, whether the Government made any recommendation to the Commission is the last thing a member should ask.

Lala Bhim Sen Sachar : Do I take it that Government in no case employs a man if he has attained the age of 55 ?

Minister : This particular gentleman is not above 55. I have not made a general enquiry as to whether Government does not employ men over 55 years of age. If the honourable member wishes to have precise information on that point I shall be glad to get it for him.

Mr. Speaker : The next question.

SARDAR JASWANT SINGH UPPAL, P.O.S.

*2932. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that Sardar Jaswant Singh Uppal, P. C. S., has been recently selected to serve as Superintendent of Jails in the Punjab ;
- (b) if so, by which authority ;
- (c) what are his special qualifications for employment in the jails ;
- (d) what will be his emoluments as Superintendent and what is his pay as an Extra Assistant Commissioner.

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

(b) By Government in consultation with the Public Service Commission.

(c) The Public Service Commission ranked him first amongst the P. C. S. officers whose names were submitted to them.

(d) As Superintendent of Jail he will draw his time scale pay in the Punjab Civil Service *plus* a special pay of Rs. 100 per mensem. As an Extra Assistant Commissioner his pay on the 26th January, 1938, was Rs. 570.

Pir Akbar Ali : Is it a fact that as a magistrate he did not succeed, his work as a magistrate was not approved and therefore the Government thought it necessary to transfer him to the Jail Department ?

Mr. Speaker : That is not a supplementary question.

PUNJAB JAIL SERVICE.

*2933. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state whether there is any cadre of the Punjab Jail Service in the Punjab ; if so, what is the initial pay of the office of Superintendent of Jails ?

The Honourable Mr. Manohar Lal : There is no regular cadre of Superintendents of Jails. They are recruited from several sources, including the Indian Medical Service, the Punjab Civil Service, the Punjab Civil Medical Service, the Indian Army, and from among Deputy Superintendents of Jails. There is, however, a regular cadre for Deputy and Assistant Superintendents of Jails.

Munshi Hari Lal : Are there any rules for the recruitment of these officers ?

Minister : If the honourable member were to give me notice, I can tell him exactly how many of these superintendents belong to each of these cadres.

LIBUTENANT-COLONEL MARSHALL AND SARDAR JASWANT SINGH
UPPAL.

*2934. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that at the time of the selection of Lt.-Col. Marshall and Sardar Jaswant Singh Uppal, as Superintendents of Jails, the Inspector-General of Prisons favoured the appointment of the senior Deputy Superintendent working in the Punjab Jails ;
- (b) whether the claims of the senior Deputy Superintendent of the Punjab Jails were considered at the time of their selection ?

The Honourable Mr. Manohar Lal : (a) The answer is in the negative so far as Colonel Marshall's case is concerned. When the other vacancy occurred the Inspector-General recommended the senior Deputy Superintendent.

(b) Yes.

DEPUTY SUPERINTENDENT OF JAILS.

*2935. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state —

- (a) whether it is a fact that it is the Deputy Superintendent of a Jail who has to pay recoveries for every item of irregular expenditure incurred in every transaction and the Superintendent of the Jail is immune from such responsibilities ;
- (b) if the answer to part (a) be in the affirmative, whether he would be pleased to lay on the table of the House the list of total recoveries made during the years 1934-35, 1936-37, from the Deputy Superintendents and the Assistant Superintendents of the jails ?

The Honourable Mr. Manohar Lal : (a) No. Recoveries are made from whatever official is primarily at fault.

(b) Does not arise.

MILITARY ASSISTANT SURGEONS.

*2936. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number and the names of the Military Assistant Surgeons, if any, who hold the office of wholetime Superintendent of Jails in the Punjab, temporarily or permanently ;

(b) the grade pay of such Military Assistant Surgeons ?

The Honourable Mr. Manshar Lal : (a) There are none.

(b) Does not arise.

CIVIL ASSISTANT SURGEONS.

*2937. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number and names of Civil Assistant Surgeons, if any, who hold the office of whole-time Superintendent of Jails in the Punjab, temporarily or permanently ;
- (b) whether there is any grade pay of such Civil Assistant Surgeons ; if not, whether they get any allowance ; if so, what is the amount of that allowance ?

The Honourable Mr. Manohar Lal : The only Assistant Surgeon who is a whole-time Superintendent of Jails is Major S. H. U. Shah, P.C.M.S., Superintendent of the Old Central Jail, Multan. He is in receipt of his grade pay (Rs. 225—15—450) as Assistant Surgeon plus Rs. 100—Jail allowance.

LIST OF DEPUTY SUPERINTENDENTS AND ASSISTANT SUPERINTENDENTS.

*2938. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state whether any approved list of Deputy Superintendents and Assistant Superintendents eligible to hold office of the Superintendent of Jails, permanently or temporarily, is kept ; if so, will such a list be laid on the table ?

The Honourable Mr. Manohar Lal : No such list is kept.

DEPUTY SUPERINTENDENTS OF JAILS.

*2939. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether any Deputy Superintendents of Jails have been permanently promoted to the office of the Superintendent of Jails in 1936, 1937 or upto March, 1938 ;
- (b) if so, their names and salaries and the increase they got as Superintendents ?

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

(b) (1) Lala Gyan Chand Chadda.

(2) Khan Sahib Sheikh Abdul Ghani (since retired). Both of them were given special pay of Rs. 100 per mensem in addition to the grade pay of Deputy Superintendent, 1st grade, viz., Rs. 400—10—450/10—500.

*2940.—Cancelled.

WATER SUPPLY FOR AMBALA CITY.

*2941. **Lala Duni Chand** : Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware of the fact that out of the 27 old wells sunk in the vicinity of Hundesara to supply water to Ambala City, the majority of wells have failed and the few that are still working are giving much less water than their prescribed capacity ;
- (b) whether out of the four wells two sunk about four years ago and the two sunk this year on which a part of Rs. 15,000 sanctioned in this year's budget has been spent, one has absolutely failed and the remaining three are giving much less quantity of water than they were expected to give ;
- (c) whether as a result of the above conditions, there has been practically a drought in Ambala City for the last month and a half ;
- (d) whether it is also a fact that there is a wide spread grievance as to unequal distribution of the little water that people are getting and whether it is a fact that poor people are most hard hit in this respect ;
- (e) whether there is a danger of total failure of water supply at Ambala City in the near future ; if so, the steps that the Government proposes to take to meet the emergent situation.

The Honourable Mian Abdul Haya : (a) It is a fact that the old wells in the vicinity of Hundesara have much declined in yield and this deterioration is progressive.

(b) No wells were sunk four years ago but two shallow tube wells were completed in 1937-38 out of Rs. 2,000 provided by the Municipal Committee, Ambala. There has been some reduction in the yield of these wells, but the test results are not definite.

Three or four shallow tube wells are at present under completion at a cost of Rs. 5,000 given by the Sanitary Board, Punjab, and will be put into operation within three months.

There is no estimate of Rs. 15,000 but there is an estimate of Rs. 19,000 for an airlift plant to pump and develop these tube wells. The Sanitary Board, Punjab, has given a grant-in-aid of Rs. 15,798 towards this work.

(c) There has been a shortage of water in Ambala City for many years but the conditions have been somewhat better this year due to the increased supply from the two shallow tube wells.

(d) The water-supply is definitely inadequate. The Municipal Committee has about 702 un-metered connections on the distribution system. As a result, the distribution system is like a sieve and the population having private connections take more water than the poor people who receive their supply from public standposts and are thus placed at a disadvantage.

(e) No, but steps are being taken by the Government to prevent the occurrence of a drought.

Lala Duni Chand : May I know whether the considerations of rural requirements stand in the way of adequate water supply being given to Ambala?

Minister : I am afraid this advocacy on the part of the honourable member is likely to prejudice the case of Ambala because it has got its reactions and there are places in the rural area where people have to travel 5 or 6 or even 8 miles a day to get their daily water supply and naturally we have to look to their needs also.

Lala Duni Chand : May I ask if that attitude of the Government will not create a situation in Ambala city that will be difficult for the Government to control?

Minister : It will not. Government is capable of controlling all situations.

Lala Duni Chand : May I ask the Honourable Minister to answer my question as I put it? I take the consequences upon myself. My question is whether the rural considerations stand in the way of an adequate water supply being given to Ambala city?

Minister : I have made it clear that the needs of the rural area where people have to travel several miles to get their supply of drinking water are to be given preference.

Lala Duni Chand : Should such considerations weigh with the Government on a matter which is an essential human requirement, namely, the supply of water?

Minister : The duty is in the first instance cast upon the local body as also the responsibility. On a previous occasion I made it clear that the residents of Ambala and the Municipal Committee of Ambala shall have to raise some funds which would be supplemented by the Government. I quoted the instance of Ludhiana where 30 years back lakhs of rupees were raised by the people. (*Hear, hear*).

Lala Duni Chand : May I know if the Government is going to refuse supply of drinking water to Ambala on the plea that some money is required to be spent in rural areas?

Mr. Speaker : This question has been answered already.

Lala Deshbandhu Gupta : Has Government taken any steps to move the Municipal Committee to raise funds or has the Honourable Minister for Education himself taken some interest to see that some funds are raised by non-officials to supplement the resources of the Government in this respect?

Minister : It is primarily the duty of the local body to raise funds and if my honourable friends opposite are very solicitous of Ambala it is their duty also to move in the matter. All I can say is that if some funds are raised Government will consider the question of supplementing those funds.

Lala Deshbandhu Gupta : What is the estimate of my honourable friend's expectation of the funds raised by non-officials?

Mr. Speaker : I cannot allow an imaginary question.

Lala Deshbandhu Gupta : I only wanted to know as to what he expects—10 or 20 or 50 lakhs—from the citizens.

Minister : It all depends on the scheme that is taken in hand. It is very difficult for me to say off-hand what would be a suitable scheme.

Lala Deshbandhu Gupta : Has Government worked out any definite scheme to supply ample water for Ambala?

Minister : I made it clear the other day in reply to a question from my honourable friend Lala Duni Chand that a scheme was submitted by our experts, the estimate cost of which was 8 lakhs of rupees.

Lala Deshbandhu Gupta : How much is the Government prepared to contribute towards it?

Minister : I am not here to enter into a contract with the honourable member.

Lala Duni Chand : Is the Government contemplating the question of drawing up a scheme of taxation which I shall try to have accepted by the people of Ambala?

Minister : That again is a matter for the consideration of the local body and I hope the honourable member will move in the matter in the right direction.

Lala Deshbandhu Gupta : Does the Honourable Minister realise that the Government claims to be a popular Government and that it should look to the needs of the public?

Minister : We know our duty and we have done in the past more than that. We have accorded to this Municipality a treatment of a favoured municipal committee.

Lala Duni Chand : Is it true that acute grievances are being felt by the people of Ambala in the matter of unfair distribution of water ?

MUNICIPAL COMMITTEE DALHOUSIE.

***2942. Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that some elected members of the Dalhousie Municipal Committee refused to participate in the election of its Vice-President held on the 29th May, 1938, and walked out as a protest against the Government having given a majority of seats in the Municipal Committee to nominated members ;
- (b) whether he is aware of the fact that the Honourable Premier promised Raizada Hansraj, M. L. A. (Central), who waited upon the former last winter, to give a majority to elected element in the Dalhousie Municipal Committee ;
- (c) whether there is any proposal to reconsider the whole question with a view to giving a majority to the elected element in the Dalhousie Municipal Committee ; and if not, why not ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Two elected members did not participate in the election of Vice-Presidents and walked out as a protest. They, however, returned immediately after the election was over.

(b) No. The Honourable Premier did not make any such promise. He only promised that he would ask the Minister in charge to consider the request.

(c) Not at present in the interests of the Dalhousie Municipal administration.

Chaudhri Krishna Gopal Dutt : Was the attention of the Honourable Minister drawn to the fact that Raizada Hans Raj, a member of the Central Assembly, declared it in the meeting in question that the Honourable Premier gave him a definite word to that effect and that this fact appeared in the Press?

Minister : I am not aware of what a member of the Municipal Committee declared in a meeting but what actually happened I have already stated.

Chaudhri Krishna Gopal Dutt : Did not the Government consider it necessary to contradict it?

Lala Deshbandhu Gupta : Will the Honourable Premier kindly enlighten us on that point?

Minister : The statement might have been due to a misunderstanding and it is not necessary to contradict all the statements appearing in the papers.

Chaudhri Krishna Gopal Dutt : The statement was recorded in the proceedings of the Committee.

Pandit Shri Ram Sharma : Has the Honourable Premier drawn the attention of the Minister to this?

Minister : The Honourable Premier only stated that the Minister in charge would be asked to consider the question, but the elections having taken place it was too late for me to consider the matter.

Pandit Shri Ram Sharma : Are you now considering it?

Minister : It will be considered in due course.

Lala Deshbandhu Gupta : Are requests made even by the Premier considered only in due course?

Minister : I think that the inference is wrongly drawn.

Chaudhri Krishna Gopal Dutt : I do not know what the rule on the subject is but may I through you request the Honourable Premier to enlighten us on this matter?

Premier : I can answer that to satisfy the curiosity of my juvenile friend opposite. Raizada Hans Raj came to me and made certain suggestions with regard to the Dalhousie Municipality, one of them was that the elected element, if possible, should be increased and I told him that the request would be very sympathetically considered and I would convey it to the Minister concerned and I did convey it to the Honourable Minister for Public Works. As he has pointed out, the difficulty was that the elections

[Premier.]

had already taken place and it was impossible to interfere in the matter without disturbing the various proportions laid down and, therefore, it is that the Honourable Minister will in due course consider the matter sympathetically as promised to Raizada Hans Raj that it would be considered.

Mian Abdul Aziz : Could not the number of nominated members be reduced so as to make a majority of elected members?

Premier : Then the honourable member would have come to us saying that share of the Hindus has been given to Muslims or *vice versa*.

Chaudhri Krishna Gopal Dutt : Did you say that the matter would be considered sympathetically or that the matter would be considered sympathetically in due course? Will you kindly be sure before saying?

Premier : I said that it would be considered sympathetically and I conveyed that request to the Minister concerned and he has pointed out the difficulties. Therefore the matter will be considered in due course.

Lala Deshbandhu Gupta : Will the Honourable Minister be pleased to state if Government is going to revise its policy in respect of this matter before the next election?

Minister : There is no question of revision of policy. You have already had a complete reply from the Honourable Premier.

Lala Deshbandhu Gupta : What I want to know is this, whether the Government will consider the matter finally before the next elections take place and give its decision whether it is going to increase the number of elected members in that Committee?

Minister : Government is always prepared to consider the matter at the proper time but beyond that I have nothing to add.

Chaudhri Krishna Gopal Dutt : Did the Government receive any recommendation in this respect from the Deputy Commissioner, Gurdaspur?

Minister : Correspondence between local officers and the Government is confidential.

Chaudhri Krishna Gopal Dutt : Is it a fact that the Minister for Public Works was favourably inclined to the proposal but eventually he gave preference to the opinion of the Deputy Commissioner, Gurdaspur?

Minister : I have already stated that correspondence between officers of Government and the Government is confidential.

Chaudhri Krishna Gopal Dutt : Is it not a case of giving preference to local men and subordinating the Honourable Minister's opinion to them?

Minister : No, this is wrong.

Lala Deshbandhu Gupta : Are Government satisfied that there is a necessity for increasing the elected element?

Minister : I would inform the honourable member that the elected element in Dalhousie as compared to other municipalities in the hills larger.

BAN ON ENTRY OF HANS RAJ " WIRELESS " INTO THE PUNJAB.

*2943. **Sardar Sohan Singh Josh** : Will the Honourable Premier be pleased to state the reasons for which Hans Raj "Wireless" has not been allowed to enter the Punjab after his recent release from jail by the Sind Government?

3 P.M.

Parliamentary Secretary : (K. B. Mian Ahmad Yar Khan Daultana) : The honourable member is referred to the answer given to starred questions Nos. 2766¹ and 2795².

Sardar Sohan Singh Josh : Has the father of Hans Raj made any application since then that he be permitted to come into the province?

Premier : What does the honourable member mean by "since then"?

Sardar Sohan Singh Josh : Since the time that this question was given notice of.

Premier : If you give me the date, I shall be able to answer it.

Lala Deshbandhu Gupta : Has there been any further correspondence by the father of Hans Raj on this subject during the last fortnight or so requesting the Government to allow him to come to his native place?

Premier : I believe several requests were received and answers were sent to the gentleman concerned.

Lala Deshbandhu Gupta : Has Government considered the desirability of allowing him to come back at least for his marriage?

Premier : I have nothing to add to the answer already given.

Sardar Hari Singh : May I enquire whether the Punjab Government has been in communication with the Central Government on the subject of entry of Hans Raj in the Punjab?

Premier : Not to my knowledge.

Chaudhri Kartar Singh : Will the Government kindly state clearly whether they have accepted or rejected the request of the father of Hans Raj?

Premier : My honourable friend had better put this question to the father of Hans Raj.

Chaudhri Kartar Singh : On a point of order. Is it proper on the part of the Premier to refer me to the father of Hans Raj for a reply to a question put to him?

Mr. Speaker : Perhaps the Honourable Premier does not wish to answer the question or is not in a position to answer it.

Premier : It is for the father to decide whether that answer was favourable or not. I have given my answer.

Chaudhri Kartar Singh : Is it a fact that the father of Hans Raj got a reply from the Premier in his own hand and is it a fact that the decision was arrived at by the Premier on the request of the father of Hans Raj?

¹Page 107 ante.

²Pages 183-85 ante.

Premier : Answers are sent by secretaries and not by the Premier.

Sardar Sohan Singh Josh : What was the reply given to the father of Hans Raj?

Premier : I am afraid I am not prepared to answer it.

Dr. Gopi Chand Bhargava : Did the Premier receive any communication from the Sind Government on the representation of his father to them in accordance with his advice?

Premier : As a matter of fact the honourable member has now put a question which is very hypothetical. At least I have not followed it. He has said something about the advice given by somebody.

Dr. Gopi Chand Bhargava : Father of Mr. Hans Raj informed us that he was advised by the Premier to refer the matter to the Sind Government because the Punjab Government had nothing to do with it, the condition was imposed by the Sind Government. I want to know whether he has been informed that his father wrote to the Sind Government and whether that Government has made any reference to the Punjab Government on that matter.

Premier : I think I have answered that question twice before. We have sent a reply to the representation received by us and as for the rest it is now between the father of Hans Raj and the Sind Government. So far as I am aware I have received no communication from the Sind Government.

Lala Deshbandhu Gupta : Does the Premier realise that the attitude of his Government in this matter is a not in keeping with the spirit of Reforms?

Chaudhri Krishna Gopal Dutt : May I know from the Honourable Premier if the Sind Government had at any stage of the correspondence recommended to the Punjab Government to take Hans Raj 'Wireless' back in the Punjab?

Premier : How does that question arise? I have said that I have not received any communication from the Sind Government.

Lala Deshbandhu Gupta : Will the Government consider that sympathetically?

Chaudhri Krishna Gopal Dutt : May I know as to whether at any stage of the correspondence between the Punjab Government and the Sind Government, the latter recommended to the former to take Hans Raj 'Wireless' back to the Punjab?

Premier : I have answered the question. My reply was that I have received no communication from the Sind Government and my honourable friend goes on saying 'at any stage of the correspondence' That only exists in imagination.

Chaudhri Krishna Gopal Dutt : Did the Punjab Government send any communication to the Sind Government on the subject?

Premier : I say I have received no communication and there was no communication for me to send.

Sardar Hari Singh : May I know if there does exist actually a ban against the entry of Hans Raj in the Punjab in black and white under the authority of the Punjab Government? If so, under what section?

Premier : I have already answered that question in answer to a previous question put, I think, by the honourable Leader of the Opposition. I have said that it was the decision of the Sind Government and Hans Raj 'Wireless' has given an undertaking to the Sind Government that he will not enter the Punjab.

Sardar Hari Singh : Do I take it that the Punjab Government has issued no order under any section of the Indian Penal Code or any other Act banning his entry in the Punjab?

Premier : My honourable friend probably is under the impression that only the Indian Penal Code can stop people from entering the province.

Dr. Gopi Chand Bhargava : We know that you have got all the powers.

Sardar Sohan Singh Josh : May I know whether the Punjab Government has not allowed him to enter the Punjab?

Premier : We have got nothing to do with it.

Chaudhri Krishna Gopal Dutt : If the Sind Government to-day absolves Hans Raj from that undertaking, is the Punjab Government prepared to.....

Mr. Speaker : Hypothetical questions cannot be allowed.

Chaudhri Krishna Gopal Dutt : What is wrong there?

Lala Deshbandhu Gupta : Do the Government contemplate making a declaration that this gentleman is not debarred from entering the Punjab so far as the Punjab Government is concerned?

Premier : Government proposes to do nothing of the kind.

Chaudhri Krishna Gopal Dutt : Will you attend his marriage?

Premier : That is again a hypothetical question.

Lala Bhim Sen Sachar : In view of the reply of the Honourable Premier that there has been no communication between the Sind Government and the Punjab Government with respect to Hans Raj 'Wireless,' how is then, the Premier in a position to say that the Sind Government has actually imposed a ban on Hans Raj 'Wireless'?

Premier : My honourable friend is either trying to be too clever or he has not understood my answer to the question. The question was whether in connection with this application of Hans Raj's father, we have had any correspondence with the Sind Government. I said, "No" and I repeat that word again.

ACCEPTANCE OF PARTIES BY POLICE OFFICIALS.

*2944. **Khan Bahadur Chaudhri Riasat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether any circular has been issued since 1st April, 1937, on the question of accepting and attending parties on the part of Government officials;

[K. S. Ch. Bissat Ali.]

- (b) if so, whether he will lay it on the table ;
- (c) the number of farewell parties given in the Lahore division since 1st April, 1937 ;
- (d) the number of such parties received by the sub-inspectors of police in the Central Range since 1st April, 1937 ;
- (e) whether any of these parties have been given publicity through press ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) and (b). A copy of a press *communiqué* issued by Government on the 4th May, 1937, is laid on the table.

(c), (d) and (e). Government have no information. If the honourable member would let me know of any cases in which Punjab officials have attended parties of a public or semi-public nature I should be glad to look into the matter.

PRESS COMMUNIQUE.

The following *communiqué* is issued for the information of the general public.

The Government Servants' Conduct Rules lay down that a Government servant shall not, except with the previous sanction of Government, attend any public meetings or entertainment held in his honour. This is the general rule ; but at the same time, subject to the provisions of any general or special order of Government, a Government servant may attend a farewell entertainment of a substantially private and informal character held as a mark of regard to himself on the occasion of his retirement or departure from a district or station. In 1927, Government issued a special order on the subject, and directed that no Government servant could attend any farewell entertainment held as a mark of regard to himself, unless the previous sanction of Commissioner or Head of the Department had been obtained for the holding of the entertainment.

2. The position, therefore, is as follows :—The prohibition against a Government servant attending any public entertainment in his honour is absolute. Government itself, and not a Commissioner or a Head of Department, can grant exemption from this prohibition. Further, a Government servant may not attend any farewell entertainment held as a mark of regard to himself, whatever its nature may be, without the previous sanction of his Commissioner or the Head of his Department.

3. There have been occasions lately when Government has granted exemption from the general prohibition against public entertainments. The position has been carefully reviewed. If public parties are occasionally permitted, the result is that when permission is refused, it is taken not only as a slight on the Government servant concerned but as an affront to the would-be hosts. Government does not wish to be put in the position of being accused of either slighting its officials or of affronting members of the public, and on the other hand, has no intention of giving general permission for public entertainments in honour of its servants. It has, therefore, been decided that as a matter of practice the sanction of Government will not be given to Government servants to attend public entertainments in their honour. Requests by Government servants for permission to attend an entertainment in their honour which is not a public entertainment, will, as formerly, be made to the Commissioner or the Head of the Department. The decision of the Commissioner or the Head of the Department will be final, and Government will not interfere.

LABORER :

Dated 4th May, 1937. }

J. D. PENNY,

Chief Secretary to Government, Punjab.

Lala Duni Chand : Does the Government deprecate, to quote the expression of the Honourable Mr. Manohar Lal, the giving of parties to police officers and particularly to the subordinate police officers?

Premier : My honourable friend has probably not seen the Government *communiqué* on the subject. Government has prohibited all public parties to officials whether belonging to the police or otherwise. But if my honourable friend wants to give a party to his sub-inspector friend then I cannot come into the picture at all.

Lala Duni Chand : May I say that that has been in the line of the Honourable Premier. It is not within my line.

Premier : Why then put that question?

Lala Duni Chand : Is it true that the giving of parties to the police subordinate officials lowers the general morale of the police?

Mr. Speaker : That is a matter of opinion.

ACCEPTANCE OF PARTIES BY SUB-INSPECTOR OF POLICE, HAFIZABAD.

*2945. **Khan Bahadur Chaudhri Riasat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether the Sub-Inspector of Police, Hafizabad, has received any parties on the occasion of his transfer to Sadar Gujranwala (police station) ;
- (b) how many of these were public parties ;
- (c) whether Government is aware that a mention of these was made in the press ?

Parliamentary Secretary : (Sardar Bahadur Sardar Ujjal Singh) :

(a) The Superintendent of Police reports that the Sub-Inspector was entertained at three private parties.

(b) Nil.

(c) Yes.

TERRORIST PRISONERS FROM CENTRAL JAIL, MONTGOMERY, TO
CENTRAL JAIL, LAHORE.

*2946. **Chaudhri Kartar Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that Comrades Hazara Singh, Tara Singh Hans Raj, Nathu Ram, terrorist prisoners, are at present confined in separate cells in the Montgomery Central Jail which before the construction of the new Central Jail, Multan, were used solely for confining prisoners suffering from tuberculosis ;
- (b) whether it is a fact that Babar Akali prisoners, Sardar Piara Singh and Sardar Buta Singh, were some time ago transferred from the cells mentioned above to the Lahore Central Jail on their having contracted tuberculosis ;
- (c) if the reply to the above be in the affirmative, whether Government also intends to transfer the above-mentioned terrorist prisoners to the Lahore Central Jail ;
- (d) the present condition of health of the above-mentioned prisoners?

The Honourable Mr. Manohar Lal : (a) No. They are not confined in separate cells and have never been confined in any cells set apart for tubercular prisoners.

(b) These two prisoners were transferred as it was suspected that they were suffering from Hodgkins' disease. They were never confined in cells reserved for T. B. patients. Piara Singh, who has been released to-day, was eventually diagnosed as a case of chronic bronchitis. No evidence of tuberculosis could be found. In Buta Singh's case no confirmation of Hodgkins' disease was found up to the time he was released on the 21st of April last.

(c) No.

(d) The health of prisoners Hazara Singh, Tara Singh, Hans Baj and Nathu Bam is fair.

IMPORTED CHOLERA CASES FROM HARDWAR.

***2947. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state—

(a) the number of imported cholera cases of Punjabis from Hardwar in the month of April, 1938 ;

(b) the number of deaths from cholera in the Punjab in the month of April last ;

(c) the precautions that were taken by the Punjab Government to check the spread of cholera in the Punjab?

The Honourable Mian Abdul Hays : (a) 886.

(b) 162.

(c) Attention is invited to part (c) of the reply given to question *2717¹ asked by Sardar Hari Singh during the current session.

Dr. Sant Ram Seth : How many wells were disinfected?

Minister of Education : I am afraid I do not carry the figures in my hat but if my honourable friend puts the question on the paper, I shall be delighted to collect this valuable and important information for him. (*Laughter*).

Dr. Sant Ram Seth : Was potassium permanganate used in this connection?

Mr. Speaker : The question is disallowed.

IMPORTED CHOLERA CASES IN AMRITSAR.

***2948. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state—

(a) the number of cholera cases that entered the municipal limits of Amritsar in April, 1938 ;

(b) how many of them died ;

(c) what precautions were taken to check the spread of cholera in the municipal limits of Amritsar?

The Honourable Mian Abdul Haye : (a) 72.

(b) 28.

(c) The following preventive measures were taken :—

- (i) extension of the Epidemic Diseases Act ;
- (ii) deputation of medical officers with necessary staff and first-aid equipment at the railway station on day and night duty ;
- (iii) instructions to Terminal Tax Barrier moharrirs of Grand Trunk Road to watch the arrival of persons suffering from profuse diarrhoea and cholera travelling by motor vehicles and send necessary information to the local Health Department ;
- (iv) instructions to Municipal Tax collectors at motor stands to take action as under (iii) above ;
- (v) propaganda ;
- (vi) instructions to the whole outdoor staff of Public Health Department to find out occurrence of cases of cholera and take immediate preventive action ;
- (vii) appointment of special sanitary staff to watch visitors to big Hindu serais like Gurn Ram Das and Sindhian to send suspected cases of cholera to Infectious Diseases Hospital and to take all preventive measures at the serais.
- (viii) anti-cholera inoculations in April 4,000
- (ix) anti-fly campaign by ffitting with pyrethroid 20 mixture .. 616 houses
- (x) supply of anti-cholera equipment to each sufferer free ;
- (xi) disinfection of wells :—

Wells disinfected in April	673
Wells cleaned of silt	106
- (xii) disinfection of latrines of infected and other houses, disinfection of clothes of contacts, patients, their vessels, etc. ;
- (xiii) destruction of articles unfit for human consumption ;
- (xiv) enforcement of by-laws for covering food stuffs ;
- (xv) isolation of patients in Infectious Diseases Hospital where day and night shifts were working—

Total number treated in hospital	46
Cured	32

FIRE AT HARDWAR DURING LAST KUMBH FAIR.

*2949. **Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state —

- (a) whether it is a fact that fire broke out at Hardwar during the last Kumbh festival ; if so, the number of Punjabis who fell victims to this fire as reported to Government ;
- (b) the estimated loss of property of the Punjabis caused by the fire as reported to the Government ;
- (c) does Government intend to help these Punjabis who lost their property on account of the said fire?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : Government saw a newspaper report at the time as to a fire having broken out at the Mela. They have, however, no information as to the number of Punjabis who suffered or as to the extent of their loss (if any), and the case is not one in which the Punjab Government can consider compensation.

BAZAR CHAUDHRIS IN AMRITSAR CITY.

*2950. **Dr. Sant Ram Seth** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Government maintains a particular class of people called bazar *chaudhris* ; if it is so, whether these *chaudhris* work under police instructions ;
- (b) the nature of their duties ;
- (c) whether they are paid any salary by the Government ;
- (d) the number of such *chaudhris* in the Amritsar city?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a), (b) and (c) The honourable member is asked to refer to the answer given to Council question *5085¹, put by Mr. M. A. Ghani on the 18th November, 1935.

(d) 83 (eighty-three).

DEMAND OF SECURITY FROM NEWSPAPERS.

*2951. **Dr. Sant Ram Seth** : Will the Honourable Premier be pleased to state—

- (a) the number of papers from whom the security was demanded by the Government from 1st April to 31st May, 1938 ;
- (b) the reasons for which the security was demanded ;
- (c) the amount of security from each paper ;
- (d) whether it is proposed to reconsider their cases ; if not, why not?

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

(b) For publishing articles which offended against clauses (d) and (h) of section 4 (1) of the Indian Press (Emergency Powers) Act, XXIII of 1931, as amended by section 16 of the Criminal Law Amendment Act XXIII of 1931.

(c) From two papers Rs. 2,000 each, and from one Rs. 500.

(d) Government has already reconsidered the cases of these newspapers and reduced the amounts from Rs. 3,000 to Rs. 2,000 in two cases.

Lala Deshbandhu Gupta : Will the honourable Parliamentary Secretary be pleased to state if the number three given by him includes any Unionist paper?

Parliamentary Secretary : What does he mean by a Unionist paper ?

Lala Deshbandhu Gupta : What are the names of these three papers?

Premier : If the honourable member who has asked the question sees the answer he will find that it contains the names.

Lala Deshbandhu Gupta : Will the Honourable Premier refer to the question and see that it does not contain the names?

Premier : Then I require notice with regard to the names of these three papers.

Lala Deshbandhu Gupta : Do I understand that the Honourable Premier does not know the names of the three papers?

Premier : I do not know the names of the papers from whom security has been demanded.

Lala Deshbandhu Gupta : Is it a fact that the Parliamentary Secretary also does not know the names of these papers?

Premier : He knows the names of two papers but he does not know the name of the third.

Lala Deshbandhu Gupta : Is it not a fact that out of these three papers there is no paper which is either a Unionist paper or a Mualim paper?

Premier : There is no Unionist paper.

Lala Deshbandhu Gupta : May I know if Government have considered the cases of all the papers which were forwarded to them by the Publicity Department and have found only these three cases offending against the section which my honourable friend quoted?

Premier : I have not followed the question.

Lala Deshbandhu Gupta : My question is a very simple one. I want to know whether Government is satisfied that these were the only three papers which offended against the Criminal Law Amendment Act and against whom action has been taken under that section?

Premier : By no means so.

Lala Deshbandhu Gupta : What are the considerations for not taking action against other papers then?

Premier : I have said that my honourable friend's inference is quite wrong. There are several papers whose names are sent and from whom security is demanded. These are not the only papers from whom security is demanded.

Lala Deshbandhu Gupta : Do I understand that the answer given by the Parliamentary Secretary is not correct?

Mr. Speaker : Is that a supplementary question?

Lala Deshbandhu Gupta : I would request you to allow me to make him understand my point. Securities have been demanded from three papers from 1st April, 1938, to 31st May, 1938. The Honourable Premier says that there have been certain others from whom securities have also been demanded.

Premier : My honourable friend's question was not confined to this period.

Lala Deshbandhu Gupta : I am sorry if I did not make myself clear. I want to know whether Government are satisfied that during this period there were only three papers which offended against the provisions of the Criminal Law Amendment Act?

Premier : These are the only three papers from whom Government considered it necessary to demand security.

Lala Deshbandhu Gupta : May I know whether any other case was forwarded by the Publicity Department for action ?

Premier : What does my honourable friend mean by Publicity Department ? The Publicity Department does not send up the names of papers for security.

Lala Deshbandhu Gupta : I would like to be informed, whatever the machinery, whether it is Personal Assistant, the Chief Secretary, the Parliamentary Secretary or the Premier, whosoever deals with this subject, whether that agency forwarded the names of any other paper with the recommendation that securities should be demanded from them?

Premier : It is impossible to give a reply off-hand. If my honourable friend is so curious to know the names of such papers he should give notice.

Lala Deshbandhu Gupta : Is the Honourable Premier aware of the fact that there is a strong feeling in the province that the Government has not been impartial in these matters?

Mr. Speaker : I disallow the question.

Lala Duni Chand : Is it the policy of the Government to deal with certain papers very severely in order to bring about a climb down and after the climb down to relax it?

Mr. Speaker : I disallow the question.

GOVERNMENT GIRLS' HIGH SCHOOL FOR FERROZPORE.

*2952. **Pir Akbar Ali :** Will the Honourable Minister of Education be pleased to state whether it is a fact that provision has been made in the budget for this year for a Government Girls' High School at Ferozepore; if so, the reason why the said school has not been opened so far?

The Honourable Mian Abdul Hays : Yes. It is proposed to open the school with effect from the 1st October, 1938. It is not possible for the building in which the school is to be located to be ready before that date.

GOVERNMENT INDUSTRIAL SCHOOL, FERROZPORE.

*2953. **Pir Akbar Ali :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of boys at present studying in the Government Industrial School at Ferozepore with the number of teachers employed in that school ;
- (b) the number of boys who passed their final examination from the said school during the last two years separately ;
- (c) the number of new admissions to the school this year?

The Honourable Chaudhri Sir Chhotu Ram : (a) Boys 43.
Teachers 9.

(b) 1937. 10.

1938. Nil. The final examination under the revised scheme will take place in March, 1939. Four students were permitted to appear as private candidates under the old scheme but all of them failed.

(c) 10. Recruitment is still continuing.

Pir Akbar Ali : Is it desirable under these circumstances to keep the school there?

Minister : Yes.

DEPRESSED CLASSES AND VILLAGE PANCHAYATS.

*2954. **Seth Kishan Dass :** Will the Honourable Minister of Public Works be pleased to state the total number of village panchayats in the Punjab and the number of members communitywise in these panchayats ; whether it is a fact that the depressed classes are not adequately represented on these panchayats ; and if so, whether the Government propose to include adequate members of the depressed classes in these village panchayats ; if not, why not?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : 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.

Lala Duni Chand : Has Government fixed any percentage of members of scheduled castes on the panchayats?

Minister : There is joint electorate and no percentage can be fixed.

Lala Bhim Sen Sachar : With reference to the second part of the answer, is there any communal proportion fixed for recruiting as panchayat officers?

Minister : This question relates to panches and not to panchayat officers.

Lala Bhim Sen Sachar : Is any proportion fixed?

Minister : Is it relevant?

Lala Bhim Sen Sachar : It is.

Minister : No.

Lala Bhim Sen Sachar : It is a question of opinion. I think it is relevant. The Speaker has to decide whether it is relevant or not.

Mr. Speaker : What was the Honourable Minister's reply?

Lala Bhim Sen Sachar : The second part of the answer is that he declined to answer it because it savours of communalism. My question is whether there is any proportion of various communities for admission to these panchayats?

Minister : The last question was about panchayat officers. Panchayat officers have nothing to do with panches who are elected. As regards panchayats there is joint electorate and so no proportion can be fixed.

Pandit Shri Ram Sharma : May I know whether Harijans can become members of the panchayats?

Minister: There is no bar. Anybody who has the confidence of the villagers can be elected.

Pandit Shri Ram Sharma: What are the rules for becoming members of the panchayats?

Mr. Speaker: I disallow this question: as it has nothing to do with the original question.

Pandit Shri Ram Sharma: My submission is that under the rules *Harijans* cannot become members of the panchayats as they are required to pay Rs. 5 as land revenue. This class does not possess land.

Minister: I would ask the honourable member to please carefully study the Panchayat Act and he will know all that he wants to know.

BAIRAGIS OF TAHSIL SONEPAT.

*2955. **Pandit Shri Ram Sharma:** Will the Honourable Minister of Revenue be pleased to state whether the *Bairagis* of tahsil Sonapat, district Rohtak, have been recognized as a special group of agriculturist classes; if so, when and on what grounds they were so recognized?

The Honourable Dr. Sir Sundar Singh Majithia: *Bairagis* who were entered as land owners or occupancy tenants in the last settlement, and their descendants, were declared in February, 1938, an agricultural tribe as a separate group in the Rohtak district because they were found to deserve the protection of the Punjab Alienation of Land Act and otherwise satisfied the necessary conditions.

Pandit Shri Ram Sharma: What are those necessary conditions which they have fulfilled?

Minister: (1) That the tribe or group as a whole are dependent mainly on agriculture for their livelihood, (2) that they are sufficiently important both as regards the land and the area which they own, and (3) that they are losing land to the extent and at the rate which should justify an extension of protection to them.

Pandit Shri Ram Sharma: May I ask the Honourable Minister whether he is aware of the fact that before the recognition of *Bairagis* as a special group of the agriculturists, they had to pay sufficient amount of *chanda* to the Rohtak Zamindar League at the time of Sonapat Zamindar Conference, which was addressed by the Honourable Premier and Sir Chhotu Ram?

Minister: How does this arise out of this question?

Pandit Shri Ram Sharma: May I enquire from the Honourable Minister whether demands are still made for the realization of the remaining *chanda*?

Mr. Speaker: I disallow the question.

TRANSFER OF GURDASPUR TO JULLUNDUR DIVISION.

*2956. **Mian Badar Mohy-ud-Din Qadri:** Will the Honourable Premier be pleased to state whether there is any proposal under consideration of the Government to transfer Gurdaspur district, now in Lahore division, to the Jullundur division?

Parliamentary Secretary (Mir Maqbool Mahmood): No.

**RESIGNATION OF SUFEDPOSHES AND LAMBARDARS OF VILLAGE
GANNOUR (SONEPAT).**

***2957. Sardar Mula Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that all the sufedposhes and lambardars of village Gannour (Sonapat), who had tendered their resignations, were recently called by the Deputy Commissioner, Rohtak, and asked to withdraw their resignations which all of them did in writing ;
- (b) whether it is also a fact that they were further asked by the Deputy Commissioner to go and express regret to the Sub-Divisional Officer, Sonapat, which none of them did ;
- (c) if the answer to the above be in the affirmative, the reasons why the resignation of only one of the lambardars named Ram Chand was accepted ?

The Honourable Dr. Sir Sundar Singh Majithia : The attention of the honourable member is invited to the answer given to a similar question No. *2772¹ in the present session of the Assembly.

**NOMINATION OF SCHEDULED CASTES ON MUNICIPALITIES IN
LUDBIANA AND HOSHIARPUR DISTRICTS.**

***2958. Sardar Mula Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Government is aware of the fact that in his speech of the 9th March, 1938 (mentioned in line 18, paragraph 2, page 631 of the Punjab Debates) the Honourable Premier stated that certain members of the scheduled castes have been nominated on the municipalities of Ludhiana and Hoshiarpur ;
- (b) the names of the persons referred to above ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : In his speech the Premier intended to refer to the nominations to the District Boards of Hoshiarpur and Ludhiana, and not to the Municipalities. The gentlemen appointed were Sardar Gopal Singh, M.L.A., Ludhiana, and Mr. Ram Das, Principal, D.A.-V. College, Hoshiarpur.

Sardar Mula Singh : May I inquire whether Ram Das, the nominated member in Hoshiarpur, was nominated after your Government came into power ?

Minister : What the Honourable Premier said was that two people have been nominated to those district boards. The question of date does not arise.

Sardar Mula Singh : If Ram Das was nominated before your Government came into power, are you justified in giving the above-mentioned answer ?

Minister : Many more have been nominated. I may add for the information of the honourable member that a scheduled class gentleman has been nominated to Lyailpur Municipality and another to Amritsar and more will follow.

Dr. Gopi Chand Bhargava : How is this reply relevant ?

Sardar Mula Singh : Is it not quite apparent from the speech of the Honourable Premier that certain members of the scheduled castes have been nominated to the municipalities of Ludhiana and Hoshiarpur ?

Minister : Would the honourable member please quote the sentence ?

Sardar Mula Singh : Will you please give me notice for that ?

Mr. Speaker : May I request the honourable members that as a rule they should not base their questions and arguments upon verbal conversation held outside this House, as this often results in contradictions and unpleasantness.

RECRUITMENT OF SCHEDULED CASTES AS POLICE CONSTABLES.

*2959. **Sardar Mula Singh :** Will the Honourable Premier be pleased to state —

(a) whether it is a fact that according to the Honourable Premier's speech of the 9th March, 1938 (*vide* last line on page 630 of the Punjab Assembly Debates) instructions had been issued by the Inspector-General of Police, Punjab, to the superintendents of police of the various districts of the Punjab for the recruitment of thirty police constables from among the scheduled castes ;

(b) the number of men of the scheduled castes who were recruited as constables after the Honourable Premier's speech referred to above ;

(c) whether thirty men of the scheduled castes have been recruited as constables so far ; if so, their number and names district-wise ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The Deputy Inspector-General of Police, Central Range, was informed that 30 recruits should be enlisted from amongst the scheduled castes, should it be possible to find that number of suitable men.

(b) The number recruited in the Central Range is 8, of whom one subsequently resigned. It is possible that a few of these men may have been recruited in the other ranges—they are not debarred from recruitment—but I have no information. The orders for the recruitment of 30 men from among scheduled castes, if such number of suitable candidates could be found, were as stated issued to the Deputy Inspector-General, Central Range.

(c) The result of the attempt to recruit men of the scheduled castes has so far been disappointing but efforts will continue.

Sardar Mula Singh : Will the honourable Parliamentary Secretary be pleased to state whether 20 days after the said speech of the Honourable Premier any recruitment was made in the Police Department and whether any member of the scheduled caste was recruited ?

Parliamentary Secretary : I have already replied to the main question. I do not exactly remember the date of the parade, but I can inform the honourable member, through you, Sir, that immediately after the speech of the Honourable Premier, a parade was held and scheduled caste recruits were recruited.

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USE OF PUBLIC WELLS BY SCHEDULED CASTES.

***2960. Sardar Mula Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Honourable Premier in his speech dated the 9th March, 1938 (*vide* line 22 on page 630 of the Punjab Debates) stated that placards were going to be fixed on the public wells to the effect that any body who stops the scheduled castes from using these wells will be punished ;
- (b) whether such placards have really been fixed on public wells or instructions have been issued to that effect and whether the same are being given effect to in the Punjab ;
- (c) whether the well known by the name of Gwarwala opposite the police station Balachore, district Hoshiarpur, is a public well; if not, by whom it is owned ;
- (d) whether a placard to the above effect has been fixed on that well; if not, why not ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Instructions were issued in April last for putting up notice boards on all public wells and it is presumed that the same must have been given effect to in the Punjab.

(c) No. In the revenue records Rai Bishen Chand, Pirthi Chand, Hakim Singh, sons of Rai Puran Chand, Bija Singh, son of Jagta, Munshi son of Khazan Singh, Parduman Singh, son of Uttam Chand, Anroth Singh and Niranjan Singh, sons of Parmeshri Das, are entered as owners of the well known by the name of Gwarwala.

(d) No. It is not a public well.

—

PUNJAB GOVERNMENT AND SCHEDULED CASTES.

***2961. Sardar Mula Singh :** Will the Honourable Premier be pleased to state—

- (a) whether Government is aware of the fact that in his speech, dated the 9th March, 1938 (*vide* line 23 on page 631 of the Punjab Debates) the Honourable Premier stated that the Punjab Government has done many other things for the benefit of the scheduled castes and would do more for them during the next few years ;
- (b) the details of what the Government has so far done for the benefit of the scheduled castes and proposes to do for them in the near future ?

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

(b) The questions of policy raised in this part of the question cannot conveniently be dealt with in this answer. The Government proposes issuing a detailed statement on the subject which will supply the information desired.

RECRUITMENT OF STENOGRAPHERS IN THE PUNJAB CIVIL
SECRETARIAT.

*2962. **Mian Abdul Rab :** Will the Honourable Premier be pleased to state—

- (a) the rules governing the recruitment of stenographers in the Punjab Civil Secretariat ;
- (b) whether it is a fact that stenographers working in various other offices of the Government are eligible to appear in the competitive examination held from time to time for the recruitment of stenographers in the Punjab Civil Secretariat ;
- (c) whether or not the permission to appear in such examinations is required to be taken from the heads of the departments by the person desirous of appearing in the said examinations ;
- (d) the names of persons and their offices who applied for permission to appear at the last examination held in December, 1937, and the decisions on their applications ; if in case any application was rejected, the reasons therefor ;
- (e) the names and offices of the persons who were allowed to appear in the aforesaid examination held in December, 1937, with reasons for giving permission in each case ?

The Honourable Major Sir Sikander Hyat-Khan : (a) These are contained in rules 6 (1) (a) and 7 (1) (e) of the Punjab Civil Secretariat Service Rules, extracts of which are reproduced below for the convenience of the honourable member :—

Rule 6 (1) (a). No person shall be appointed to the service unless in the case of appointment to the post of—

- (a) Stenographer (including the stenographer to the Private Secretary) he passes such test as may be prescribed by the Chief Secretary ;

Rule 7 (1) (e).—Posts in the service shall be filled—

- (a) In the case of Stenographers—

- (i) by selection from among stenographers employed in Departments of Government other than the Civil Secretariat or from officials already in Government service ; or
- (ii) by direct appointment.

(b) Yes, but the examination referred to is not a competitive but a qualifying examination.

(c) A copy of Punjab Government Circular letter No. 4469-A-87/39624, dated 18th November, 1937, is laid on the table for the information of the honourable member, since it contains detailed particulars about the stenographers examination, 1937, and the procedure governing admissions thereto.

(d) and (e) It is not in the public interest to give such personal details of persons employed in Government service.

Circular No. 4469-A-87/89624, dated the 18th November, 1937 from the Assistant Secretary to Government, Punjab, to all Heads of Departments Commissioners, Deputy Commissioners and District and Sessions Judges in the Punjab.

It has been decided to hold a test on the 15th December, 1937 at 9 a. m. at the Town Hall, Lahore, in order to select one, or possible two, stenographers for appointment in the Punjab Civil Secretariat.

2. Two or three pieces of dictation will be given at a speed of 120 words a minute and candidates will be required to transcribe their notes on the typewriter at a speed of 30 words a minute. The dictation will last from three to six minutes.

3. Hitherto the examination has been restricted to Government servants working in headquarter offices in Lahore provided the head of department is a Secretary, Joint Secretary or Under-Secretary to the Punjab Government. As an experimental measure it has been decided on this occasion to throw open the test to all offices to whom this letter is addressed provided—

- (1) the examinee is a permanent Government servant;
- (2) is a permanent stenographer or if officiating is not likely to revert;
- (3) his work and character are in all respects satisfactory.

Please intimate by the 1st December the names and designations of any eligible candidates who wish to compete from your office. In order that the examination should not become unwieldy only those candidates should be recommended who, in the opinion of the Head of the office, can be expected to satisfy this test. Candidates will have to arrange for their own typewriters; with the permission of their immediate officers they may be allowed to bring an office typewriter with them, provided they hold themselves responsible for any damages. No Travelling Allowance or other expenses will be admissible.

4. It should be clearly understood by all respective candidates that the examination is a qualifying test to discover the technical capacity of the candidates and that the Chief Secretary reserves to himself the right to select any qualified candidate regardless of the order of merit he may attain in the examination.

5. This is in supersession of Punjab Government U. O. No. 4469-A-37, dated the 4th November, 1937. Any lists submitted in compliance with the letter reference should be reviewed in the light of the foregoing remarks and fresh lists submitted by the 1st December.

To—

1. The I. G., Police, Pb.
2. The D. P. I., Punjab.
3. C. E., P. W. D., I. B.
4. L. R., Punjab.
5. C. E., P. W. D., B. & R.
6. S. S. to F. Cs., Punjab.
7. I. G., Prisons, Pb.
8. Secy., Electricity.

**STRICTURES ON POLICE OFFICERS IN CASE CROWN versus
DR. RAJA RAM, ETC.**

***2953. Mian Abdul Rab:** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been drawn to a judgment delivered by Mr. Ormerod, Sessions Judge, Rawalpindi, in a murder case known as Crown versus Dr. Raja Ram, etc., and published in the "Tribune", dated the 30th April, 1938;
- (b) whether it is a fact that severe strictures have been passed in the judgment mentioned above against the conduct of the police officers investigating the case;
- (c) what action, if any, the Government has taken or proposes to take in regard to the police officers against whom strictures have been passed in the said judgment?

The Honourable Major Sir Sikander Hyat-Khan: The attention of the honourable member is invited to the answer given to question no. *2788¹.

VETERINARY OR CIVIL HOSPITAL FOR 'DONA ILAQA,' DISTRICT
JULLUNDUR.

*2964. **Mian Abdul Rab:** Will the Honourable Minister of Development be pleased to state whether it is a fact that there is no civil or veterinary hospital in the 'Dona Ilaqa' of the Nakodar tahsil in the Jullundur district; if so, what action, if any, the Government proposes to take in the matter to provide medical relief to the people of the above-mentioned *ilaqa* and their cattle?

The Honourable Chaudhri Sir Chhotu Ram: There is no civil dispensary or veterinary hospital in the 'Dona Ilaqa' of the Nakodar tahsil in the Jullundur district; but veterinary aid is provided by out-lying veterinary dispensaries at Donewal and Mahmowal-Usafpur in the heart of the *ilaqa*. The outlying dispensaries at Lobian, Malsian-Shahkot and the Nakodar Veterinary Hospital also serve the *ilaqa*.

Opening of civil dispensary and veterinary hospital in this *ilaqa* is a matter primarily for the District Board, Jullundur, who will have to maintain these institutions from its funds.

DISPENSARIES IN RURAL AREAS OF JULLUNDUR DISTRICT.

*2965. **Mian Abdul Rab:** Will the Honourable Minister of Education be pleased to lay on the table of the House a statement showing the number of civil hospitals and rural dispensaries with the distance of each rural dispensary from the headquarter of the respective tahsils in the district of Jullundur and state what action Government propose to take in respect of the people of those villages in the aforesaid district who are unable to get medical relief within a radius of 8 miles?

The Honourable Mian Abdul Haye: A statement showing the number of civil hospitals and rural dispensaries with the distance of each rural dispensary from the headquarters of the respective tahsils in the Jullundur district is laid on the table.

There are very few villages in the Jullundur district, the people of which are unable to get medical relief within a radius of 8 miles. Government are, however, considering the establishment of branch dispensaries in four key villages with a population of over 2,000 dependent upon each rural dispensary and this would greatly increase the utility of the existing rural dispensaries. Government have also under consideration a scheme for increasing the number of existing dispensaries either rural or subsidized.

JULLUNDUR DISTRICT.

Serial No.	Name of Hospital or Dispensary.	Type of Dispensary.	Distance from tahsil head-quarter in case of Rural Dispensaries.
1. JULLUNDUR TAHASIL.			
1	Civil Hospital, Jullundur	Provincialised District Head-quarter Hospital.	..
2	Adampur	Civil Dispensary	..
3	Bhogpur	Ditto	..
4	Jamshar	Ditto	..
5	Kartarpur	Ditto	..
6	Kala Bakra	Rural Dispensary	13 miles.

2. NAKODAR TAHASIL.

1	Civil Hospital, Nakodar	Provincialised Tahsil Head-quarter Hospital.	..
2	Shahkot	Civil Dispensary	..
3	Lohian Khas	Ditto	..
4	Mahatpur	Rural Dispensary	8 miles.
5	Shankar	Ditto	4 miles.

3. PHILLAUD TAHASIL.

1	Civil Hospital, Phillaur	Municipal Tahsil Headquarter Hospital.	..
2	Nurmahal	Civil Dispensary	..
3	Barapind	Ditto	..
4	Burka Kalan	Ditto	..
5	Bilga	Rural Dispensary	8 miles.
6	Jandiata	Ditto	15 miles.
7	Talwan	Ditto	11 miles.

4. NAWANSHAHAR TAHASIL.

1	Civil Hospital, Banga	Civil Dispensary	..
2	Rahon	Ditto	..
3	Pharala	Ditto	..
4	Anr	Rural Dispensary	11 miles.
5	Mukandpur	Ditto	11 miles.

GRANTS-IN-AID PAID TO DISTRICT BOARD, JULLUNDUR, FOR DEVELOPMENT, MAINTENANCE AND SPECIAL REPAIRS OF ROADS.

***2966. Mian Abdul Rab :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the amount of grants-in-aid paid to the District Board, Jullundur, for development, maintenance and special repairs of roads during the years 1936-37, 1937-38 and 1938-39 ;
- (b) the nature and extent of the work done by the aforesaid district board with the amount so paid by the Government ;
- (c) the place and area where the district board has been able to construct a new road out of the amount paid as grants-in-aid, if no new road has been constructed the reasons therefor ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Grants-in-aid paid to the District Board, Jullundur, are as below :—

Year.	For development.	For maintenance.	For special repairs.
1936-37 .. ..	..	31,746	..
1937-38	3,038	24,878	..
1938-39	No payment made so far.		

(b) *Rs. 31,746.* The District Board of Jullundur spent this sum on the maintenance of its Class II roads.

Rs. 3,038. This sum was utilized by the Board on remodelling Beni Bridge in mile 11 of the Jullundur-Nakodar Road.

Rs. 24,878 were spent by the Board on the maintenance of its Class II roads.

(c) No new roads have been constructed by the District Board during 1936-37, 1937-38 and 1938-39 in the district of Jullundur as no projects were prepared by the Board and submitted for sanction.

SHORT NOTICE QUESTION AND ANSWER.

AGITATION AGAINST RATES OF ABIANA IN CANAL IRRIGATED AREA OF PALWAL.

2nd-Lieutenant Bhai Fatehjang Singh : Will the Honourable Minister for Revenue be pleased to state whether his attention has been drawn to the recent agitation in the canal irrigated area of Palwal against higher rates of abiana charged from the zamindars of the *waga* and if so, what action Government proposes to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes, the Punjab Government twice requested the United Provinces Government, who are in administrative control of the Agra Canal, to allow the Muttra-Agra favoured districts rates to be applied to the Gurgaon area, but they refused to accept the proposal. They are again being asked to adjust the difference in rates so as to bring them in conformity with those obtaining on the Western Jumna Canal.

In order to provide immediate relief to the zamindars, however, the Punjab Government have already given to the co-operative societies of the district an annual grant amounting to over Rs. 20,000 which is roughly the difference between the abiana rates levied on the Western Jumna Canal and those charged by the United Provinces Government on the Agra Canal in the Gurgaon district at present. This grant is subject to the condition that it will cease—

- (i) if and when improvement in co-operation in Gurgaon ceases ;
- (ii) if abiana rates levied on the Agra Canal are reduced to the scale prevailing on the Western Jumna Canal.

PLACING OF UNAUTHORISED DOCUMENTS ON THE TABLE.

Mr. Speaker : Honourable members I have to inform you that a printed document, running over six foolscap size pages, has been placed on the tables of members. It contains insinuations, defamatory statements, innuendos and personal attacks on the Honourable Premier and the Honourable Minister for Revenue. I am informed that the document in question was placed on the tables of honourable members by a member of this House. Without naming him, I request him to stand up and publicly admit his fault.

Sardar Partab Singh : I did place this document on the tables of honourable members so that the Ministers may know that this is being circulated outside and they may answer the allegations contained in the document if they wanted to do so. I was not aware that such documents should not be distributed to honourable members in this House. Will you please explain to us what sort of documents can be placed on the tables of honourable members and the procedure about them ?

Mr. Speaker : No papers of any kind can be placed on the tables of members of this House without the special permission of the chair obtained through the Secretary. This has been the practice in the past and it should be always followed in future. In my opinion to act otherwise is not only undesirable and unbecoming but undignified and unparliamentary.

Dr. Gopi Chand Bhargava (Leader of the Opposition) : May I submit one word ? As far as I am personally concerned it was not within my knowledge that this document was placed on the table without the member previously approaching the Secretary. I also know that no controversial paper has ever been permitted to be placed on the table of this House. When my attention was drawn to this by the Secretary, I promised to make an enquiry and request the member of my party who was concerned in the affair not to do so in future. (*Hear, hear.*)

Raja Ghazanfar Ali Khan : Will you ask the honourable member who distributed the pamphlet to express his regret for having done so ?

Mr. Speaker : The honourable member has already admitted and pleaded his ignorance of practice. I think, that will do.

RESOLUTIONS.

ABOLITION OF CHAHI RATES.

Chaudhri Sahib Ram (Hissar North, General, Rural) (Urdu) : Sir, I beg to move the following resolution—

This Assembly recommends to the Government to abolish the chahi rates forthwith.

This Government prides itself in being a zamindar Government and claims to be doing everything for the betterment of the zamindars. Even Chaudhri Sir Chhotu Ram used to voice the sentiments of the zamindars and claim legitimate rights for them. But ever since he assumed office as a Minister, he has done nothing at all for the zamindars. I have moved this resolution for the abolition of chahi rates in order to lighten the burden that weighs so heavily on the poor zamindars' shoulders. In the year 1927 Chaudhri Sir Chhotu Ram moved a cut motion to get the chahi rates abolished. I hope he will try to get his wish fulfilled now that he is himself in power.

In canal irrigated lands it can be asserted with some justification that because the Government has to spend a lot of money on constructing these canals, it can demand a share from the zamindars in the form of water rate. But it is not fair that when a zamindar gets a well sunk at his own expense and then maintains it at his own cost, the Government should collect chahi rates from him. The zamindar is very hard up and it is necessary that his burden should be lightened. If the Government claim to compare favourably with other provinces, they must substantiate their claim by relieving the poor zamindar of his troubles and hardships.

In accepting this resolution the Government will not be going out of its way to oblige the zamindars but will only be benefiting those whom it claims to represent. With these words, Sir, I move this resolution for the consideration of the House and I hope that it will not be opposed from any quarter.

Mr. Speaker : Resolution moved—

This Assembly recommends to the Government to abolish the chahi rates forthwith.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I beg to move the amendment tabled in my name, namely :—

That in lines 1-2, for the words "to abolish the chahi rates forthwith" the following be substituted :—

that along with the consideration of the recommendations of the Darling Committee and Sources of Revenue Committee, they should take up the question of the abolition of the chahi rates particularly so far as they are applicable to the small cultivators in the Province who till lands themselves.

Sardar Hari Singh : I rise to a point of order. May I draw your attention to standing order 68 which says—

If notice of such amendment has not been given two clear days before the day on which the resolution is moved, any member may object to the moving of the amendment ?

Under this standing order, Mr. Speaker, I object to the moving of this amendment which has not been received in time. It has been received only to-day.

Further on, no doubt, you have got the discretion under the standing order to suspend this standing order and allow the amendment to be moved. But as I understand it, you can use your discretion only in favour of the minorities in this House and not in favour of the Parliamentary Secretary of the mighty Government of Sir Sikander.

Secondly, may I draw your attention to standing order 34 (2) which says—

An amendment may not be moved which has merely the effect of a negative vote.

I do submit that in substance this amendment moved by my honourable friend opposite has got the effect of negating the original motion which is for the abolition of chahi rates whereas this amendment merely presses on the Government the consideration of the question. It is merely a dilatory or nugatory motion and it should not be allowed. (*Applause*).

Premier : Technically my honourable friend opposite is quite correct on the first point. But what is his object? Is his object merely to secure technical point or is it really to benefit the people whom he wants to benefit by this resolution? If it be the latter—and I hope it is so—then he should not oppose this amendment, a very reasonable amendment, because we are all aware that Government cannot possibly take any step in this direction without considering the reports of those two committees appointed by the Government for this very purpose and it would be unfair to this House and to the people concerned to anticipate the recommendations of those two committees. Therefore, if my honourable friend wants to take a stand on a purely technical quibble, he is at perfect liberty to do so.

Sardar Hari Singh : How is it a quibble?

Premier : But if he wants to benefit the people with regard to whom this resolution has been moved, then I think he would be well advised not to oppose this amendment.

Mr. Speaker : Resolutions were balloted on the 20th of June and were circulated among members on the 21st; rules require two clear days' notice for an amendment. May I know why notice of the amendment, now objected to, was not given earlier? (*Applause*).

Parliamentary Secretary (Mir Maqbool Mahmood) : So far as tabling this amendment is concerned, there are more than one reason. The first and primary reason I must confess is mine and that is my failing health. All my friends here know that I have been moving from meeting to meeting with little interval and I regret that my health has not made it possible for me to table this motion earlier. My second reason which I wish to submit is that though the resolutions were balloted on the 20th of last month we have been so much rushed with other work and committee meetings that it has not been possible to attend to this thing. Thirdly if I may say so, you have in your far sighted statesmanship not allowed technical objections to stand in the way when matters affecting the rights of millions of people are involved. I, therefore, appeal to you to extend that fair-play which you have always extended on all such occasions.

Dr. Gopi Chand Bhargava : I beg to submit that it will be very hard if notice of an amendment for a resolution which was circulated to members on the 21st is just given and we are asked to consider it, without being able to discuss or decide about it earlier. Had the notice been given two days

[Dr. Gopi Chand Bhargava.]

earlier, within the prescribed time, we would have considered the matter outside the House. Sir, if the Government and the Parliamentary Secretaries could carry on the business of the Government as well as the House here and attend to all sorts of business concerning the House, I think they could have given notice of this amendment earlier. Therefore, that concession of doing away with the period of notice should not be extended to Parliamentary Secretaries at least.

Secondly it is said that this motion affects thousands of people and there should be no hurry. I beg to submit that there has been no hurry. We gave notice of the resolution 15 days before to-day and it was ballotted on the 20th and they had ten days time. This is not like other business of the Government, where they had published a Bill on the 21st and put it before the House for consideration on the 23rd even before the Gazette was in our hands. It is not like that. This thing was before them for a very long time. It is said that they were considering the matter since they took the reins of government in their hands. I submit this question of chahi rates was before them when the Honourable Premier was a Revenue Member and when the Honourable Minister for Development was the Leader of the Opposition in the old Legislative Council. Therefore the point that there was no timely notice for them to attend to this business should not be any reason for declaring this amendment in order.

Lastly as my honourable friend, Sardar Hari Singh, has pointed out, the language of the amendment is such that the object underlying the resolution is negatived, the object of the amendment being to postpone the whole thing. It is a motion of negation and not an amendment to the resolution. If they want to oppose the resolution let them do so. If they want to postpone the consideration of this matter, let them say so. Let them say that till something is done they want to postpone consideration of this matter. But it is no use moving an amendment like this. They should come to us with their proposals.

Premier : There is one point which I should like to submit for the consideration of the House and it is this. My honourable friend has made rather a lengthy speech and I confess my friend, Mir Maqbool Mahmood, had also put forward personal consideration which of course should not weigh either with you or with the House. It is not that. The real question which we should consider is whether the amendment which is sought to be moved will fetter or restrict the discretion of the House in any way. That is the main thing. If you think and you come to the conclusion that it is not going to restrict the discretion of the House and that it will give an opportunity to the House to discuss this particular question from a wider aspect, then I submit that it would be in the interests of the House itself that that amendment should be allowed. What does this amendment actually seek to secure ?

Lala Deshbandhu Gupta : He is now speaking on the merits.

Premier : I am not speaking on the merits. I said that this amendment will give the House an opportunity to see whether they want to support the original motion or to modify the motion. Both the motions would be before the House and if my honourable friends do not accept the amendment

they might oppose it. It does not in any way restrict the discretion of the House; it in fact extends their discretion so that they can look at both the aspects of this resolution and then weigh both the resolution and the amendment before they vote.

Mr. Speaker : As to whether the amendment is out of order, I regret to say that I differ from the honourable Sardar Hari Singh. He has evidently not read our S. O. 34, the first part of which says :

An amendment must be relevant to, and within the scope of the motion to which it is proposed.

The motion is that chahi revenue be abolished. The amendment is that the abolition of chahi revenue may be considered. The amendment clearly says that the propriety of abolishing chahi revenue may be considered. It does not say that it should not be abolished. Therefore, I overrule the honourable Sardar Hari Singh's first objection. As regards his second objection, according to rules two clear days' notice is necessary and the amendment which has been received to-day is not in order, unless I exercise my special powers, which I am not prepared to do (*Opposition cheers*) unless I am convinced that no injustice shall be done to the Opposition. (*Laughter*). I have to ask one thing and I hope the honourable mover of the motion or Sardar Hari Singh, who is a great parliamentarian will satisfy me how the mover of the motion and the party supporting him, shall be prejudiced if the late amendment is allowed. If I am convinced on this point I will disallow the amendment; but not otherwise.

Sardar Hari Singh : The point raised by me is merely a technical point. My case is quite simple. The whole of the Opposition, the united voice of the Opposition, takes exception to the manner in which the member of the Government, Parliamentary Secretary, has tabled this amendment this morning.

Mr. Speaker : I have clearly stated that the only point on which I wish to be convinced is that if this amendment is allowed, the mover of the Resolution or its supporters shall in any way be affected prejudicially. If that is not going to be the case, I see no reason why I should not allow it, though it has come very late.

Sardar Hari Singh : The question before us is a very important question. It concerns the abolition of chahi rates and it requires careful consideration by the party. You will remember that in the last session you wanted to adjourn the business of the House with a view to permit the party opposite to consider the resolution about Federation.

Mr. Speaker : May I ask if this amendment was considered by the Unionist Party?

Parliamentary Secretary (Mir Maqbool Mahmood) : It was placed before them only this morning; but I cannot say definitely, for I was not present.

Minister for Finance : It was placed before the Party to-day.

Mr. Speaker : Why not before?

Parliamentary Secretary : Because it had not been tabled before.

Sardar Hari Singh : If these gentlemen could ask for the adjournment of the business of the House for consideration of the resolution on Federation, we also can say that we will not be able to give the full consideration to this amendment unless we have considered it at our party meeting.

Mr. Speaker : Sardar Hari Singh has not convinced me how the position shall be affected if the amendment is allowed. No one is going to be prejudiced, even if the resolution remains as it is, in as much as it is open to Government to consider it with the report of the Darling Committee or any other committee.

Lala Duni Chand : They want to play a trick. They should not be allowed to do so.

Mr. Speaker : The honourable member is insinuating.

Chaudhri Kartar Singh (Urdu) : I request you to allow me to throw some light on the subject now before the House.

Mr. Speaker : I cannot allow any further discussion. It is regrettable that the notice of this amendment should have been sent so late, but as I am convinced that it will not affect in any way the resolution, I allow it.

Mir Maqbool Mahmood (Parliamentary Secretary) : So far as the purpose underlying the resolution is concerned, there cannot be any difference of opinion. My honourable friend who moved this resolution, obviously forgot important considerations. The first consideration is this, that the resolutions may be in the form of recommendations adopted by this House or should be accepted as amended by the Government, and, therefore, if this resolution is passed as framed, it will give relief not only to the poor cultivators whose relief no one grudges but even to the big landlords who, according to my honourable friends opposite and this side, are not entitled to any relief. Secondly, we are aware that in this province 17.5 per cent. of the lands only are *chahi* lands. 13.5 per cent. are *nehri*. Forty-five per cent. are *barani* lands and the remaining are forests of all classes. Our position is that if funds permit we want to abolish *chahi* rates, the *barani* rates and the canal rates so far as the poor cultivators are concerned; but if funds are limited we have to sit together as a responsible Government and see which of these various classes, on equitable basis, on economic basis and on merits, is entitled to relief and to what extent. That, Sir, is the first point that I beg to submit.

The resolution tabled by my friend opposite touches the principle of the land revenue assessment and what is that principle? The principle of the land revenue assessment in vogue in the province is that out of the net assets of land the Government takes a certain percentage. That principle stands at the moment and it has been referred by the Government to a very representative and a very important Committee whose report has already been submitted and, therefore, unless the comments of that Committee on the principle underlying this resolution have been fairly and squarely examined, no responsible Government, except perhaps the Government which has the mentality of Bacha Saqa, could take this action piecemeal. Now what is the present position? The present position, as I said, is that on the net assets of land—*barani*, *chahi* and *sabri*—Government takes a certain

percentage and in assessing that net revenue or net profits to the cultivator let it be recognised that there are two important principles which are kept in view. Firstly, that with regard to *chahi* rents a productive lease is permitted, i.e., from 20 to 40 rupees no *chahi* rates are assessed and the principle is that the man who has invested capital in the well should have double the amount of capital secured to him before assessment even on net assets is allowed on *chahi* rates. That is the first part. (*Sardar Partab Singh* : Does he get that?) If the working of the formula is not correctly applied, he may surely take it that the Government will use all offices to see that fairplay is assured. The second point to which I want to invite the attention of my friend opposite is this. His problem could be either one of these. He could either say that because on the *chahi* lands the improvement in produce is due to the capital and the labour of the zamindar himself, therefore, nobody is entitled to charge a penny as additional profit. If that principle is accepted in all seriousness, if it be conceded that whatever is available out of the capital and labour of a particular class is not liable to assessment—revenue taxes—you could not levy a penny on big capitalists and factory owners. We could not levy a penny even from those who till *barani* lands because the produce of *barani* lands is the result of manure, labour and efforts of those who till those lands. The question is not whether any improvement in the produce of a particular land which is due to the capital or labour of a particular class is not to be assessed to revenue, but having regard to the economic and equitable factors, which class is entitled to relief and to what extent we have funds at our disposal to give relief. That is the point to which I want to invite the attention of my honourable friend opposite. He made great point of the fact that my honourable friend Sir Chhotu Ram had tabled this motion some time ago and that it had been passed by the House and with what face he said he would oppose it. On that point I could have said that when that motion was tabled my honourable friend was Leader of the Opposition when his duty was to pick holes and not construct but that is after all not the point that I wish to take. The point that I wish to take is that the purpose of the motion as then moved is the policy and commitment of the Government to-day. What was the purpose of that motion? Allow me to read from the Debates of that time. Rai Bahadur Chaudhri Chhotu Ram (then not Sir) stated—

My object in proposing this cut is to request the honourable members of this House and the responsible members of the Government to consider justly and fairly the question of *chahi* rates and to decide whether assessment of these rates is in any way justifiable.

That is the underlying principle of my amendment. The Government was sought at that time. He committed himself at that time, as a responsible man, to the principle that this should be considered on equity, on merits. He could not state, as he would not, that one class of the zamindars of the Punjab which cultivate only 17·5 of the land should be given preference over others who till *barani* lands. I ask this question with due deference to my friend opposite. Does he seriously advocate that supposing the Government has 40 or 50 lakhs of rupees in their coffers, which they can give by way of remission, that whole amount be given for the abolition of *chahi* rates even if it goes to big landlords and not to the poor cultivators who till *barani* lands and whose average annual income is below the cost of clothing

[Mir Maqbool Mahmood,]

of a Punjabi prisoner? My friend Sardar Partab Singh waves his head in sympathy and that is the purpose of my amendment. If that were so, I expect that he will support this amendment.

The main point which I wish to bring out is this. It has been calculated that if all *chahi* rates were abolished to-day it will amount to roughly 42 lakhs a year. (Sardar Partab Singh: Not that much even) I am one of those who say that in giving effective relief to the poor classes—particularly small cultivators—even if four crores is needed, it should be found, but on some principle and basis. We are sitting here as custodians of public trust and public funds. We won't off-hand, like Bacha Saqaa, take one class, without considering the whole rural population in the province, and consider this particular resolution. I would, therefore, appeal to my friends on both sides of the House that they should apply themselves in the spirit of a responsible Government party and as a responsible Opposition.

The problem is this. With the concurrence of the House a Committee was appointed to go through the whole question and the terms of reference No. 2 of the Darling Committee expressly included the question of *chahi* rates because they were to give a revised scheme. If to-morrow that report brings forward a formula before you which may be more equitable and fair than the formula suggested in this resolution how can the government, the responsible government of the province commit itself or deny relief to the poor cultivators. Therefore, I feel confident that my friends opposite and the party sitting opposite, who always pose themselves as advocates and as the champions of the poorer classes, will not align themselves in support of this resolution as it is and will courageously say that they only want relief to be given to the poorer cultivators belonging to all classes. On that point our position is clear. From the very first day when the Government took office they issued a statement and in that statement they committed that they would take effective measures to relieve taxation so far as the poorer cultivators were concerned and in keeping with that promise they have appointed a committee. The Committee's report is now available. I submit to every responsible member of the House, who is most interested in this question of rural taxation and the question of equitable distribution on the poorer classes, that this question should be considered not piece-meal and in a haphazard manner but carefully, courageously and in a spirit of constructive statesmanship so that a solution is found which applies to all classes. That being the position I submit that it is not fair for the Government at this stage to go anywhere beyond the amendment.

Mr. Speaker: The amendment moved is—

That in lines 1-2 for the words "to abolish the *chahi* rates forthwith" the following be substituted:—

That along with the consideration of the recommendations of the Darling Committee and Sources of Revenue Committee, they should take up the question of the abolition of the *chahi* rates particularly so far as they are applicable to the small cultivators in the province who till lands themselves.

Pandit Shri Ram Sharma (Southern Towns, General, Urban), (Urdu): Sir, I rise to support the resolution that has just been moved by my honourable friend Chaudhri Sahib Ram. This resolution voices the sentiments of

the poor zamindars in definite and precise terms. The object of this resolution is very clear, namely, that the Government should abolish *chaki* rates. But it is very vaguely replied on behalf of the Government that the matter is receiving its consideration. I wonder if this consideration business is not unnecessarily being protracted.

Minister for Development : It is necessary.

Pandit Shri Ram Sharma : The Honourable Minister says it is necessary. Yes, it is, and a means of lingering on in the Ministerial benches a little longer. (*Opposition cheers*). In 1927 an identical motion to the one now before the House, was moved. The Honourable The Premier, the Honourable Chaudhri Sir Chhotu Ram, Khan Bahadar Mian Ahmad Yar Khan Daulatana, Mir Maqbool Mahmood, etc., were all there and they urged upon the Government then in power to abolish *chaki* rates. Ten years have elapsed since and the matter is still receiving the consideration of the Government. It is very strange that this matter should take so long to decide.

Parliamentary Secretary : On a point of order, Sir. I submit that the motion at that time was not specifically for the abolition forthwith of the *chaki* rates. I read from the debates as to what was the purpose of the motion.

Pandit Shri Ram Sahrma : The object of the cut motion was to urge upon the Government the desirability of abolishing the *chaki* rates. If this was not its aim, let the Honourable Chaudhri Sir Chhotu Ram deny it and if he does I will accept his word.

Sir, the zamindars of this province are in a very bad condition and they cannot hope to receive any attention at the hands of this so-called zamindar government. I am reminded here of a verse by Ghalib which I will recite with a little alteration. It seems to have been written for this very occasion.

آنکو جس سے وفا نبی ہے اُپد یہ نہیں جانتے وفا کیا ہے

The Congress has taken up the matter of *chaki* rates and moved a resolution because in its opinion it is likely to prove advantageous to the zamindars in general. In the Congress parlance the word 'zamindar' means a poor cultivator who toils hard with his own hands to earn a bare living for himself and his family. But our Government interprets it differently and considers only those who are sitting on the Ministerial benches as zamindars. I want to make it known to the zamindar as to who is his real friend.

The attention of this Government has time and again been drawn towards the wretched plight of the zamindar. Even in the last session a resolution was moved, but whenever a reduction in the land revenue or the water rate is sought on behalf of the small landholder, their "zamindar" representatives refuse to listen to such demands. The same is being done to-day. We are asking for the abolition of the *chaki* rates. Do not listen to my words if you like but at least pay heed to what the Honourable Chaudhri Sir Chhotu Ram said in 1927. Have the passing of these ten years weakened the arguments then advanced? Or have those words lost their significance? Should we take it that the condition of the zamindar has

[Pandit Shri Ram Sharma.]

changed since? Do not be blind to the pitiable condition of the zamindars of this province. The land is still being cultivated, less than half, by the peasant cultivators. The poor hard-worked cultivator does it with his own hands, but the other half is rented out to the small agriculturists by the big landlords who grow fat on the toils of others and still boast that they are zamindars. When such is the state of affairs in the province, what good can be expected for the poor zamindar? In my constituency in Hariana, district Rohtak, and especially in the Honourable Chaudhri Sir Chhotu Ram's constituency, the cultivator is hardly able to make both ends meet; yet the Government still insists on his paying the *chahi* rates. Any one who owns on an average 15 acres of land does not till his land himself but gets it done on rent by others. How regrettable it is that in the tenure of office of a zamindar government the poor cultivators should work hard and the easy going rent collectors who cannot be called zamindars gather the fruits of their labour. (*Hear, hear*).

Let me give you a few figures illustrating the condition prevailing in this province. While the poor cultivator has to pay Rs. 1-9-0 per head and Rs. 2 per acre as land revenue, his income is less than 3 annas, on which he has to live. The unhappy zamindar is indebted to the extent of 135 crores of rupees. From 1921 to 1929 his debt has increased by 45 crores. The debt that has been mounting up at such an appalling rate during the regime of the present Government—the so-called zamindar Government—did not increase so rapidly even under the previous government from 1849 onwards. That is not all, for he owes Rs. 60 lakhs to the Government itself. How can he pay up this colossal sum? Recently Rs. 52 lakhs worth of decrees have been given in the district of Karnal alone in one year against the zamindars.

Mrs. J. A. Shah Nawaz : In whose favour were those decrees given?

Pandit Shri Ram Sharma : It will also be known by and by as to who was responsible for their poverty. The life-blood of the zamindars is being sucked by (1) the so-called zamindar Government, (2) the rack-renting zamindars, and (3) the money-lending agriculturists and non-agriculturist.

Now let us come to *chahi* irrigation and I will try to give you the facts and figures in this respect. There was 4,184,000 acres of *chahi* land a few years ago, but in 1935 and 1936 there was a decrease of 2 lakhs of acres. Does this decrease indicate prosperity or poverty? The total number of wells in the Punjab is 821,824 and the wells dug by the help of the Government are less than one-tenth of the total number. The Government have spent only Rs. 9,000 as help on digging up wells and double this amount can easily be charged from the zamindars in the shape of *chahi* rates and the Government do charge. In this connection I would like to cite the instance of district Gurgaon the condition of the zamindars of which is very miserable. The zamindars of that district owe Rs. 85,00,000 to Government and they have not been able to pay this amount since 1911. You can well understand from these instances how much down-trodden the peasantry of that *haga* is. When the circumstances are such, and it is being requested that the Government should abolish

the *chahi* rates forthwith, the answer comes that the Government will take this matter into consideration. I earnestly invite the attention of the honourable House to the fact that the Government should not hesitate in abolishing the *chahi* rates.

As my honourable friend Chaudhri Sahib has stated, the Government may have many excuses as far as *nehri abiana* is concerned, as the Government have to spend much in irrigation, but so far as the *chahi* rates are concerned Government have absolutely no excuse to make. It is a thousand pities that the poor zamindar spends his labour and money—mostly taken on credit—and with a hundred and one other hardships he digs out a well, and when it is completed the Government comes up to him to charge the *chahi* tax, which is an unjust tax.

Now I would like to make another submission. It has been a thousand times said that the Unionist Party is a zamindara party and the poor peasantry of the province have taken this party into confidence. But whenever a measure is brought forward in this House for the benefit of the poor peasantry, it is quite obvious and clear from the attitude of the Government whether or not they like to vote for it. They never vote for it. I would declare on the floor of this House that the so-called Unionist Government has got no union of the poor zamindars at all. The sympathy which the Government have for the poor peasantry is nothing more than lip sympathy and the grievances of the poor zamindars have no access to the Government. Now every honourable member is fully aware of the attitude of the Government shown in regard to this resolution to which the so-called zamindara Government should have given its full support. What has the Government done? The Government say that the Parliamentary Secretaries were too busy to take notice of this resolution and they have cleverly put forward these amendments for the sake of propaganda and to put off the resolution for the time being. This evasive attitude on the part of the Government with regard to this resolution clearly indicates that the Unionist Government does not at all intend to accept this resolution at this stage or at another stage. I may also submit, Sir, that this matter of *chahi* rates has been hanging fire for the last 17 years, but now when it is likely to be solved for good the Government itself has stood in its way. The real thing is this that the Government only wants to exploit the zamindars as religion is being exploited by some now-a-days. I do not understand why Government hesitates to support any question which is put forward for the amelioration of the poor zamindars. We submit to the Government that revenue may be remitted to small holders and the *chahi* rates may be abolished, but the Government gives one and the same answer every time that the Government is considering the question. One can very well realise from all these instances how far the Government is sympathetic towards the poor peasantry of the province.

My honourable friend Mir Maqbool Mahmood has correctly stated that Chaudhri Sir Chhotu Ram has now abandoned his policy and attitude which he maintained at the time when he was in the Opposition and used to deliver inflammatory speeches for the good of the zamindars in this House. But when he came into power and became a Minister, and matters like *chaukidara*, *malba* and realising the revenue on income-tax basis were put

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forward before the Government our Chandhri Chhotu Ram remained mum and said nothing and did not support these demands for the sake of the poor zamindars of the province. These are hard facts. They may be unpalatable to Chandhri Sahib, but truth is always bitter.

I would like to make a few more observations. As regards the Congress, I would dare say that the Congress is the only body which has the cause of the poor peasantry of the province at heart. Though this party is not in a majority in this province, yet whenever a voice is raised for the welfare of the zamindars in this House, it is raised by the Congress Party only (*applause*). Do you know what is being done for the amelioration of the zamindars in those provinces of India where the Congress is in power? For instance, in the United Provinces and Bihar the Congress Ministries have granted the occupancy rights to the small cultivators and tenants and have greatly reduced rents, etc.

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

Besides, it is proposed in Bihar that the big landowners and the landlords should be required to pay income-tax over and above the usual land revenue. Is the Unionist Government prepared to do that? Now let us come to the question of debt legislation. In this connection too I can say without any fear of contradiction that the Congress governments of other provinces have done more for the poor debtors than the Punjab Government has been able to do. The time at my disposal is very short, otherwise I would have given numerous examples. But I may refer the honourable members of the Unionist party to the debt legislation that the Congress government of Madras has passed. That is certainly more favourable to the agriculturist debtors than the one passed in this province by the Unionists.

In the end, Sir, I wish to address a few remarks to the honourable members of the Unionist Party who always boast of having a very great sympathy for the poverty stricken peasants of this province. I expect them to show at least as much courage in opposing this amendment as those honourable members did the other day whom we ordinarily do not consider to be courageous. At the time of the introduction of the Restitution of Mortgaged Lands Bill in this House Diwan Bahadur Raja Narendra Nath and Rai Bahadur Mukand Lal Puri seeing that the Bill adversely affected the interests of their electorate, threw all party restraints to the wind and openly opposed the Government whom they had pledged to support. Let my agriculturist friends take a lesson from the conduct of these honourable members and take courage in their both hands by rising to vote with this side of the House. This amendment is intended to hoodwink them. The original resolution will be torpedoed by adopting this amendment and the modified resolution, if carried, would only serve as an eye-wash. I may sound a note of warning to the honourable zamindar members that if they fail to vote against this amendment they will lose the confidence of their electorate. In view of these hard facts I would appeal to the agriculturists members not to mind the presence of the Honourable Ministers, the great title holders and the big bellied persons but vote with, us because in so doing they will be

serving their own poor brethren. In the end I would like to assure my honourable friends sitting on the Ministerial benches that every voice which will rise from this side of the House will be raised to ameliorate their condition and whatever lip sympathy is shown to them from their own side will be intended to serve as an eye-wash only.

With these words I oppose the amendment that has been proposed by the Honourable member Mir Maqbool Mahmood and support the original resolution.

Chaudhri Ram Sarup (Rohtak Central, General, Rural) (*Urdu*): Sir, the resolution which we are discussing to-day is, in fact, calculated to benefit the poor agriculturists who sink wells at their own cost and after working hard turn the waste land into culturable land. But when this land begins to yield something, the Government quietly steps in and claims a share out of this *chahi* produce as if it had also shared the pains and worries of the agriculturists in improving the quality of the land. The Government should first learn to deserve and then desire. When an agriculturist raises a loan at exorbitant rates in order to sink a well, the Government does not offer him any assistance. How can it, then, demand a share out of this business in which it has invested nothing? The *chahi* rates are, to say the least, unfair and unjustifiable. The supporters of the *chahi* rates argue that the Government has a right to impose the *chahi* rates because the value of the land is enhanced by well irrigation. But it may, reasonably be asked why, when the Government did not move even a little finger in order to enhance the value of the land, should it claim a share in the fruits of the labours of the agriculturist? Supposing a person travels from Kalka in a motor car to Simla and another travels by rail. It is clear that the one who travels by car will save about three hours while the other will have spent that time in the train. Would it be fair to criticise, as the Congress sometimes criticises the Government, and ask why anyone should travel by car and spend more money on this luxury? My reply to that will be this. The Government saves time in this way and spends it in the service of the public.

Sardar Sohan Singh Josh: Is the honourable member speaking to the motion?

Mr. Deputy Speaker: The honourable member is merely developing his argument.

Chaudhri Ram Sarup: Sir, the Congress is in the habit of carrying on a propaganda in its favour whenever it is possible for its members to do so. They are very active in the district of Hoshiarpur.

Mr. Deputy Speaker: The honourable member should speak to the motion and make no personal remark.

Chaudhri Ram Sarup: Sir, let me first state my position and then you may decide whether the words I use are objectionable or not.

The honourable members opposite recommend that the *chahi* rates should be abolished. I may observe that things are easier said than done. The Congress support this resolution with the ostensible motive of giving relief to the agriculturists but the principle underlying this urge of generosity is that the position of the provincial exchequer should be jeopardised. Their liberality consists in inviting guests on the condition that they should neither

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take their meal at home nor should they go to the house of the host. It means that the Congress is thrusting uninvited guests on the neighbour. Such guests are bound to cut a sorry figure in the end.

Again, when the House considered the proposal to impose a *chaukidara* cess on the citizens, our honourable friends belonging to the Congress did not favour the idea and accused us of wanting to make the backs of others crooked instead of straightening our own. That was hardly a fair criticism. Whenever any measure to provide money for the provincial exchequer is discussed, the Congress opposes it but when the question of offering relief to the agriculturists comes up, they recommend total abolition of the taxes. But the question is where should the money come from? Will it fall from the heavens? The liberality of the Congress is due to the fact that they are not responsible for carrying on the administrative machinery of this province. This attitude of the Congress reminds me of a story of two brothers whose newly married wives were putting up in one and the same house. The younger brother's wife used to cook more meals than necessary and thus cause a considerable waste. The elder brother's wife would ask her to be a little more frugal but she would retort "It is impossible for me to be frugal. I am by birth liberal minded and I cannot but be generous." As the years advanced and the family became larger the two brothers had to run separate homes. Now the same lady who used to say that she could not but be liberal, had to tighten the strings of her purse, because the heavy responsibility of the household had now fallen upon her shoulders and experience taught her to be economical. So let it be with the Congress. As long as the Congress is not responsible for the administration of this province, it can afford to be generous enough to abolish all the taxes like the younger brother's wife in the story. Let me remind the Congress that the eyes of the Unionist Government are set on the hard realities of administration, while the Congress is trying to raise false hopes in the minds of the public. This policy of the Congress will lead us nowhere.

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

Sardar Kishan Singh (Amritsar Central Sikh, Rural) (*Urdu*): Sir, my honourable friend Chaudhri Ram Sarup has just now finished his speech and he has fully expressed his ideas. The question now before the House is whether any *chahi* rates should be assessed on the zamindars or not. The supporters of the zamindars urge that this unnecessary tax should not be imposed on the tillers of the soil. The present Government claim that they have come to save the zamindars and all this machinery of the Government is at their service. I admit that in order to run the machinery of the Government it is necessary to assess land revenue on the zamindars. In this connection I may submit that all the governments previous to the British Government assessed land revenue on the basis of actual produce and the actual area that was under cultivation. Moreover they accepted the land tax in kind and it was never realised in terms of cash. Whatever a zamindar produced, he paid land revenue out of that produce. I am constrained to remark

that the present Government is a prudent and farsseeing one and it wishes to squeeze out of the zamindars as much as it likes and it has a desire to drain out the last drop of blood out of them. To make my point clear I may submit that what the Government have done is that the zamindar who owned 50 *ghumaons* of land and who tilled only 5 *ghumaons* out of them was told by the Government that a fixed amount of land revenue would be assessed on his lands and that that land revenue would be much less than what he paid to the previous governments. But I may point out that the previous governments only assessed land revenue on the actual produce but our present Government assesses land revenue on the whole landed area of a zamindar, whether he tills the whole of it or not. In this way our Government very sagaciously brought the zamindars round to their object and they being simpletons were very easily caught in the net. Thus the poor zamindars were hood-winked by the Government and under the pretence of levying less but fixed amount of land revenue they succeeded in assessing land revenue on 50 *ghumaons* instead of 5 *ghumaons*.

Further the Government made it a rule that they would accept land revenue in terms of cash and not in kind. In this way our Government succeeded in assessing land revenue even on those lands which were not under cultivation and which previously were merely used as grazing grounds for the cattle of the zamindar.

Again, when the harvests of the zamindar yielded a rich produce, he very easily and willingly paid the land revenue. But when harvests yielded a small produce even then he was compelled to pay the land revenue. I may submit that if the harvest fails, the zamindars are compelled to till their lands for growing fodder for their cattle. But this Government do not spare even those crops and they charge land revenue on them as well.

Further, I would like to make it clear that the harvests of the zamindars are merely a gamble in rains. If the rains fall in time, the zamindars sow their crops and gather plenty of harvests. If, however, the rains fail, the harvests also fail. To avoid this uncertainty of rainfall the zamindars decided to sink wells so that they should produce something in order to feed their children and sow fodder for their cattle. In this way with great difficulty and after a good deal of efforts they succeeded in sinking wells.

Then comes the question of the debt of the zamindars. It is said that the zamindars are head and ears in debt and it has assumed such proportions that up to this time it has not been paid up. I may submit that the zamindars borrowed money from the moneylenders at a high rate of interest. That is why this debt has not been paid up up till now. The other day the Honourable the Revenue Minister moved a Bill, the object of which was to redeem even those lands which were mortgaged something like 40 years ago. This is a clear proof that the zamindars are groaning under the heavy load of debt. I think there will be no two opinions in this House about this fact that if there is anyone who is actually poor and bankrupt, he is the zamindar. I may point that when the Honourable Minister as well as other honourable members admit that the zamindars are very poor, then it is their duty that they should not tolerate it even for a second, that the zamindars should be taxed any further. They sank wells, but the result was that they became heavily in debt. It is highly necessary that if the condition

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of zamindars has become pitiable on account of their falling into debt, it is the duty of the Government to take pity on them. I am aware of the fact that the British Government is not used to taking pity on the zamindars, but the present Government claim that they have a great sympathy with them. May I know for what other occasion they have reserved their sympathy? Now when the tillers of the soil are groaning under the heavy load of debt, it behoves the Government to help them and give them relief.

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

As has been pointed out by my honourable friend Chaudhri Ram Sarup, the zamindar sinks a well after undergoing a lot of troubles and difficulties and it is bare injustice that he should not be allowed to take advantage of his toils. I admit that the Government have a right to assess land revenue on the landed property. But I may submit that the money the zamindar spends on the sinking of a well is generally borrowed money, and I, therefore, request the Government to very kindly consider his case and give him relief.

Besides, I may also make it clear to the honourable members that instead of getting some sort of help from the sinking of a well, the zamindar entangles himself in further troubles. In the beginning when there were no wells, the zamindar tilled his lands and ploughed alone. If rains fell at the proper time, the harvest yielded plenty and if the rains failed the crops also failed. In this way he had to undergo only a small amount of labour in order to grow his crop and he alone was quite sufficient to perform this work. But after he sank his well by the help of borrowed money, he had to employ men in order to carry on his work. Everybody knows that the Persian wheel in Hoshiarpur, Jullundur and Ludhiana consists of only a long piece of wood, a cord and a *charas*. By means of these water is drawn out of the well. It requires a lot of hard work. Unless and until four people work on the well, they do not succeed in watering their fields.

Further I may submit that when the lands of a zamindar were not *chahi* lands his expenditure was only small. But now when his lands have become *chahi* lands, his expenditure has also increased. Previously when he tilled his lands he carried on his work with the help of ordinary bullocks. Now when he has sunk his well he has not only to work all day long, but he has to buy valuable bullocks as well. The reason is this that those ordinary bullocks were not fit to do the hard work of drawing water from the wells. Then there is the question of their fodder and *gramash*. If the zamindar did not give them sufficient amount of fodder and *gramash*, the bullocks were likely to become lean and sometimes they died as well. These are some of his recurring expenditures, and if the Government want to show pity to them, I would request them to give the zamindar some relief.

It is a thousand pities that nothing is being done by the Government to help the poor zamindar. He has to borrow money to sink a well. He has to pay on an average Rs. 150 annually as interest on the sum he borrows for the construction of the well. In short he has to go through a lot of trouble and expense before the well is sunk. But the Government instead of giving

him some relief for the expenses he has incurred, demands *chahi* rates from him. This is all the more the reason why something should immediately be done to save the poor zamindar.

Every one of us must be aware of the way the canal water is supplied to the zamindar. It sometimes so happens that the supply of water is abruptly stopped at the very time when it is badly needed. The result is that the crop dries up for want of moisture and all that remains of it is the stump without the ears of corn. As regards those lands that are irrigated by means of wells, if the zamindar falls ill all his labours are lost. On the one hand, he has to bear extra expense of his illness, on the other his crop suffers, and he is reduced to very bad straits. Above all he is granted no remission on account of the failing of his crops.

Now I want to make another submission, for which I will not take much time of the House. It is an admitted fact and all honourable members here are unanimous on this point that there is no one poorer than the zamindar. I am reminded here of what Sir Feroz Khan Noon once said in 1936. He said that the prices of raw materials had decreased to such an extent and things had come to such a pass that the poor cultivator was at a loss to understand whether it was profitable to go on cultivating his lands any longer or not. When all are sensible to this fact why do they not strive to improve matters for the poor zamindar ?

The agriculturist manages to sink a well by his own labour and at his own expense. It would have been just and fair on the part of the Government to have helped him by advancing some money and thus enabling him to meet the necessary expenditure. Instead of this they demand the *chahi* rates from him, and thus increase their own land revenue. These are the people who style themselves as the representatives of the people. It does not become them to play with the feelings of the poor agriculturists. If not much, they should at least do something for the zamindar and get some concession for him in these rates. They should try to undo the wrong that was done to them by the former Government and thus prove to the poor zamindars that they are their real well-wishers. They should try to dispel the doubts that have been roused in the minds of the zamindars that the present Government is no better than its predecessor.

In the end I beg to submit that where you have done so much for the relief of indebtedness, why not do something in respect of the *chahi* rates and thus relieve the over-burdened zamindar ?

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I have listened to the speech of my honourable friend opposite with interest and I could see that he has a genuine feeling for the people to whom he wants to give relief. I am very glad that we have got at least some people on the opposite benches who genuinely feel for the agriculturists. (*A Voice* : Divide and rule). (*Another voice* : All on this side). My honourable friend says 'All on that side'. We saw the other day the sorry spectacle when we were debating the two Bills. We saw some of the honourable members on those benches either sitting tied to their seats or absenting themselves, but those who genuinely felt for the zamindar voted with the Government. (*Hear, hear from Ministerial benches*), and I am hoping that the time is not far off when the genuine friends of the poor and down-trodden peasants

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and the down-trodden zamindars will walk across the floor and be on this and not on that side of the House. I am glad to find that the motion moved to-day has been moved by not only a genuine friend of the agriculturist but by a genuine agriculturist, what you might call a *taxali* agriculturist, and I am also glad that that motion is merely a repetition of the motion which the genuine friends of the peasants on this side of the House several times moved in the previous Council. He has merely taken a leaf out of the Unionist book, a leaf out of that big book which contains the achievements of the Unionist Party in the interests of the poor down-trodden agriculturist and I am glad that he has taken a leaf out of that book, and repeated what we said on a previous occasion. I am very glad indeed and I am further glad that it has come from a genuine agriculturist. My friend Sardar Kishan Singh was very eloquent and very impressive and he said certain things, of course, which I do not wish to take up now and enter into a controversy. What I appreciated is his genuine feeling and desire that something should be done for the poor down-trodden zamindar and peasant. Now, Sir, he said that the Government takes away one-quarter of the net assets of the peasant and then puts on a *chaki* rate although the whole capital is spent by the zamindar himself and Government does not spend anything. My honourable friend must be aware that where a well is sunk, the peasant who sinks that well gets a protective lease extending to forty years; this means that for forty years he gets advantage from that land and pays the *barani* rate on that land. That my honourable friend has apparently forgotten. I do not say that this is a sufficient justification for Government not to consider the revision of *chaki* rates. By no means so, but I think in fairness we might consider both sides of the picture. Indeed it would be very unfair to say that Government does not allow any compensation to the man who spends his own capital. If we were to accept that principle as final we should not assess any industrialist at all. He spends his capital on machinery, he spends it on building a huge factory and he imports labour from outside, and raw material, but when he makes any profits, Government assesses a certain tax and even imposes an excise duty. I do not think that that argument would help my friend or holds any water, that the Government should not assess the agriculturist because he spent his own capital. As I pointed out the Government gives him the benefit of getting back as his capital and more up to the extent of forty years by way of what is called a protective lease. As my honourable friends who have read the revised Land Revenue Act know, tube wells get a protective lease of thirty years. All those gentlemen who have got *chaki* lands are not necessarily poor or down-trodden. There are big land owners who have got batteries of tube-wells in their lands; does my honourable friend think that it would be fair to give them the relief instead of giving it to those poor *barani* peasant proprietors who get a harvest sometimes after three or four years? Take the South Eastern Punjab or the South Western Punjab. There you find that they get a really good harvest once every two, three or four years and these people have to borrow year in and year out to keep body and soul together. If this is the position, does not my honourable friend consider that we should first consider the question of relief to these people because their plight is even worse than that of those who have got *chaki* lands? I will give him an illustration of a gentleman who has only

recently put a tube-well in the vicinity of Lahore. He is making hundreds and hundreds of rupees per acre out of that land because of the tube-well. Would he like to give him relief? Is he poor as compared to the owners of *barani* land or the tenant who probably gets only two maunds out of his whole holding. That is another aspect of the question which we must not forget so far as the question of *chaki* rates itself is concerned, because the word *chaki* is tagged on to the word rate, we take objection that there should be no *chaki* rate.

What is the principle on which land revenue is assessed in the Punjab?

6 P.M. The principle at present in vogue, according to the law which is in force, is this, that Government takes up to a maximum of one quarter of net assets. We would not call it *chaki* rate at all. Government would merely take one-quarter of the net assets of that land. *Barani* land gives two maunds per acre and assume that *chaki* land gives eight maunds per acre. Therefore, Government would, according to the present law in vogue, be entitled to take only twenty seers from the owner of that *barani* land and a maximum of two maunds from the owner of *chaki* land. Call it whatever you like you may not call it *chaki* rate at all and you could do so by classifying the land in a village. The present system of assessment is this, that you assess a village and then the actual amount of assessment which is called *bachh* in various estates is realised with the concurrence of the village people themselves. They say, how much do you want on *parta*, on *chaki*, on *banjar* and *barani* area and then that is distributed on the various proprietary bodies in the village itself according to that decision. They are consulted before it is done. But my point is that we can do so without calling it *chaki* rate. You may call it second class land. You have a classification. You have class I land, class II land, class III land and class IV land and if *chaki* land is class II land, then you assess the figure on class II land and get one-quarter net asset. Therefore, the word *chaki* should not disturb us. What we actually want to do is to give relief where relief is due and I am sure my honourable friends opposite—at least the majority of my honourable friends who are present in the House opposite at the moment—will agree with me that it is our duty to give relief to the smallest man—to the poorest man—before we give relief to the bigger landlord. I am very glad that my friend opposite agrees with me. If we accept that proposition, then I submit respectfully to my honourable friends opposite that it would not be fair on our part to anticipate the recommendations of the Darling Committee or the Resources and Retrenchment Committee. We should not bind ourselves or commit ourselves to a definite relief to this class of people out of whom, I do not say the majority, but a few may not be deserving of relief in accordance with the criterion which we have laid down that we must first give relief to the smallest man, and, therefore, I think it would be unfair on our part to commit the House or the Government to a proposition which may not enable us to distribute relief equitably and on the lines which I have indicated. It is, therefore, necessary that we should at the moment, keeping all these points in view, await the reports of these two Committees and when these reports are available to Government, we will consider all these various aspects of the problem and then deliberate on it carefully and thoughtfully, and then come to a decision so as to give the greatest relief to the smallest man and if more

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money is available, in a graduated scale to the bigger man also if possible. Therefore, my submission is that my honourable friends opposite, if they want to score a technical point, may press this resolution—a resolution which was my own resolution in the previous Council—and which is based on the same principles on which we want to give relief to the poorer man because after all there are several thousands of people who own *chahi* lands and they are small owners and they might be given some relief. But after all these various considerations that I have put before them, I am sure they will agree with me that the suggestion which I make is more equitable, rational and reasonable because it may give us an opportunity of seeing the whole thing in its true perspective with regard to the two reports before us and then assess relief according to the rates at which we want to give relief to the various classes of people. There is one other point which my honourable friend must not forget and that is this. All of us who have studied the budget will remember that last year we provided a small sum of one lakh to encourage well-sinking in a particular area in the province as an experimental measure. Our object was that if this experiment were successful in that particular area, we would be able to extend it to other parts of the province. This year we have provided a larger amount in the budget for that very purpose. The conditions on which we are prepared to encourage well-sinking are these. We pay a certain amount up to a certain maximum to the cultivator or the peasant on the condition that we give him a lump sum and if necessary he provides the rest or we, practically in some cases, provide the whole amount without charging any interest or asking him to return the capital. Government is after all not a philanthropic body. Why does it do so? There are two reasons. The first is that we want to make canal irrigation quite secure in certain areas because where there is canal irrigation and water is not sufficient, these wells help to mature the crop which otherwise would not have matured and would have become *khara* and Government would have suffered a loss. Where the zamindar gains, the Government also gains and where the zamindar loses, Government also loses. It is for that reason that we wanted to encourage that experiment and if that experiment is successful, we shall be prepared to consider the extension of the experiment throughout the province. It might cost the province a great deal of money, but I think that it will be money well spent because it will indirectly and in due course bring back the same or an equivalent or a larger return to the provincial exchequer. That also is a point which we must not forget in considering this resolution because if we accept this resolution, as it stands, it would practically mean that Government will have to stop that experiment and no further well-sinking will be encouraged. I do not want to anticipate my honourable colleague, who will probably like to give you figures with regard to *chahi* area and *chahi* irrigation, but in conclusion I once again wish to appeal to my honourable friends opposite that if they genuinely feel that we must give relief to the poor peasants then they should not tie the hands of the Government or anticipate reports of these two committees which, when available, will give us an opportunity to consider not only the question of relief to *chahi* areas but also to all small zamindars to whom it is our desire and it should be the desire of our friends opposite to give relief when the time comes. (*Loud applause.*)

Sardar Ajit Singh (South-West Punjab, Sikh, Rural), (*Punjabi*): Sir, I rise to oppose the amendment moved by my honourable friend Mir Maqbool Mahmood and support the resolution moved by my honourable friend Chaudhri Sahib Ram. It is said—

تا تویاق از عراق آورده شود مارگزیده مرده شود

I mean that the zamindars will be completely ruined by the time the report of the Darling Committee is submitted to the Government. It is very strange indeed that whenever a salutary measure is proposed which may be calculated to benefit the zamindars of this province, our Government takes shelter behind the Darling Committee and manages to avoid the issue in order to save their skin. But when the question of their drawing fat salaries comes up before the House, they never wait for the report of the Darling Committee. (*Laughter*).

Coming to the subject matter of the resolution which is now before the House, I may observe that there is absolutely no justification in imposing the *chaki* rates on a poor agriculturist who sinks well at his own cost and purchases the bullocks to work that well for irrigating his land. The zamindar works hard in the field and he thus improves his land, and the Government of Sir Sikander Hyat-Khan steps in and demands a share out of the hard earned money of the agriculturist. I may remind the honourable House that at the time of general elections, the Unionist Party had given a solemn pledge to their voters that the Unionist Government, if formed, would abolish such taxes as the *chaki* rates and would do so many other things for the poor agriculturist. But now they seem to have been intoxicated by their ruling power and they are going back upon their words. In particular I would like to remind the Honourable Sir Sikander Hyat-Khan, the Honourable Sir Chhotu Ram and Khan Bahadur Mian Ahmad Yar Khan Daulatana that on the 17th of March, 1927, the Honourable Sir Chhotu Ram moved a cut motion in the last Legislative Council in order to discuss the question of the abolition of the *chaki* rates which was carried with the help of Sir Sikander Hyat-Khan and Mian Ahmad Yar Khan Daulatana. These honourable gentlemen showed the proceedings of the Punjab Council relating to this cut motion to their electorates in order to win their support. But where has their lip sympathy gone now?*

غالباً حکومت کا حسن دیکھ کر آنکھیں بدل گئیں

Minister for Revenue: The honourable member's statement is not correct.

Sardar Ajit Singh: Again, it may be argued that if well irrigation is not a paying business why is the number of wells multiplying in the province? My reply to this is a simple one. God's displeasure has also descended upon them even as the Unionist Government has forsaken them. He has withheld rains. The only course left open to them, therefore, is to sink wells with a view to make both ends meet, and in so doing they have sold and are selling their ornaments and all other savings. But mark the injustice of the Government in recovering no less than Rs. 45 lakhs in the form of the *chaki* rates, under the pretext that the value of the land has been enhanced by well water. But one may ask "who has taken pains to enhance the value of the land?" The fact of the matter is that wells in

[S. Ajit Singh.]

this province number about 321,000, and they cost the agriculturists no less than 45 crores of rupees. If we calculate the amount of interest on this sum at the lowest rates charged by the co-operative societies, say eight annas per cent. per month, it will come to 3 crores, but, if it is calculated at the rates charged by the alleged *banias* of Sir Sundar Singh Majithia whom he wants now to take to task, the amount of interest will be 5½ crores and if unfortunately a poor agriculturist is entrapped by an alleged *bania* of Sir Chhota Ram then it is no need to worry about calculating the interest. Simply double the amount advanced yearly and go on multiplying till the zamindar is exhausted and parts with his well and other holdings if still left. It is perfectly clear, therefore, that the interest equals the principle spent on well sinking. The zamindar stands under a serious disadvantage in working wells for irrigation purposes which fact is always acknowledged by all. Government reports that the well irrigation is the most expensive one. But in spite of this fact he cannot but do this to earn his livelihood. The imposition of the *chahi* rates in such circumstances is extremely unfair.

Now let us turn our attention to another calamity which has visited the *chahi* areas. I mean the Doaba is suffering from a very dangerous calamity which solely depends upon well irrigation. The water level in wells is sinking deeper and deeper, and in some cases wells have got dried up, nonetheless the *chahi* rates are being charged, which is very unjust.

Minister for Revenue : It is wrong.

Sardar Ajit Singh : It is correct. Kindly go to the Doaba and see it. The Honourable Minister should note that if he takes the trouble to go to the Doaba, he will find that all the old wells are dried up, and even the newly erected wells have not got sufficient water for well irrigation. In many cases the zamindar has to hanker after drinking water even from the well which cost him the mortgage of his whole *khata* of holdings. In short well irrigation is very expensive and it does not become the Government to charge the *chahi* rates on it. In view of these hard facts, I hope that even the ministerialists will vote with us to-day in favour of this resolution and thus earn the good wishes of their constituents.

Minister for Revenue (Honourable Dr. Sir Sundar Singh Majithia) : Sir, the question about *chahi* rates has been discussed several times before this. My honourable friend said that Mir Maqbool Mahmood had asserted that the cut motion of my friend Sir Chhota Ram was not carried. This is a wrong statement he has made. It was carried by 30 to 26 votes. Coming to this question, Government after the resolution was passed by the Council looked into the matter very carefully and fully considered it with the Land Advisory Committee that was in existence at the time and went into the whole question and on the advice of the Advisory Committee, who were unanimous in this matter, consisting of both officials and non-officials, decided that the question should not be taken up then.

My honourable friends have all along been saying that the Government is taxing the people of the Punjab for putting in these tube-wells and that the Government is not doing anything in the matter of giving any relief to these zamindars. I think it is a statement which has been made without the knowledge of the facts as they stand. The Honourable Premier has said just now that there are productive leases which run from 20 years to 40 years. In this

period, the zamindar recoups the expenditure that he has incurred in sinking that well, even more than double the amount that he has spent on sinking that well. Now, when the assessment is made, my honourable friend Sardar Kishan Singh said that Government does not consider what is the expenditure that is incurred by the zamindar in getting water for irrigation from tube-wells. Perhaps, my honourable friend has been living in a colony area where the supply of water is very easy and where people do not use water that is available from canals as economically as they use water from wells for which purpose they have to spend more than what they do in the other case. In the other case they open outlets and sit at their homes till the whole land is irrigated, and sometimes the water overflows three, four or five inches, while in the case of land which is irrigated by wells, one has to do it very carefully. I know what happens in the adjoining province of the United Provinces. There poor zamindars sink these wells. Some sink *pacca* wells and some sink *kacha* wells which are called *chours* and by means of what is called there *dhainkul* they irrigate their lands. They carry the water to their fields in small pits which they dig at different places with an instrument called *hatha* made of wood and splash water all round. That is how they irrigate their fields there. Here in the Punjab it is quite different. Of course, I admit that irrigation by well is much more costly than irrigation by canal and far more costly than irrigation by God-sent rain. But my honourable friends have said that we have not calculated what is the expenditure of zamindars who pay *chaki* rates. Let me read the speech, which was delivered by Mr. King, Financial Commissioner, in the Council Chamber, on 17th March, 1927. He said —

“Government before it applies any assessment on well lands allows the revenue payer who has sunk a well a remission on that well assessed for a period which is not less than 20 years and which may be as much as 40 years. During that time there is no assessment at all on the land revenue payable by the sinker of the well. The whole profit derived from the well for a period of not less than 20 and it may be 40 years goes into the pocket of the person who has sunk it and it is directed that in applying and ascertaining the period which shall be fixed for its ‘Productive lease’ as it is called, the owner of the land and the sinker of the well shall be allowed to recoup himself to the extent of twice the capital cost of sinking the well.”

That is what he said.

Now, coming to another point which was raised in the Land Revenue Committee, my honourable friends perhaps do not know that when assessment is made, the zamindars themselves distribute this assessment on different lands. They distribute it on *chaki* land, they distribute it on *barani* land and they distribute it on irrigated land where that exists. Therefore, before this matter is to be decided and the *chaki* rate is abolished, we have to take into consideration all those factors. Then, as I have said before, in assessing the half net assets, in olden times, the percentage used to be 50. That has been reduced, as honourable members are aware, by the law that was passed some time back, to 25 per cent. Now, after allowing these things that I have mentioned, can my honourable friends still think that Government is not doing its duty and is not giving relief to these poor zamindars? I am afraid I cannot say anything more than what I have said before on the floor of the House as to what the Government has been doing in giving relief to the people of this province. But let me tell my friends, Sir, that in the matter of the assessment of *chaki* lands, what my honourable friends

[Minister for Revenue.]

think is that a man, who invests money, earns his income by investing that money, as the Honourable Premier said, in some industry and things like that, spends his energy, gives his time, gives his labour and earns something and on his earning income-tax is assessed. I have the fullest sympathy in the matter of giving relief to my poor zamindar friends and I would not be found lacking when the time for doing so comes and I hope the time will come very soon and it is not very far off that we shall be able to do something in this matter. But on the one hand, I may point out that we are asked by certain friends, first of all, to apply the principle of income-tax to the assessment of lands in this province, which in other words, means that you give up 4 crores and have only 57 lakhs of land revenue that the Government collects from the people. Another proposal is put forward by certain friends, very enthusiastic in trying to show like that old woman

ان زالون ہیدجلی دیہے کرنی that they have got the best interests of zamindars at heart and they say, "Reduce the *abiana* rates by 50 per cent." That means another 3 crores to Government. On the other hand, my honourable friends say that we must do something for the people outside in the villages to improve their social status and we must improve their position and that we must give them the same facilities as people in towns enjoy. I have got the fullest sympathy with that object, but let me say whether it is possible to expect that all those facilities should be provided, in the terms of the Punjabi saying تہیں وڑے نہہیں یک سکد۔ Can you do that without money? Can you do that without the resources at your disposal? On the one side our friends say, cut down the resources of the province and on the other, they want to increase the expenditure. How can any Government agree to a proposition of that nature? It has already been pointed out that the difference between the *chahi* rates and the *barani* rates ranges between four annas and eight annas and not more. Is it the contention of my honourable friends that the whole of the rates should be abolished along with the whole of the land revenue? Is that the meaning of my honourable friends? If that is so, then it certainly means that they want the administration of this province to come to a standstill. Can any Government agree to do that? Has the Government of our neighbouring province, the United Provinces, done that? What has it done? I am sorry to say that differences between the zamindars and the tenants have been created and nothing definite has resulted so far in this matter. While putting forward before the Agricultural Commission the principle in regard to this matter, the Punjab Government wrote as follows :—

"For the ruling power to preclude itself from claiming a larger revenue from the land because its produce has been increased by the expenditure of the capital and labour of the occupiers is impracticable and opposed to immemorial usage. The State may be likened to an influential sleeping partner who has given to the other partners the right of managing and developing the property, but has not cut himself off from sharing to some extent in the growth of the receipts due directly to their enterprise, but indirectly also to his moderation and power of securing to his associates the peaceable enjoyment of the fruits of their industry. Justice and policy certainly demand that they should be guaranteed a fair profit on their expenditure, but no villager dreams of complaining that his fields are not assessed at their prairie value, or that well lands are rated higher than unirrigated soils."

I have said before that Government has given them the benefit of protective leases and allowed them to recoup double the expenditure that they incurred in sinking those wells. The Honourable Premier just now told the House what Government is doing in this matter by providing funds for sinking wells in other areas so that people may be able to work their fields and derive greater benefits from them. The matter, as the Honourable Premier just now said, has been under the consideration of Darling Committee and of the Resources and Retrenchment Committee and for my honourable friends opposite to ask us to anticipate the findings of those committees without knowing what their recommendations are going to be is to put the cart before the horse. That is not in the real interest of the province as my friends claim it to be. (*Hear, hear*). I may inform the House that the report of the Darling Committee has been signed by its members and is now in the press and will probably be in the hands of honourable members at no distant date. The report of the other committee will also be signed and after it has been printed it will be available. The Government will then carefully look into the matter. I do not think our friends can complain that we will not be doing our duty in giving consideration to the recommendations of the two committees and if this remission of forty-two lakhs of rupees has to be given, Government will not hesitate to do its duty in this matter. (*Cheers*).

Khan Bahadur Mian Ahmad Yar Khan Daulatana : I move—

That the question be now put.

(*Voices from the Opposition benches :* No, no).

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : Resolution under consideration, amendment moved—

That in lines 1-2, for the words "to abolish the *chaki* rates forthwith" the following be substituted:—

"That along with the consideration of the recommendations of the Darling Committee and Resources of Revenue Committee, they should take up the question of the abolition of the *chaki* rates particularly so far as they are applicable to the small cultivators in the province who till lands themselves."

The question is that the amendment be adopted.

The Assembly divided : Ayes 76 : Noes 80.

AYES.

Abdul Haye, The Honourable Mian.	Ashiq Hussain, Captain.
Adul Rab, Mian.	Badar-Mohy-ud-Din Qadri, Mian.
Abdul Bahim, Chaudhri (Gurdaspur).	Balwant Singh, Sardar.
Abdul Bahim, Chaudhri (Gurgaon).	Binda Saran, Rai Bahadur.
Afzaalali Hasnie, Sayed.	Chhotu Ram, The Honourable Chaudhri Sir.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Dassundha Singh, Sardar.
Ahmad Yar Khan, Chaudhri.	Dina Nath, Captain.
Akbar Ali, Pir.	Faiz Muhammad, Shaikh.
Ali Akbar, Chaudhri.	Farman Ali Khan, Subedar Major Raja.
Amjad Ali Shah, Sayed.	Fateh Jang Singh, 2nd-Lieut. Bhai.
Anant Ram, Chaudhri.	

Fateh Muhammad, Mian.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muhammad Yasin Khan, Chaudhri.
Fazal Karim Baksh, Mian.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Ghazanfar Ali Khan, Raja.	Muzaffar Ali Khan Qizilbash, Sardar.
Girdhari Das, Mahant.	Nasir-ud-Din, Chaudhri.
Gopal Das, Rai Bahadur Lala.	Naunihal Singh Mann, Lieutenant Sardar.
Gopal Singh (American), Sardar.	Nur Ahmed Khan, Khan Sahib Mian.
Gurbachan Singh, Sardar Sahib Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Habib Ullah Khan, Malik.	Pritam Singh Siddhu, Sardar.
Haibat Khan Daba, Khan.	Ranpat Singh, Chaudhri.
Harnam Das, Lala.	Riasat Ali, Khan Bahadur Chaudhri.
Het Ram, Rai Sahib Chaudhri.	Ripudaman Singh, Thakur.
Indar Singh, Sardar.	Shahadat Khan, Khan Sahib Rai.
Jogindar Singh Man, Sardar.	Shah Nawaz, Mrs. J. A.
Jugal Kishore, Chaudhri.	Sham Lal, Rai Bahadur Chaudhri.
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.	Sikander Hyat-Khan, The Honourable Major Sir.
Kishan Das, Seth.	Sita Ram, Lala.
Manohar Lal, The Honourable Mr.	Sohan Lal, Rai Sahib Lala.
Maqbool Mahmood, Mir.	Sultan Mahmood Hottana, Mian.
Muhammad Abdul Rahman Khan, Chaudhri.	Sumer Singh, Chaudhri.
Muhammad Ashraf, Chaudhri.	Sundar Singh Majithia, The Honourable Dr. Sir.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.	Suraj Mal, Chaudhri.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Talib Hussain Khan, Khan.
Muhammad Hussain, Sardar.	Tara Singh, Sardar.
Muhammad Hussain, Chaudhri.	Tikka Ram, Chaudhri.
Muhammad Saadat Ali Khan, Khan Sahib Khan.	Ujjal Singh, Sardar Bahadur, Sardar.
Muhammad Sarfraz Khan, Chaudhri.	Wali Muhammad Sayyal Hiraj, Sardar.
Muhammad Sarfraz Khan, Raja.	

NOES.

Abdul Aziz, Mian.	Kapoor Singh, Sardar.
Ajit Singh, Sardar.	Kartar Singh, Chaudhri.
Baldev Singh, Sardar.	Kartar Singh, Sardar.
Bhagat Ram, Choda, Lala.	Kishan Singh, Sardar.
Bhagat Ram Sharma, Pandit.	Lal Singh, Sardar.
Bhim Sen Sachar, Lala.	Mazhar Ali Azhar, Maulvi.
Dev Raj Sethi, Lala.	Muhammad Hassan, Chaudhri.
Duni Chand, Lala.	Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
Duni Chand, Mts.	Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
Hari Lal, Munshi.	Mula Singh, Sardar.
Hari Singh, Sardar.	
Kabul Singh, Master.	

Partab Singh, Sardar.
 Baghbir Kaur, Shrimati.
 Ram Sarup, Chaudhri.
 Rur Singh, Sardar.

Sahib Ram, Chaudhri.
 Sant Ram Seth, Dr.
 Sohan Singh, Josh, Sardar.
 Sudarshan, Seth.

Mr. Speaker : Question is—

That the resolution as amended be passed.

The motion was carried.

QUARRYING OF KANKAR.

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

This Assembly recommends to the Government to frame a simple and easily intelligible rule declaring that no person quarrying kankar or stone for private use from land belonging to himself or from *shamlat* in which he is co-sharer or from land belonging to others whose consent for quarrying he has obtained shall have to obtain a licence or pay a royalty.

What this resolution demands is simple and reasonable. I, therefore, do not see any necessity to make a lengthy speech in this respect. The objects and reasons of this resolution are that the poor zamindars and the labour class people of the locality may be allowed to quarry *kankar* or stone from land belonging to themselves or otherwise without obtaining a licence or paying a royalty for doing so. Previously these poor owners of the land were at full liberty to make any use they liked of the ordinary stone lying in the fields. But during the past four or five years the Government have issued orders prohibiting them from doing so without obtaining licence. It is for this reason that the necessity of such a resolution has arisen.

In the Mines and Minerals Act there are some rules in existence according to which if anybody at the time of digging or filling the ground happens to find some sort of hidden treasure buried in it he could not lay claim to that treasure, but that would go to the Government. It did not strike anybody at that time that these very rules would one day stand in the way of those poor zamindars and labour class people who would like to quarry valueless stones and *kankars* from their own land for even their private use and they would have to obtain a licence or pay a royalty for this purpose. There has been no such rule which would mitigate the condition of the poor zamindars for the last five or six years. Now my resolution seeks that those persons may be allowed to quarry stones and *kankar* without obtaining a licence or paying a royalty. I would like to say a few words more. I remember, last year during the budget session my honourable friends Raja Ghazanfar Ali and Mian Muhammad Yusuf Khan put much stress on this point, which I have brought before the House in the shape of a resolution. They asked the Government to frame such rules which could give facilities and concessions to the labour class. By moving the above resolution, I have put the same demand in a regular manner and I hope the Government in view of the interest of poor labour class people would have no objection in accepting it. I may also clear one point more and that is that the facilities asked for should be confined for private and charitable purposes only and not for trade purposes.

Before I take my seat, Sir, I may say a word about the procedure of bringing such important matters to the notice of the Government. The

[L. Sita Ram.]

only effective method is to move a resolution but the method of bringing resolutions before this House for discussion is not an easy task as out of a very large number of resolutions of which notices are given, a few survive the ballot. I gave notice of so many resolutions including several in connection with the labour problems but none of them has appeared in the ballot. It is, therefore, very gratifying to note that this resolution out of so many has been spared by the ballot, and what is more, it has succeeded in getting the second place in the list thus giving me an opportunity to move it in the honourable House. As this resolution is of a non-controversial nature and is expected to affect all parties in this House equally, I hope the whole House will unanimously support it and request the Government to accept it without any further discussion. With these few words I beg leave to move my resolution.

Mr. Speaker: The resolution moved is—

This Assembly recommends to the Government to frame a simple and easily intelligible rule declaring that no person quarrying *kankar* or stone for private use from land belonging to himself or from a *shamilat* in which he is a co-sharer or from land belonging to others whose consent for quarrying he has obtained, shall have to obtain a license or pay a royalty.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): Sir, after the debate on the resolution that was moved in June, 1937, Government took the matter into consideration and they passed this rule in compliance with that demand—

The collector may issue a general permit for 5 years renewable for like period authorising all persons being owners or occupancy tenants of agricultural land in any estate to quarry under the limitations prescribed in rule 5, but without applying for or receiving the permit prescribed in rules 5 and 6.

We have done that, but if my honourable friend the mover of this resolution still feels that there is some defect and that the rule is not quite intelligible, I am prepared to clarify it still further so that it might meet his wishes. (*Ministerial cheers*). In the ordinary course *kankar* which does not belong to the landlord is obtainable only on the payment of royalties. (*Hear, hear*).

Lala Sita Ram: In view of the assurance that the Honourable Minister for Revenue has been pleased to give on the floor of this House just now, I beg leave to withdraw my resolution.

The resolution was, by leave, withdrawn.

REPRESENTATION OF GROWERS AND CONSUMERS ON TARIFF BOARD.

Mian Badar Mohy-ud-Din Qadri (Batala, Muhammadan, Rural): I beg to move—

This Assembly recommends to the Government to press strongly upon the attention of the Government of India the necessity of securing in the personnel of the Tariff Board an eighty per cent. representation of the interests of growers and consumers through representatives who are not personally associated with industrial interests.

Sir, my resolution as worded speaks for itself and I need not make a long speech in commending it to the notice of the House. It is admitted that the advancement of India and the welfare of zamindars are not separable from each other. Rather the advancement of our country depends upon the

welfare of the agriculturist classes. This principle should be kept in mind on all occasions. There is no denying the fact that the Tariff Board established by the Government of India is intended to protect the legitimate interests of the various classes living in this country but unfortunately the industrialists have monopolised its personnel as if the producers and the growers have no interests of their own to be represented in the personnel of the Tariff Board. Far from it. The rural and agricultural classes have a strong claim to be represented as the bulk of the population in this country resides in the villages and it is quite in the fitness of things to safeguard their interests. But it is a thousand pities that growers and consumers have not been given adequate representation in the Tariff Board while the mill-owners have monopolised its personnel. It is hoped, therefore, that my resolution will meet with the unanimous approval of the House.

With these words, Sir, I move my resolution.

Mr. Speaker : Resolution moved :—

This Assembly recommends to the Government to press strongly upon the attention of the Government of India the necessity of securing in the personnel of the Tariff Board an eighty per cent. representation of the interests of growers and consumers through representatives who are not personally associated with industrial interests.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I beg to move the following amendment—

That in line 3 for the words "and eighty per cent." the word 'due' be substituted.

It is only a verbal amendment and the object of this amendment is merely to make the resolution more practicable. The object is not to tie down the hands of the Government to any particular percentage or any particular number, but the object of moving this resolution is that the Government should undo the injustice which has been perpetrated for a long time. It is an admitted fact that in almost all the central subjects and particularly those pertaining to trade and industry the interests of Bombay have always prevailed over other interests. The Punjab province naturally is under a great disadvantage on account of its not being represented on the Tariff Board. Therefore I hope that the Government which is a zamindar Government and the Minister-in-charge of this department, the Honourable Chaudhri Sir Chhotu Ram, who has so much at heart the interests of the zamindars, will make a strong representation to the Government of India, that they should give effect to the unanimous wishes of this House by giving a proper and due representation to the Punjab on the Tariff Board. With these words I commend my amendment to the House.

Mr. Speaker : Resolution under consideration, amendment moved—

That in line 3 for the words 'and eighty per cent.' the word 'due' be substituted.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

I rise to give my whole-hearted support to the resolution as amended. As the honourable members would recall, the Indian Tariff Board was set up in pursuance of a resolution of the Central Legislative Assembly in February, 1929. That resolution stated that the fiscal policy of the Government of India may legitimately be directed towards fostering the development of industry and secondly that in the application of the above principle of protection financial needs and dependence of the Government of India on import and export should be taken into consideration,

{S. B. S. Ujjal Singh.}

that the principle should be applied with discrimination and that the Tariff Board be set up consisting of three members one of whom should be a Government official and two non-officials. From 1923 up to 1937 several Tariff Boards have been set up consisting of three members but I fail to recollect whether in any of these Boards a representative of the interests of the growers has found a place on any board. I do not mean to convey that the interests of the growers are in any way antagonistic to the interests of the industrialists but I do claim that in considering methods of fiscal policy there are occasions when the interests of the growers have got to be protected. The Tariff Board, while determining the amount of protection to a particular industry, has got to take into consideration two or three factors. One factor is whether for protecting that industry natural advantages exist in the country and secondly whether that industry cannot flourish without giving adequate protection to it and thirdly whether the industry will continue to flourish when the period of protection has come to an end. Various Tariff Boards have given protection to several industries and honourable members would recall that in protecting certain industries the grower has either benefited to a great extent or suffered a loss to some extent. I do not mean to say that in giving that protection the grower has invariably suffered. What I mean to convey is this, that the recommendations of the Tariff Board have a very great bearing on the interests of the grower and it is for this reason that we in this House wish to impress on the Government of India that a representative of the growers ought to find a place on the Tariff Board. Honourable members would realise that when protection was given to sugar a great impetus was given to the cultivation of sugarcane so much so that during the last eight or ten years cultivation of sugarcane has gone up by 33 per cent. On the other hand when steel industry was protected the danger of increased cost of agricultural implements or increase in freight rates as a result of higher cost of wagons and Railway material was realised by the Tariff Board. Similarly when protection was given to textile industry it is doubtful whether the interests of cotton growers received the consideration that was due to them. In 1927 the duty on textile goods was 11 per cent. It was raised to 15 per cent. and in 1931 it was raised to 25 per cent. Again in 1932 it was raised to 50 per cent and in 1933 it was raised to 75 per cent. against goods other than British goods which duty was reduced to 50 per cent. again in 1934 as a result of the Indo-Japanese Treaty. In this connection I would like to say that the interests of the cotton growers have not always been sufficiently taken into consideration. I have full sympathy with the development of cotton industry but I fail to understand that with all the protective duty and the consequent higher prices for cotton cloth, the cotton mill-owners in India have not been patriotic enough to buy all their requirements from India. In 1937 alone nearly 290 thousand bales of cotton were imported from East Africa whereas England bought 81,000 bales from that country during that period. Nearly five hundred thousand bales of cotton are imported from foreign countries annually. I do not understand why mill-owners, with that protection given to them,—and we all know that that industry is flourishing and we are glad that that industry is flourishing—are not able and do not wish to meet their requirements from Indian cotton. (*Hear, hear*). We in the Punjab have been, for the last several

years, producing cotton of very fine quality and of very long staple but in spite of that we find that the mill-owners are purchasing foreign stuff. The result is as some of the cotton growers know a fine variety of cotton No. 299-F., which was fetching a very high premium three or four months back, has lost all that premium resulting in great loss to the cotton grower. Sir, it is for this reason that we insist that a representative of the growers ought to find a place on the Tariff Board. I do not wish to take long because the time is very short and some other honourable members wish to speak and with these few words I strongly support the resolution.

Lala Duni Chand (Ambala and Simla, General, Rural): I would like to add only a few words to the debate on this resolution. It is in my opinion wrong in principle to fix the representation of any interest (*Unionist benches: hear, hear*) or any particular body of persons. I understand the Tariff Board is a body of experts. If the growers and the consumers can produce experts I will not mind giving them cent. per cent. representation; but there are many things that can be done efficiently only by the experts. It is a wrong assumption to think that the great industrialists or the great mill-owners of the country are not alive to their duty towards the growers and consumers. I do not think any discrimination can be made on this point. If the consumers and the growers can produce experts not only for the purpose of the Tariff Board but for many other things we shall welcome them. It is a pernicious principle to lay down that any particular interest or any particular body of persons should necessarily be represented on any board. The functions of the Board are very peculiar. If there is any expert, whether he belongs to the body of growers or consumers he will be welcome. The question is whether the members of the Tariff Board should be competent persons. I may say another thing also. The Tariff Board should consist of persons who can form a sound view with regard to industries and finance not only of India but of other countries of the world. It is not the narrow-minded persons or men with small ideas who can promote great things. We require great brains to promote great things. Of course to that extent I am opposed to this principle; otherwise if you can give us the best men from the growers and consumers I for one shall welcome their cent. per cent. representation on the Tariff Board (*hear, hear*).

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh, North (Muhammadan) Rural) (*Urdu*): Mr. Speaker, Sir, I am surprised at the attitude of the Congress party on this resolution, as evinced by the speech of my honourable friend Lala Duni Chand who has preceded me. Our Congress friends shout from the house tops that they are the real well-wishers of the poor classes and peasants, but when the time for action comes they conveniently forget their creed and declarations. My friend Lala Duni Chand has opposed the resolution on the ground that it would be wrong in principle to seek representation of the interests of growers and consumers on a body of experts. I am at a loss to understand the logic of my friend's argument. His plea is inconsistent with the recommendations of the Indian Fiscal Commission, on whose recommendations the Indian Tariff Board came into being. In their report the Indian Fiscal Commission remarked that 'The principle should be accepted that the best men available are to be engaged, selection depending rather on general qualifications than on specialised or expert knowledge'. The Indian members of the Indian Fiscal

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Commission in their minority report further remarked that 'The Board must be one which will command the confidence of the country, and must be above suspicion of any subservience to particular interests. While agreeing with this general proposition, we think it is necessary to secure judicial decision amongst the conflicting interests and to have the consumers represented upon it.'

Sir, the House will agree with me that the principle underlying this resolution is not inconsistent with the recommendations of the Indian Fiscal Commission. I admit that the members of the Indian Tariff Board should be men of ability, of integrity and of impartiality and should possess sufficient knowledge of economics and financial matters, but there is no dearth of such men among the growers and consumers in this country. When we can find people to fill the responsible position of the Deputy Governor of the Reserve Bank of India from this class, it is wrong to say that persons possessing requisite qualifications are not forthcoming from the class of growers and consumers in this country. Let my friend realise that an illustrious representative of the Punjab agriculturists filled the post of Deputy Governor of the Reserve Bank of India with great success and dignity. (*Cheers*). A perusal of the list of members of the Indian Tariff Board since its inception will show that the growers and consumers have received no representation on the Board. More than 75 per cent. of the population of this country depends for their livelihood on agriculture which is the main industry of India and shall always remain the occupation of the great mass of people of this country. Let us also realise that this class forms an overwhelming majority of consumers in India. It is, therefore, fair and equitable that they should have an adequate voice in framing the fiscal policy of the country. It seems our Congress friend could not resist the temptation of furthering the interests of the mill-owners even to the detriment of the poor peasants and consumers. I do not blame him for this attitude because everyone of us is aware of the intimate relations existing between the Congress and the Ahmedabad and Birla Mills. The Indian capitalists and mill-owners are the first love of the Congress and the interest of the cultivators and poor consumers is a secondary thing with the Congress. As my honourable friend Sardar Ujjal Singh has pointed out a large quantity of foreign yarn and cotton is imported by the Indian Textile Mills. The cloth manufactured from the foreign cotton and yarn after being imprinted with the seal of the Congress loses all traces of its impure foreign origin and is passed off as pure 'Khadi' by these mills, which of course, pay the Congress cess for getting the 'Swadeshi' seal of the Congress for their goods manufactured from foreign materials.

Sardar Sohan Singh Josh : As your Premier went to Mr. Jinnah to secure the seal of Muslim League for the Unionist Party.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, it was not only the Premier of the Punjab who went to Mr. Jinnah but the saint of the Congress also went to Mr. Jinnah to secure his seal. I am glad our Congress friends have after all realised the importance of Muslim League and consider it at par with their organisation (*Opposition* : No. No). Well Sir, they can't deny the facts. Let me remind my friends that they can't mislead

the masses now by throwing dust into their eyes. Their own actions belie their professions. Sir, I fully agree with the principle of the resolution, but I would appeal to my honourable friend the mover of the resolution to accept the amendment proposed by Raja Ghazanfar Ali Khan. The Indian Tariff Board consists of a chairman and two members. If we insist that there should be 80 per cent. representation of the interests of growers and consumers in the personnel of the Tariff Board it would mean that no other interest will be represented on the Board and I am sure, my honourable friend does not intend to deny representation to other interests. What we want is that the interests of the growers and consumers should find adequate representation on the Tariff Board. With these words Sir, I whole-heartedly support the amended resolution.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, as I attach a good deal of importance to the resolution which is next on the list I will not say much about this resolution. I will just confine myself to an expression of my fullest sympathy with the object which this resolution has in view (*hear, hear*) I have felt it and have expressed my views more than once that the consumer and the grower have so far remained unrepresented in matters of tariff and I am glad that Mian Badar Mohy-ud-Din has given this House an opportunity to express its views on this important subject. I had no doubt when the resolution was first moved that every section of this House would express its sympathy with the resolution, but I find that there are certain people who do not seem to share this sympathy. I had been unable in the beginning to understand the thinness of attendance on the Congress benches. The tone of Lala Duni Chand's speech leads me to believe that the Congress benches have either no sympathy with the object of this resolution or have sympathy which is of the most diluted and qualified character.....

Lala Duni Chand: May I with your permission point that he is misrepresenting the Congress?

Mr. Speaker: Order, order.

Minister: There is no question of misrepresenting the Congress. (*Interruptions*). The speech which was made by Lala Duni Chand is the best interpretation of the honourable member's intentions. My interpretation of the speech is that either sympathy does not exist or exists in a most diluted form (*Opposition Benches*: Wrong interpretation). I know my speeches always bite those who represent industrial interests, it does not matter whether they are Congressmen or politicians of other brands. I recognise fully that it is very difficult to shed class instincts. I have not been able to shed some of mine, and I am not surprised that those who belong to industrial or commercial classes retain their instincts. It is really these class instincts which have found expression in the speech of Lala Duni Chand.

In all questions of tariff there are three parties which are interested. The first party is that of industrialists, mill-owners and factory owners. The second party is that of consumers; and the third party is of growers. Now industrialists, mill-owners and factory owners will instinctively press for protection, and while I admit that for nascent industries protection is essential all fair-minded persons must concede that this protection can be

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given only subject to certain conditions, within certain specified limits. My own feeling has been that these limits have been transgressed many a time, and one of the reasons why these limits have been transgressed is the fact that consumers and growers are never represented on the Tariff Board. I know for a fact that there are many mill-owners who have been able to declare huge profits ranging between 25 and 75 per cent. Can anybody seriously suggest that these huge profits are warranted, or that where these huge profits can be made protection is needed? I also realise that those who enter the field of industries for the first time, may stand in need of protection more than those who have been established in industries for a long time and a total abolition of protection may injure the interests of industry in general. But means should be found to reconcile the claims of industrialists and consumers. There are only two ways in which the startling economic results of protection can be reconciled with the interests of the general consuming public: either the measure of protection should be strictly limited or when profits have been made, a heavy excise duty should be charged, so that the proceeds of excise duty may be used to promote general services for the good of the community. But neither the one nor the other is being done. Therefore, I am very glad indeed that this resolution has given an opportunity to the House to express what it thinks about the present composition of the Tariff Board and about the manner in which the activities of the Tariff Board have been conducted so far. The resolution has my entire sympathy. I was feeling just one difficulty. The resolution as originally drafted suggests that consumers and growers should have a representation of 80 per cent. on the Tariff Board. Now the Tariff Board has only three persons on it, one Chairman and two members. If an eighty per cent. representation were to be given to consumers and growers, nothing would be left for anybody else. For this reason I welcome the amendment. It makes my task easy in agreeing to accept the resolution.

Lala Duni Chand : Sir, I want to put a question to the Honourable Minister for Development and that is whether he can propound any principle different from the principle that I have laid down, namely, that the Tariff Board should consist of—

Mr. Speaker : Is it a question or a second speech? (*Voices : Question be now put.*)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

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

That in line 3 for the words "an eighty per cent." the word "due" be substituted.

The question is that that amendment be made.

The motion was carried.

Mr. Speaker : The question is—

That the resolution as amended be adopted.

The motion was carried.

Sardar Muzaffar Ali Khan Qizilbash (Lahore, Muhammadan, Rural): Sir, with your permission I beg to move—

This Assembly recommends to the Government to press upon the Government of India the necessity of imposing forthwith with an import duty of Rs. 2 per cwt. on foreign wheat.

I will not take much time of the House, but I briefly give my reasons for moving this motion. The average price of wheat is not more than Rs. 2 per maund at present. Take the case of a small cultivator who cultivates one acre of land. If the land is *nehri* he gets at the most to-day about 18 maunds per acre. (A voice: 30 maunds). I am told that one acre produces 30 maunds, but I beg to differ. So, at Rs. 2 per maund he gets about Rs. 26. From this he has to pay land revenue and *abiana* to the extent of Rs. 9. What is left is Rs. 17. He requires seed for the next crop which costs Rs. 2-8-0 leaving with him Rs. 14-8-0. With this amount he has got to pay for fodder, he has got to maintain his bullocks, his servants, himself and his family and this much money is a poor return for the labour which he expends. The result is that the net income is practically nothing at the present moment. We have got to compete with foreign countries where they produce wheat on national and capitalistic basis. They employ modern methods and machinery. The result is that they can, in one day, cultivate 150 acres of land whereas the cultivator in the Punjab cannot do more than one acre a day. As prices are low there owing to over-production they dump all the surplus wheat in India with the result that prices of wheat diminish and the zamindar of the Punjab can hardly exist on the present prices. Under the present Government of India Act, I am afraid we cannot do anything in the matter except to make a representation to the Government of India through the local Government. I am sure the policy of the Government to-day is the policy which contemplates the prosperity and contentment of the Punjab peasant. With these few words I commend the resolution to the House and request it to pass it.

Mr. Speaker: Resolution moved is—

This Assembly recommends to the Government to press upon the Government of India the necessity of imposing forthwith an import duty of Rs. 2 per cwt. on foreign wheat.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban): I welcome this resolution (*hear, hear*) from the Unionist Party. (*An honourable member:* I hope it will not be modified). My friend opposite says that he hopes I shall not modify my view. I will not leave him long in doubt. I will tell him straightaway that I do modify my view and the modifications is towards the increase in the duty to be imposed on foreign wheat. I am not like the Honourable Minister for Development.

Mr. Speaker: The honourable member will not be personal please.

Lala Bhim Sen Sachar: I am not making any personal reference. I am using impersonal language. My view is not that the stage has come when no protection is needed. This is a stage when protection must be given. There are those who have eyes and yet they do not see the necessity of protection being granted to India in its present stage. I am happy that the Unionist Party has found something to approach the Government of

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India with, but permit me to remind the honourable members opposite that mere prayers and petitions do not carry any weight. Do my friends over there realise that the greaterst factor that goes towards keeping the price of agricultural produce at its lowest ebb is the most mischievous exchange ratio that is prevailing in the country? What is the Ministry going to do? Have they the courage to come forward and write to the Government of India that this is ruining the agriculturists and that they should forth with remove the cause which is responsible for ruining the peasantry of the province? Mere lip sympathy for the peasantry will not do. It is hardly doing anything for the peasant if you do not lighten his burden but go on adding to the expenses day in and day out. My honourable friends over there are not content even with that. They must have men brought from across the seas and foist them on the poor revenues of this province. Is this the sort of attitude they want to have for giving help to the poor peasant? What is necessary is that there should be a radical change of heart. My friends over there have for long been occupying places of power. They have been associated with the Government for a considerable time. What have they done to put pressure which is so necessary to move the Government of India? More pious resolutions of the sort now before the House are not sufficient. There can be no dearth of paper resolutions. We can have them to any extent. Does not the Minister for Development know of the crushing burden under which the peasantry is suffering? Does he really not know the causes to which the present plight of the peasants is traceable? We on this side are absolutely for giving the maximum protection to the producer, but for the protection to be effective honourable members on the opposite benches should be in a position to enforce their will on the Government of India. They should declare that they are going to join hands with other Congress governments in pressing upon the Government of India for the revision of the exchange ratio. My friends over there have the advantage of having a great economist in their ranks. It passes my comprehension why the Punjab Government with such a great economist at its back does not take the strongest stand for a change in the exchange ratio. If they are really anxious to mitigate the suffering of the poor peasants our whole-hearted co-operation is with them in seeing that their wishes are respected by the Government of India. But my honourable friends know that it is not the interest of the Government of India to revise the ratio. It is they who pay the piper that have a right to call the tune. Perhaps my friends are not convinced that the interest of India and of those in charge of the affairs of the Government of India are at variance. People in charge of the Government of India cannot view Indian problems from the point of view of Indians. My friends over there talk of capitalists and big mill-owners. Do they not know that in the most industrialised presidency, I mean Bombay, it is the Congress Government which as soon as it came into office increased the wages of the workers by a crore of rupees in the teeth of opposition? (*An honourable member*: Is it a propaganda speech?) No. I do not need to make any propaganda speech. I am not like the Minister for Development for whom any stick is good enough to beat the Congress with. I do not know for what purpose he said that he had no love for the Congress.

Mr. Speaker : That is not the motion before the House.

Lala Bhim Sen Sachar: This is merely by way of reply to the remarks of my honourable friend over there. What I was submitting was that there should be no mistake about the Congress position. The position of the Congress is this—(Interruption) I am talking of the position of my party which is the Congress Party. I am not speaking for myself, but for my party as a whole. Our position is this: We do not recognise any artificial differences. We recognise only one difference and that is the difference between the haves and have-nots. (Hear, hear). There is a class of haves and there is an overwhelming majority of have-nots.

Mr. Speaker: The honourable member is irrelevant.

Lala Bhim Sen Sachar: I am merely giving reasons in support of my point and explaining that the position of the Congress is clear. Any proposal of this type even if it comes from the Unionist Party will have our support and blessing. Our party is not like the Unionist Party.

Mr. Speaker: The honourable member has been irrelevant for the last seven minutes. I have tolerated him so far. I will give him only one more chance. If he is again irrelevant, I shall have to ask him to resume his seat.

Lala Bhim Sen Sachar: Probably it is the enthusiasm for the support that we want to give to this resolution that is responsible for taking me into side tracks or perhaps it is the very great provocation given by the benches opposite which was absolutely uncalled for. But the proposition before the House is very simple and I need not detain the House any longer with my speech. What I want to say is that the days when you said 'Huzoor, do this and do that' are gone. You must show your backbone and say that you are right.

Sayad Amjad Ali Shah: Is the honourable member aware that in 1935-36 the export of wheat amounted to 9,051 tons and if the ratio was 1/4 the difference would have been only Rs. 28,158? Does he know that? (An honourable member: What is the point)?

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, I did not wish to intervene in this debate at this stage. But the speech of my honourable friend opposite reminded me of Perry Peter on the Drury Lane Theatre. He was a very fluent speaker but Angels were jealous and they gave him a mental abberation so that he could only see one side of the picture and that also exaggerated. (Sardar Sohan Singh Josh: I think that this is the third time the honourable member is mentioning that story). With regard to the points my honourable friend has raised, I do not think that they were called for at all in this debate. He has thought fit to refer to the achievements of the Congress government. We know more about them.

Mr. Speaker: The honourable member should not refer to the Congress. He should speak to the motion.

Parliamentary Secretary: I can afford to ignore the so-called achievements of the Congress. But the point I was raising is this, that when we are considering questions of such economic importance to the country we have to think in terms of a responsible government and a responsible opposition and it is for us not to try to tackle these questions as if for propaganda. Now what is the resolution before the House? It recommends the levying of an import duty on wheat to the Government of India and I think it requires very serious consideration. Ordinarily any attempt to levy

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taxes on food products is a very retrograde step but if we in this House have put forward this proposition it is for us to be sure of the facts and figures and the merit of the proposition which we are advocating. Now what is the position? The position is that in the last ten years we in this country have always had a surplus of wheat over and above our needs for consumption. It has been calculated by experts of the Government of India that our annual average consumption of wheat in this country is 9 million tons and that for the last ten years consecutively the production of wheat in this country and particularly in northern India has been very much more than what we can consume. That is the first proposition. The second proposition which is to be considered is this. Our great importing countries where we used to send our wheat were Germany and America. In the last 8 years in Germany they have started a very strong movement under the leadership of their dictator that they should adopt measures by which the consumption of bread and particularly wheat bread should be reduced, so much so that in the last 8 years the importation of wheat in Germany has gone down by 60 per cent. Take next the case of the United States which used to import a great deal of our wheat. I have it on the figures quoted by the Honourable Mr. Manohar Lal that in the last few years while the population of the United States has increased by 60 per cent. the consumption of wheat in that country has only increased by 4 per cent.

Lala Duni Chand : What is the point of the speech? I do not understand it.

Parliamentary Secretary : My misfortune is that my honourable friend is not in the habit of following my arguments. The next point which we have to consider is this, that the cost of production of wheat has reached a stage when it cannot be lowered very much and we have it on the authority of the sub-committee of the League of Nations that the cost of production of wheat in this country cannot be very much reduced. Now, Sir, that is the dilemma for this province. We are an agricultural province. Wheat crop is our main crop and our back bone. Our exporting countries are closing their doors to us. We have a surplus here. In spite of that surplus wheat continues to come in and the cost of production is such that we cannot lower. That being the position we are face to face with the problem as to how to meet it and in that condition I submit that there is no other practical way open to us than to insist on the imposition of an import duty on wheat. There is another point in this connection which has to be borne in mind and it is this: that sitting here we have to hold the balance between the interests of the consumers and the interests of the growers and if it is felt that the imposition of this duty is likely to raise substantially the price of wheat to our consumers then we will have to think twice before we take up a position of that nature. The experience of the Government of India in 1931 has made it clear that in the years of our surplus the imposition of a duty of that nature does not raise the price of our wheat above the world level of wheat price. Taking into consideration all these things I feel that there will not be two opinions in this House that this very practical and sound proposition made by my friend deserves the support of this House.

Now there was one other point made by my friend opposite, Mr. Bhim Sen Sachar. He spoke with his usual oratory devoid of realities, if I may say

so, and said 'come with us, take your stick in your hand and go and impose your will on the Government.' (*An honourable member*: "Non-violent stick). Yes, non-violent stick. Let us go and impose our will on the Government of India. We must realise that we are not the non-martial, non-violent visionaries attacking things which we know will not deliver goods. We are fighters and clean fighters and we know that when we are making a reasonable proposition we will get a fair deal from the Government of India. We refuse to believe that the Government of India will not be and is not in touch with the new horizon and the new movement in India. We refuse to believe that the Government of India will not recognise the legitimate requests made from a province which is known for its sanity and reasonableness and which is the backbone not only for the security of India but for the security of the Empire and I hope and trust that in the hands of the Leader of the House, the Honourable the Premier and with the whole House behind him an irresistible appeal will be made which with the personal equation of His Excellency the Governor cannot be resisted by the Government of India.

Lala Duni Chand: Good English words have been wasted. (*An honourable member*: On you).

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural). (*Punjabi*): Sir, I rise to support this resolution. (*Hear, hear*). I may submit at the very outset that I have not got up to support this resolution because it is likely to benefit the zamindars (*Jats*) to some extent. I am supporting this resolution for the simple reason that it goes against the spirit displayed by the Honourable the Finance Minister in his budget speech. He was pleased to remark in the course of his speech that we are Punjabis and as the residents of an inland province, it is our duty not to be led astray by international developments. I am however pleased to note that a member of the Unionists Party has at long last felt that our province too is affected by international developments and that is the reason why the condition of our province is going from bad to worse. It would perhaps be within your knowledge that a capitalist owning up-to-date machinery can produce wheat on a large scale and as there is no dearth of capitalists, billions of maunds of wheat are produced.

Premier: Russia is also doing the same. (*Laughter*).

Sardar Sohan Singh Josh: I am coming to that as well. Sir, the wheat produced in this way requires only a small amount of hard work on the part of the producers and the wheat thus produced can be sold very cheaply as compared with the wheat that is produced here in the Punjab. Here we still stick to the same old type of ploughs which our great-grand-fathers used to till their lands with. We work very hard, yet our wheat cannot stand competition with the foreign wheat. It does not sell because of the foreign wheat which is imported from America and Russia after defraying all the shipping and freight charges, still sells cheaper at our ports. This is a cause of great hardship to the poor agriculturists.

The world-wide depression which started in 1929 has broken the heart of the poor zamindars. Since then they have not been able to stand on their own feet again. In 1914-15 the rate per maund of wheat was Rs. 3-2-0.

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whereas to-day it has come down to Rs. 1-12-0 per maund. My honourable friend who moved this amendment said that the present rate of wheat was Rs. 2 per maund. Although it is not correct, yet I accept it for the sake of argument. Even if we calculate at this price, the zamindars have suffered a net loss of 11 crores of rupees this year. What was needed was that the Government should have taken steps to stop this state of affairs. But what do they do? They simply bring in a resolution recommending to the Government of India the necessity of imposing an import duty of Rs. 2 per cwt., and the matter finishes here. You cannot hope to put things right in that way.

Our Secretary has remarked that with the recommendation of the Honourable Premier and His Excellency the Governor, the Government of India is likely to accept our demand. But what is the guarantee for that? Once before he said that the Government will permit us to deliver our speeches in Punjabi or Urdu but even that has not been granted so far. Why should they acquiesce in your demands? So long as you do not set your own house in order, nothing is going to come out of your demands. These resolutions that you move are not going to benefit the agriculturists.

The Honourable Minister for Finance had advised us not to think of things that happen outside our own province, and wanted us to disregard the international developments. I think he has by now learnt what effect the international developments can have over us. There was a time when the Punjab supplied wheat to many foreign countries but to-day Russia alone produces enough to supply the needs of a greater part of the world.

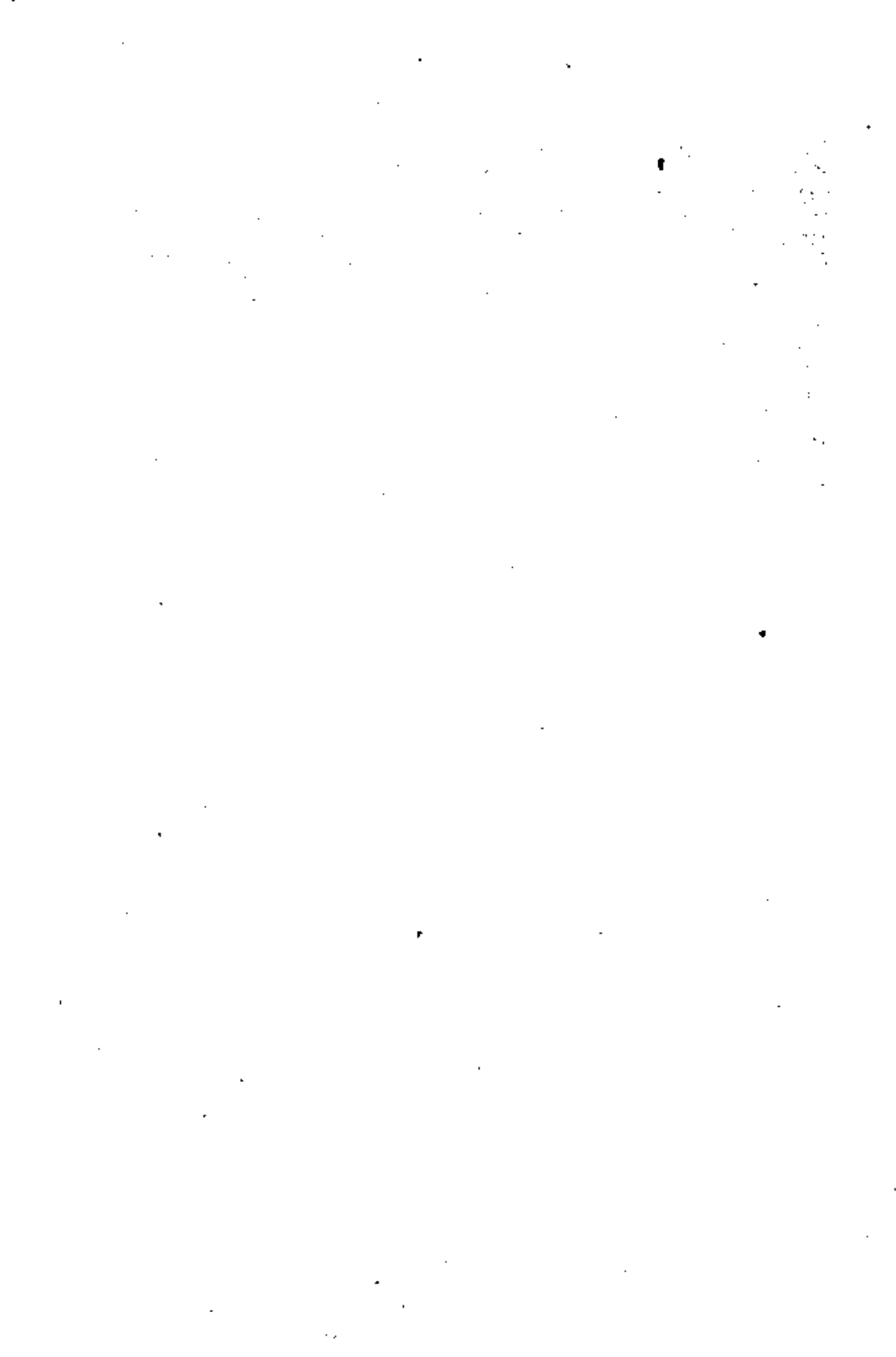
Minister for Finance : No.

Sardar Sohan Singh Josh : Yes. In the United States of America they even burn wheat as fuel for adjusting the market rates. When they can go to such extremes for the good of their country, can you not do something here? How can you manage to adjust rates when you do not have any power in your own hands? You cannot hope to set things right by mere talk. When we propose something for the good of the zamindar you pay a deaf ear to it. If we demand the abolition of *chahi* rates you refuse to accept it and when it is your turn to do something to ameliorate the condition of the poor agriculturists, you bring in such indifferent resolutions which cannot improve this state of affairs. Do something solid which may have a beneficial effect on the condition of the zamindars :--

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Sir, the importance of the question can be judged from the fact that we in this province produce about three million tons of wheat, that is one-third of the quantity produced in the whole of India. Sir, the price of wheat unfortunately to-day is much lower than what it has been for many years in the past excepting 1930-31 when the prices fell down to Rs. 1-9-0 per maund. Since the War or even before the War we never saw such a catastrophic fall in the price of wheat. You can well imagine the loss to the Punjab when you find that 8 crores of maunds of wheat are produced in this province. Even if the price can be raised by the imposition of import duty by

four annas the gain to the province as a whole would amount to two crores of rupees. It is for this reason that this question is of the utmost importance to us in the Punjab. It has been stated that the price of wheat cannot be raised only by means of imposition of import duty. I am prepared to admit that unless the quantity of wheat produced in India is a little short of the quantity that is required for consumption we will not be able to raise the price of wheat by import duty alone. We have this year a little exportable surplus and for this reason we have by the end of June been able to export nearly ten lakhs of bags of wheat with the result that stocks in Karachi and other ports have been reduced. If by exports we are able to reduce our stocks in this country we will then have to take steps to stop Australian wheat coming in. We are afraid that Australia and New Zealand with an advantage of 25 per cent depreciation in their currency will be able to under-sell us in Calcutta and Bombay.

At this stage the Assembly adjourned till 2 p.m., on Monday, 4th July, 1938.



PUNJAB LEGISLATIVE ASSEMBLY.

3rd SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 4th July, 1938.

*The Assembly met at the Assembly Chamber, Simla, at 2 p. m. of the clock.
Mr. Speaker in the chair.*

STARRED QUESTIONS AND ANSWERS.

COMMUNAL INEQUALITIES RESULTING FROM ELECTION IN DISTRICT BOARDS.

*2957. **Mian Abdul Rab :** Will the Honourable Minister of Public Works be pleased to state with reference to his answer to question No. *778¹, asked on the 10th January, 1938, the steps he proposes to take to remove communal inequalities resulting from elections in such district boards of the province where they are not removed by nominations ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : I am afraid Government can do nothing if communal inequalities resulting from district board elections cannot be removed by nominations.

Mian Abdul Rab : May I know whether the Government is not responsible for providing adequate representation in regard to the population and voting strength of different communities in the district boards ?

Minister : It is for that purpose that nominations are made but if the requisite number cannot be secured by nomination even, then there is no other alternative but to revise the wards later on.

Mian Abdul Rab : Has the Honourable Minister considered the desirability of revising the constitution of these boards so as to provide them with adequate representation ?

Minister : If special cases are pointed out they will be looked into.

Mian Abdul Rab : May I invite the attention of the Honourable Minister to the case of the Jullundur district ? Is he prepared to revise the constitution of that District Board ?

Minister : It will be looked into.

Sardar Hari Singh : May I ask the Honourable Premier if it is not the convention that questions savouring of communalism should not be allowed and should not be answered ? I think that communalism is tabooed.

Minister : This does not relate to any community.

Sardar Hari Singh : I addressed my question to the Honourable Premier.

Premier : I am afraid I have not followed the question and the answer thereto.

Sardar Hari Singh : The question asked by Mian Abdul Rab is to the effect :

“.....with reference to his answer to starred question No. 778, asked on the 10th January, 1938, the steps he proposes to take to remove communal inequalities.....”

My point was that it savours of communalism.

Premier : I do not think the spirit in which we tabooed communalism is covered by this question. It merely means communal disparity. It is not a question of only one community that is affected. It might be depressed classes, Hindus or Sikhs.

Sardar Hari Singh : I am afraid I disagree with you.

Premier : The term ‘communal’ means pertaining to one community.

PROVISION OF A ROAD IN DONA ILAQA IN JULLUNDUR DISTRICT.

*2968. **Mian Abdul Rab :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that there is no P. W. D. or District Board road in the Dona ilaqa of the Nakodar tahsil in the Jullundur district ;
- (b) whether it is a fact that the people of the [aforesaid ilaqa are experiencing great difficulty for want of a suitable road ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) There is no P. W. D. road but the following district board kacha roads pass through Dona ilaqa of the Nakodar tahsil in the Jullundur district :—

- (i) Nakodar to Malsian.
 - (ii) Malsian to Lohian.
 - (iii) Nakodar to Sultanpur.
 - (iv) Jullundur to Lohian Ferozepore.
- (b) Does not arise.

Sardar Hari Singh : I take objection to question No. *2969 and I would invite the Premier's attention to the fact that in case it is answered it is bound to give rise to communal passions in the province.

Premier : Which question ?

Sardar Hari Singh : I am referring to question No. *2969 which relates to the Shahidganj dispute. I think the Honourable Minister need not answer this question.

Premier : But when it is put you will hear what the answer will be given.

SHAHIDGANJ DISPUTE.

*2969. **Rana Naqarullah Khan**: Will the Honourable Premier be pleased to state the steps that the Government has taken about the Shahidganj dispute so far with reference to the statement made by him in the last Budget session?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): It is not in the public interest to answer this question.

JAHANGIRI LAL OF LAHORE CONSPIRACY CASE PRISONER.

*2970. **Sardar Partab Singh**: Will the Honourable Minister for Finance be pleased to state—

- (a) the number of times Mr. Jahangiri Lal has been admitted into the Mayo Hospital since his conviction in the second Lahore Conspiracy case of 1938, and the reasons for the same;
- (b) the number and nature of operations he had undergone so far;
- (c) when he had his last operation and the number of days he stayed in the Mayo Hospital;
- (d) whether his case for release has been considered by the Punjab Government since April 15, 1938; if so, with what result?

The Honourable Mr. Manohar Lal: (a) He was admitted to the Mayo Hospital, Lahore, from the 6th of May 1938 to the 22nd of May, 1938, for operative treatment for *prepatellar bursitis* (Inflammation of knees). He was also sent to the Mayo Hospital on the 25th of March, 1938, 1st of April, 1938 and the 11th of April, 1938 for treatment for *Trichiasis* (eye-trouble).

(b) One—as stated above.

(c) 6th of May, 1938, to 22nd of May, 1938.

(d) No.

Sardar Hari Singh: May I ask the Honourable Minister whether the prisoner Jahangiri Lal is bodily infirm and a cripple?

Minister: He is missing both his legs below the knees and so were they missing when he committed the offence. (*Laughter.*)

Sardar Hari Singh: If this prisoner is released, how is he going to constitute a menace to law and order?

Premier: Just as he managed to do before.

Sardar Hari Singh: We doubt very much whether he did anything.

Minister: I cannot go against the finding of the Court.

RELEASE OF MESSRS. ROOP CHAND, INDAR PAL AND OTHERS.

*2971. **Sardar Partab Singh**: Will the Honourable Minister for Finance be pleased to state whether the Punjab Government has considered the case for the release of Messrs. Roop Chand, Indar Lal, Gulab Singh,

[S. Partab Singh.]

Malik Kundan Lal and Dhanwantri, since 19th April, 1938 ; if so, with what result ?

The Honourable Mr. Manchar Lal : Dhanwantri was convicted by another administration outside the Punjab. Government has not considered the question of release of the other prisoners mentioned in this question yet.

Dr. Gopi Chand Bhargava : When can it be expected that that question will be considered by the Government ?

Minister : Many of these prisoners have very long terms of sentences yet to go through.

Dr. Gopi Chand Bhargava : Last year the Premier was pleased to say that the cases of these people are brought under consideration of the Government every now and then.

Minister : I do not think that the Premier referred to these prisoners. I think he referred to State prisoners and possibly the Criminal Law Amendment Act prisoners so far as my recollection goes.

Dr. Gopi Chand Bhargava : The question was about political prisoners.

Mr. Speaker : I have stated more than once that whenever a reference is made to what took place in this House before, the honourable members should rely on the printed proceedings, so that there may be no misunderstanding.

FOOD GIVEN IN JAILS TO PRISONERS UNDERGOING HARD LABOUR.

*2972. **Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the food given in jails to the prisoners undergoing hard labour such as *chali*, *khara*, *lohti*, *gatta*, etc., possesses the same food value as the one given to the prisoners undergoing simple imprisonment ; if not, the action Government proposes to take in the matter ?

The Honourable Mr. Manchar Lal : Diet given to prisoners doing hard labour is of greater food value than that given to prisoners undergoing simple imprisonment. The honourable member is referred in this regard to paragraph 920 of the Punjab Jail Manual.

Sardar Hari Singh : May I ask whether any improvement has been made in the diet of prisoners referred to here since the present Ministry took office ? Did the Honourable Minister make any improvement or change in the diet given to the prisoners since he took charge of this department ?

Minister : There has been no occasion. They are getting all the food which under the Rules they should have.

Sardar Hari Singh : What I want to know is whether any change has been made in the Jail rules to improve the food of prisoners ?

Minister : Why should a change have been made ?

Sardar Hari Singh : May I ask whether it has been brought to his notice that the provincial Ministers in other Congress provinces have made improvements in the diet given to prisoners ?

Premier : Their diet must have been inferior to ours.

Minister : It has not come to my notice.

Dr. Gopi Chand Bhargava : Is the Finance Minister aware of the fact that there is no Vitamin D in the jail diet prescribed under the Rules ?

Minister : Is the honourable member quite sure ? Has he examined the food and all the various kinds of vitamins that exist in one or the other kind of foods ?

Sardar Hari Singh : May I ask whether he has satisfied himself thoroughly that the present diet of prisoners in Punjab jails is of adequate nutritive value ?

Minister : I have had no occasion to satisfy myself personally, but I have no reason to think that the diet given at present has not full nutritive value.

Sardar Hari Singh : Has he the intention of applying his mind to this problem of great importance to the prisoners ?

Sardar Sohan Singh Josh : Can I know if any complaints were received in which it was alleged that they were not getting the same diet as was prescribed in the Jail Manual ?

Minister : I have received no such complaint.

Mr. Speaker : The next question.

QUANTITY OF GUR GIVEN TO EACH PRISONER UNDERGOING
HARD LABOUR.

***2973. Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the quantity of gur given to each prisoner undergoing hard labour in the jails of the province ;
- (b) whether that quantity was ever reduced ; if so, when and how much ?

The Honourable Mr. Manohar Lal : (a) Each labouring prisoner has been allowed one chattak gur daily since 1932. Previously there was no such ration.

(b) No.

SUPPLY OF SHEETS (GHADDARS) TO 'C' CLASS PRISONERS.

***2974. Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether Government is aware of the fact that sheets (chaddars) are supplied to 'C' class prisoners in jails every year only from 15th April to 15th October ;

[S. Partab Singh.]

(b) whether it has been brought to his notice that they require these sheets throughout the year; if so, the action Government proposes to take in the matter?

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

(b) Government do not consider that the supply of *chaddars* in the winter months is a prime necessity as is the case in the summer. The cost of supplying sheets all the year round would be very great and in view of other more urgent demands Government doubt whether this expenditure would be justifiable.

ABOLITION OF *CHAKI, KOHLU*, ETC., AS MEANS OF HARD LABOUR.

*2975. **Sardar Partab Singh :** Will the Honourable Minister for Finance be pleased to state whether the present Government has ever considered the question of abolishing *chaki, kohlu, kharas* and *ghotas* from jails as means of hard labour; if so, with what results?

The Honourable Mr. Manohar Lal : Steps have been taken to stop the production of oil by manual labour. It is also proposed to do away with manual *kharases*. The abolition of *chakis* and *ghotas* is not yet contemplated.

POLICE SEARCH IN DWARKA DAS LIBRARY.

*2976. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the police searched the Dwarka Das Library situated in the Lajpatrai Bhawan, Lahore, on the 10th May, 1938;

(b) whether they seized any books from the said library, if so, the number and the names of the books so seized;

(c) the list of the books the police party had with them to guide them in seizing certain books?

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

(b) Yes, twelve books, of which it is not in the public interest to give names, were seized.

(c) It is not in the public interest to furnish the list.

Sardar Sohan Singh Josh : Will the Government be pleased to state if any of those books were returned?

Parliamentary Secretary : Some of them were returned.

Sardar Sohan Singh Josh : Was Carl Marx's "Communist Manifesto" among the books that were proscribed?

Parliamentary Secretary : I am afraid I cannot answer this question.

Sardar Hari Singh : May I know whether Government has any objection to the library-walas themselves publishing the list of books which were taken away by the police?

Mr. Speaker : I disallow this question.

Sardar Hari Singh : Is he sure that these books are not in possession of other libraries ?

Premier : I do not get time to read these books on account of the pressure of these questions, etc.

Sardar Hari Singh : If the Honourable Premier has not read these books, may I know why he sanctioned the proscription of these books ?

Premier : These books are examined by an officer specially deputed by Government for this purpose.

Pandit Muni Lal Kalia : May I know whether Government is sure that the books seized were not entered in the Library Register and could not be known to all, and therefore, the question of withholding the names does not arise ?

Premier : If the honourable member comes to that conclusion, he is welcome.

Lala Duni Chand : Has the Honourable Premier any knowledge of the substance or the subject matter of these books, so that the House may know whether Government had any justification to seize these books ?

Sardar Hari Singh : May I know whether he automatically signs the proscription orders ?

Premier : What does he mean by 'automatically' ?

Mr. Speaker : I disallow the question.

Dr. Gopi Chand Bhargava : May I know whether any of the books, which were seized, were proscribed by Government ?

Premier : Yes, some of them were under the Sea Customs Act.

Mr. Dev Raj Sethi : Was any attempt made to find out if those books were not to be found in other libraries ?

Premier : If the honourable member knows he may send me the information.

Dr. Gopi Chand Bhargava : May I enquire why the Dwarka Das Library has been chosen for the search and confiscation ?

Premier : I am afraid I cannot answer this question off-hand. There may be other libraries too.

Dr. Gopi Chand Bhargava : May I enquire whether those officers who came to search the library had a list of the books which they were to seize and if so, on what basis was that list prepared ?

Parliamentary Secretary : I have already said that I cannot give a reply to this question.

Dr. Gopi Chand Bhargava : May I know whether they had any list with them ?

Premier : They had a list with them and there were certain books which were proscribed under the Sea Customs Act.

Dr. Gopi Chand Bhargava : On what basis was that list prepared ?

Premier : Those books which were prohibited under the Sea Customs Act were given in the list.

Dr. Gopi Chand Bhargava : There were also books which were not proscribed.

Premier : There are different kinds of proscriptions, if I may point out to him : there are certain proscriptions under the Sea Customs Act and there are certain proscriptions under the ordinary law of the land.

Sardar Sohan Singh Josh : Are the Government sure that this book was not included in the list of books supplied to the Police ?

Premier : I am afraid I have no information on that.

Sardar Sohan Singh Josh : Are the Government aware of the fact that both the books, i.e., "Marx and Engels' Correspondence" and the "Manifesto" have been published in all the languages of the world and are not proscribed anywhere ?

Mr. Speaker : I disallow the question.

SUICIDES COMMITTED IN THE PUNJAB.

*2977. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the number of suicides committed in the Punjab from April, 1937, to March, 1938 ;
- (b) the number of attempted suicides and whether any of them resulted in conviction ;
- (c) the motives that led the people concerned to such desperation in each case ;
- (d) whether the Government has considered the question of adopting any ways and means to bring down the number of suicides ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : The answer to this question is not yet ready. It will be communicated to the honourable member when ready.

APPLICATION OF SARDAR RAM SINGH DATTA TO LIVE IN LAHORE OR AMRITSAR DURING HIS INTERNMENT.

*2978. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) whether the Chief Secretary to Government, Punjab, received letters, dated the 12th and 21st March, 1938, from Sardar Ram Singh Datta, of village Viram Dattan, thana Shah Gharib, district Gurdaspur, requesting that he be allowed to live in Lahore or Amritsar city during his internment to enable him to do something to earn his livelihood there ;
- (b) whether he further requested in his letters mentioned above that if his residence be considered prejudicial to public peace and safety in those cities he be allowed to go outside the Punjab to maintain himself and his wife ;

(c) if the answer to (a) and (b) be in the affirmative, the action taken or proposed to be taken on those letters?

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

(b) Yes.

(c) Ram Singh Datta was informed that Government were not prepared to alter the order.

Sardar Hari Singh: May I ask whether before issuing the internment orders regarding this poor man Government satisfied itself that he had sufficient means of livelihood in his village?

Premier: Enquiries are always made before internment.

Sardar Hari Singh: May I know whether the answer is in the affirmative or in the negative?

Premier: The answer is that enquiries are always made before a person is interned. I leave it to the honourable member whether it is in the affirmative or in the negative as it suits him.

Sardar Hari Singh: In what manner did Government satisfy itself that he had sufficient means of livelihood in his village?

Premier: Enquiries are made through the local officers.

Sardar Hari Singh: Who made the enquiries in this case?

Premier: If my honourable friend does not know the meaning of local officers then I cannot help him.

Sardar Hari Singh: May I know if orders were issued after receiving the report from the enquiring officer?

Premier: Orders are always issued after examining and considering the report whether he has got sufficient means.

Sardar Hari Singh: Did he submit an application to be permitted to go outside the Punjab to earn his living?

Premier: I will be prepared to consider the position if I receive an application from the person concerned.

Sardar Sohan Singh Josh: He did send an application.

Premier: Not to this effect.

Lala Duni Chand: What means of livelihood has he in the village in which he is interned?

Premier: If the honourable member wants to know, he should give notice for it.

Pandit Muni Lal Kalia: Was an enquiry made in this case with regard to his means of subsistence after the report that he had no means?

Premier: An enquiry was again made whether the previous enquiry was correct.

INTERNMENT OF SARDAR RAM SINGH DATTA.

***2979. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the date on which and the reasons for which Sardar Ram Singh Datta of village Viram Dattan, police station Shah Gharib, district Gurdaspur, was interned in his village ;
- (b) the date on which this order will expire ;
- (c) whether the Government intends to consider the question of cancelling this order before its expiry ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) Ram Singh Datta was restricted to his village on the ground that he had acted and was about to act in a manner prejudicial to the public safety and peace. The order restricting him was served on 10th March, 1938.

(b) 6th March, 1939.

(c) Government have no intention at present to reverse their order.

Chaudhri Kartar Singh : May I know whether the Punjab Government knows Astronomy also ? (*Laughter*).

Mr. Speaker : Order, order.

DEMAND OF SECURITIES FROM NEWSPAPERS.

***2980. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the number of declarations filed by persons in the Punjab for bringing out weekly papers in English, Urdu, Punjabi or Hindi since the beginning of the year 1938 up to the end of May, 1938 ;
- (b) the names of the papers from which securities have been demanded and the amount of securities demanded in each case ;
- (c) the names of the papers from which no security has been demanded ;
- (d) the reasons for this discrimination ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) Thirty-four.

(b) Initial securities of Rs. 500 and Rs. 250 respectively were demanded from, and were deposited by, two weekly papers, viz., the *Progressive* of Lahore and the *Aftab* of Amritsar. Securities were also demanded from 32 other weekly papers that were intended to be started, but the securities were not deposited and the papers did not appear.

(c) A list is laid on the table. No security was demanded from 34 weekly papers.

(d) Securities were demanded from the weekly papers, mentioned in (b) above, as there were reasons to believe that they were likely to be used

For one of the purposes enumerated in section 4 (1) of the Indian Press (Emergency Powers) Act.

The names of the papers from which no security has been demanded.

					Weekly.
LAHORE.					
1.	Aftab-i-Khalsa	..	..	..	Urdu.
2.	Commerces	..	..	..	English.
3.	Dehqan	..	..	..	Urdu.
4.	Hamas	..	..	..	Do.
5.	Mas'hi Jaddid	..	..	..	Do.
6.	Wool and Leather Report	..	..	..	Do.
7.	Wool Review	..	..	..	Do.
GUJRANWALA.					
8.	Prabhat	..	..	..	Urdu.
9.	Pictophone	..	..	..	Do.
10.	Hindu Herald	..	..	..	Do.
RAWALPINDR.					
11.	Khadem	..	..	..	Urdu.
AMBALA.					
12.	Shamsher Khalsa	..	..	..	Urdu.
FEROZPORE.					
13.	Nisbat (Fazilka)	..	..	..	Urdu.
14.	Sada Viga (Fazilka)	..	..	..	Do.
HOSHAHPUR.					
15.	Muslim Ghair Zaraf	..	..	..	Urdu.
LUDHIANA.					
16.	Haqiqat	..	..	..	Urdu.
17.	Ijaz	..	..	..	Do.
18.	Punjab	..	..	..	Do.
19.	Pakredar	..	..	..	Gurmukhi.
20.	Fardaus	..	..	..	Urdu.
21.	Naqqash	..	..	..	Do.
LYALLPUR.					
22.	Bhatia Gazette	..	..	..	Urdu.
23.	Sandesh	..	..	..	Do.
24.	Indian Business Directory	..	..	..	Do.
25.	Mas'ha	..	..	..	Do.
GURGAON.					
26.	Yadav Zamindar	..	..	..	Urdu.
27.	Farhat	..	..	..	Do.
AMRITSAR.					
28.	Ghanb	..	..	..	Urdu.
29.	Parja Mittar	..	..	..	Do.
30.	Sanatan Dharan Sandesh	..	..	..	Do.
MULTAN.					
31.	Kahmatul Haq	..	..	..	Urdu.
32.	Prabhat	..	..	..	Do.
33.	Jivan Partap	..	..	..	Do.
MOSTOONERY.					
34.	Amrit	..	..	..	Urdu.

NEWSPAPERS AND BOOKS SUPPLIED TO SARDAR TEJA SINGH
SWATANTAR, A STATE PRISONER.

*2981. **Sardar Sohan Singh Josh**: Will the Honourable Premier be pleased to state—

- (a) the names of the monthlies, weeklies, and dailies supplied to Sardar Teja Singh Swatantar, M.L.A., a state prisoner in the Campbellpar Jail;
- (b) whether any books were disallowed to him in the jail in the last four months; if so, their names;
- (c) the state of his health at present?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) He is supplied at his own expense with the daily *Tribune*, and the monthly magazine *Phulwari*.

(b) No.

(c) His health is now satisfactory.

Sardar Hari Singh: May I ask the honourable Parliamentary Secretary whether he has seen the recent news appearing in the *Tribune* and other papers to the effect that the members of his family and his mother interviewed the prisoner on the 25th June and found that he had blood pressure?

Parliamentary Secretary: We have made enquiries and found that his health is now satisfactory.

Sardar Hari Singh: May I know whether he has made enquiries subsequent to the date on which his father interviewed him on the 25th June?

Premier: Does the honourable member wish to convey that his blood pressure has gone up since he gave notice of that question?

Sardar Hari Singh: I want to know whether it is a fact that the father of S. Teja Singh Swatantar stated in the press that when he interviewed him in the jail he found that he was on that date suffering from high blood pressure?

Premier: Is he a doctor?

Lala Duni Chand: Is the Honourable Premier quite sure that there was no rise of blood pressure on 25th June?

Premier: That question does not arise out of this question. The question was asked about a particular date and on that date his health was perfectly satisfactory.

Sadar Hari Singh: What is his present state of health? Are we not entitled to know that?

Premier: The honourable member may table another question.

Pandit Muni Lal Kalra: With reference to part (a) of this question, may I know whether the *Punjab Gazette* and other proceedings are also being sent to S. Teja Singh Swatantar?

Parliamentary Secretary: They are being sent.

Sardar Hari Singh : Under the Parliamentary practice, the words "at present", I think mean the date on which the question is put on the agenda and not the date on which this question was sent to the office of the Assembly.

Premier : The latest information available is that his health is satisfactory.

Munshi Hari Lal : Is the Government aware that he ever suffered from high blood pressure ?

Premier : He never suffered at all from high blood pressure. It is possible that he might have blood pressure but the report indicated that his health was satisfactory.

Munshi Hari Lal : Is it possible or is it a fact that he was suffering from high blood pressure ?

Sardar Hari Singh : May I have your ruling under Parliamentary practice about the meaning of the words "at present" in the question ?

Mr. Speaker : These words do not necessarily mean this day, or this hour.

Sardar Sohan Singh Josh : May I know on what date the answer to this question was received ?

Premier : Perhaps the honourable member is expecting me to carry all the dates in my head.

Mr. Speaker : The honourable member's original question was, 'What is his condition of health at present?' As to his supplementary questions, does he expect the Honourable Premier or any Government Member to be ready with the information as to what happened this morning ?

SARDAR WASDEV SINGH, STATE PRISONER IN CENTRAL JAIL,
LAHORE.

*2882. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the weight of Sardar Wasdev Singh, a state prisoner in the Central Jail, Lahore, on his admission to the Jail ;
- (b) his weight at present ;
- (c) whether his health has deteriorated in these days ;
- (d) the reasons for this deterioration ;
- (e) whether the Government has considered or intends to consider the question of releasing him soon ?

Parliamentary Secretary (Khan Bahadur Mian Ahmed Yar Khan Daultana : (a), (b), (c) and (d) : I would refer the honourable member to the reply given to question No. *2712¹ put by Sardar Hari Singh.

(e) The cases of all State prisoners are reviewed periodically. It is not proposed to release this prisoner at present.

NOMINATIONS TO PUBLIC BODIES.

***2963. Sardar Sohan Singh Josh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the qualifications necessary for nominating a person to a public body ;
- (b) the considerations that weighed with the Government while recently nominating persons to the Amritsar Municipal Committee ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Government have not prescribed any hard and fast rules prescribing the qualifications for nominated members. In making nominations the first and foremost consideration is the interest of the local body concerned.

(b) In making nominations on the Amritsar Municipal Committee the considerations referred to in (a) were kept in view.

Pandit Muni Lal Kalia : Do Government propose to make any hard and fast rules with regard to these nominations ?

Minister : It is not necessary.

Lala Duni Chand : Is it true that the general practice in regard to these nominations is that only those persons are nominated who are either favourites of local authorities or of the Government ?

Mr. Speaker : The question is disallowed.

Sardar Sohan Singh Josh : May I know whether it is a fact that no nomination was made out of those names who had been recommended by the Deputy Commissioner ?

Minister : I am afraid that information is confidential and I cannot enlighten the honourable member.

Lala Bhim Sen Sachar : Will the inclusion of the names of candidates in register X of the police be a disqualification for nomination ?

Minister : Can you quote an instance ?

Sardar Sohan Singh Josh : May I know whether some letters were sent to the Deputy Commissioner informing him that amongst the persons whom he was going to nominate there was one man whose name was on register X ?

Minister : Will you please name the man ? I am not aware of any such letter having been received by Government.

Sardar Sohan Singh Josh : I can take the fullest responsibility for this statement. His name is not with me now. I will give it to-morrow.

Minister : When the honourable member gives the name he will get the reply.

Dr. Gopi Chand Bhargava : When making enquiries about the names whether such and such a person is on register X, the Honourable Premier had said that the names could not be given because it was not in the public interest. May I know from the Honourable Minister whether it is in the public interest to enquire the name of the nominated Municipal Commissioner alleged to be on register X ?

Minister : It is not in the public interest to divulge matters that are confidential.

Lala Bhim Sen Sachar : If the Deputy Commissioner recommends the name of a person who is on the police register X, may I know if he will have the support of the Government ?

Minister : That is a hypothetical question.

Lala Bhim Sen Sachar : It is not a hypothetical question. The Honourable Minister said that certain considerations are kept in view at the time of nomination. My question is whether it is a fact that if a deputy commissioner nominates a person whose name is in police register X, he will be supported by the Government. That is a simple enough question.

Minister : It is still a hypothetical question.

Sardar Sohan Singh Josh : Is one of the nominated members a syce of a Parliamentary Secretary ?

Minister : Not to my knowledge. The honourable member may consult the Gazette. I may say that syces are recruited for the stables and not for municipal committees (*Laughter*).

Dr. Gopi Chand Bhargava : Is it that syces have been nominated for stables and not for municipal committees ?

Minister : To my knowledge no syce has been nominated to the Municipal Committee.

Lala Bhagat Ram Choda : Has the Government adopted the policy of nominating persons who have been in police register X ?

Mr. Speaker : The next question.

COMMISSION PAID TO THE SPECIAL OFFICIAL RECEIVER, PUNJAB.

*2984. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state the amount of commission further paid to the Special Official Receiver, Punjab, in regard to all estates under his control from 1st September, 1937, to 31st May, 1938 ?

The Honourable Mr. Manohar Lal : The total commission paid to the Official Receiver from the 1st September, 1937, to the 31st March, 1938, amounts to Rs. 76,429-15-0. This includes commission on the shares of the Bharat Insurance Company.

SALE OF SHARES OF LALA HARKISHAN LAL IN BHARAT INSURANCE COMPANY, LIMITED.

*2985. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the Special Official Receiver has drawn any commission on the sale of shares of Lala Harkishan Lal in the Bharat Insurance Company, Limited; if so, how much, when and at what rate;

[Dr. Gopi Chand Bhargava.]

- (b) whether it is a fact that the sale of the above-mentioned share was conducted by the Honourable Judges of the High Court in open Court under their supervision ;
- (c) whether the Official Receiver did anything as such in this transaction over and above inserting an advertisement in the press notifying the date of auction ?

The Honourable Mr. Manohar Lal : (a) Rs. 55,000 as commission at 5 per cent. was paid to the Special Official Receiver on the 4th May, 1938.

(b) and (c) It is not in the public interest to answer questions which tend to reflect on the judicial acts of the High Court.

Dr. Gopi Chand Bhargava : I only wanted to know what part was played by the Official Receiver and not by the High Court.

Minister : I have answered that question.

Dr. Gopi Chand Bhargava : Is it a fact that the Official Receiver only sent an advertisement to newspapers for the sale of these shares under the instructions of the High Court and did nothing else ?

Minister : The answer to the question can be given in a simple negative. But I gave the answer that I did because it is not possible to probe into the matter any further, for, the moment you seek the information which is necessary to answer my friend's question, you enter matters which lie within the judicial acts of the High Court, and we cannot examine them here.

Lala Duni Chand : Will the Honourable Minister please state the nature, extent and amount of work for which such a huge consideration was paid ?

Minister : I have already answered that question.

PAYMENT OF COMMISSION TO SPECIAL OFFICIAL RECEIVER ON
THE SALE OF SHARES OF LALA HARKISHAN LAL IN
THE BHARAT INSURANCE COMPANY, LIMITED.

*2986. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state whether it is a fact that the Bharat Insurance Company, Ltd., claimed lien on the shares of Lala Harkishan Lal and whether that claim was recognised by the High Court and whether the lien-holders agreed to the payment of the commission that was paid to the Special Official Receiver on the sale of those shares and if so, when did they so agree ?

The Honourable Mr. Manohar Lal : The Bharat Insurance Company claimed a lien on the shares, which was acknowledged by the parties concerned and approved by the Court. The Bharat Insurance Company agreed in open Court on the 24th June 1937 to the payment of the commission due to the Official Receiver on the sale of these shares.

Dr. Gopi Chand Bhargava : Was he entitled to such a commission under the conditions on which he was employed ?

Minister : Yes.

Dr. Gopi Chand Bhargava : Was he also a Director of the Bharat Insurance Company at that time ?

Minister : I do not see how that question arises.

**EMOLUMENTS AND PERIOD OF APPOINTMENT OF THE SPECIAL
OFFICIAL RECEIVER.**

***2857. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state whether there has been any change in the period of appointment of the Special Official Receiver and his emoluments since 1st April, 1938, when reply to my starred questions Nos. 1075 and 1982 was given and if so, when and what change has been made ?

The Honourable Mr. Manohar Lal : The answer is in the negative.

Dr. Gopi Chand Bhargava : Was he originally appointed on commission basis ?

Minister : I think I referred to this matter at length the other day. No change whatever has been made in the terms of his appointment.

Dr. Gopi Chand Bhargava : Am I to understand that when the Government appointed him for five years instead of one year it was on commission basis at that time also ?

Minister : I am disposed to say 'yes', but if the honourable member wants me to be absolutely precise in the matter, I should like to have notice.

Premier : I may say that he was appointed on commission basis.

Dr. Gopi Chand Bhargava : Was he not appointed on Rs. 1,000 only ?

Premier : I have not seen the papers, but I do not wish to probe into the matter.

**PAYMENT OF COMMISSION TO THE SPECIAL OFFICIAL RE-
CEIVER INSTEAD OF FIXED SALARY.**

***2858. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) the emolument of the Special Official Receiver as originally fixed at the time of his first appointment in May, 1936 ;
- (b) whether it was later on decided to pay him commission instead of a fixed salary and if so, why and what was the total amount of transactions done by him from the date of his first appointment to the date when it was decided to pay him commission ;
- (c) whether the system of commission has again been changed to salary basis and if so, when and why ?

The Honourable Mr. Manohar Lal : (a) When the Special Official Receiver was first appointed by Government in May 1936 no order was passed as to his emoluments, as Government desired to consult the Honourable

[Finance Minister.]

Judges. Subsequently Government passed orders that the Special Official Receiver should be paid according to the usual rules in High Court Rules and Orders, Volume II, Chapter V.

(b) No.

(c) No.

Dr. Gopi Chand Bhargava : Am I to understand that he never drew Rs. 1,000 a month after his appointment? If he did, was it deducted from the commission paid to him later?

Minister : May I have notice of the question?

LEAVE, SALARY, ETC. GRANTED TO THE SPECIAL OFFICIAL RECEIVER.

*2989. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to lay on the table the rules, if any, which govern the leave, salary, etc., granted to the Special Official Receiver, and state—

(a) whether the Special Official Receiver has taken any leave this year and if so, for what period and from whom and on what terms;

(b) what arrangements have been made for carrying on the work during his absence and on what terms and by whom?

The Honourable Mr. Manohar Lal : (a) There are no rules regarding the grant of leave to the Special Official Receiver. He has, however, been permitted temporarily to absent himself by the Honourable Judges who are satisfied that proper arrangements have been made for the carrying on of his work in his absence.

(b) The Honourable Judges have allowed two of the Special Official Receiver's assistants to carry on the work in his absence, the Special Official Receiver however remaining responsible for their acts.

Dr. Gopi Chand Bhargava : Is any special remuneration going to be paid to these assistants?

Minister : Perhaps out of the share that falls to the lot of the Official Receiver under the rules and regulations of the High Court.

STATUS OF ASSISTANTS, OF THE SPECIAL OFFICIAL RECEIVER
AND THE APPOINTMENT OF COURT AUCTIONEER,
LAHORE TAHSIL.

*2990. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

(a) the names of those persons who assist the Special Official Receiver in his work and the amount of commission paid to each during the year 1937-38 and their respective duties;

(b) whether it is a fact that one of these principal assistants has also been appointed court auctioneer for the Lahore tahsil in supersession to the old well-known firm of Messrs. Jamsatjee and Sons; if so, why, and the amount of remuneration earned by him as such so far, since his appointment?

The Honourable Mr. Manohar Lal : (a)—

	Rs.	A.	P.
Thakar Fakir Singh	11,729	1	8
Sheikh Manzur Qadar	715	2	6
Shaikh Muhammad Jamil	287	9	1
Mr. Amar Nath Kirpal	88	11	10

It may be explained that each of these assistants is given a whole insolvent's estate to deal with turn by turn and gets 4-5ths of the commission on realisations of that estate. The commission is not pooled between the four assistants.

(b) Yes, under the orders of the Honourable Judges. His remuneration, after deducting expenses since his appointment, has amounted approximately to Rs. 3,500.

Dr. Gopi Chand Bhargava : May I know whether the principal assistant who has been appointed to work as court auctioneer at Lahore had any business relations with the Official Receiver before his appointment ?

Minister : I have no knowledge of it.

SPECIAL OFFICIAL RECEIVER'S TRIP TO EUROPE.

*2991. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state whether it is a fact that the Special Official Receiver went to Europe in July and also in October, 1937, if so, whether he went on duty and if so, the nature of the official business and the authority under whose orders he went abroad with the amount of expenses incurred by him on his journey and the head of expenditure from which this expenditure was met ?

The Honourable Mr. Manohar Lal : (a) In July 1937 the Special Official Receiver proceeded to England to instruct his solicitors in connection with the application made by Mr. J. L. Gauba to the Privy Council regarding the sale of certain shares formerly held by his father, the late Lala Harkishan Lal. As the Receiver was also conversant with the facts relating to certain other applications of Mr. Gauba he was instructed to assist the Crown counsel on any other points on which information might be sought from him. He was deputed to proceed to England in connection with Mr. Gauba's application with respect to the shares of his father by the Honourable Judges of the High Court. His expenses, the amount of which is not known, are understood to have been debited to the estate of the late Lala Harkishan Lal.

(b) The Special Official Receiver visited England again in October 1937. This visit was made at the suggestion of the solicitors of the India Office in order to assist them in connection with two applications filed by Mr. Gauba in the Privy Council against certain orders of the Honourable Judges passed against him for contempt of court. In this case the Punjab Government was the authority which passed orders for the journey. The passage expenses were Rs. 1,896, and a compensatory allowance was granted under the usual rules. The expenditure was debited to the head "27-B—Administration of Justice—Law Officers—Counsel's fees".

Dr. Gopi Chand Bhargava : Did he fly or did he go by a ship?

Minister : I really do not know. I know nothing officially about this matter. But does it really matter whether he flew or went by a boat?

Dr. Gopi Chand Bhargava : I want to know whether under the rules every officer is entitled to a journey allowance or travelling allowance at a higher rate than the cost for an ordinary journey? For instance it may cost less to go in a ship. Did the Government pay him for flying rather than going in a ship?

Minister : I have not followed the question. If I were to understand the question as asking whether every officer is given this and that, I might straightaway say 'no.' It will depend upon circumstances. It is not the case that every officer is paid to fly to England or is necessarily paid a particular class even by the boat. What is the question, may I know?

Dr. Gopi Chand Bhargava : What are the rules for payment of travelling allowance or conveyance allowance to officers? Are they given the passage which costs least to the Government? For example, if it costs less to go by a ship than by an aeroplane will the Government pay the officer the lower or the higher cost?

Minister : I shall make the rules available to the honourable member if he so desires. I cannot say straightaway that an officer, whatever the circumstances may be, would only be paid according to the usual rates by a boat. Possibly so, but I could not say definitely. But I will make the rules available to the honourable member if he so desires.

Lala Duni Chand : Is it true that the cost of going by a steamer is much less than the cost of going by an aeroplane? If so, may I know whether this gentleman was paid the cost of going by a steamer or the cost of going by an aeroplane?

Minister : I do not know whether the cost is much less. Much will depend upon the meaning of the word 'much.' But we all know that the ordinary passage by a boat is less than the passage by air. As to whether this particular officer actually went by air and was paid the passage as it would be in the case of going by air, I do not know at present, but if due notice is given I shall be glad to answer to the question.

Lala Duni Chand : Is it not a fact that the cost for first class passage by steamer is about Rs. 1,000 and the cost of going by air is about Rs. 2,000?

Minister : No, nothing of the kind. But if my honourable friend wants to know, he can on his way back consult Messrs. Thomas Cook and Sons, they will give him the precise information. I am not an expert in this matter.

Lala Bhim Sen Sachar : Why has not the Honourable Member been able to know the amount of expenditure incurred by the Special Officer on his first trip?

Minister : For the simple reason that the payment was not made by the Government. It was a matter entirely for the High Court to pay out of the estate of Lala Harkishan Lal which was being administered by this Special Official Receiver.

Lala Bhim Sen Sachar : Under the authority of the court ?

Minister : Yes.

Lala Bhim Sen Sachar : Therefore that question is relevant.

Minister : It is entirely a matter lying within the judicial discretion of the High Court and the Government is not interested in the actual payment made.

Mr. Speaker : The next question.

APPOINTMENT OF THE SPECIAL OFFICIAL RECEIVER AS
LIQUIDATOR OF THE PUNJAB COTTON PRESS CO.

*2902. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the Special Official Receiver has also been appointed liquidator of the Punjab Cotton Press Co., Ltd., Lahore ;
- (b) who was the liquidator originally appointed and what were the reasons for his removal ;
- (c) whether the assets of the above-mentioned company principally consist of flour mills, ginning machines and presses and other factories ; if so, what is the total cost of these and whether they are to be sold now ; if so, whether any commission has been fixed as payable to this liquidator on these sales and if so, how much ?

The Honourable Mr. Manchar Lal : As the subject matter of this question relates to a matter which is pending before the Honourable Judges of the High Court I regret that no answer can be given.

SUPERVISION AND INSPECTION OF WORK OF DISTRICT RECEIVERS BY
SPECIAL OFFICIAL RECEIVER.

*2903. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether there are any rules under which the Special Official Receiver has been authorised by the High Court to inspect the work of the official receivers in the districts ; if so, the date when these rules were framed and also whether he will be pleased to lay a copy of these rules on the table of the House ;
- (b) if there be no such rules the extent of the power of supervision vested in the Special Official Receiver over the district receivers ;
- (c) whether this supervision by the Special Official Receiver over the district official receivers is exercised independently of the district judge under whose control the district receivers' work under the existing law ?

The Honourable Mr. Manohar Lal : I would refer the honourable member to the answer given to his question No. *1078¹ in the spring session.

COURT AUCTIONEERS FOR AMRITSAR DISTRICT.

*2994. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number and names of court auctioneers for Amritsar district in the year 1936-37 and 1937-38 ;
- (b) whether the present auctioneer, Amritsar, belongs to Amritsar district and if not, why he was imported and what his special qualifications and experience are ;
- (c) whether any applications were invited before the present auctioneer was appointed ?

The Honourable Mr. Manohar Lal : The attention of the honourable member is invited to the reply given to his questions Nos. *669² and *670², asked in the last session of the Legislative Assembly.

STATUS OF OFFICIAL LIQUIDATOR OF PEOPLES BANK OF NORTHERN INDIA, LIMITED.

*2995. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) the date on which the Peoples Bank of Northern India, Limited, Lahore, was ordered to be officially wound up by the High Court, Lahore ;
- (b) the name of the Official Liquidator appointed and the remuneration fixed at the time of his appointment ;
- (c) whether any change has been made in the terms fixing his emoluments ; if so, when it was made and the reasons for this change ;
- (d) the total amount of salary or commission or both paid to him from the date of his appointment up to 31st May, 1938 ?

The Honourable Mr. Manohar Lal : (a) 22nd May, 1935.

(b), (c) and (d) The appointment and remuneration of the Official Liquidators are a matter within the judicial discretion of the High Court.

Dr. Gopi Chand Bhargava : Am I to understand that I cannot get even that information ? I know I cannot discuss the actions of the High Court and, therefore, cannot put supplementary questions.

Minister : The matter as to exactly what is the amount paid is one which is within the judicial discretion of the High Court and the honourable member is just as much in a position to ascertain it as the Government.

Lala Bhim Sen Sachar : Was the amount of Rs. 55,000 also paid out of that estate ?

Minister : That was so paid in the matter of the sale of Bharat Insurance Company shares during the course of the receivership.

¹See Appendix.

²Volume I, page 1798.

**TOTAL EXPENDITURE UP TO 31ST MAY ON LIQUIDATION OF PEOPLES
BANK OF NORTHERN INDIA, LIMITED.**

***2996. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state the total expenditures incurred up to 31st May on the liquidation of the Peoples Bank of Northern India, Ltd., showing separately :—

- (a) remuneration to Liquidator ;
- (b) cost of establishment ;
- (c) legal charges ;
- (d) other expenses including travelling allowances ?

The Honourable Mr. Manohar Lal : I would refer the honourable member to the answer given to his question *2995 (above).

GHORAGALI SCHOOL AND COLLEGE.

***2997. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state whether the Ghoragali School and College are admitting Indian students also ; if so, how many of them are admitted to this school and college per year ?

The Honourable Mr. Manohar Lal : Yes, the number varies and depends upon—

- (i) the rules, about admission, framed by Government,
- (ii) position on registration list,
- (iii) existence of vacancies in the classes for which the students are fitted ;
- (iv) proficiency in English, and
- (v) limit of age.

**ADMISSION OF INDIAN STUDENTS TO GHORAGALI SCHOOL AND
COLLEGE.**

***2998. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of Indian students—(i) who applied for admission into the Ghoragali School and College and (ii) the number of those among them who were admitted, during the last academic year ;
- (b) the number of Indian students on the rolls of the College and School at Ghoragali in the years 1984, 1985, 1986, 1987 and 1988 and whether this number was according to the proportion fixed for the Indian students ; and if not, the action that the Government proposes to take in the matter ?

The Honourable Mr. Manohar Lal : (a) (i) 18.

(ii) 8.

[Minister for Finance.]

(b) The number of Indian students on rolls of the college and school was as follows:—

1934	81
1935	82
1936	85
1937	90
1938	25

The limit laid down in this regard, in the Punjab European Education Code, was not transgressed.

The last part of the question does not arise.

MILITARY TRAINING IN GHORAGALI SCHOOL AND COLLEGE.

*2999. **Dr. Gopi Chand Bhargava:** Will the Honourable Minister of Finance be pleased to state whether it is a fact that distinction is being maintained in the matter of giving military training to the students reading in the School and College at Ghoragali; if so, the reasons therefor and the action that is proposed to be taken to remove that distinction?

The Honourable Mr. Manohar Lal: Yes, because under the existing army regulations Indians are not permitted to become Riflemen or Cadets in the A. F. (I). The Principal of the College has in the past tried to obtain this permission for Indian students, but without success.

Lala Bhim Sen Sachar: What is the intention of the Government with respect to the disability which exists in the case of Indians? Do they propose to move in the matter?

Minister: Government is taking no further action. The Principal is trying to have this restriction removed and it is a matter for the Army Department.

Lala Bhim Sen Sachar: Do not the Government intend moving the Army Department?

*3000. *Cancelled.*

COW SLAUGHTER-HOUSE ON SANDA ROAD, LAHORE.

*3001. **Dr. Gopi Chand Bhargava:** Will the Honourable Minister of Public Works be pleased to state—

- whether it is a fact that the Lahore Municipality decided to remove the present cow slaughter-house on Sanda Road, Lahore; if so, when it was so decided;
- whether the decision of the Municipality was considered by the Government and if so, when and with what result;
- whether that decision has been reconsidered by the Government very recently, and if so, with what result?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Yes, in its resolution No. 669 passed on the 29rd of October, 1936, and again in its resolution No. 110 passed on 8th June, 1936.

(b) Yes, on 2nd December, 1936. This decision had no result, because 32 members of the Municipal Committee sent to the President a requisition on 12th June, 1936, asking for a reconsideration of the previous decision of the committee.

(c) The honourable member is referred to the reply given to question No. *2703.¹

Dr. Gopi Chand Bhargava : May I know whether there was a conference between the Minister for Education and the Minister for Local Self-Government and the Administrator, and whether it was decided that the slaughter-house at Lahore be removed from its present place and the land be auctioned ?

Minister : I am not aware of any such conference during the life of the present Government, but if the honourable member is referring to the past Government the reply is contained in part (b) of the answer.

Dr. Gopi Chand Bhargava : It was after the date to which the Honourable Minister is referring. I am given to understand that a conference was held after that date. I want to know whether it was held or not.

Minister : If you give me notice of the question I shall be glad to give you the information.

Dr. Gopi Chand Bhargava : Is it a fact that the present Administrator of the Lahore Municipality replied to a representation of the residents of this place that he was awaiting the construction of the abattoir and then they would build a slaughter-house on the lines of the abattoir.

Minister : It does not arise out of this question but if you give me notice I shall be glad to reply.

Dr. Gopi Chand Bhargava : May I know what led the present Government to change its decision and why they do not want to consider the desirability of removing the slaughter-house from the place ?

Minister : The reply has already been given and there was a lot of supplementary questions. I am referring to my reply to question No. *2703.¹

Dr. Gopi Chand Bhargava : I know. I put those questions myself. But my present question is different. It is what led the Minister to come to a decision that he is not prepared to consider the desirability of removing the slaughter-house ?

Minister : The reply is already there. For administrative reasons Government is unable to consider the matter at present.

Dr. Gopi Chand Bhargava : What are those reasons ?

Minister : The difficulty of securing a suitable place.

Dr. Gopi Chand Bhargava : Has the Municipality or the Nazul Department no land ?

Minister : Where is the guarantee that the people of this *slaga* will not object ?

Dr. Gopi Chand Bhargava : Do the Government not propose to remove the slaughter-house from its present place ?

Minister : What I have said is this that if you suggest a suitable place we will consider it, but where is the guarantee that the people of the new site will not object to it?

Dr. Gopi Chand Bhargava : Because the Minister is not certain that objections will be raised, is he in favour of the idea of continuing this slaughter-house in its present place ?

Minister : This slaughter-house has been in existence for a very long time in its present place, and unless a suitable place is forthcoming, there is no use removing it.

Lala Bhim Sen Sachar : Has there been no change in the circumstances since the time this slaughter-house was located there ?

Minister : Not so far as the slaughter-house is concerned.

Lala Bhim Sen Sachar : Is it within the knowledge of the Minister that houses have sprung up there ?

Minister : People came there deliberately with the full consciousness that the slaughter-house was there.

Lala Bhim Sen Sachar : Is Government really so callous to the requirements of health of the people living there ?

Minister : That is your own assumption. I have already said that if you make a suggestion for a site we will consider it.

Lala Bhim Sen Sachar : Will the Government remove it a mile further away ?

Mr. Speaker : The next question.

REDUCTION IN EXCHANGE RATIO.

*3002. **Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state —

(a) whether it is a fact that he has received a communication from the Finance Minister, Bombay, regarding a representation to be made to the Government of India with respect to the reduction in Exchange Ratio from 1s. 6d. to 1s. 4d. ;

(b) if so—

(i) whether the Government of India have been addressed on the subject ; and

(ii) whether any reply has been sent to the Finance Minister, Bombay ?

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

(b) —

(i) No.

(ii) Yes.

Munshi Hari Lal : May I know the tenor of the reply?

Minister : I have replied in full. One of the questions was whether the Government of India have been addressed on the subject. My answer was : No. Another question was whether any reply has been given to the Finance Minister of Bombay. My reply was : Yes.

Munshi Hari Lal : I want to know the tenor of the reply.

Minister : The reply of the Punjab Government to the Bombay Government is confidential.

Lala Duni Chand : Will the Honourable Minister please state the point of view of the Punjab Government in regard to this question of ratio? Will he also state his own views on it?

Minister : What has my knowledge of it to do with the views of the Punjab Government in the matter of the proper ratio?

Lala Duni Chand : Is the Punjab Government in favour of the reduction of the present ratio?

Minister : That is the very question that I have just answered. I have said that the communication in which we expressed our views to the Bombay Government is confidential.

Chaudhri Krishna Gopal Dutt : What is the view of the Punjab Government?

Minister : We have conveyed our views to the Bombay Government and our views are confidential.

Chaudhri Krishna Gopal Dutt : I am not asking the nature of the reply. I am only asking the opinion of the Punjab Government on a very vital question, a question which is uppermost in the minds of the people. The Government should not fight shy of answering it.

Minister : The answer contained the opinion of the Punjab Government and nothing else.

Chaudhri Krishna Gopal Dutt : May I know the views of the Punjab Government on the present ratio?

Minister : No.

Munshi Hari Lal : Does the Government intend to move the Government of India for the reduction of the ratio in the interests of traders and agriculturists? I want to know his intention.

Minister : It is a very big question. People may have one view or another as to what is in the interests of traders and agriculturists. It is not a simple proposition.

Munshi Hari Lal : Does the Government intend to move the Government of India for the reduction of the ratio? I eliminate the words 'in the interest of traders or agriculturists'?

Minister : That again is the same question as I have answered several times.

MOGA-KOT KAPURA ROAD OF FEROREPORE DISTRICT.

***3003. Pir Akbar Ali:** Will the Honourable Minister for Public Works kindly state—

- (i) if it is a fact that Moga-Kot Kapura road of the Ferozepore district was proposed to be taken over by the Public Works Department along with certain other roads,—*vide* page 285 of the " New expenditure for 1988-89 " ;
- (ii) whether it is a fact that in spite of provision of Rs. 47,000 having been made for the purpose in the " New Expenditure Memorandum for the year 1988-89 " the Public Works Department has not yet taken over charge of the said road ; if so, why ?

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

(ii) No ; the road has not been taken over as yet because approval of the Government of India to the expenditure on reconditioning being debited to the Central Road Fund is yet awaited.

**PERSONNEL OF PANCHAYAT FOR NINE VILLAGES IN SHUJABAD TAHSIL,
MULTAN DISTRICT.**

***3004. Mumshi Hari Lal :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the residents of *mauza* Kaisarpur and Matotli recently represented to the Deputy Commissioner, Multan district, against the personnel of the Panchayat consisting of three members two of them being real brothers and the third their first cousin, and having jurisdiction over villages, Matotli, Kaisarpur, Nasirpur, Halalwaja, Moripura, Nawa Chak, Sheikhpur, Sujra, Kilajpur, Hakimpur in Shujabad tahsil, Multan district ; if so, what action has been taken to remove the complaints of the petitioners ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : It is correct that a representation of the kind described was recently received from certain residents of revenue estates Kesarpur and Matotli. This petition is being enquired into ; but in the event of it being found that the allegations are correct it does not appear that any action can be taken to remove this complaint of the petitioners as there is nothing in the Panchayat Act or Rules to prevent near relations from standing for election, and being elected, as Panches.

EXCLUSION OF MAUZA KAISARPUR AND MATOTLI FROM THE JURISDICTION OF THE VILLAGE PANCHAYAT OF NASIRPUR.

***3005. Mumshi Hari Lal :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the residents of *Mauza* Kaisarpur and Matotli have recently represented to the Deputy Commissioner, Multan, that the said two *mauzas* may be excluded from the jurisdiction of the village Panchayat constituted for the nine villages of the Shujabad tahsil, known as village Panchayat of

Nasirpur, and have also prayed that a separate Panchayat be constituted for these two villages ;

- (b) whether it is a fact that in the village Panchayat, Nasirpur, there is no representative of these two villages ;
- (c) the action, if any, that the said Deputy Commissioner has so far taken on the representation ?

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

(b) There is no question of separate representation of different revenue estates as the *panchas* are elected out of and by the whole number of qualified voters. It is, however, correct that no *panch* of the Panchayat resides in Kesarpur or Matotli village.

(c) The Panchayat Officer has enquired into the representation and the result of his enquiries is under consideration.

LALA MUKHI RAM, MUNICIPAL COMMISSIONER, HOSHIARPUR.

*3005-A. **Malik Barkat Ali :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that one Lala Mukhi Ram, Municipal Commissioner, and at one time Vice-President of the Municipal Committee of Hoshiarpur, has made several balcony projections and crossings over municipal land without the permission of the Municipal Committee and in defiance of the bye-laws on the subject ;
- (b) whether representations against this illegal conduct of Lala Mukhi Ram were made to the authorities by one Shaikh Nasir-ud-Din of Hoshiarpur ; if so, whether any action has been taken on these representations ; if not, the reasons therefor ;
- (c) whether it is a fact that Pandit Dwarka Nath, Local Body Officer, investigated into these complaints under the orders of the Deputy Commissioner, Hoshiarpur, and found them correct, and whether upon these complaints, the Deputy Commissioner ordered the removal of the said balcony projections and crossings ; if so, whether the said order of the Deputy Commissioner for the removal of the said balcony projections and crossings has not so far been carried out ;
- (d) whether Government is aware that the said Lala Mukhi Ram has built temporary shops on the said crossings and is getting rent without paying a single pie to the Municipal Committee as compensation ;
- (e) whether it is a fact that on the *pushka* of the Municipal drain the said Lala Mukhi Ram has actually erected a wall without the sanction of the Municipal Committee and in defiance of Municipal Rules ; if so, what action, if any, Government propose to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) No.

(b) and (c) No such papers are now traceable in the Deputy Commissioner's office as such records are generally destroyed after a year from the date of their disposal.

(d) and (e) are incorrect.

GRIEVANCES OF MUSLIMS AGAINST MONTGOMERY MUNICIPAL COMMITTEE.

***3005-B. Malik Barkat Ali :** Will the Honourable Minister of Public Works kindly state—

(a) whether it is a fact that the number of Muslim representatives on the Municipal Committee, Montgomery, is 6 as against 7 Hindus and 2 Sikhs, and whether the Muslim population is more than that of the Hindus ;

(b) whether it is a fact that while non-Muslims in the service of the Municipal Committee, Montgomery, get 80 per cent. of the total salary expenditure, Muslims get not more than 20 per cent although their population in the Montgomery town is more than 40 per cent.;

(c) whether it is a fact that all the elected Muslim Municipal Commissioners of the Municipal Committee, Montgomery, have recently made a representation to the Deputy Commissioner concerned in regard to the grievances of the Muslim community against the administration of the municipal affairs at Montgomery ; if so, the action taken in the aforesaid representation and whether he would be pleased to place it on the table of the House ;

(d) whether the facts mentioned in the said representation ever formed the subject matter of any inquiry and whether they are true ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : 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 we 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 members may bring to my notice in a more informal way.

CASES DECIDED BY MAGISTRATES IN LUDHIANA DISTRICT IN APRIL AND MAY, 1988.

***3005-C. Chaudhri Muhammad Hassan :** Will the Honourable Minister for Finance be pleased to state—

(a) the number of cases decided by each of the magistrates in the Ludhiana district in the months of April and May, 1988 ;

- (b) how many of them were complaints by private individuals ;
- (c) how many private complaints out of these were dismissed by each court under section 203, Indian Penal Code ;
- (d) in how many complaints above-mentioned processes were issued and the accused were ultimately acquitted ?

The Honourable Mr. Manohar Lal : The required information is given in the statement which is laid on the table.

Statement.

Name of Magistrate.	(a).	(b).	(c).	(d).	
	Number of cases decided in April and May of 1938.	Out of (a) Number of complaints filed by private individuals.	Out of (b) Number of private complaints dismissed under Section 203, Criminal Procedure Code.	NUMBER OF COMPLAINTS IN WHICH	
				Processes were issued.	Accused were ultimately acquitted.
Mr. S. M. Rashid and Sardar Baghir Singh, Additional District Magistrate.	329	43	37	6	4
Kanwar Shiv Singh, Section 30 Magistrate.	129	14	11	3	3
Lala Kanwal Nain, Section 30 Magistrate.	92	41	38	8	6
Raja Muhammad Akram Khan, Magistrate, 1st Class.	123	6	3	3	2
Lala Gandharv Raj Vij, Magistrate, 2nd Class.	51	30	5	26	21
Sardar Baghir Singh, Magistrate, 3rd Class.	44	17	3	9	8
K. C. Chowdhry, Esq., I.C.S., Assistant Commissioner.	2	2	1	1	1
Khan Fazal Ali Khan, Magistrate, 2nd Class.	20	11	6	5	2
M. Mahmud Hussain, Magistrate, 2nd Class, at Samrala.	44	5	1	4	4
Sardar Uttam Singh, Magistrate, 2nd Class, at Jagraon.	26	17	12	5	5
Pandit Ramasaram, Naib-Tahsildar, Ludhiana.	37	37	18	19	14
Raja Mahmud Hasan, Naib-Tahsildar, Ludhiana, joined on 16th May 1938.	3	1	1	..	..

[Minister for Finance.]

Name of Magistrate.	(a). Number of cases decided in April and May of 1938.	(b). Out of (c) Number of complaints filed by private individuals.	(c). Out of (b) Number of private complaints dismissed under Section 203, Criminal Procedure Code.	(d). NUMBER OF COMPLAINTS IN WHICH	
				Processes were issued.	Accused were ultimately acquitted.
Chaudhri Karam Dahi, Naib-Tahsildar, Jagraon.	25	11	3	3	3
Sheikh Abdul Aziz, Naib-Tahsildar, Samrala.	10	7	3	4	4
Sardar Mohinder Singh, Honorary Magistrate, 1st Class, Ludhiana.	14	6	1	5	4
Sardar Harnam Singh, Honorary Magistrate, 2nd Class, Khanna.	33	25	16	10	7
Sardar Jagpal Singh, Honorary Magistrate, 2nd Class, Samrala.	54	10	3	7	7
Bhai Arduman Singh, Honorary Magistrate, 2nd Class, Baggrian.	2	3	..	3	3
Rai Muhammad Iqbal, Honorary Magistrate, 2nd Class, Raikot.	31	19	2	17	17
Khan Bahadur Rai Muhammad Inayat Khan, Honorary Magistrate, 2nd Class, Raikot.	5	5	1	4	3
Agha Rahat Ali Khan and Sardar Natha Singh, Honorary Magistrates, Bench-A.	11	11	6	5	4
Rai Sahib Sheo Farhad and Maulvi Abdul Wahid, Bench-B.	7	7	6	1	1

TOURS OF MAGISTRATES OF LUDHIANA DISTRICT.

*3065-D. Chaudhri Muhammad Hassan: Will the Honourable Minister for Finance be pleased to state—

- the travelling allowance drawn by each of the magistrates of the Ludhiana district in the months of April and May, 1938 ;
- whether the Government is aware of the fact that the litigant public is inconvenienced and put to great expenditure in consequence of the 'magistrates' taking up the cases in camp ;
- the number of days for which] each ilaqa magistrate above-mentioned remained in camp in his ilaqa in April and May, 1938 ?

The Honourable Mr. Manohar Lal : (a) and (c) A statement is laid on the table.

(b) The attention of the honourable member is invited to the answer given to part (d) of question *2798¹ asked by Lala Duni Chand in the present session of the Assembly.

Statement.

Serial No.	Name.	April 1936.	May 1936.
		Rs. A. P.	Rs. A. P.
	(c)		
1	Mr. S. M. Rashid, Additional District Magistrate.	111 11 0	58 3 0
2	Lala Kanwal Nain	58 3 0	Bill not received.
3	Kanwar Shiv Singh	38 4 0	Done.
4	Raja Mohammad Akram Khan	54 14 0	168 15 0
5	Chandhei Wilayat Hussain	124 2 0	110 10 0
	(e)—		
		Days.	Days.
1	Mr. S. M. Rashid	9	6
2	Lala Kanwal Nain	7	6
3	Kanwar Shiv Singh	7	..
4	Raja Mohammed Akram Khan .. ..	..	7

SHORT NOTICE QUESTION AND ANSWER.

REFUSAL TO ACCEPT VICTORIA RUPEES.

Lala Deshbandhu Gupta : Will the Honourable Finance Minister be pleased to state—

(a) whether Government are aware of the fact that there is a growing tendency in almost all the towns of the province not to accept genuine Victoria rupee coins and this is so even in the case of Railway Booking offices which refuse to accept such coins thereby causing great annoyance to the public ;

(b) if so, what steps do Government propose to take in the matter to check this tendency ?

The Honourable Mr. Manohar Lal : (a) Yes. Such complaints have come to the notice of Government.

(b) Government have already taken the following action :—

(i) In September, 1936, the Currency Officer, Lahore, was addressed on the subject. In October, 1936, the Controller of Currency issued instructions to Treasury Officers that, so far as possible, "Empress" rupees should not be re-issued from the treasuries.

(ii) Copies of press *communiqués* issued by the Punjab Government in June, 1937, and by the Controller of Currency in July, 1937, are laid on the table.

(iii) The Punjab Government brought their press *communiqué* specially to the notice of the Postmaster-General and the Agent, North-Western Railway.

Lala Bhim Sen Sachar : Has there been any increase in the activities of the Criminal Investigation Department in this connection?

Minister : I do not know. He might give me notice of this question.

Pandit Shri Ram Sharma : Have the difficulties of the people been reduced in this connection?

Minister : I could not say whether they have been substantially reduced.

Pandit Shri Ram Sharma : Will the Government arrange to have such notifications made in the towns and villages of the province?

Minister : Government is doing all it can. As regards the particular details which the honourable member suggests, I am afraid it is very much a request for action and a very big request for action.

Pandit Shri Ram Sharma : Is it a crime to refuse such a coin?

Minister : Yes.

Lala Bhim Sen Sachar : Do the Government intend to utilize the services of special police?

Minister : I have no such intention at present.

Punjab Government Press Communiqué.

It has come to the notice of the Government that some misapprehension exists in the mind of the public in regard to one-rupee coins bearing the effigy of the late Queen Victoria. It is notified for general information that these coins continue to be legal tender, and that any person refusing to accept them will do so at his own risk and responsibility.

Press Communiqué.

In accordance with a recent decision Victoria rupees are not ordinarily re-issued from treasuries or from banks which transact Government business, and these rupees are thus being gradually replaced by coins of more recent mintage. It is understood that in some districts this decision has led to a belief that Victoria rupees are no longer legal tender. This belief is entirely erroneous. Victoria rupees are exchangeable at their full face value and there is no intention of altering the existing position in this respect.

CALCUTTA :

Dated the 15th July, 1937.

J. W. KELLY,

Controller of the Currency.

MOTION FOR ADJOURNMENT.

ARRESTS FOR FAILURE TO PAY MALBA.

Sardar Partab Singh (Amritsar South, Sikh, Rural) : I beg to move for leave for the adjournment of the business of the House to consider a definite matter of urgent public importance, namely, the arrests of four persons of village Lalpur, tahsil Tarn Taran, District Amritsar, by the tahsildar on the morning of 3rd June, 1938, with a view to coerce them to pay malba and the refusal on the part of the lambarbars of that village and the tahsildar of that tahsil to take land revenue unless accompanied by malba.

Mr. Speaker : The motion is out of order. If any persons have been arrested against law, they may resort to a court of law.

Sardar Partab Singh : But I wish to—

Mr. Speaker : Order please. I disallow any discussion on my ruling.

THE PUNJAB ALIENATION OF LAND (FURTHER AMENDMENT) BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I beg to present the report of the select committee on the Punjab Alienation of Land (Further Amendment) Bill.

PUNJAB RESTITUTION OF MORTGAGED LANDS BILL.

Minister for Revenue : Sir, I beg to present the report of the select committee on the Punjab Restitution of Mortgaged Lands Bill.

Chaudhri Krishna Gopal Dutt : Sir, before you permit this report to be placed on the table of the House I want to enquire whether the report was sent to all the members for signature. The report should not be allowed to be placed on the table because, as far as my information goes, it was not sent to all the members for signature.

Diwan Bahadur Raja Narendra Nath : It was not sent to me at all.

Chaudhri Krishna Gopal Dutt : Because it was not signed by all the members therefore it should not be allowed to be placed on the table.

Diwan Bahadur Raja Narendra Nath : The report was not sent to me for signature before it was printed.

Mr. Speaker : On what date was the report signed ?

Premier : Mr. Puri refused to sign the report.

Chaudhri Krishna Gopal Dutt : I am not talking about Mr. Mukand Lal Puri.

Mr. Speaker : On what date was the report signed ?

Diwan Bahadur Raja Narendra Nath : I was at Simla and it could have been sent to my house for signature.

Raja Ghazanfar Ali Khan : I got the report of the select committee in the House. Neither Raja Narendra Nath nor Rai Bahadur Binda Saran were present in the House. I do not know whether they were in Simla or outside. They were not present in the House. I asked Mr. Puri to sign the report but he refused to sign it on that date.

Mr. Speaker : Could you give me the date? (Voices : It was signed on the 28th June).

Raja Ghazanfar Ali Khan : Rai Bahadur Mr. Mukand Lal Puri refused to sign it. Khan Bahadur Chaudhri Riasat Ali had gone to Gujrauwala. He attended the meeting of the select committee on the first day and then he took permission from the Revenue Minister to go to his place. He was not here on the day the report was signed. These three members were absent and the fourth refused to sign.

Rai Bahadur Lala Binda Saran : I can say that I was here in the House on that date. (Interruptions).

Rai Bahadur Mr. Mukand Lal Puri : I do not know what is meant by Raja Ghazanfar Ali saying that Mr. Puri refused to sign the report. That report was brought to me when I was working on another select committee and I was asked to put my signature on it. Is that the way in which such an important document should be got signed? I definitely refused to sign the report. That report should have been left with me and an opportunity should have been afforded to me to append a minute of dissent. This is precisely the way in which these things are done. With respect to the report of the select committee on Land Alienation (Further Amendment) Bill what happened was this. At 10 o'clock I attended a meeting of the select committee at 'Ellerslie' leaving the Cecil Hotel at 9-30 A.M. Up to 1 o'clock I was there. At 3 o'clock another select committee meeting was being held in the room below. I was occupied there up to 8-30 P.M. While sitting there the report of the select committee on the Punjab Alienation of Land (Further Amendment) Bill was brought to me. I kept it with me. The next day I met Sardar Sahib and told him that the Assembly has referred the Bill to a select committee without specifying the date. Therefore the report of the select committee could not be presented to the House under the rules earlier than two months. As the matter was an important one I requested him to give me time to append a minute of dissent say a week. As the House by that time had not fixed any date on which the report of the select committee was to be presented, I requested Sardar Sahib to give me time to append a minute of dissent. At that time I also brought those rules to the notice of Sardar Sahib. He did not say that I must sign and I understood that he had given me time. Afterwards I signed the report and appended my minute of dissent. I signed this morning and that was the earliest that this could be done. I wish merely to point out the circumstances in which all these things are hustled through. I certainly take objection to the statement which has been made by Raja Ghazanfar Ali Khan and repeated by the Premier that Mr. Puri refused to sign the report. What is to be done in these circumstances? When one is busy attending a meeting the Parliamentary Secretary comes up and asks a member to sign the report especially a report of a select committee to which we have not been a party. That is not the way in which members

should be treated. Ask Raja Ghazanfar Ali whether these are not the circumstances.

Mr. Speaker : Are the honourable members prepared to sign it now ?

Rai Bahadur Mr. Mukand Lal Puri : Without looking at it ?

Mr. Speaker : It was circulated so many days ago. Are the honourable members prepared to sign it subject to recording their minutes of dissent ?

Premier : May I, through you, Sir, draw the attention of my honourable friend, Mr. Mukand Lal Puri, who was so vehement about the condition under which he was asked to sign the report, to Standing Order 44 (5), which says :—

“If any member of a Select Committee desires to record a minute of dissent on any point, he must sign the report, stating that he does so subject to his minute of dissent, and must hand in his minute within three days of the date on which he signs the report.”

So, this is the rule and he must sign the report.

Mr. Speaker : I again request the honourable members to sign the report subject to recording their minutes of dissent.

Diwan Bahadur Raja Narendra Nath : I am willing to sign the report subject to a minute of dissent, but I cannot draw up my minute now.

Chaudhri Krishna Gopal Dutt : I object to their signing this report.

(At this stage Diwan Bahadur Raja Narendra Nath and Rai Bahadur Binda Saran signed the report.)

Mr. Speaker : May I ask the honourable Mr. Mukand Lal Puri, why he refuses to sign the report ? Why does he disobey the Standing Orders of the Assembly ?

Rai Bahadur Mr. Mukand Lal Puri : There is no question of disobeying the Standing Orders of this House. It has been stated already on the floor of this House why I have refused to sign the report and the matter ended there. There is no question of non-compliance of the Rules.

Premier : I submit, Sir, that my honourable friend, Mr. Mukand Lal Puri has got no right to refuse to sign the report. He must sign it if he was a member appointed under Standing Orders of this House. He can sign it subject to a minute of dissent, which he must hand in within 3 days.

Chaudhri Krishna Gopal Dutt : The report was not sent to the honourable member's house for signature.

Mr. Speaker : There is no rule or practice under which a select committee's report should be sent to the house of any member of the Committee for his signature. The report cannot and should not follow the members, who do not attend the committee meeting at which it is signed by the members present. All members are expected to attend and sign the report at a meeting or in the office of the Secretary of the Committee. If a report is sent to the house of every member, it might take days, if not weeks, to obtain the signatures of all members ; and it is not inconceivable that a member might sit over it and thus put an end to the labours of the remaining members of the committee. So, I have no doubt that a report should not follow members to their houses or places of residence.

[Mr. Speaker.]

I may add that, under Standing Order 44 (5) which has been quoted by the Honourable Premier, it is not obligatory for a member of a select committee to sign the final report of the committee, if he does not desire to record a minute of dissent on any point. Only such members are bound to sign the report as wish to add a minute of dissent but not others; though as a matter of practice all should sign, if possible. A report is complete if it is signed by as many members of the Committee as form its quorum. It need not be necessarily signed by all members.

Premier : What I understand from my honourable friend, Mr. Mukand Lal Puri, is that perhaps he does not want to sign it because he wants to append a minute of dissent.

Diwan Bahadur Raja Narendra Nath : Have I to submit my minute of dissent by the 6th or the 7th ?

Mr. Speaker : The report was circulated on the 30th June and to-day is the 4th July. Under the Rules, as they stand, a minute of dissent must be sent within the next 8 days.

Chaudhri Krishna Gopal Dutt : Can a report without a minute of dissent be presented ?

Mr. Speaker : Yes, it can be presented.

Chaudhri Krishna Gopal Dutt : It is not a complete report because it is not signed by all members.

Mr. Speaker : The report is complete even if it is not signed by all members, provided they do not wish to record their minutes of dissent; but if they desire to record their minutes of dissent, they *must* sign it.

Malik Barkat Ali : May I know if it is open to any member of a select committee to refuse to sign the report ?

Mr. Speaker : Strictly speaking a member, who, with his previous consent, is elected by the Assembly a member of a select committee, must obey the standing orders and sign the report of the committee.

Lala Duni Chand : Supposing a member refuses to put in his signature to the report because that would be as if he is signing his own death warrant. In that case also, is he bound to sign the report ?

Mr. Speaker : My interpretation is that if a member wishes to record a note of dissent, he is bound to sign the report; but not otherwise.

Pandit Muni Lal Kalia : May I know whether there can be a proper presentation of a report if the minutes of dissent, if any, are not appended thereto ? Is it a complete report ?

Mr. Speaker : I have already stated that a minute of dissent is to be written after the report. Therefore, a report is a report even if no minute of dissent is appended to it.

Malik Barkat Ali : I suppose that if a member refuses to sign the report, it can be presented to the House with a note that such and such a member has refused to sign the report.

Mr. Speaker : Certainly, as no member by refusing to sign the report can destroy all that has been done by the select committee. I may add, however, that the report must be signed by at least as many members as form the quorum of the committee.

Dr. Gopi Chand Bhargava : I understand your ruling to be that a report can be presented to the House even if all the members of the committee have not signed it. The point on which I wish to be made clear is this. Is it not necessary to mention in the report that such and such a person has not signed the report because he is absent or that he refuses to sign the report or that such and such a member signs the report subject to a minute of dissent? Is it not necessary that all these should be clearly mentioned in the report itself? Otherwise it will be quite possible that the majority party on the select committee may submit a report without the knowledge of the minority party and thus deprive them of writing a note of dissent.

Mr. Speaker : In the new rules, provision has been made that ordinarily the report of a select committee should be signed by every member and if any member is not able to sign it a note shall be added, giving reasons, why he could not sign it. I am unable to agree with the proposition that the report should be sent after every member, wherever he may be, for his signature; as in that case a single member might bring the work of the Assembly to a standstill.

Pir Akbar Ali : You will find in the report that on the 27th June certain members walked out. When they walked out on the 27th, how could their whereabouts be found out on the 28th?

Dr. Gopi Chand Bhargava : May I reply to Pir Akbar Ali? If certain members walked out on the 27th, they had not forfeited their right to write a note of dissent. They should have been given an opportunity to sign their minutes of dissent and the report should not have been presented without their signature or at least without giving reasons for their not signing.

Mr. Speaker : But it cannot be conceded that if a member absents himself the report should follow him for his signature wherever he may go.

Chaudhri Krishna Gopal Dutt : But the members concerned in the present case were at Simla.

Mr. Speaker : But, as a rule, a report should be signed at a meeting of the committee and not at the residences of its members.

Lala Bhim Sen Sachar : May I draw your attention to the rule according to which the report of the select committee along with the minute of dissent should be presented to the House?

Mr. Speaker : Has any report been laid on the table of the House?

Premier : Yes, it has been laid on the table. The instruction of this House was that the report of the select committee should be presented on the 28th. Therefore the members of the select committee knew that the report had to be signed on the 27th even.

Mr. Speaker : Apparently the honourable members have not read the standing orders and that is why there is so much misunderstanding. A report is a report whether it is signed by all members or by only as many members as form the quorum. The House shall now proceed to the next business.

SUPPLEMENTARY STATEMENT OF EXPENDITURE AUTHENTICATED BY GOVERNOR.

Minister for Finance : As required by section 81 of the Government of India Act, 1935, I lay on the table the supplementary statement of expenditure (1st instalment) for the year 1938-39 authenticated by His Excellency the Governor.

As required by section 81 of the Government of India Act, 1935, I hereby authenticate the following supplementary statement of expenditure for the financial year 1938-39, which specifies :—

- (a) the supplementary grants (First instalment) made by the Punjab Legislative Assembly in its session held in June 1938, and
(b) the sums required to meet the expenditure charged on the revenues of the Province.

SUPPLEMENTARY STATEMENT.

Grant No.	Major head of account.	Supplementary grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of the Province.	Total.
		Rs.	Rs.	Rs.
1	7—Land Revenue	88,970	9,250	98,220
4	10—Forests	3,39,000	..	3,39,000
7	15—Other Irrigation expenditure financed from ordinary revenues.	1,51,000	..	1,51,000
8	Charges on Irrigation Establishment ..	58,600	1,500	58,100
10	25—General Administration	1,00,630	..	1,00,630
16	37—Education (excluding European and Anglo-Indian education).	10,000	..	10,000
17	38—Medical	10,500	..	10,500
18	39—Public Health	1,48,020	..	1,48,020
20	41—Veterinary	13,600	..	13,600
21	42—Co-operation	22,100	..	22,100
22	43—Industries	55,900	..	55,900
24	50—Civil Works	51,200	..	51,200
26	51—Civil Works not charged to Revenue..	1,35,700	..	1,35,700
24	57—Miscellaneous	41,100	7,310	48,410
29	79—Capital Outlay on Hydro-Electric Scheme.	10	..	10

SERIAL :

The 30th June, 1938.

H. D. CRAIK,

Governor of the Punjab.

THE PUNJAB MOTOR TRAFFIC OFFENCES BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : I move—

That the Punjab Motor Traffic Offences Bill as reported by the select committee be taken into consideration.

Pandit Muni Lal Kalia : On a point of order, Sir. I have got a technical objection to raise with regard to this motion. I submit that it is not in conformity with section 108 of the Government of India Act. My contention is that this Bill as reported by the select committee is defective inasmuch as the previous sanction of the Governor-General has not been obtained.

Sub-section (2) of section 108, clause (d) states—

Unless the Governor General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which affects the procedure for criminal proceedings in which European British subjects are concerned.

In support of my point I also depend on section 29-A of the Criminal Procedure Code, which says—

No magistrate of the second or third class shall inquire into or try any offence which is punishable otherwise than with fine not exceeding Rs. 50 where the accused is a European British subject who claims to be tried as such.

Now this Bill makes no exception with regard to European British subjects who may be owners of cars. Under clause 2 (c) of the Bill "Magistrate" means a magistrate specially empowered by the Punjab Government for the purposes of this Act." That means that the magistrate may be a stipendiary magistrate or an honorary magistrate and a magistrate of 2nd or 3rd class. This conflicts with section 29-A of the Criminal Procedure Code.

Now there are certain offences under the Motor Vehicles Act which are punishable with fine of more than Rs. 50, for instance under sections 5 and 16. Then there are offences under the Punjab Motor Vehicles Taxation Act which are punishable with fine which may go to Rs. 100 and more. So my submission is that this Bill affects two different Acts, the Indian Motor Vehicles Act and the Punjab Motor Vehicles Taxation Act. So, the Bill cannot be proceeded with without the previous sanction of the Governor-General. As such it is bad and defective. If on these points my learned friend on the other side, the Advocate-General, throws some light, then I might be given an opportunity to meet his points.

I may now refer to the Bill as presented by the select committee. I have already referred to the definition of 'magistrate' as given there. I will now refer to clause 7. It says—

When any police officer has reason to believe that any offence has been committed in respect of a motor vehicle or that any other offence punishable under the Indian Motor Vehicles Act, 1914, has been committed, he may demand that the owner, driver or any other person in charge of the motor vehicle shall make over to him any document relating thereto which he is bound to carry and shall thereupon forward the document to the court which would have jurisdiction over the offence.

Now the owner, driver or any other person may be a European British subject and so this Bill affecting such a person cannot be passed without the previous sanction of the Governor-General.

[Pt. Muni Lal Kalra.]

Then there are certain penalties given under clause 8 of this Bill.

Any person failing to surrender any document to a police officer demanding it under the provisions of sub-section (1) of section 7 shall be punishable with fine which may amount to Rs. 50.

Then with regard to other offences under clause 7 of the Bill, they are given in the Motor Vehicles Act itself. Section 5 of that Act says—

Whoever drives a motor vehicle in a public place recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the place and the amount of traffic which actually is at the time, or which might reasonably be expected to be, in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

Now proceedings can be taken under this Bill even in the case of a European British subject and the fine under the Motor Vehicles Act may extend to even Rs. 500.

Section 16 of that Act also says—

Whoever contravenes any of the provisions of this Act or of any rule made thereunder, shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with fine which may extend to one hundred rupees and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to Rs. 200.

In this case also the present Bill proposes to empower a magistrate of third class to impose a fine of Rs. 200 even when the accused happens to be a European British subject.

Similar provisions also exist in the Punjab Motor Vehicles Taxation Act. Section 8 of that Act says—

If a person (a) fails to deliver a declaration in accordance with the provisions of this Act, or (b) delivers a declaration wherein the particulars prescribed to be therein set forth are not fully and truly stated, the licensing officer may, after making such enquiry as he deems fit and after hearing the person if he desires to be heard, impose on such person any tax or additional tax for such quarterly period or periods as the licensing officer may find that such person is liable to pay under the provisions of the Act and may also impose a penalty which may extend to twice the amount of the tax to which he is found liable.

Then the penalties are given in the schedules where the fine extends to Rs. 300 or even Rs. 600.

For these reasons I raise this point of order and say that this Bill as drafted should be thrown out because the previous sanction of the Governor General has not been obtained.

Minister for Revenue: I never thought that my honourable friend opposite had so great care for the interests of the European community, but I am glad to find that he is trying to do that and that he finds reason in that for raising objection to the motion. As regards the first objection that the sanction of the Governor-General was necessary may I point out that the matter was looked into and we came to the conclusion that the Bill after it is passed would be submitted to the Governor and the Governor can reserve it for the final sanction of the Governor-General. The genesis of this Bill is that a man should not be hauled up for ordinary petty offences. That is the genesis of the Bill and it is based on the analogy of the provisions of a similar nature in England. I think my honourable friends know that this ordinary offence should not draw out a man into a court of law for meeting such charges.

Mr. Speaker : Will the honourable Minister please reply to the objections raised by Pandit Kalia?

Minister : The point raised by my honourable friend was looked into and we came to the conclusion that it is not necessary to have the previous sanction of the Governor-General.

Mr. Speaker : May I request the Advocate-General to throw some light on the point, if he can?

Advocate-General (Mr. M. Sleem) : As I take it the objection of the honourable member is this. The consequence of this provision namely that a magistrate means a magistrate specially empowered by the Punjab Government, may be that there may be a conflict between the provisions of section 29 (a) and the provisions of this Act. In other words his point is, suppose the Government were to empower a magistrate of the second or third class to enquire into such matters what would the consequence be? The consequence would be that the magistrate of the third class or second class would be able to try a European British subject which he cannot do under the provisions of section 29 (a). That objection is not really to the Bill as drafted; the objection is to the provision giving power to the Government to empower a magistrate of the second class to try a European British subject. There is nothing in the Punjab Motor Traffic Offences Bill itself which says that the procedure is going to be affected. The objection is really this that if the Government were to empower a magistrate of the second class to try a motor offence relating to a European British subject it would come in conflict with the provisions of section 29 (a). That, Sir, I submit is not a valid objection to the Bill, though it may be a valid objection to the section as drafted, if it says that a magistrate of the second or third class may be empowered, to try a European British subject. I take it that the objection is that. The procedure is going to be affected in consequence of the Government reserving a certain power to itself if it is exercised in a particular manner subsequently and this would come in conflict with the provisions of section 29 (a). Nowhere does the Act say that a magistrate of second or third class shall try a European British subject. My submission therefore is that so far as the Bill is framed there is nothing objectionable.

Parliamentary Secretary (Mir Maqbool Mahmood) : After the very lucid exposition of the question by the honourable and learned Advocate-General there are only one or two points that I wish to say to supplement it and these are. Even under the Indian Motor Vehicles Act, section 17, it is provided that no court—this is an all India Act—no court inferior to that of a presidency magistrate or a magistrate of the second class shall try any offence punishable under this Act or any rules made thereunder. Though technically under this section 17, European British subjects can be tried, since the Criminal Procedure Code section 29, overrides this they are not so tried. That is my first submission. Secondly, if my honourable friend would pay attention to the section quoted he will find that that objection only comes in if the Bill or the amendment affects the procedure for criminal proceedings in which European British subjects are parties. That would have been so if in this Act we had stated that notwithstanding anything provided in the Criminal Procedure Code a magistrate means a magistrate specially empowered by the provincial Government. But that is not the definition of magistrate. The definition of magistrate which we provide does not affect

[Mir Maqbool Mahmood.]

section 29 and as happens in the case of Indian Motor Vehicles Act section 17 similarly in this case in cases involving European British subjects the second class magistrate is debarred from exercising jurisdiction. Therefore I submit that in view of these decisions there is no conflict or repugnancy to section 29 of the Criminal Procedure Code. Moreover as was pointed out by the Revenue Minister, under section 101 of the Government of India Act the Bill can be reserved and the opinion of our legal advisers is that it may be reserved under section 101.

Mr. Speaker : Is there any provision in this Bill which over-rides the Criminal Procedure Code or by which the provisions of the Criminal Procedure Code become unnecessary or inoperative?

Pandit Muni Lal Kalia : Yes, Sir. I will confine my reply only to this point. If you will kindly read clause 2, sub-clause (b) of the Bill where the 'code' is defined you will find that the honourable Advocate-General and the gentleman who spoke after him forgot to refer to that point. The 'Code' means the 'Code of Criminal Procedure, 1898.' That is the procedure that will be followed in trying these offences, and that procedure is going to be affected by clause 5 of the Bill. He should also read Section 107 of the Government of India Act. An accused cannot be tried in his absence under the ordinary Criminal Law. But the Bill proposes even such a change.

The procedure laid down in the Criminal Procedure Code for the trial of European British subjects by second and third class magistrates is regulated by Section 29-A, of that Code. I have been supported in my contention by my friends on the opposite benches. My submission is that this Bill proposes to alter or amend the procedure as laid down in the Criminal Procedure Code by clause 7 of this Bill. Clause 7 of this Bill lays down the form of penalties which are to be given in three kinds of offences. What are those offences?

4 P. M.

Offences that are committed under the Indian Motor Vehicles Act,

Offences that are committed under the Motor Taxation Act, and

Offences that are to be committed under the present Bill if it is given the shape of an Act.

With regard to the Motor Vehicles Act section 17 has been read by my honourable friend on the opposite side. That Section cannot help him. There also it is said that "no court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act or any rule made thereunder." By this Act even section 17 of the Indian Motor Vehicles Act has been amended because now under the definition of "Magistrate," any magistrate, even if he is a third class magistrate, can try an offence under section 17, so that, what this Bill aims at is amendment of section 17 as well. I entirely agree with my honourable friend on the other side that under section 17, only a presidency magistrate or a magistrate with second class powers can try an offence under the Motor Vehicles Act but what does the present Bill propose? In this case a magistrate—and that magistrate may be a magistrate with third class powers—

can try an offence under the Motor Vehicles Act because clause 7 of the Bill provides—

" 7. (1)..... in respect of a motor vehicle or that any other offence punishable under the Indian Motor Vehicles Act, 1914....."

so that, this Bill also amends the Indian Motor Vehicles Act. My point remains where it was. This Bill proposes to alter the procedure that is laid down in section 29-A of the Criminal Procedure Code and this Bill cannot be moved or taken into consideration in its present form. Either the previous sanction of the Governor-General should be taken or an alteration should be made to such an effect that only the Indians could be tried under this Act and European subjects should be excluded and for them a different procedure should be provided in the Bill. The points which I raised before have not been answered and the points which have been raised in answer to my point are beside the mark and my learned friend at the time did not read carefully the definition which is given in sub-clause (b) of clause 2 of the Bill so that I again suggest that in a position like this, this Bill should be thrown out of consideration.

Mr. Speaker : Is the Honourable Minister prepared to say that he will modify all such provisions as are likely to affect the provisions of the Criminal Procedure Code?

Minister for Revenue : We are not proposing to give powers to a second class magistrate.

Pandit Muni Lal Kalia : There is another point of order. Is the Minister of Revenue entitled to go against the select committee's report and give a personal undertaking that Government will not empower a third class magistrate? The report provides that a magistrate means any magistrate.

Minister for Revenue : Yes, 'any Magistrate' but the question of class has to be decided by the Government. It is not to be decided by my friend opposite but by the Government. The Government undertakes to do that.

Mir Maqbool Mahmood : May I invite the attention of the House to the recommendations of the select committee on page 1 where it is stated—

"The Committee desires that properly qualified and experienced magistrates may be empowered under this clause."

Minister for Education : The whole difficulty seems to have arisen from the definition of the word "magistrate." The definition as given here is—

"magistrate" means a "magistrate of the first class"

(Interruption) (Laughter).

Mr. Speaker : May I invite Pandit Muni Lal Kalia's attention to section 108 (2) of the Government of India Act. It says :—

"(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment....."

The introduction stage and the moving of the Bill stage have passed. Therefore, according to this Act the honourable member's objection is too late.

Pandit Muni Lal Kalia : I studied that point as well. You will kindly see what is given in the Agenda or in the List of Business for to-day. It is said—

“ A member of Government to move that the Punjab Motor Traffic Offences Bill be passed ”

and unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill.

Mr. Speaker : The moving of a Bill is not the same thing as its introduction or reference to a select committee or the moving of its consideration.

Pandit Muni Lal Kalia : May I, with your permission, just explain this point? In the Government of India Act two words are used and not one word and it does not lead to any other interpretation but the one which is clear on the face of it and that is—

“ there shall not be introduced into ”

and the matter does not end here but even after introduction there is another stage. Therefore to cover that stage the words used are “ or moved in ” so, my submission is that from the sequence in which the words are used in the Act it is quite clear that the words “ or moved in ” refer to some stage after introduction, otherwise they could not be used subsequent to the words “ introduced into ” but should have been used before that. My interpretation is that the sequence in which the words are used in the Act does not lend to any other interpretation but the one that “ moved in ” refers to any stage which comes after introduction. May I further invite your attention to one other point? May I take it that any illegality that has been committed at the time of introduction and has not been taken notice of should be ignored later on when the House comes to know of it, that there is some illegality or that something against law has been committed? I do not think that illegalities should continue. A mistake is being committed *ab initio*. My submission is that the sequence should also be kept in view and if that view is taken in a strict sense then in that sense “ moved in ” refers to any stage. I had taken the opportunity at the earliest moment when the Honourable the mover rose to move, but even if I had taken that point later on in the third stage, that is, on the motion “ that the Bill be passed ” ? it could be valid. That point could be raised even when the Bill was to be discussed clause by clause and any illegality committed in the earlier stage cannot be over-looked or ignored. Otherwise the illegality once committed will continue. That is a principle which no sound system of law can ever allow.

Advocate-General : I just want to add one thing more and that is with reference to the objection that was raised by the definition of “ Magistrate.”

If you look at the clause it says—

“ Magistrate ” means a magistrate specially empowered by the Punjab Government for the purposes of this Act.

There is nothing to indicate that he will be a 2nd or 3rd class magistrate. The objection is that if the Government were to appoint this class of magistrate to try these offences, that act of the Government would be *ultra vires*. But how can you assume that under this power given to the Government, the Government would exercise the power except in accordance with law?

So, the position is this that if this Bill is passed the Government will have to consider whom to appoint and when they are told there that there is section 29 (a) they would not appoint any such person. That is my submission. You cannot assume that when Government possesses a power under an Act that it shall be exercised in a manner not authorised by law. When they see section 29 (a) the Government will find that they cannot specially empower a second class or third class magistrate to try British subjects. Therefore I submit there is no force in this objection that in this Act a magistrate means a second class or third class magistrate. What I am submitting is that under this Act a magistrate only means a magistrate specially empowered. When Government is considering the matter of appointing a magistrate it will find that there is section 29 (a) of the Code of Criminal Procedure under which it is not permitted to empower a second class magistrate to try European British subjects. There is nothing in this Act which permits this (*hear, hear*).

Mr. Speaker : The Advocate-General's view appears to be correct.

Pandit Muni Lal Kalia : I am sorry I cannot agree with that view. I will try to meet the point raised by him. With regard to this point my learned friend has only confined his attention to section 29-A of the Criminal Procedure Code. He has not referred to the Punjab Motor Taxation Bill under which a fine of Rs. 500 or Rs. 400 can also be imposed. It only comes to this that according to section 17 of the Motor Vehicles Act any presidency magistrate or a magistrate of second class may be appointed to try offences. The rules which are made subsequent to the Act itself cannot remedy the illegality committed in the beginning. My submission is that we have to take the definition as it now stands. The point that government will keep in view at the time when power will be given to the special magistrate cannot be taken into consideration at this stage. That is my humble opinion. The argument that if there is any illegality in this Bill that illegality will be remedied at the time when the Bill will be put into operation. I do not think can hold water in a case like this in which the position is quite clear. The defect is there and it is an unfortunate defect. I do not say that it has been intentionally done. Government must have taken all the points into consideration. There is no use in hurrying through this measure. We come here as makers of law and as legislators and if the legislator does not care to interpret the law that has already been passed by a previous legislature I do not think we can blame the courts or other persons. They will commit the mistake in the matter of interpretation. I do not think you should feel touchy on this point : it is an ordinary point. They can either change the aims and objects of this Bill or can just have a formal sanction.

Mr. Speaker : I am inclined to agree with the Advocate-General. I further invite the honourable member's attention to section 109 (2). He will agree, I hope, that assent can be given even afterwards.

Pandit Muni Lal Kalia : May I take it that the position is that if an illegality is committed the law will later on rectify this illegality ?

Mr. Speaker : I did not say that. What I mean is was that the Advocate-General's view appears to be sound, but assuming it to be otherwise, there is another aspect which the honourable objector may consider.

Mian Abdul Aziz : May I say one thing ? At this stage as a matter of fact this Bill is to be passed into an Act and before it is passed this Assembly is entitled to see to the Bill thoroughly. It is not an Act at this stage like section 537 to cure judicial distempers and to cure all sorts of irregularities and everything else. When an Act is made it will be an entirely different thing ; but it appears to me that when we know there is a flaw I think it would be entirely unjustified and illegal to pass or to introduce this Bill with the hope that His Excellency the Governor-General will give his assent.

Mr. Speaker : I have heard the honourable member. I think we can proceed with the Bill.

Sardar Sampuran Singh : My submission is that you cannot make rules under clause 9.

Premier : May I draw attention to clause 2, sub-clause (c), which is quite clear? I do not think that we need refer to clause 9. My honourable friend has gone to rules and ignored the substantive section of the Act itself. There it is said :

“Magistrate” means a magistrate specially empowered by the Punjab Government for the purposes of this Act.

Pandit Muni Lal Kalia : The Government may appoint a third class magistrate.

Minister for Revenue : They cannot, because a third class magistrate cannot try Europeans.

Mr. Speaker : The question is—

That the Punjab Motor Traffic Offences Bill as reported on by the Select Committee be taken into consideration.

The motion was carried.

Mr. Speaker : The Assembly will now take up new clauses first.

New Clauses.

The Assembly agreed to the introduction and consideration of the following new clause :—

At the end of clause 2, the following new sub-clause be added :—

“(f) Unless there is anything repugnant in the subject or context, the definitions contained in section (3) of the Indian Motor Vehicles Act, 1914, and in the Punjab Motor Vehicles Rules, 1931, shall in so far as they are relevant apply to the provisions of this Act.”

Parliamentary Secretary (Mir Maqbool Mahmood) : I move—

That the new clause be added to the Bill.

The motion was carried.

Leave to introduce and take into consideration being given by the House.

Munshi Hari Lal (South-Western Town, General, Urban) : I beg to move—

That the following new clause be added to clause 4 of the Bill :—

That in sub-clause (2) the following proviso be added :—

‘Provided that if the accused appears in person in obedience to the summons and wishes to defend, he shall not be required to furnish a surety bond.’

The clause as it stands provides for the issue of special summons and also provides that if a person to whom summons are issued does not wish to appear in person or by pleader, he may send a specified sum, etc. But it does not provide facilities for a person who wishes to appear in court. My amendment is that if the accused appears in court in response to the summons and defends himself he should not be asked to furnish a surety bond.

Mr. Speaker : Is that the law ?

Munshi Hari Lal : There are so many sections in the Criminal Procedure Code which provide for this. My point is that if a person appears in person in obedience to the summons issued under this Bill he should be exempted from furnishing the surety bond. Under the Criminal Procedure Code a magistrate can order an accused to furnish a surety bond. My reason for asking for this exemption is that these motor drivers are persons of peripatetic habits, going from place to place and in their business they are itinerant. Supposing a motor driver commits an offence between Lahore and Rawalpindi and he is tried in Rawalpindi though he belongs to Lahore, it will be troublesome for him if he is asked to produce a surety bond at Rawalpindi. I want to save him from this hardship by moving this amendment. There is reason in it. My idea is that the accused should not be tried in a district or in a place to which he does not belong ; but if he is, he should not be called upon to produce a surety bond. It will be very hard for the accused to produce a surety at a place to which he does not belong and where he is a stranger. With these words I beg leave to move the amendment.

Mr. Speaker : Motion moved—

That the new clause be added to the Bill.

Parliamentary Secretary (Mir Magbool Mahmood) : I am afraid that my honourable friend's amendment is based on some misunderstanding of the law and of the actual position adumbrated by this clause. I beg to invite his attention to section 496 of the Criminal Procedure Code wherein it is stated that—

When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

Now, Sir, my first submission is that the amendment proposed by my honourable friend suggests that the court shall in such cases dispense with the furnishing of a surety by the accused person but it does not provide any alternative procedure by which the presence of the person concerned may be ensured. In this connection I beg to invite attention to a reference made to the select committee by the Punjab Motor Union. A deputation on behalf of the Union came and saw me and requested me to represent certain matters before the select committee. They were given an opportunity to suggest points which they wished to be considered by the select committee. They sent us an issue of the *Driver* dated 2nd May, 1936, which is the organ

[Mir Maqboof Ahmad.]

of this Union and therein they made three suggestions which bear on this question and on the other clauses proposed. The three suggestions are—

—تجویز نمبر ۱ یہ ہے۔

(۱) کسی شخص ملزم سے ضمانت حاضری نہ طلب کی جائے بلکہ صرف ذاتی مچلکہ ہی لیا جائے۔ اگر وہ چالان ہو جانے کی صورت میں تاریخ اول پر خود ہی حاضر ہو جائے اور اُسکے بعد ہر پیشی پر حاضر عدالت رہے۔

My honourable friend to-day goes even further and does not suggest even a personal bond for the appearance of the accused concerned. The second point which they propose is—

ہر اس شخص سے جو مالک لاری یا سوٹر ہو۔ کسی حالت میں بھی ضمانت حاضری طلب نہ کی جائے بلکہ اس سے صرف ذاتی مچلکہ ہی لیا جائے۔

and the third is—

ہر وہ شخص جو مالک سوٹر یا لاری ہو۔ کسی دوسرے شخص کی ضمانت دینے کا سبب قرار دیا جائیگا بغیر اس سوال کے کہ وہ جائیداد غیر منقولہ کا مالک ہے۔

Now, Sir, these three specific suggestions made by the Motor Union which are *prima facie* very reasonable, certainly more reasonable than the unreasonable amendment proposed by my friend opposite, were taken up in the select committee, and there it was unanimously decided, in which my honourable friends Diwan Chaman Lall and Mian Iftikhar-ud-Din concurred, that these clauses could not be taken up within the scope of the Bill. Accordingly this question is being considered independently with a view to meet as far as possible the demands of the Motor Union in this behalf. I am happy to be able to inform the House that this question had been referred for legal opinion and is being examined and I think I am divulging no secret when I say that it is being examined sympathetically and hopefully. That being the position I hope that my honourable friends opposite who are responsible for these new clauses would not prejudice the case of the Motor Union, by pressing this matter which the select committee unanimously decided could not be taken up in this form.

Munshi Hari Lal : Not prejudice but promote their case.

Parliamentary Secretary : So far as promotion or prejudicing is concerned the amendment proposed speaks for itself and I feel confident that my honourable friend opposite with his grasp of law and legal principles will agree that the clause as it stands is not only unreasonable and beyond the demand made on this question by the Motor Union itself but outside the scope of the Bill.

Munshi Hari Lal : I have their demands and they say that they demand that surety bond should not be demanded, though the personal bond may be.

Parliamentary Secretary : My honourable friend now says that surety bond should not be taken but personal bond should be taken. I want him to see his amendment and say if his suggestion is covered in it. Let it be stated at this stage that the position of the Government is clear. We realise that in this industry there are a large number of honest and hard-working people who share our worries during the elections and on various other occasions and who are entitled to the fullest sympathy of the Government in regard to their legitimate requests. But at the same time thousands of passengers travel every year by these lorries and motor vehicles plying on hire, and when we see that in the last year as many as 1,200 motor accidents involving loss of life and injury to body occurred it is the painful duty of the Government to see that while no unnecessary harassment is caused to the people employed in this industry, the security of traffic is ensured by enforcing such rules as may be necessary, and I feel that no better proof would be needed of the practical intention of the Government to assist these people than the Bill under consideration. As such, in view of the fact that the new clause now proposed and those that follow have already been referred by Government to their experts and are being examined sympathetically and the select committee unanimously felt that they could not be incorporated in this Bill, I beg to oppose the motion.

Mr. Speaker : Only two things are provided for in the Criminal Procedure Code: the giving of bail and bond. What does the honourable member suggest?

Munshi Hari Lal : Bond is executed by a surety as well as personally by the person concerned. I want the personal bond or what is called muchalka in common parlance.

Mr. Speaker : Is it called a surety bond?

Munshi Hari Lal : One executed by a surety is called a surety bond and not a Muchalka.

Mr. Speaker : Does the honourable member's proviso mean that only a surety bond should be taken and not a personal bond?

Munshi Hari Lal : No. On the other hand I want him to be exempted from giving surety bond and not from personal bond. My proviso is that he should not be asked to provide a surety but should only give a personal bond.

Mr. Speaker : The honourable member means that a bail bond should not be taken at all.

Munshi Hari Lal : Yes. My proviso reads—

“Provided that if the accused appears in person in obedience to the summons and wishes to defend, he shall not be required to furnish a surety bond.”

I was under the impression that as generally we employ the words surety bond and personal recognizance, the word 'surety bond' would serve the same purpose as bail bond. My object is to provide facilities to the

[Munshi Hari Lal].

accused. If he is being tried in a place other than the one to which he belongs he should not be required to give a bail bond and should not be put to the hardship of producing a surety to the satisfaction of the court. I want to save the accused from this trouble. I will amend the motion by substituting 'bail bond' surety bond'.

Sardar Hari Singh: (Kangra and Northern Hoshiarpur, Sikh, Rural); With your permission I want to make a few observations in reference to an amendment to clause 4 (a) of which I have given notice though I may not move it. This amendment of mine, if accepted, would be accepting all the genuine and legitimate demands which have been presented before the select committee by the motor-union people and for which they have been agitating for years. The objects of this Bill—I regret to say that they are not here before me to-day, but I speak from memory—are to concede the request made by the Motor Union people themselves. These were the remarks made by my honourable friend the Minister for Revenue himself while moving that this Bill be referred to a select committee. He said that he wanted to benefit the motor union people. If the object of the Bill is to benefit the motorwallahs in accordance with their own representation, then I do not see any reason why my friend the Minister of Revenue and that great luminary—the great Parliamentary Secretary—Mir Maqbool Mahmood should oppose it. He is unnecessarily quoting the names of my colleagues Diwan Chaman Lal and Mian Muhammad Itikhar-ud-Din. I am sure that if they were present here to-day, they would have wholeheartedly supported our amendment.

(Mir Maqbool Mahmood): Will you allow me to explain?

Sardar Hari Singh: No. They would have wholeheartedly supported our view point which is the view point of the Motor Transport Union of Lahore. In their remarks on this Bill the Punjab Motor Union says—

"The chief object of the proposed Bill is . . .".

(Mir Maqbool Mahmood): On a point of order. The honourable member is, if he will permit my using the word, misconstruing us and he is misinforming the House that we are opposing this amendment. What I stated was that the Government is advised that it cannot come in this form in this Bill and they are examining it sympathetically as an independent proposition.

Sardar Hari Singh: He is opposing it yet he is 'not opposing' it. What a ridiculous position. It is a very inexplicable attitude. He stood up and opposed it and yet he says that he does not oppose it. He may bring it in some other form if he wants to help the Motor Union people sincerely. He says that the chief object of the proposed Bill is to expedite trials. I was talking of the Motor Union people. What do they say? They say—

"The persons accused of Motor Traffic offences are generally professional lorry drivers and owners. They do sometimes attempt to evade service of summons and otherwise to postpone the evil day as long as they conveniently can."

This they do because they are poor people.

"Their chief fear is their inability or otherwise great inconvenience with which they are confronted on their attending the court, of producing sureties who must happen to be possessed of immovable property situated within the jurisdiction of that court and of procuring two persons who to the satisfaction of the magistrate identify the surety and testify to his soundness."

This, Mr. Speaker, is the kernel of their grievances that they are required to provide surety in places distant from their homes. A lorry-driver may belong to Amritsar district and he may happen to commit a motor offence in the Rohtak district. If he is challaned in that district he may not be able to produce any surety because he does not know anybody there. The representation further on says:—

"The accused are often challaned for motor traffic offences in districts which are not their usual places of residence and where they do not happen to have many friends and hence their reluctance to help the court in the speedy disposal of court work."

In order to help expeditious trials of offences they want that production of sureties to be done away with. They say that the following amendments be introduced or added to the Bill:—

- "(1) The persons accused of motor traffic offences who happen to be owners of a public motor vehicle should not be called upon to produce a surety for their appearance in court but asked only to execute a personal bond.
- (2) The persons who happen to be owners of any public motor vehicles should be permitted to stand surety for appearance of any other person who is charged with any motor traffic offence.
- (3) A person who is not the owner of a public motor vehicle and is accused of a motor traffic offence, should not be asked to produce surety for his appearance in court, if he attends the court on the very first date given to him by the person challaning him."

Obviously the demands of the Motor Union have been condensed in these amendments and my honourable friend is showing mere lip sympathy for the poor motor-wallahs. What are these amendments?

Premier: May I rise to a point of order? I beg to submit that in going through the Bill my honourable friend, the Advocate General, has found that there is a question on which there may be difference of opinion and there is a legal doubt with regard to which we are not quite sure whether it has been dealt with. In view of that I suggest that you might allow the Advocate General to put that particular point before you and if you come to the conclusion that our doubts are well founded, and as we will have to look up whether all the formalities have been gone through, I would submit that we might be allowed to suspend the debate on this particular Bill until that doubt has been removed.

Advocate-General: The point deals with the same clause, namely, clause (d) of part (2) of section 108 of the Government of India Act. It says—

- "(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—

"(d) affects the procedure for criminal proceedings in which European British subjects are concerned."

Premier : As a matter of fact I am not certain at this stage whether this particular point was examined critically and whether, if it were examined, it was *ultra vires* of the House or not and if it was we must have gone to the Government of India for their views. But at the moment I cannot recollect what we actually did and in view of that doubt, and the particular point which the Advocate-General has raised, it would be advisable to suspend the debate so that the time of the House may not be wasted. If we find that that technicality is not fulfilled we will have to fulfil that legal obligation before proceeding with the Bill further. That is the point.

Advocate-General : The other provision is contained in clause 5 of the Bill which is—

“.....notwithstanding anything contained in the Code, proceed to determine the case in the absence of the accused.”

The consequence of this provision would be that if a European British subject was being tried under this provision he could be convicted in his absence. That is clear from the provision. According to the Code of Criminal Procedure no accused person can be tried in his absence.

Mian Abdul Aziz : In summons cases when an accused person appears before a court then he applies that his presence may be dispensed with and be allowed to appear through counsel and then the magistrate can dispense with his presence. That will be entirely after his appearance once in court. He can then be allowed to appear by a pleader. The other section is 540-A which was enacted during the trial of Bhagat Singh and others. Where there are more than two persons on trial, there the court can adopt that other procedure.

Advocate-General : Under the existing provisions of the Code of Criminal Procedure no person, if he does not so desire, can be tried in his absence. According to the provisions of this Act he may be tried in his absence. Therefore you are affecting the procedure as regards persons including European British subjects. If this Bill did not refer to European British subjects there would be no difficulty.

Sardar Hari Singh : May I draw the attention of the House to section 3 which says—

If, in the opinion of a magistrate taking cognizance of a motor traffic offence, there is sufficient ground for proceedings, he may either proceed in the manner provided by section 204 of the Code, or he may issue a special summons.

It is not necessary that he must act according to the procedure laid down in the Act. In the case of a European he may proceed in the manner prescribed in section 204.

Premier : There is of course the other side but as a layman I dare not tread on this rather delicate ground. Therefore I must bow before the views of my honourable colleague, the Advocate-General. That is why I suggested that the consideration of the Bill should be suspended so that you may have time to consider this. Meanwhile we will not consider this particular point. The other side is that in this particular Bill we have given the accused the option to appear. That means that he can, if he so desires come himself. The *raison d'être* is that he is given the option. If

he does not want to exercise the option he can send the fine. But as my honourable friend, the Advocate-General, pointed out he may not like to send the fine and he may decide not to attend the court. In that case this difficulty would arise. He may later on plead that as a European British subject the magistrate had no business to try him and pass an *ex-parte* decree against him as he wanted to be tried by a jury whatever it is. Therefore there is a doubt and in view of that doubt we might further consider the question.

Sardar Hari Singh: This doubt can be overcome by moving an amendment regarding Europeans.

Premier: We would consider whether that would solve our difficulty.

Sardar Hari Singh: Why do you not say that you want time to consult your party in regard to Bills coming up tomorrow?

Pandit Muni Lal Kalia: The question is whether the previous sanction of the Governor General is to be obtained. The procedure is to be altered. Clause 5 of this Bill provides for dispensing with the presence of the accused in a trial while the fundamental principle is that the trial cannot take place in the absence of the accused.

Mr. Speaker: This is a new point that a person cannot be convicted in his absence.

Pandit Muni Lal Kalia: He has to receive the sentence in his presence. Even in the case of Indians the point is the same. It is not necessary that it should apply to British subjects alone; read section 107 as well.

At this stage the Assembly adjourned till 2 p. m. on Tuesday, 5th July 1938.



PUNJAB LEGISLATIVE ASSEMBLY.

3rd SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 5th July, 1938.

The Assembly met at the Assembly Chamber, Simla, at 2 P.M. of the clock. Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

PRESIDENT OF THE DEBT CONCILIATION BOARD AT AMBALA.

*3006. 2nd-Lieut. Bhai Fatehjang Singh : Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the President of the Debt Conciliation Board at Ambala still continues to be a member of the District Board, Ambala ; if so, the reasons therefor ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Yes. Sitting members of local bodies are not required to resign if and when appointed to a Debt Conciliation Board, though they are not permitted to seek re-election.

2nd-Lieut. Bhai Fatehjang Singh : Is it a fact that Government servants are barred from contesting elections ?

Minister : I would invite the attention of the honourable member to section 14 (e) of the District Board Act. The disqualifications there do not apply to the category of members of Debt Conciliation Boards.

Lala Duni Chand : May I know if they are full-time Government servants or not ?

Minister : The only disqualifications against the membership of district boards are contained in the District Board Act and the case of the members of the Debt Conciliation Board is not covered by that.

COTTAGE INDUSTRIES IN THE BEIT ILAQA, DISTRICT LUDHIANA.

*3007. Chaudhri Muhammad Hassan : Will the Honourable Minister for Development be pleased to state—

(a) the measures Government intend to take with regard to the encouragement and improvement of the cottage industries in the Beit ilaqa, district Ludhiana ;

[Ch. Muhammad Hassen.]

- (b) the steps Government have taken towards the improvement and encouragement of industries connected with and conducive to the improvement in Agriculture in Beit *Ilaga*, district Ludhiana ; if not, the reasons therefor ;
- (c) the amount that the Central Government have contributed for the expansion, encouragement and advancement of industries in the province ;
- (d) what proportion out of this is going to be spent for advancement of industries on which agriculturists mainly depend in Beit *Ilaga*, district Ludhiana ?

The Honourable Chaudhri Sir Chhotu Ram : (a) and (b) The Punjab Government have recently sanctioned an Industrial Survey of the province. The Beit *Ilaga* of Ludhiana district will be covered by this survey. It is understood that the Director of Industries has addressed the honourable member along with other honourable members of the Punjab Legislative Assembly for suggestions regarding encouragement of industries. Any suggestions made by the honourable member regarding the Beit *Ilaga* will be carefully considered.

(c) The Central Government have contributed—

- Rs. 45,600 for the development of cotton handloom industry.
 Rs. 20,796 for help to cottage and small scale woollen industries, and
 Rs. 10,000 for the production of disease free silk-worm seed in the Punjab.

(d) The grants made by the Government of India are to be spent for the benefit of the province as a whole and not allocated to particular areas.

Chaudhri Muhammad Hassen : What maximum time is intended to be taken in actually taking in hand the improvement of the industries in Beit *Ilaga* ?

Minister : I cannot specify any time.

CRIMINAL CASES DISPOSED OFF IN LUDHIANA DISTRICT.

*3008. **Chaudhri Muhammad Hassen :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of criminal cases decided by the Revenue Assistant, Ludhiana, the tahsildars of Jagraon, Ludhiana and Samrala and their naib-tahsildars, individually in April and May, 1938 ;
- (b) the number of mutations decided by each of the tahsildars and their naib-tahsildars of all the three tahsils individually and the number of visits of each of them to Beit *Ilaga* of these tahsils ?

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

Statement.

(a) *Statement showing the number of criminal cases decided in April and May, 1935.*

Revenue Assistant, Ludhiana .. .. .	..	..	..	..	Nil
Tahsildar, Ludhiana .. .. .	..	..	..	..	20
Naib-Tahsildar, Ludhiana .. .. .	..	..	..	..	40
Tahsildar, Jagraon .. .. .	..	..	..	..	26
Naib-Tahsildar, Jagraon .. .. .	..	..	..	..	25
Tahsildar, Samrala .. .. .	..	..	..	..	44
Naib-Tahsildar, Samrala .. .. .	..	..	..	..	10

(b).			Number of muta- tions decided.	Number of visits paid to both depts.
Tahsildar, Ludhiana .. .. .	..	..	680	7
Naib-Tahsildar, Ludhiana .. .. .	..	..	1,222	3
Tahsildar, Jagraon .. .. .	..	..	742	3
Naib-Tahsildar, Jagraon .. .. .	..	..	1,396	5
Tahsildar, Samrala .. .. .	..	..	478	4
Naib-Tahsildar, Samrala .. .. .	..	..	790	4

DEATH OF HAJI ABDUL GHANI.

*3009. **Pir Akbar Ali :** Will the Honourable Premier be pleased to state—

- whether he is aware of the fact that one Haji Abdul Ghani of Batala, President of the Majlis-i-Ahrar, Gurdaspur district, died suddenly on the 28th February, 1936 ;
- whether an inquiry was conducted by the police as to the cause of the death of the deceased, if so, what conclusion was arrived at regarding the cause of his death ;
- whether a *post-mortem* examination of the body and a chemical analysis of the contents of the stomach was carried out and if so, with what result ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) Yes.

(b) A police enquiry is still in progress, but no definite conclusion has yet been reached.

(c) The *post-mortem* examination showed that death was due to fracture of the base of the skull and compression of the brain. The Chemical Examiner reported that poison was detected.

ASON IN RAJA JANG VILLAGE.

*3010. **Malik Barkat Ali :** Will the Honourable Premier be pleased to state whether the Muslims of Raja Jang are now free to call out *Asan* in all the nine mosques of the village, if not, will the Honourable Premier kindly state the exact position at the present moment in this respect ?

Parliamentary Secretary (Mir Maqbool Mahmood): In pursuance of a compromise arrived at between the Muslims and the Sikhs of Raja Jang on the 19th May, 1938, the Muslims will be free to call *azan* in all the nine mosques in the village after the 17th July, 1938.

RELEASE OF VOLUNTEERS OF THE ITTIHAD-I-MILLAT AND AHRAR ORGANISATIONS.

***3011. Malik Barkat Ali:** Will the Honourable Premier be pleased to state whether he is aware of the fact that both the Ittihad-i-Millat and the Ahrar organisations in the Punjab have called off civil disobedience in response to the appeal of the All-India Muslim League to maintain a calm atmosphere and if so, whether he intends to set free the various volunteers of both these organisations and other persons who were sent to jail or otherwise arrested or detained in connexion with the Shahidganj movement?

Parliamentary Secretary (Mir Maqbool Mahmood): *First part.*—Yes.

Second part.—Government have ordered the unconditional release of all persons who were imprisoned for failure to furnish security under Chapter VIII of the Criminal Procedure Code in connection with the Shahidganj agitation since the 17th December, 1937.

PANIPAT FIRING.

***3012. Malik Barkat Ali:** Will the Honourable Premier be pleased to state whether the relations of those persons who were killed in the unfortunate Panipat firing on 27th March, 1937, and those who were wounded on the occasion have at all been compensated so far?

The Honourable Major Sir Sikander Hyat-Khan: No.

GRANT-IN-AID TO DISTRICT BOARDS.

***3013. Chaudhri Muhammad Hasan:** Will the Honourable Minister of Education be pleased to state—

- (a) whether Government grant cent. per cent. grant-in-aid to certain District Boards for the spread of education in the backward areas;
- (b) if reply to the above be in the affirmative, the names of such District Boards in the Province?

The Honourable Mian Abdul Haye: (a) Yes.

(b) Simla, Rawalpindi and Jhelum.

CHHAMB SATRAH AND THE RAYA BRANCH.

***3014. Chaudhri Ghulam Rasul:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the average area of Manzias Satrah, Kotli Baba Hira and Mianwali in Daska tahsil of the Sialkot district which used

to be irrigated by the Chhamb Satrah before the Raya Branch of the canal began to run for irrigating the lands in the said Mauzias ;

- (b) the percentage of water that the said Raya branch is designed to supply to these Mauzias ;
- (c) whether it is a fact that the zamindars of these Mauzias are undergoing a recurring loss on account of the supply of water from Chhamb Satrah having altogether stopped since the opening of the Raya Branch by the Irrigation Department ; if so, the steps that are proposed to be taken to compensate these zamindars for that loss ?

The Honourable Dr. Sir Sundar Singh Majithia : It is regretted that the information required by the honourable member is not available in the Secretariat and has been called for from local officers. It will be communicated to the honourable member when ready.

OPENING A DISPENSARY AT PARJIAN.

*3015. **Mian Abdul Rab :** Will the Honourable Minister of Education be pleased to state with reference to his answer to my starred question No. 2241 asked on 24th March, 1938, what steps, if any, have so far been taken by the District Board, Jullundur, on the suggestion of the Civil Surgeon, Jullundur, to open a dispensary at Parjian ?

The Honourable Mian Abdul Hays : The question of opening a dispensary at Parjian has since been dropped by the District Board, Jullundur, which is responsible for providing medical relief in rural areas within its jurisdiction.

CIVIL AND VETERINARY HOSPITALS, JULLUNDUR DISTRICT.

*3016. **Mian Abdul Rab :** Will the Honourable Minister of Education be pleased to reply to my question No. *2466,² asked by me on the 4th April, 1938 ?

The Honourable Mian Abdul Hays : A statement giving the required information is attached. So far as the civil dispensaries are concerned, their number in the rural areas of all the tahsils except Jullundur is considered to be adequate according to the standard laid down by Government, viz., one dispensary for every 100 square miles or 80,000 population. In the Jullundur tahsil there are four rural dispensaries where according to the prescribed standard there should be five. It is for the District Board, Jullundur, which is responsible for providing medical relief in rural areas to open one more dispensary in the Jullundur tahsil. With regard to veterinary hospitals, I may say that their number in all the tahsils is inadequate, but it cannot be increased unless the finances of the District Board, Jullundur, which is responsible for providing this kind of medical relief also in its area, allow to do so.

[Minister for Education,]

Statement showing the number of civil and veterinary hospitals and dispensaries in the Jullundur district and the total expenditure incurred thereon annually in each tahsil of the district.

Name of Tahsil.	CIVIL DISPENSARIES-		VETERINARY HOSPITALS AND DISPENSARIES.	
	Total number.	Total annual expenditure for the year 1937.	Total number.	Total annual expenditure.
Jullundur Tahsil ..	4	11,864	3	3,267*
Nakodar Tahsil ..	4	10,976	1	1,132*
Phillaur Tahsil ..	5	12,661	1	914*
Nawansahr Tahsil	3	7,469	1	..

*These figures only represent the cost of pay and travelling allowance of Veterinary Assistants or Veterinary Assistant Surgeons attached to these hospitals or dispensaries, which is met from the provincial revenues. Besides the District Board, Jullundur, which is responsible for the maintenance of veterinary hospitals, spends about Re. 13,683 in a year on all the 12 rural and urban veterinary dispensaries maintained by it. Separate figures for rural and urban dispensaries are however not available.

ADMISSION IN THE PUNJAB AGRICULTURAL COLLEGE.

*3017. **Mian Abdul Rab :** Will the Honourable Minister of Development be pleased to state—

- the number of students, district-wise, admitted to the first year class in the Punjab Agricultural College, Lyallpur, in the year 1938 ;
- whether it is a fact that some special instructions were issued by the Punjab Government to the Principal of the College regarding the admission this year, if so, whether he will be pleased to lay a copy of those instructions on the table of the House ?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement is laid on the table.

(b) Copy of the memorandum, dated the 3rd June, 1938, issued to the Director of Agriculture is laid on the table.

Mian Abdul Aziz : What was the necessity for departing from the general practice and issuing instructions ?

Minister : The necessity was that last year it was definitely decided that we should admit only 75 students. But as I had received a number of telegrams suggesting that the number to be admitted should be raised to 100, I had to issue these instructions.

Statement showing the number of students, district-wise, admitted to the 1st Year Class in the Punjab Agricultural College, Lyallpur, in the year 1938.

District.					Number of students admitted.
Lahore	..	..	..	..	7
Gurdaspur	..	..	..	..	3
Sialkot	..	..	..	..	3
Sheikhupura	..	..	..	..	1
Gujranwala	..	..	..	..	3
Amritsar	..	..	..	..	4
Ambala	..	..	..	..	2
Hissar	..	..	..	..	2
Gurgaon	..	..	..	..	2
Simla ..	..	..	..	..	1
Rohtak	..	..	..	..	3
Jullundur	..	..	..	..	3
Hoshiarpur	..	..	..	..	7
Ludhiana	..	..	..	..	2
Ferozapore	..	..	..	..	2
Kangra	..	..	..	..	2
Lyallpur	..	..	..	..	14
Montgomery	..	..	..	..	3
Jhang ..	..	..	..	..	3
Dera Ghazi Khan	..	..	..	..	2
Multan	..	..	..	..	3
Rawalpindi	..	..	..	..	2
Shahpur	..	..	..	..	5
Jhelum	..	..	..	..	2
Gujrat	..	..	..	..	2
Delhi Province	..	..	..	..	1
Total				..	93

Memorandum, dated the 3rd June, 1938, from the Financial Commissioner and Secretary to Government, Punjab, Development Department, to the Director of Agriculture, Punjab.

Subject:—ADMISSION TO AGRICULTURAL COLLEGE.

The policy is that no class can exceed 45 in number. Two classes, therefore, can take 90 students and there is sufficient accommodation for two full classes.

2. Last year the figure of new admissions was fixed at 75, viz., 90—15, on the understanding that there would be possibly 15 of the previous students who would have failed to be promoted to the second year class.

3. This year no students have failed. We can, therefore, afford to admit the full 90. The Honourable Minister of Development is pleased to authorize the Principal to accept 15 more admissions, i.e., 90 in all.

INTERMENT OF ASMATULLAH, SON OF UMAR DIN, GOLDSMITH.

*3018. **Mian Abdul Rab:** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that one Asmatullah, son of Umar Din, goldsmith of village Ranwat, thana Shahkot, district Jullundur,

[Mian Abdul Rab.]

has been interned in his village and cannot go anywhere without first obtaining the permission of the Sub-Inspector of his *thana* ;

- (b) the reasons for so restricting his movements ;
- (c) the date since he is so restricted ;
- (d) whether it is a fact that he was never challaned or convicted or regularly proceeded against by any competent court for any offence ;
- (e) whether it is a fact that the said internee applied to the Punjab Government in June, 1937, for the consideration of his case and for the withdrawal of restrictions imposed on him ;
- (f) whether it is a fact that no allowance is being paid to him to maintain himself and family, if so, the reasons for the same ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes. The man was restricted under section 11 of the Criminal Tribes Act, VI of 1924,—vide Punjab Government notification No. 9249, dated 27th March, 1938.

(b) He is an active and notorious member of the Malsian gang of coiners, was strongly suspected in two cases of police station, Shahkot, district Julundur, and is closely related to many members of the gang.

(c) 27th March, 1938.

(d) Yes, but he was suspected in two cases and is an active member of the gang.

(e) Yes. The case of all Malsian coiners is being re-examined by Government.

(f) Yes. No allowance is paid to any person restricted under the Criminal Tribes Act.

Mian Abdul Rab : May I know from the honourable Parliamentary Secretary whether he was convicted by a regular court ?

Parliamentary Secretary : I have already answered that question in part (b) of the original question.

Mian Abdul Aziz : On what grounds were those suspicions based ?

Parliamentary Secretary : This question does not arise out of this question. I would like to have notice for that.

*3019. *Cancelled.*

*3020. *Cancelled.*

*3021. *Cancelled.*

ROAD BETWEEN OCTROI BARRIER AND THE RAILWAY LEVEL CROSSING,
PAKPATTAN.

*3022. **Munshi Hari Lal :** Will the Honourable Minister for Public Works be pleased to state—

- (a) when the portion of the road lying between the Octroi Barrier No. 3 and the railway level crossing, Pakpattan, was transferred by the Municipal Committee, Pakpattan, to the Public Works Department ;

(b) whether the above-mentioned portion is *kacha* ;

(c) whether there is a proposal to make it *pakka* ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) On 12th December, 1936.

(b) Yes.

(c) No.

PLAYGROUND FOR GOVERNMENT HIGH SCHOOL, PAKPATTAN.

***3023. Munshi Hari Lal :** Will the Honourable Minister for Education be pleased to state whether any playground for the students is attached to the Government High School, Pakpattan, for outdoor games, if there is no playground for them, what action Government propose to take in the matter ?

The Honourable Mian Abdul Hays : No. The matter is under consideration.

SPORTS FUND.

***3024. Munshi Hari Lal :** Will the Honourable Minister for Education be pleased to state whether any sports fund is maintained by the Government High School, Pakpattan, if so, what is the present amount of that Fund ?

The Honourable Mian Abdul Hays : Yes. The balance in the Fund on 24th June, 1938, was Rs. 3,213-3-10.

GUN LICENCE OF RAJINDER SINGH OF VILLAGE RAJA SANSI.

***3025. Sardar Kartar Singh :** Will the Honourable Premier be pleased to state—

(a) whether the gun licence of one Rajindar Singh, village Raja Sansi, has been cancelled ;

if the answer to the above be in the affirmative, what are the reasons for the same ;

(c) whether this licence has been cancelled on the ground that the said Rajindar Singh takes active part in the Congress organisation ;

(d) whether while granting gun licences discrimination is made on the basis of political views of the applicants ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) He was involved in a murder and riot case.

(c) No.

(d) No. The main considerations which govern the grant of a licence for a firearm are social status, character and the necessity for protection.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary, please state whether any confidential circular has been issued to licensing authorities or district magistrates that Congressmen as a rule are debarred from getting licences or whether or not it has been the practice of the Punjab Government that licences are not granted to Congressmen because of their political views ?

Parliamentary Secretary : I am not aware of any such circular.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary make enquiries in the matter ?

Parliamentary Secretary : No circular has been issued by Government.

Lala Bhim Sen Sachar : Is it a fact that Rajinder Singh took active part in Congress politics ?

Parliamentary Secretary : May be.

Lala Bhim Sen Sachar : Is it within the knowledge of Government that he has or has not been taking active part in Congress politics ?

Parliamentary Secretary : It is not within my knowledge.

Dr. Gopi Chand Bhargava : Is it a fact that a circular was issued by the previous Government debarring the grant of licences to persons who have been taking part in Congress politics ?

Parliamentary Secretary : I am not aware of it.

Lala Deshbandhu Gupta : Has Government made sure that there is no such circular issued either by the present Government or by the previous Government ?

Mr. Speaker : That question has been answered already.

BREACH IN THE BANK OF GOGERA BRANCH CANAL.

*3028. **Sardar Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a breach occurred in the bank of Gogera Branch Canal near Chak No. 81-G.B., district Lyallpur, in the year 1935 ;
- (b) if the answer to the above be in the affirmative, whether any estimates of the damage done to the crops in the said Chak by this breach were prepared by the Canal and Revenue Departments ; if not, why not ;
- (c) if the answer to (a) above be in the affirmative, the reasons why no compensation has been given to the villagers who sustained losses owing to the breach in the canal bank ; whether that compensation is intended to be granted now and if so, when ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No.

(b) and (c) Do not arise.

HANS RAJ 'WIRELESS' AND HIS MARRIAGE.

*3027. **Sardar Kartar Singh**: Will the Honourable Premier be pleased to state whether it is a fact that the father of Hans Raj 'Wireless' has recently applied to the Punjab Government to permit his son to enter the Punjab for his marriage to take place in his native place; if so, the action, if any, taken on that application?

The Honourable Major Sir Sikander Hyat-Khan: *First part*—
Yes.

Second part.—A reply has been sent by Government to the father of Hans Raj.

WATERLOGGING IN THE MONTGOMERY DISTRICT.

*3028. **Tikka Jagjit Singh Bedi**: Will the Honourable Minister of Revenue be pleased to state whether Government is aware of the fact that considerable area of land has been rendered useless owing to waterlogging in the Montgomery district in general and in the Okara Tahsil in particular; if so, whether Government proposes to grant any relief to the persons affected by such waterlogging?

The Honourable Dr. Sir Sundar Singh Majithia: (1) About 2,000 acres is so far affected by ~~thar~~ as a result of the rise in spring level. Most of this is in the Renala Estate which is Government property.

(2) Government is considering proposals to lower the spring level by pumping from tube wells, gravity drains lining the main canal and to reclaim the land by leaching and drainage. These proposals are expensive and require careful consideration.

HEADQUARTERS OF EXECUTIVE ENGINEER, KHANWAH.

*3029. **Tikka Jagjit Singh Bedi**: Will the Honourable Minister of Revenue be pleased to state—

(a) whether Government is aware of the fact that the Executive Engineer, Khanwah division, has his headquarters now at Ferozepore, which used to be at Suleimanke,

(b) whether he is aware of the fact that the zamindars of the *Uga* are put to a great deal of expense and inconvenience when they have to see the Executive Engineer on some official business,

(c) if the answers to the foregoing parts be in the affirmative, what action, if any, Government propose to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia: (a) The Khanewal district has no connection with either Suleimanke or Ferozepore. Presumably the honourable member refers to the Khanwah division. The Headquarters of Khanwah division have always been at Ferozepore.

(b) No. The Executive Engineer is on tour in his division 12-18 days each month and zamindars can see him then.

(c) Does not arise.

CONCESSIONS TO TENANTS IN NILI BAR.

*3030. **Tikka Jagjit Singh Bedi** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that during the recent agitation of the tenants against the lessees in the Nili Bar Colony the Government gave some concessions to the tenants ; if so, whether the Government proposes to give the same concessions to the Ganji Bar Colony tenants also ; if not, why not ?

The Honourable Dr. Sir Sundar Singh Majithia : The lease conditions were revised in order to meet particular circumstances which had arisen in the Nili Bar Colony. Government have no evidence to suggest that such circumstances exist in the Ganji Bar Colony. The honourable member will find full details in my statement made in answer to a short notice question¹ on 2nd March, 1938.

Mr. Dev Raj Sethi : What were the special circumstances under which the concessions were given ?

Minister : If my honourable friend would read the *communiqué*, he will find the information he wants.

Lala Deshbandhu Gupta : Has Government made sure that those special circumstances do not exist in the Ganji Bar ?

Minister : Not so far.

Lala Deshbandhu Gupta : Has he made enquiries on the point ?

Sardar Ajit Singh : Is the Honourable Minister aware that some representations were sent to him from Chaks Nos. 39, 43 and 47 ?

Minister : I do not recollect.

Mr. Speaker : The next question.

OUTLETS ON THE DIPALPUR CANAL.

*3031. **Tikka Jagjit Singh Bedi** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware that there are many outlets on the Dipalpur Canal which owing to defective layout, cannot get their proper share of water when the channels are running share supply, particularly the one on Nanakpur Minor, E. D. 25,500 ;
- (b) whether it is also a fact that on account of this irregular supply of water the zamindars have to bear heavy losses ;
- (c) if the answer to (a) and (b) be in the affirmative, the action Government intends to take to redress the grievances of the zamindars concerned ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Outlet B. D. 25,500 Nanakpur Minor gets its correct supply when share supply is flowing and its irrigation is greater than permissible.

(b) and (c) Do not arise.

PERSONS ARRESTED FOR POLITICAL REASONS IN KARNAL DISTRICT.

*3032. **Lala Deshbandhu Gupta** : Will the Honourable Premier be pleased to state—

- (a) the names of all those persons who have been arrested since 1st February, 1938, in the Karnal district under sections 124-A, 108, Criminal Procedure Code, 117-A, etc., for their political activities ;
- (b) whether he is aware of the great resentment caused in that area by these prosecutions ;
- (c) whether there is a proposal to withdraw any of these cases ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) It is not in the public interest to give the names of the persons.

(b) No.

(c) One case has been withdrawn. It is not proposed at present to withdraw any of the other cases under sections 124, 117, 504/506 and 302 115.

Lala Deshbandhu Gupta : May I know what public interest is involved in not disclosing the names of the persons ?

Mr. Speaker : That question is disallowed.

Lala Deshbandhu Gupta : On what grounds, may I know ?

Mr. Speaker : If the Honourable Minister refuses to answer a question on grounds of public interest, he cannot be questioned further.

Lala Deshbandhu Gupta : What about the Parliamentary Secretary or the Minister abusing his privilege of refusing to answer a question on grounds of public interest ? The information I sought was only the names of persons prosecuted under sections 124-A and 108, Criminal Procedure Code. You have been in the chair for the last 14 years and this is the first time that the Government has taken its stand on the plea of public interest and has refused to disclose the names of persons who are being prosecuted in open courts. I do not see any public interest involved in disclosing the names.

Premier : Why then does the honourable member want the information ?

Lala Deshbandhu Gupta : To show that the record of Government is black.

Munshi Hari Lal : May I know what is meant by public interest ?

Mr. Speaker : The honourable member may consult the proceedings, Parliamentary procedure or proceedings. I have not come across any definition of the expression "public interest". I have more than once ruled from this chair that according to Parliamentary practice a Minister may refuse to answer a question even without assigning any reason for his refusal.

Pandit Bhagat Ram Sharma : I want to know whether the proceedings in the court are held in *camera*.

Premier : No, in open court.

Lala Deshbandhu Gupta : May I know which particular case has been withdrawn ?

Premier : One case under section 117.

Lala Deshbandhu Gupta : Against whom and for what reasons ?

Premier : I cannot divulge the name for the reason already given.

Pandit Shri Ram Sharma : May I know the number of those persons who have been arrested ?

Premier : I know only of seven cases of which one has been withdrawn. The other six cases are proceeding. I do not know the number of accused.

Mr. Speaker : That information can be easily obtained from courts.

Lala Deshbandhu Gupta : If that is your ruling, then most of the information can be had by us privately.

Mr. Speaker : No question can be asked in the House for information which can be obtained from available and accessible documents. The next question.

PROFESSION TAX LEVIED BY THE DISTRICT BOARD, LYALLPUR.

*3033. **Lala Harnam Das :** Will the Honourable Minister of Public Works be pleased to state whether he is aware of the fact that a number of applications have recently been submitted to the Chairman of District Board, Lyallpur, objecting to the levy of professional tax without regard to the limited income of the persons on whom the tax has been imposed ; if so, whether any enquiry has been made regarding this matter ; and if not, why not ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Yes ; an enquiry into the objections received was held and the objections were rejected. An appeal from these decisions lies to the Commissioner.

Lala Harnam Das : On what grounds were these applications rejected ?

Minister : According to the rules.

Sardar Mula Singh : Is it a fact that when the zaildars find that the Achhuts refuse to give *beyar*, they get them taxed ?

Minister : No.

RECRUITMENT OF SCHEDULED CASTES IN THE DEPARTMENT OF AGRICULTURE.

*3034. **Lala Harnam Das :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of appointments made in various cadres of the Department of Agriculture this year since April, 1938 ;
- (b) the number of appointments among them which have been given to the members of the Scheduled Castes and if no such appointment has gone to them, the reasons for the same ?

The Honourable Chaudhri Sir Chhotu Ram : (a) The following is the number of permanent, officiating and temporary appointments made (otherwise than by promotions) to Government posts in various cadres of the Punjab Agricultural Department (including Fisheries Section) since April, 1938 up to date :—

Permanent appoint- ments.	Superior service ..	55
	Inferior service other than those paid from contingencies.	8
Temporary appoint- ments.	Superior service	86
	Inferior service other than those paid from contingencies.	8
Officiating appoint- ments.	Superior service	16
	Inferior service other than those paid from contingencies.	17
Total ..		185.

(b) Out of these, six appointments were given to members of the Scheduled Castes, who possessed the requisite qualifications. More appointments could not be given to members of the Scheduled Castes, as suitable men with the requisite qualifications were not available.

RECRUITMENT OF SCHEDULED CASTES AS ASSISTANT PANCHAYAT OFFICERS.

*3035. **Lala Harnam Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of Assistant Panchayat Officers that are to be appointed in the near future ;
- (b) whether the Government has any intention to take any Assistant Panchayat Officers from amongst the scheduled castes ; if so, how many ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Fifty-six.

(b) Due consideration will be given to the claims of the applicants who belong to the scheduled castes but Government are unable to anticipate their decision in the matter.

REPRESENTATION OF THE SCHEDULED CASTES IN THE CLERICAL ESTABLISHMENT OF DISTRICT AND SESSIONS JUDGES' COURT, LYALLPUR.

*3036. **Lala Harnam Das :** Will the Honourable Finance Minister be pleased to state whether it is a fact that in the clerical establishment of District and Sessions Judges' Court, Lyallpur, and also in the subordinate

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courts, the representation of the scheduled castes is nil; if so, what steps the Government proposes to take to make up their deficiency in the aforesaid Department?

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

UNEMPLOYMENT AMONGST THE SCHEDULED CASTES.

***3037. Lala Harnam Das :** Will the Honourable Minister for Development be pleased to state whether it is a fact that the members of scheduled castes of the Toba Tek Singh Tahsil Constituency have recently made a representation to Government through the Assembly member of the constituency concerned for the solution of the question of unemployment prevailing among the scheduled castes and *Kamies* of the rural area in the said tahsil; if so, what steps the Government propose to take in the matter?

The Honourable Chaudhri Sir Chhotu Ram : No such representation appears to have been received by Government. Attention is, however, invited to the reply given to question No. *1149.¹

Sardar Mula Singh : Did not the Honourable Minister receive the representation through the representative of the constituency (Lala Harnam Das)?

Minister : I have already answered that question.

PREFERENCE TO SCHEDULED CASTES IN NEW APPOINTMENTS.

***3038. Lala Harnam Das :** Will the Honourable Premier be pleased to state whether or not the Government has any intention to give preference to the scheduled castes members in all the Government services to make up their deficiency in the services?

Parliamentary Secretary (Mir Maqbool Mahmood) : The attention of the honourable member is invited to the answer given to question No. *2980² put during the last session.

GOVERNMENT SCHOLARSHIPS TO SCHEDULE CASTE STUDENTS.

***3039. Lala Harnam Das :** Will the Honourable Minister of Education be pleased to state—

(a) the number of scheduled caste students who are getting Government scholarships at present in colleges throughout the Punjab;

(b) the number of scheduled caste students who are getting scholarships from the various societies?

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

¹Volume II, page 605.

²Volume IV, page 637.

SCHEDULED CASTE STUDENTS IN NATIONAL AND PRIVATE COLLEGES.

***3040. Lala Harnam Das :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of scheduled caste students in national and private colleges ;
- (b) the number of scheduled caste students who are paying full fees of colleges ;
- (c) the number of scheduled caste students who are given half fee concession in these colleges ;
- (d) the number of scheduled caste students who are given full fee concession in these colleges ?

The Honourable Mian Abdul Haye : (a) The number of scheduled caste students on the rolls of privately-managed Arts colleges in the Punjab on 31st March, 1988, was 23.

(b), (c) and (d) The required information is not readily available, nor is there any use in collecting it from the various colleges. In Arts colleges no fee concessions are reserved for any particular community. Poor students, irrespective of caste or creed, are admitted at half fee rates up to the extent of 10 per cent. of the enrolment and I have no doubt students belonging to scheduled castes receive full consideration.

NOMINATION OF A MEMBER OF SCHEDULED CASTES AS EXTRA ASSISTANT COMMISSIONER.

***3041. Lala Harnam Das :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that no member of scheduled castes has been nominated as Extra Assistant Commissioner up to this time in the Punjab ;
- (b) if so, has the Government any intention to appoint any Extra Assistant Commissioner from among the scheduled castes in the Punjab this year ; if not, why not ?

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

(b) There have been no selections by nominations this year (i.e., since April, 1987). When fresh nominations are made Government will be glad to consider the claims of any suitable candidates from among the scheduled castes.

Lala Harnam Das : What should be the qualifications for such candidates ?

Parliamentary Secretary : The qualifications are given in the rules for recruitment to the provincial services.

NOMINATION OF THE SCHEDULED CASTES IN CHAK JHUMRA MUNICIPALITY.

***3042. Lala Harnam Das :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the population of Achaets

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in Chak Jhumra in the Lyallpur district is above 900 ; if so, whether the Government has any intention to nominate a scheduled caste member to the Municipal Committee, Chak Jhumra ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The population of *Achhuts* in Chak Jhumra municipality at the time of the last census was 259. Their population and voting strength do not justify the allotment of a separate seat to them in the Municipal Committee.

Khan Muhammad Yusuf Khan : May I ask the Honourable Minister whether *Achhuts* are allowed to ask communal questions ?

Sardar Mula Singh : Yes.

Minister : Members who put questions never get the previous sanction of the Government.

Khan Muhammad Yusuf Khan : I want to know whether other communal questions will be answered on the floor of this House.

Premier : Questions relating to proportion of communities on local bodies, I do not think, come under that category. I do not think they are objectionable. If you ask whether the various communities get their proper share that would not be communal.

Mian Abdul Rab : May I draw the attention of the Honourable Premier to question No. *3041 relating to the representation of the scheduled castes among Extra Assistant Commissioners and ask him whether certain similar questions had been refused to be answered on the ground that they are communal questions, whereas questions regarding representation of scheduled castes are being answered to-day ? Only the other day the Honourable Minister for Revenue refused to answer a question regarding scheduled castes as usual on the floor of the House. To-day these questions are being answered. May I know the reasons for this difference ?

Premier : The question put by my honourable friend Lala Harnam Das is this : whether it is a fact that no member of scheduled castes has been nominated as Extra Assistant Commissioner up to this time in the Punjab. If my honourable friends wish to put a question to-morrow whether no Muslim has been recruited to this service, I will reply to that question also. It is a question of fact.

Lala Bhim Sen Sachar : Who is to judge whether a question is communal or not ?

Mr. Speaker : I am not a party to that convention. I am concerned only with questions and supplementary questions.

SCHEDULED CASTE STUDENTS IN THE GOVERNMENT COLLEGES.

*3043. **Lala Harnam Das :** Will the Honourable Minister of Education be pleased to state the number of college students belonging to the scheduled castes and at present reading in Government Colleges throughout the Punjab and the number of those among them who are enjoying fee concession ?

The Honourable Mian Abdul Haye : The number of students of the scheduled castes on the rolls of Government Arts colleges in the Punjab on 31st March, 1938, was 9. Information in regard to fee concessions is not readily available. In this connexion the honourable member is referred to the answer to his question No. 3040 (starred).

Chaudhri Jugal Kishore : Is it a fact that the Head Master at Naraingarh, district Ambala, has not granted fee concessions to Acast boys ?

Minister : The question relates to colleges. If the honourable member wants any information about a particular school, I would ask him to give proper notice.

RECRUITMENT OF THE SCHEDULED CASTES IN THE POLICE FORCE.

*3044. **Lala Harnam Das :** Will the Honourable Premier be pleased to state—

- (a) the result of recruitment that has been made in the month of April, 1938, throughout the province to the police force ;
- (b) whether any member of the scheduled castes has been recruited to any of the posts in the force ;
- (c) if not, reasons for the same ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) I am not sure what the honourable member means by the result of recruitment. If he needs information on any particular point, I will try to supply it.

(b) Three members of scheduled castes were recruited in the Central Range in December last. One has since resigned.

(c) Does not arise.

Lala Bhim Sen Sachar : What is the objection to information being given on a starred question ?

Parliamentary Secretary : For the reason that a convention has been set up by the Government that no communal questions should be answered on the floor of the House.

Lala Bhim Sen Sachar : The Honourable Premier has just now stated that a question asking whether a particular community has its due share or not is not a communal question.

Sardar Mula Singh : May I know if questions regarding depressed classes (scheduled classes) are communal questions ?

Premier : May I inform the honourable member that so far as I am concerned there is no such thing as depressed classes.

COMPLAINT FROM MR. FAIZ ALI, HONORARY MAGISTRATE, GUJRANWALA.

*3045. **Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether he has recently received any complaint from Mr. Faiz Ali, Honorary Magistrate, Gujranwala, against the conduct of the Public Prosecutor at Gujranwala ; if so, whether any inquiry has been made into the matter ; and if so, the result thereof ?

Parliamentary Secretary (Mir Maqbool Mahmood): I have received no communication from Mr. Faiz Ali.

COLLECTION MADE BY THE COLONY ASSISTANT, SHAHPUR, FOR THE ENTERTAINMENT OF MR. C. C. GARBETT.

*3046. **Dr. Gopi Chand Bhargava**: Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Colony Assistant, Shahpur district, collected Rs. 1,500 to entertain Mr. C. C. Garbett, I.C.S., Financial Commissioner, in April, 1936;
- (b) whether it is a fact that Mr. C. C. Garbett, refused to accept the invitation when he came to know how the money was collected;
- (c) whether the money has been returned to the contributors; if not, why not?

Parliamentary Secretary (Mir Maqbool Mahmood): The only information in the possession of Government is that the Financial Commissioner when on tour at Sargodha was asked if he would accept an invitation to tea from the zamindars of the district and that he replied in the negative.

If any responsible person is prepared to make the scandalous accusation implied in parts (b) and (c) against the public servant involved, Government will immediately make investigation at the peril of both parties concerned.

POLITICAL WORKERS ARRESTED IN KARNAL DISTRICT.

*3047. **Lala Duni Chand**: Will the Honourable Premier be pleased to state—

- (a) the number of political workers arrested since November, 1937, in Karnal District;
- (b) the number of cases challaned giving nature of the offence for which each of these political workers were challaned;
- (c) the period for which each such accused has been in jail;
- (d) the number of those among them who were granted bail;
- (e) the period of pendency of each case;
- (f) the number of the accused convicted, discharged or acquitted and the number of those accused against whom cases were withdrawn?

Parliamentary Secretary (Mir Maqbool Mahmood): It is not clear what the honourable member means by the terms "political workers." If he will make his intention clear, I shall be pleased to answer the question.

Lala Duni Chand: May I know how many persons connected with the Congress movement have been arrested?

Parliamentary Secretary: I would like to know what the honourable member means by Congress movement.

Lala Duni Chand : Is it within the knowledge of the Parliamentary Secretary that persons working for the Congress and carrying on Congress propaganda have been arrested ?

Premier : No persons are arrested merely because they happen to be Congressmen or belong to other parties.

Lala Duni Chand : Is it not true that members and workers—well-known workers—of the Congress, have been arrested ?

Premier : If members and well-known workers of the Congress offend against the law, they are not immune.

Lala Duni Chand : The question is whether such persons have been arrested or not.

Premier : Persons who commit breaches of law are arrested.

Lala Duni Chand : May I know again whether the persons that I have described have been arrested or not ?

Premier : What persons has my honourable friend described ?

Lala Duni Chand : Persons who have been working in connection with the Congress movement or who are well-known Congress workers in Karnal district.

Premier : I have already answered that if workers or well-known workers of Congress commit offences they are as liable to be arrested as anybody else.

Lala Duni Chand : Quite right, but have they been arrested ? I request the Honourable Premier not to evade the question. My question is whether such persons have been arrested or not ?

Premier : They should normally be arrested but in certain cases the local authorities may not have arrested them.

Lala Duni Chand : May I know that as many as 17 workers have been arrested ?

Premier : If my honourable friend's information is correct, they must have committed some offence.

Lala Duni Chand : Take it that they have committed very serious offences, the question is whether they have been arrested or not ?

Premier : Should they be arrested or not ?

Lala Duni Chand : Have they been arrested or not ?

Premier : If they have committed serious offences, very likely they have been arrested.

Lala Duni Chand : Is it true that about a dozen Congress workers have been in the lock up more or less for as many as 5 or 6 months in connection with the prosecutions against them ?

Premier : There are no prosecutions against Congress workers as such but only against offenders against the law.

Lala Duni Chand : May I know if it is within the knowledge of the Honourable Premier that in recent years the Congress movement in Karnal has not been very strong ?

Premier : I am afraid my honourable friend would not like me to answer that question for it would not be palatable to him.

Lala Duni Chand : Is it true that the Congress movement has been particularly strong during the last 8 or 9 months and it is in consequence of that that as many as 17 workers have been arrested ?

Mr. Speaker : The question is disallowed.

Lala Duni Chand : May I know if the fact that the Congress movement has been strong in Karnal of late is responsible for the action that the Government has taken ?

Mr. Speaker : The same question is being asked in another form. So, I disallow it.

Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state whether these arrests have been made following the visit of the Honourable Premier and the Honourable Minister for Development to the Karnal district ?

Premier : My honourable friend tries to be cynical or clever. The information is not correct.

Dr. Copi Chand Bhargava : If he does not try to be cynical, will it be correct ?

Premier : His information is not correct.

Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state whether it is a fact that it was as a result of the demonstration that we staged against their visit that these persons were arrested ?

Premier : No demonstrations were staged against me or the Honourable Minister for Development when we went to Karnal. The only demonstration which took place was that the President of the District Congress Committee came and garlanded me and my honourable friend and this was very gratifying (*hear, hear*).

Mian Abdul Rab : Is that a supplementary question or cross-examination ?

Lala Deshbandhu Gupta : May I know whether it is due to garlanding that the arrests were made ?

Lala Duni Chand : Is it true that efforts are being made to crush the Congress movement in the Karnal district ?

Mr. Speaker : I think I should call the next question.

Lala Duni Chand : I want information on the point.

Mr. Speaker : If the honourable member wishes to criticise or attack the conduct of a certain Minister or Ministers as such, he should move a substantive motion.

Lala Duni Chand : I want information whether it is a fact or not that these arrests are being made. I do not blame any body. I want this information for my sake. If the Government says it is not a fact I shall be satisfied. I want to convey the information to the workers in the Karnal district.

Pandit Shri Ram Sharma : Is the Premier aware that the Congress President who put the garlands in his neck has since been removed from that office ?

Premier : Very chivalrous !

Sardar Sohan Singh Josh : How many of the persons arrested were arrested under section 124-A ?

Premier : Only one.

Dr. Gopi Chand Bhargava : He refused to give the number. You only gave 7 for all the cases. He wants to know how many have been arrested under section 124-A ?

Premier : Only one, I think.

Lala Duni Chand : Is it true that any Congress worker that came from any other district to work in Karnal district has been arrested ?

Premier : I have said so many times that no Congress worker is arrested. Only a person who went against the law is arrested.

Mr. Speaker : The next question.

PERSONS INTERNED IN CONNECTION WITH SHAHIDGANJ AGITATION.

*3048. **Chaudhri Muhammad Husain :** Will the Honourable Premier be pleased to state—

- (a) the names of the persons interned in connection with the Shahidganj agitation who were offered detention allowance ;
- (b) the amount of detention allowance offered to each internee ;
- (c) the names of the internees who declined to accept the detention allowance which was offered to them ;
- (d) the grounds, if any were stated, on which such allowance was declined by the internee ;
- (e) whether the allowance was declined by any internee on account of its being too inadequate and low as compared with the status of the internee ; if so, whether Government is prepared to reconsider such cases ;
- (f) whether the amount allotted to the internees who refused to accept the allowance is still lying in their account or has been forfeited to the Government ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No body was interned in the Shahidganj agitation of the last cold weather.

(b) to (f) Do not arise.

BURGLARY IN THE HOUSE OF JHANDA SINGH OF TAHSIL OKARA.

*3049. **Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) whether any burglary was committed in the house of Jhanda Singh, son of Gurmukh Singh, caste Sikh, resident of Chak

[Munshi Hari Lal.]

No. 23/4-L, tahsil Okara, district Montgomery, police station Shabbour, on the night between 4th April and 5th April, 1938 ;

- (b) if so, whether any report was lodged in the police ;
- (c) whether any application was sent by Jhanda Singh to the Deputy Inspector-General of Criminal Investigation Department, Lahore, praying for help in ferreting out the offence ;
- (d) whether it is a fact that in that application Jhanda Singh, the petitioner, accused the son of lambardar and implicates a head constable ;
- (e) whether any action has been taken by the Deputy Inspector-General of Criminal Investigation Department, Lahore ;
- (f) whether the police has succeeded in tracing out the offence ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) to (e) Yes.

(f) No. Investigation shows that the case was false.

RESTRICTIONS ON HANS RAJ ' WIRELESS.'

*3050. **Munshi Hari Lal** : Will the Honourable Premier be pleased to state—

- (a) whether the Punjab Government have imposed any restrictions upon the entry of Hans Raj known as ' Wireless ' into this province ;
- (b) whether it is a fact that his father has applied to the authorities in this province to remove the ban and to permit him to enter the province, at least for the purpose of his marriage ; if so, what action has been taken in that respect ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The honourable member is referred to the answer given to part (b) of question No. *2795.¹

(b) The honourable member is referred to the answer given to question No. *8027.²

COMRADE RAM SINGH DATTA, INTERNEE.

*3051. **Munshi Hari Lal** : Will the Honourable Premier be pleased to state—

- (a) whether Government is aware that Comrade Ram Singh Datta is an internee in the Punjab ;

¹Page 619 ante.

²Page 619 ante.

- (b) if so, where he is interned, what are the limits of his internment, for how long he has been an internee and under what law he is interned ;
- (c) whether the said internee is getting any allowance, if so, what it is ;
- (d) how many dependents the internee has to maintain ;
- (e) whether the said internee Comrade Ram Singh Datta has applied to the authorities to permit him to go out for earning his livelihood, if so, with what result ?

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

(b) Ram Singh Datta was restricted to the limits of a village in his home district under section 3, Punjab Criminal Law Amendment Act, 1935, for twelve months with effect from 7th March, 1938.

(c) No.

(d) Wife only. Internee is a member of a joint Hindu family, whose financial condition is satisfactory.

(e) Attention of the honourable member is invited to answer to question No. *2978 (c).¹

BEHARI LAL, STUDENT OF D. A. V. SCHOOL, MONTGOMERY.

*3052. **Manshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that one Behari Lal, a student of VIII class, D. A. V. School, Montgomery, son of Lala Chiman Lal, wasal-baki-navis of Dipalpur, Montgomery district, was found missing while sleeping on the roadside at Montgomery on the night intervening between the 31st May, 1937, and 1st June, 1937 ;
- (b) if so, whether his corpse was found out and from where ;
- (c) whether any *post-mortem* was conducted on his corpse, and, if so, what its result was ;
- (d) whether any report was lodged in the police, if so by whom and, what the allegations in the report were ;
- (e) whether the police traced out the offence and offenders, if so, with what result ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) Yes, from a well nearby.

(c) Yes. The *post-mortem* report indicated that death was due to throttling.

(d) Yes, by the father of the deceased who named the persons he suspected.

[S. B. S. Ujjal Singh.]

(e) The identity of culprits could not be traced in spite of vigorous police investigation and the case has been filed as untraced until such time as a fresh clue is available.

**RECRUITMENT OF ASSISTANT ENGINEERS IN THE IRRIGATION
DEPARTMENT.**

***3053. Mian Badar Mohy-ud-Din Qadri:** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Government is going to recruit ten assistant engineers direct in the Irrigation Department; if so, the reasons for not promoting the temporary engineers appointed last September to these posts?

The Honourable Dr. Sir Sundar Singh Majithia: *Part 1.*—Yes.

Part 2.—Under rule 7 of the Punjab Service of Engineers, Class II Rules, temporary engineers have to be in service two years continuously before being eligible for promotion and therefore these temporary officers are not yet eligible. A certain number of vacancies have been set aside for recruitment in due course by promotion from the temporary engineers recruited last year who are considered suitable. Further any temporary engineer recruited last year who is eligible according to the conditions regarding direct recruitment to the Punjab Service of Engineers Class II is being permitted by the Chief Engineer to apply and will be considered by the Punjab Public Service Commission on his merits.

SUB-DIVISIONAL OFFICER, CHAKWAL.

***3054. Dr. Gopi Chand Bhargava:** Will the Honourable Premier be pleased to state—

- (a) when the present Sub-Divisional Officer, Chakwal, was posted there;
- (b) whether it is a fact that he has served the usual period after which an officer is transferred from a place; if so, the reasons for his stay at Chakwal;
- (c) whether it is a fact that a near relative of the aforesaid Sub-Divisional Officer is also employed at Chakwal; if so, in what capacity?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) He was posted to Chakwal on the 6th June, 1935 and remained there till the 6th November, 1935. He was reposted to Chakwal on the 26th January, 1936, and is stationed there since that date.

(b) No definite period has been fixed by Government after which a sub-divisional officer must be transferred from the station of his posting, as postings and transfers are made in the exigencies of the public service.

(c) None of his relatives is employed at present at Chakwal but his son, who is a supervisor in the Co-operative Credit Societies Department, is under orders of transfer to Chakwal as Sub-Inspector, Industrial Branch.

Dr. Gopi Chand Bhargava : What is the usual period for which a sub-divisional officer is kept at one place?

Parliamentary Secretary : I have already stated that no definite period has been fixed by the Government.

Lala Bhim Sen Sachar : Is the question of transfer of this sub-divisional officer under consideration of the Government?

Mr. Speaker : I disallow the question.

CLOSING OF THE WACHHOWALI MUNICIPAL FEMALE DISPENSARY.

*3055. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the Administrator, Lahore Municipality, has decided to close the Wachhowali Municipal Female Dispensary at Lahore; if so, why?

The Honourable Mian Abdul Haye : Answer to the first part of the question is in the negative. Second part does not arise.

HEAD MASTER, GOVERNMENT INDUSTRIAL SCHOOL, BHIWANI.

*3056. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Development be pleased to state—

(a) whether the Head Master, Government Industrial School, Bhiwani, is also working as superintendent of the hostel attached to that school;

(b) the total number of rooms in the hostel, the number of boarders and the rooms in the hostel occupied by the Head Master?

The Honourable Chaudhri Sir Chhotu Ram : There is no Government industrial school at Bhiwani.

Pandit Shri Ram Sharma : Is the Honourable Minister of Development quite certain about it?

Minister : Yes, absolutely.

Premier : Just as certain as the removal of my honourable friend from the presidentship of the Congress Committee.

DEPARTMENTAL ENQUIRY AGAINST THE PATWARI OF VILLAGE JAOFASI.

*3057. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that on representation being made in November, 1937, by the residents of village Jaofasi, a departmental enquiry was held against the patwari of the village situated in tahsil Nuh (Gurgaon);

[Pt. Shri Ram Sharma.]

- (b) the complaints which were made against the patwari and the number of people who made the statement in support of the allegations, the result of the enquiry and the action taken after that enquiry ?

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

(b) One representation signed by eleven persons and containing allegations against the patwari of bribery and making a false entry in the mutation register was received. On investigation the charges were not proved and it was revealed that the complaint was the result of malice borne by certain people against the patwari.

Pandit Shri Ram Sharma : Has the Honourable Minister ever said that the charge was proved ?

Mr. Speaker : That question is disallowed.

WATER RATES CHARGED FROM THE MUNICIPAL COMMITTEE, HANSI.

***3058. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the rates of water that the Canal Department charges from the Municipal Committee, Hansi and the public in general for filling up the public tank at Hansi ;
- (b) whether the Imti tank at Hansi used to be filled at rates charged from the Municipal Committee through the Municipal Committee ;
- (c) whether it is a fact that the said Committee now having refused to intervene in the matter the Imti tank remains unfilled to the great inconvenience of the Hindu public at Hansi which look upon the tank as the local place of pilgrimage ; if so, the action intended to be taken to remove this inconvenience to the Hindu public at Hansi ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The rate previously charged from the municipality was Re. 1 per 2,500 c.ft., but from 1938, the rate charged from local bodies is Re. 1 per 6,000 c. ft.

(b) Yes.

(c) It may be so, but the owners of the tank have not applied to the canal officers and if they do so, the tank will be filled at the scheduled rates.

PROSECUTION OF LORRY DRIVERS.

***3059. Sardar Kapoor Singh :** Will the Honourable Premier be pleased to state the number of lorry drivers prosecuted by the Small Town Committee and tried by the Honorary Magistrate of Samrala, district Ludhiana, under section 84 of General Police Act, (i) in the year, 1937, (ii) in the first four months of the present year, and (iii) in May and June ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): No lorry drivers were prosecuted by the Small Town Committee and tried by the Honorary Magistrate, Samrala, under section 94 of the Police Act, 1961, during the periods mentioned.

Sardar Kapoor Singh: May I know the total amount of fine imposed? (Voices: No one was tried).

Mr. Speaker: The next question.

CASES BEFORE THE BENCH OF HONORARY MAGISTRATES, SONA.

*3060. **Diwan Bahadur Raja Narendra Nath**: Will the Honourable Finance Minister be pleased to state—

- (a) the total number of cases instituted before the bench of honorary magistrates at Sona, a town near Gurgaon, from 1st January, 1937, to 31st December, 1937;
- (b) the monthly expenditure incurred by the Government for maintaining this court;
- (c) whether it is or it is not a fact that in a recent inspection of this court held by the Additional District Magistrate of Gurgaon, the latter proposed the abolition of this bench;
- (d) whether he will be pleased to lay a copy of the report by the said Additional District Magistrate on the table of the House?

The Honourable Mr. Manohar Lal: (a) 19.

(b) Rs. 81.

(c) Yes.

(d) I am afraid I cannot lay on the table a copy of the report of the Additional District Magistrate as it is a confidential document.

Diwan Bahadur Raja Narendra Nath: Will you kindly make me understand why it should be treated as confidential? It should be laid before the public.

(At this stage the Honourable Premier and Diwan Bahadur Raja Narendra Nath were whispering to each other).

Sardar Hari Singh: Is it a private talk?

Mr. Speaker: If the honourable member has to ask a question he should ask it aloud.

ENQUIRY INTO THE GRIEVANCES OF THE TENANTS OF TAHSIL UNA.

*3061. **Sardar Hari Singh**: Will the Honourable Minister of Revenue be pleased to state the result of the enquiry that has been conducted into the grievances of the tenants of tahsil Una and in particular of the villages in the said tahsil where the *kankut* or *batai* system is in vogue?

The Honourable Dr. Sir Sunder Singh Majithia: The attention of the honourable member is invited to the reply given to his question No. *2914.¹

RESEARCH WORK IN FEEDING BULLOCKS ON MOLASSES.

*3062. **Sardar Hari Singh** : Will the Honourable Minister of Development be pleased to state—

- (a) whether some research work and experiments on feeding bullocks on molasses have recently been conducted at some experimental farms in the Punjab;
- (b) whether such an experiment was also conducted at the Montgomery Farm last year, if so, whether the Deputy Director of Agriculture, Montgomery, submitted a report on the said experiment at Montgomery to the Director of Agriculture, and if so, the contents of the report;
- (c) whether it has recently been brought to the notice of the Director of Agriculture by an Agricultural Assistant that the experiment was not actually conducted, ; if so, whether an inquiry has been held into the allegation and if so, with what result?

The Honourable Chaudhri Sir Chhotu Ram : (a) Experiments on feeding bullocks on molasses were conducted at the Hansi, Gurdaspur, Jullundur and Montgomery Experimental Farms up to 1937, and have been discontinued since.

(b) Copy of the report submitted by the Deputy Director of Agriculture, Montgomery, is laid on the table.

(c) An Agricultural Assistant whose increment has been withheld after repeated warnings made an allegation against the Farm Manager that the experiment referred to in part (b) had never actually been conducted, although an elaborate report had been submitted by the Farm Manager on the results. An inquiry is being held.

Cattle feeding experiment with molasses—Report submitted by Deputy Director of Agriculture, Montgomery.

The experiment was started on 11th January, 1937, and concluded on 31st January, 1937. The feeds tried were as under :—

- (a) Standard feed of the non-experimental feed consisting of 20 seers green fodder and 10 seers of wheat *bhuss* per bullock.
- (b) Experimental feed :—
 - (i) *Toria Pallar* in combination with green fodder and molasses.
 - (ii) Wheat *bhuss* in combination with green fodder and molasses.

Six bullocks, i.e., two under each feed were kept under experiment. Two seers of concentrates per bullock were given as usual and the work taken from each bullock was of the same standard.

The consumption of various feeds is given in statement No. I and weight of bullocks in statement No. II. The average consumption of wheat *bhuss* and *toria pallar* when moistened with molasses is given in statement No. III.

The conclusions that can be drawn from the experiment are as under :—

Toria pallar as such cannot be fed to bullocks. *Toria pallar* can be made more palatable by the addition of molasses and thus utilized for feeding but it stands no comparison with wheat *bhuss*.

2. Molasses at the rate of 1½ seers per head appear as suitable dose for moistening the roughages.
3. In the ordinary ration of bullocks, i.e., combination of wheat *bhuss* and green fodder the use of molasses have not shown appreciable advantage in the consumption of wheat *bhuss*.
4. Use of molasses both in *toria pallar* and wheat *bhuss* appears to have depressing effect as is seen from the weight statement No. II.
5. Bullocks fed on molasses felt thirsty very often and thus took large quantity of water. Diarrhoea was also noticed as after effect on some of the bullocks fed with molasses.

STATEMENT No. 1.—Showing the consumption of experimental feeds as compared to standard feed of green fodder and wheat chaff.

Date.	STANDARD FEED OR NON-EXPERIMENTAL FEED.					EXPERIMENTAL FEED.					REMARKS.								
	Green fodder.	Wheat chaff.	Total consumed.	Total consumed per bullock.	Srs.	Green fodder.	Wheat chaff.	Total consumed.	Total consumed per bullock.	Srs.		Green fodder.	Wheat chaff.	Total consumed.	Total consumed per bullock.	Srs.	Wheat chaff.	Total consumed.	Total consumed per bullock.	Srs.
17th January, 1937	40	30	68	28	40	20	52	26	1	40	20	56	26	1	26	27 1/2	1	56	1
18th January, 1937	40	30	66	28	40	20	63	26 1/2	1	40	20	55	27 1/2	1	28	28 1/2	1	55	1
19th January, 1937	40	30	64	27	40	20	60	25	1	40	20	67	27 1/2	1	28 1/2	29 1/2	1	67	1
20th January, 1937	40	30	63	26 1/2	40	20	52	26	1	40	20	64	27 1/2	1	27 1/2	29 1/2	1	64	1
21st January, 1937	40	30	64	28	40	20	52	26	1	40	20	66	27 1/2	1	27 1/2	29 1/2	1	66	1
22nd January, 1937	40	30	64	28	40	20	52	26	1	40	20	67	27 1/2	1	28 1/2	29 1/2	1	67	1
23rd January, 1937	40	30	67	28 1/2	40	20	54	27	1 1/2	40	20	66	27 1/2	1 1/2	28 1/2	29 1/2	1 1/2	66	1 1/2
24th January, 1937	40	30	67	28 1/2	40	20	54	27	1 1/2	40	20	67	27 1/2	1 1/2	28 1/2	29 1/2	1 1/2	67	1 1/2
25th January, 1937	40	30	68	28	40	20	64	27	1 1/2	40	20	68	28	1 1/2	29	29 1/2	1 1/2	68	1 1/2
26th January, 1937	40	30	60	30	40	20	58	28	1 1/2	40	20	60	28	1 1/2	29	29 1/2	1 1/2	60	1 1/2
27th January, 1937	40	30	60	30	40	20	58	28	1 1/2	40	20	60	28	1 1/2	29	29 1/2	1 1/2	60	1 1/2
28th January, 1937	40	30	60	29	40	20	56	28	1 1/2	40	20	60	28	1 1/2	29 1/2	29 1/2	1 1/2	60	1 1/2
30th January, 1937	40	30	57	28 1/2	40	20	55	27 1/2	1 1/2	40	20	59	28 1/2	1 1/2	29 1/2	29 1/2	1 1/2	59	1 1/2
31st January, 1937	40	30	57	28 1/2	40	20	55	27 1/2	1 1/2	40	20	60	28 1/2	1 1/2	29 1/2	29 1/2	1 1/2	60	1 1/2

[Minister for Development.]

STATEMENT No. II.—Showing the weight of bullocks with different feeds.

Date.	GREEN FODDER AND WHEAT BRUSA.		<i>Toria pallar</i> , GREEN FODDER AND MOLASSES.		WHEAT BRUSA, GREEN FODDER AND MOLASSES.	
	No. 123.	No. 131.	No. 129.	No. 122.	No. 125.	No. 130.
	Mds. Srs.	Mds. Srs.	Mds. Srs.	Mds. Srs.	Mds. Srs.	Mds. Srs.
16th January, 1937..	13 10	11 20	11 20	12 10	13 10	14 0
20th January, 1937..	13 10	11 20	11 20	12 10	13 9	14 0
24th January, 1937..	13 10	11 22	11 19	12 9	13 8	13 39
28th January, 1937..	13 9	11 20	11 17	12 8	13 8	13 33
1st February, 1937..	13 10	11 22	11 10	12 6	13 7	13 27

STATEMENT No. III.—Showing average consumption per bullock.

WHEAT BRUSA.		<i>Toria pallar</i> fed moistened with molasses.	Molasses fed per bullock.
Fed alone.	Fed moistened with molasses.		
Srs.	Srs.	Srs.	Srs.
8.4	9	5.9	1
..	8.6	7.6	1½

Thikri pekra IN VILLAGE BAINS TANWALA, HOSEHARPUR DISTRICT.

*3863. **Sardar Hari Singh**: Will the Honourable Premier be pleased to state whether it is a fact that the people of village Bains Tanewala, *thana* Hariana, district Hoshiarpur, have recently submitted a representation to the deputy commissioner of the district stating that *thikri pekra* is being enforced in the village and requesting that it may be stopped; if so, whether an inquiry has been held into the matter and if so, with what result?

The Honourable Major Sir Sikander Hyat-Khan: The deputy commissioner reports that he received a representation. He adds that the system of *thikri pekra* in the village named has been in existence for many years and is a voluntary system instituted by the people themselves.

LAHORE ADMINISTRATOR AT SIMLA.

*3064. **Sardar Hari Singh** : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Government has granted permission to the Administrator, Lahore Municipality, to spend two and a half months during summer season at Simla ;
- (b) if answer to (a) above be in the affirmative, the arrangements proposed to be made to carry on the municipal affairs in his absence from Lahore ?

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

(b) No special arrangements are necessary since the Administrator is dealing with municipal affairs in the same way as other officers enjoying a recess to perform their duties.

Sardar Hari Singh : May I know whether the Administrator of the Lahore Municipality has been granted this concession and privilege for the first time this year ?

Minister : He has been allowed to recess this year.

Sardar Hari Singh : Will he hold his office here ?

Minister : Yes.

Sardar Hari Singh : Did the Honourable Minister receive an application to this effect ?

Minister : Yes.

Sardar Hari Singh : Will the revenues of the province or of the Lahore Municipality incur any extra expenditure on account of this privilege extended to the Administrator of the Lahore Municipality ? I want an original reply and not a prompted reply ?

Minister : The honourable member will get an original reply if he will give notice.

Dr. Gopi Chand Bhargava : May I know whether the Administrator represents the Lahore Municipality, as there is no municipality ? Are we to understand that he represents the whole of Lahore and the city of Lahore has shifted to Simla ?

Minister : There is no Lahore Municipal Committee but the Administrator administers the Lahore Municipality and performs the duties previously performed by the Lahore Municipal Committee.

Dr. Gopi Chand Bhargava : There is no municipality ; the municipality has been suspended.

Minister : It is a question of work whatever you may think ; the functions performed by the municipal committee are being performed by the Administrator.

Sardar Hari Singh : May I ask whether he is aware of the fact that there is resentment in the public mind against the Administrator being converted into an absentee Administrator ?

Minister : Not to my knowledge.

Dr. Gopi Chand Bhargava : Do I understand that in view of the reply given by the Minister he has been allowed to recess for this year only or are we to understand that he will continue in future also ?

Minister : That will depend on circumstances every year.

Lala Bhim Sen Sachar : Is it within the knowledge of the Minister that the nature of duties of the Administrator is such that he will have frequently to go and visit various places in Lahore ?

Minister : Whenever necessary he will go and visit those places. His stay at one time shall not exceed more than six weeks and he will carry on his work as other recessing officers do.

Lala Duni Chand : Is it true that he does not belong to that class of officers who are entitled to spend the summer in Simla ?

Minister : If he were not the Administrator he would have enjoyed that privilege even then.

DEMONSTRATION BY KISANS AT LYALLPUR ON 12TH JUNE.

*3065. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the demonstration by forty thousand *kisans* at Lyallpur on June 12 as a protest against the reduction of the width of canal outlets on Janiwala and Amirwala distributaries ; if so, steps taken or proposed to be taken by the Government to redress the grievances of the people affected ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The demonstration was held on June the 10th at Lyallpur. The number present is reported to be between 10,000 and 15,000.

(b) The alleged grievance is on account of reduction in size of outlets and consequent shortage of supply. This distributary was remodelled in 1934 but complaints of irrigators at the tail continued stating they were not getting their authorised supply and that they were not able to mature their crops. To meet this complaint and owing to the silting up of the distributary and the minor, remodelling and re-adjustment of outlets had to be undertaken. It may be noted that the outlets drew more than the authorised discharge or sanctioned discharge with the consequent reduction of supply at the tail. Government has to equitably distribute water and therefore the work of remodelling was undertaken by the canal authorities. This was exploited by interested parties and Government regrets that owing to the action of the irrigators, who were misled into refusing to take canal water, the zamindars are thus made to suffer.

Government is always ready to look into any grievance of short supply of water and remedy any complaint that might exist but they cannot benefit the irrigators on the upper reach of the distributary at the expense of the irrigators at the tail.

Sardar Hari Singh : With reference to the Honourable Minister's reply that this was being exploited by the interested parties may I know what is meant by interested parties ?

Minister : People know who are exploiting.

Sardar Hari Singh : Who are exploiting ?

Minister : The interested parties.

Sardar Hari Singh : Is he sure that the Government is exploiting or the people are exploiting?

Minister : Interested parties.

Sardar Hari Singh : Who are they?

Minister : My friend knows very well, who are these parties.

Dr. Gopi Chand Bhargava : May I enquire whether this agreement was reached between the canal authorities and the cultivators of this place on or about the 10th June?

Minister : Not to my knowledge.

Dr. Gopi Chand Bhargava : Is it or is it not a fact that when the agreement was sent to the Government for confirmation, the Government on account of false notions of prestige refused to agree?

Minister : I repudiate that charge. It is not false notion or dignity. An officer cannot come to an agreement without consulting the Government first.

Dr. Gopi Chand Bhargava : Do I understand that Government not on account of false notions but on account of some other reasons refused to agree to the agreement?

Minister : There are no other reasons except that of distribution of water on equitable basis between the irrigators.

Dr. Gopi Chand Bhargava : Has the suggestion been refused by Government?

Mr. Dev Raj Sethi : Is it not a fact that remodelling of outlets according to the new agreement was actually taken in hand but suddenly stopped short?

Minister : Perhaps my friend knows of the agreement.

Sardar Hari Singh : May I ask whether he is aware that agitation is continuing and will continue to spread in that area? What steps is Government going to take in order to check it?

Minister : My position is quite clear. Government is not going to allow inequitable distribution of water. Equitable distribution of water is Government's policy. (*Hear, hear.*)

Lala Bhim Sen Sachar : Do I take it that Government is indifferent to the agitation which is going on?

Minister : There ought not to be any agitation when there is equitable distribution of water.

KISANS OF AMRITSAR AND SETTLEMENT AUTHORITIES.

*3066. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Settlement authorities have recently received any representation from the *Kisans* of Amritsar district on the subject of the current market rates of various agricultural commodities to guide them while proposing new assessment of land revenue in the district; if so, substance of the representation and steps proposed to be taken thereon?

The Honourable Dr. Sir Sunder Singh Majithia : A large number of objections was received by the settlement officer against the commutation prices proposed by him for the reassessment of the Amritsar district. They will be carefully considered before passing orders on the settlement officer's proposals.

THE THAL PROJECT.

*3007. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Government has had under consideration the Thal Project of Canal Irrigation; if so, the stage which it has reached now together with chief details of the scheme and estimate of expenditure and time to be taken for these works?

The Honourable Dr. Sir Sunder Singh Majithia : The project estimates of expenditure and revenue are complete.

The total expenditure is expected not to exceed 5½ crores, excluding lining, and will pay 8·9 per cent. with land revenue and water advantage rate Rs. 8 per acre and abiana at Rs. 4 per acre matured.

The additional cost of lining main canal and main branch will be 1·5 crores giving a return of 8·9 per cent. with land revenue and water advantage rate as Rs. 8 per acre. If main canal and all branches are lined the additional cost will be 2·5 crores giving the same returns. The water saved from lining will be used in the Khushab tehsil.

These figures do not take into account the ultimate capital receipts from the sale of the greater portion of Crown waste areas.

The barrage can probably be constructed in two years and the main works in three years.

Gross commanded area is 14 lakhs acres, proposed annual irrigation is 8·5 lakhs acres. This is based on 6,000 cusecs of capacity at head of canal.

Additional irrigation in Khushab tehsil by water saved from lining will be 1·87 or 2 lakhs acres according as main line and main branch or main line and all branches are lined.

RESTRICTIONS ON ex-BABAR AKALI PRISONERS.

*3068. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether any restrictions have been placed on the movements of any of the Babar Akali prisoners recently released from the jails;

(b) whether any of them has been asked by the police not to participate in political work; if so, why?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) No.

GENERAL ELECTION TO THE DISTRICT BOARD, HOHILARPUR.

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

- (a) when the next general election to the District Board, Hoshiarpur, is due;
- (b) whether there is any proposal under consideration for change in the delimitation of constituencies; if so, the principle governing the change;
- (c) the dates fixed for preparation of electoral rolls in this constituency?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) In the last week of February, 1938.

(b) No.

(c) The preliminary electoral rolls will be prepared in manuscript by the end of September, 1938, and the printed copies will be released for publication in the month of November, 1938.

SUSPENSION OF LALAMUSA SMALL TOWN COMMITTEE.

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

- (a) whether it is a fact that the Lalamusa Small Town Committee has been suspended on its failure to perform its duties imposed upon it by the Punjab Small Town Act; if so, period of its suspension;
- (b) manner in which and matters in respect of which the committee failed to perform the duties imposed upon it?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) Yes. No period has been fixed but the matter will be considered after one year.

(b) From a recent report on the affairs of this town committee, Government were satisfied that the committee was devoid of all sense of civic responsibility and there was no way to secure efficient management and solvency except suspension.

DRY FARMING.

*367. **Sardar Hari Singh**: Will the Honourable Minister of Development be pleased to state since how long dry farming experiment has been carried on at Rohtak and the measure of success achieved in this respect so far?

The Honourable Chandhri Sir Chhotu Ram: The dry farming research scheme was started on the 1st July, 1935, and has been carried on at the Rohtak farm for three years. The experiment has now reached the third of the five years for which it has been planned, and it is yet too early to tell what the final results will be. It may, however, be stated that all the major crops of the Punjab that are cultivated in various districts, have been successfully grown at the Dry Farming Research Station, Rohtak.

NOMINATION TO LYALLPUR MUNICIPALITY.

*3072. **Sardar Hari Singh** : Will the Honourable Minister of Public Works be pleased to state—

- (a) reasons for the delay in making nominations to the Lyallpur Municipality recently made ;
 (b) whether it is a fact that the Municipal Committee had some time ago urged that the general elections be expedited ; if so, why that request was not acceded to?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) It is not understood what the honourable member means by asking for the delay in making nominations to the Lyallpur Municipality. In common parlance the word 'delay' is used with reference to the performance of a thing if some time has been fixed for its performance. As, however, no time had been fixed for making nominations to the Lyallpur Municipal Committee, there was obviously no delay in making these nominations. But I might add for the information of the honourable member that the nominations were made as soon as practical after the question was decided in principle.

(b) Yes. But the elections could not be held as the wards had not been framed.

MENACE OF SUBSIDENCE OF WATER-TABLE IN DOABA.

*3073. **Sardar Hari Singh** : Will the Honourable Minister of Revenue be pleased to state the steps so far taken in the direction of implementing the promise given by the Government on the floor of the Assembly and outside to explore avenues to meet the menace of the subsidence of water-table in the Doaba, i.e., Hoshiarpur and Jullundur districts, to the agriculturists ?

The Honourable Dr. Sir Sunder Singh Majithia : A conference of officials met in Simla on May 27, 1938, and has studied the problem very carefully and made certain suggestions. For amplification of the suggestions and preparing concrete proposals for combating the menace a supplementary demand has been placed before the House for opening a sub-division at Jullundur as soon as possible.

A second conference consisting of officials and non-officials will meet in Simla on June 22, 1938, to examine the proposals of the conference held on May 27, and to give an opportunity for the non-official view to be expressed.

CONSOLIDATION OF LAND HOLDINGS IN VILLAGE NANGAL JAMAL.

*3074. **Sardar Hari Singh** : Will the Honourable Minister for Development be pleased to state whether it is a fact that a majority of the land-owners of village Nangal Jamal in district Hoshiarpur have submitted to the Deputy Commissioner, Hoshiarpur, representations, dated 28th May, 1938, and 18th June, 1938, objecting therein to the work of consolidation of land holdings carried on in their village recently ; if so, the action taken thereon?

The Honourable Chaudhri Sir Chhotu Ram : *First part*—No.

Second part :—Does not arise.

COMPENSATION TO INSPECTOR CROWE AND THE CONSTABLES IN
THE KIROO TORTURE CASE.

*3075. Mr. E. Few: Will the Honourable Premier be pleased to state whether his attention has been drawn to the judgment of the Special Officer appointed to try the famous Kiroo Torture Case and if the answer be in the affirmative, whether it is the intention of the Government to grant special compensation to Inspector Crowe and the constables concerned for the mental torture and disgrace they have been subjected to?

The Honourable Major Sir Sikander Hyat-Khan: The full text of the judgment has been received only recently and is under examination. Government is not, therefore, in a position at present to indicate what action, if any, it would take as a result of that examination.

NURSES OF THE MAYO GROUP OF HOSPITALS.

*3076. Mr. E. Few: Will the Honourable Minister of Education be pleased to state whether he is aware that nurses of the Mayo group of hospitals in the province are required to do night duty for a month at a stretch without break for a single night entailing 12 hours each night and that after performing such duty for a whole month they are required to come back to duty after six hours after their morning duty and that this system causes much inconvenience and hardship to the nurses concerned; if so, whether it is intended to modify the system?

The Honourable Mian Abdul Haya: The statement so far as it relates to the duty hours of nurses is correct.

The present system of night duty for one month at a stretch without a break for a single night is in vogue in all the hospitals in Lahore and has been functioning satisfactorily for many years and no complaint has ever been received from nurses on this account. This system is based on the system of prominent hospitals in Great Britain and elsewhere and Government do not propose to modify it.

REPRESENTATION OF THE PARENTS ASSOCIATION, BERI, DIS-
TRICT ROHTAK.

*3077. Pandit Shri Ram Sharma: Will the Honourable Minister of Education be pleased to state whether the Government has received a representation recently from the President of the Parents Association, Beri, district Rohtak with regard to the change of time for summer vacation in the local high school, if so, the action taken thereon?

The Honourable Mian Abdul Haya: Yes. I see no reason why the school at Beri should close earlier than other schools in the district.

DEPUTATION OF MUNICIPAL COMMITTEE, SIMLA, IN CONNEXION
WITH THE RIPON HOSPITAL.

*3078. Sardar Hari Singh: Will the Honourable Minister of Education be pleased to state whether recently a deputation of Municipal Committee, Simla, waited upon him in connexion with the Ripon Hospital and made a representation on the subject; if so, substance of the representation and action taken or proposed to be taken by the Government in the matter?

The Honourable Mian Abdul Hays : No such deputation has been received by Government.

MONEY SPENT IN AID OF INDUSTRIES.

*3079. Sardar Hari Singh : Will the Honourable Minister of Development be pleased to state—

- (a) the manner in which the sum sanctioned under the State Aid to Industries Act for the year 1937-38 was spent together with full details of the industries and firms subsidised and the sums apportioned among them ;
- (b) the manner in which the sum sanctioned for the year 1938-39 is proposed to be expended?

The Honourable Chandhri Sir Chhotu Ram : (a) A statement is laid on the table.

(b) The provision for the year 1938-39 is proposed to be utilised in the following manner :—

	Rs.
(i) Loans	2,00,000
(ii) Other forms of assistance	2,00,000

(The Board of Industries has suggested the following allocation :—

	Rs.
Industrial Research Fund	1,50,000
Guarantee of minimum return	8,000
Subsidies	20,000
Hire purchase of machinery	27,000)

Statement showing the persons and firms who were granted financial assistance under the Punjab State Aid to Industries Act during 1937-38.

I.—Loans.

Serial No.	Name of the firms.	Industry assisted.	Amount.
			Rs.
1	M. Ghulam Mohd., Lahore ..	Embroidery, thread dyeing and thread ball making.	2,000
2	Messrs. Bishan Singh and Sons, Lahore.	Manufacture of sports and presentation caps.	3,500
3	Malik Chaman Lal, Lahore ..	Manufacture of shoe white ..	1,500
4	M. Ghulam Hussain and Company, Lahore.	Manufacture of pistons and spare parts of motor machinery.	4,500
5	M. Gul Mohd. Khan, Multan ..	Textiles	1,500
6	Messrs. Ravi Verma Steel Works, Anabala Cantonment.	Manufacture of agricultural implements, sowing machines, etc.	5,000
7	M. Karam Elahi, Lahore ..	Manufacture of electric fans ..	2,000
8	Mohd. Aslam Jan-Mohd. Akram, Ludhiana.	Hosiery	800
9	Long Sight Home Pipe Company, Lahore Cantonment (Mr. N. S. Nigral).	Manufacture of pipes for Sanitary and household purposes.	2,000

Serial No.	Name of the firm.	Industry assisted.	Amount.
			Rs.
10	Khan Bahadur Syed Budhs Shah, Amritsar.	Hosiery	4,000
11	Pearl Hosiery Mills, Ludhiana ..	Do.	7,000
12	Hafiz Abdul Salam, Ludhiana ..	Do.	5,000
13	Sand paper mills, Rawalpindi (Dr. Shaktunla Bedhwar).	Manufacture of sand paper ..	5,000
14	L. Bhola Nath of Jullundur ..	Manufacture of brass corks, pumps, buckets, etc.	15,000
15	Ravi Paint and Colour Varnish Works, Lahore.	Paint and varnish	20,000
16	Saraswati Industries, Ltd., Lahore	Cold start engines, machines, etc.	20,000
17	Upper India Glass Works, Ambala	Manufacture of excise bottles and glassware.	25,000
18	Surgical Dressing Manufacturing Company, Chhacharta (Amritsar).	Manufacture of absorbent cotton, wool, dressings, etc.	25,000
19	Messrs. Dhody and Sons, Sialkot	Sports industry	5,000
20	Messrs. A. F. Ahmed and Company, Sialkot.	Do.	2,500
21	Oswal Durrie Factory, Sialkot ..	Manufacture of durries—bed and floor.	3,000
22	L. Bihari Lal of Kulu ..	Weaving	800
23	M. Hussain Mohd. Khan of Hoshiarpur District.	Textiles	1,500
24	The Mehra Textiles Mills, Amritsar	Do.	20,000
25	L. Bhoja Ram of Haiderabad, District Mianwali.	Weaving	300
26	L. Hira Nand of Haiderabad, District Mianwali.	Do.	95
27	Messrs. Ahmed Buz-Mohd. Buz of Haiderabad, District Mianwali.	Do.	140
28	The National India Rubber Works, Sialkot.	Rubber industry	5,000
29	Messrs. M. F. Elahi and Company, Sialkot.	Surgical and veterinary instruments.	2,000
30	Messrs. Allah Ditta-Allah Rakha, Sialkot.	Sport industry	5,000
31	M. Abdul Bahaman and Sons, Amritsar.	Electric fans	3,000
32	Messrs. C. M. Deen and Company, Sialkot.	Sheet metal industry ..	1,755
33	L. Mangha Ram of Haiderabad, District Mianwali.	Weaving	200
34	L. Ram Chand of Haiderabad, District Mianwali.	Do.	300
35	S. Janda Singh of Haiderabad, District Mianwali.	Do.	200
		Total amount granted ..	2,00,000

II.—SUBSIDIES.

	Rs.
1. Messrs. Ravi Veyna Steel Works, Ambala Cantonment ..	3,000
2. L. Tara Chand, Proprietor, Indian Electric Works, Lahore ..	4,000

III.—HIRE PURCHASE SYSTEM.

	Rs.
1. L. Ram Nath, Sports Manufacturing Factory, Sialkot ..	1,000

ENROLMENT OF WOMEN IN POLICE DEPARTMENT.

*3080. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state whether the Government has under consideration any proposals for enrolment of women in the executive line of the Police Department?

The Honourable Major Sir Sikander Hyat-Khan : The only female police officer in the Punjab is the lady Inspector at Lahore station. There is no proposal for employing further female officers.

THE PUNJAB ALIENATION OF LAND (SECOND AMENDMENT) BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I beg to move that—

The Punjab Alienation of Land (Further Amendment) Bill as reported on by the select committee be taken into consideration.

3 P. M.

Dr. Gopi Chand Bhargava (Urdu) : Sir, I wish to raise a preliminary objection with your permission.

Mr. Speaker : May I ask the honourable member whether he is unable to speak in English ?

Dr. Gopi Chand Bhargava (Urdu) : Sir, the fact of the matter is that ever since my coming to this Assembly I have been feeling a great difficulty in expressing my thoughts in English, and I do maintain that the best medium of expression for any man is his own mother tongue. There cannot be any two opinions about this. But it is a thousand pities that we are denied, in this House, our natural right to express our opinions and thoughts in our own language. I remember I had raised this point on the very first day of the first session of this Assembly at Lahore, but, you could not see your way to permit us to speak in our own language because you thought that it was not permissible under Section 85 of the Government of India Act of 1935. Well, Sir, we continued making speeches in English, but, I cannot help observing that it is extremely difficult, if not impossible, to fully express ourselves in this foreign tongue. We have been pulling on under a serious handicap and I do not wish to make any secret of the fact that our patience has reached the breaking point. It is under these circumstances that I am driven once again to request you, Sir, to very kindly allow us to speak in our own mother tongue.

Mr. Speaker : What has the Honourable Premier to say on the point ?

Premier (The Honourable Major Sir Sikandar Hyat-Khan) (Urdu) : Sir, I too wish to associate myself with what the honourable Leader of the Opposition has stated just now with regard to the question of language in this House. Not only I but several other honourable members, sitting on this side of the House, also feel seriously handicapped by this compulsion to speak in a foreign tongue. In fact every one of us is anxious to have this obstacle removed as soon as possible. You must be aware, Sir, that in this connection we have repeatedly requested you very kindly to allow us to speak in our mother tongue but you have all along remained adamant, on the ground that the Government of India Act, 1935, does not permit this.

What passes my comprehension is that the same Government of India Act which is in force in this province is also in force in other provinces of this country, yet the Honourable Speakers in all the other provinces except one or two have seen their way to allow honourable members in their legislatures to speak in their own mother tongue. What special difficulty stands in your way, is more than I can say. (An honourable member: Is the Honourable Premier speaking in his mother tongue?) Sir, if my honourable friend over there comes to that point, he will be surprised to learn that there is not only one mother tongue in India but several of them. However, I do not wish to enter into this controversy at the present moment.

I was submitting, Sir, that our feelings over the language problem are very strong. In fact, quite a large number of honourable members, sitting on this side of the House are very anxious to obtain your permission to speak in their mother tongue and for this purpose a deputation waited upon you yesterday. I do not know whether you have been pleased to accede to their wishes or not. For my part, I lend my whole-hearted support to the view that they have expressed to you.

Chaudhri Krishna Gopal Dutt: Sir, I rise to a point of order. The Honourable the Premier has stated just now that he is anxious to speak in his mother tongue but he has been speaking in Urdu. May I ask if Urdu is his mother tongue?

Mr. Speaker: It is not a point of order.

Premier: In reply to my honourable friend's remark, I would like to say that I do not mean by 'mother tongue' the mother tongue of this honourable member or that honourable member. I mean by this the common tongue or the *lingua franca* of India as a whole and not the mother tongue of any particular Indian.

I may also be permitted to add for the information of the honourable member that—

میں ایک قانونی نکتے پر کھڑا ہوتا ہوں

is not the correct translation in Urdu of the oft-repeated English sentence, "I rise to a point of order."

(Chaudhri Krishna Gopal Dutt again rose in his seat.)

Mr. Speaker: Order order, I will protect the honourable member, if necessary.

Premier: Sir, I was submitting that almost all the honourable members sitting on these benches are anxious to be permitted to speak in their mother tongue as it is difficult for some of them and impossible for some others adequately to express themselves in the foreign language which is being imposed upon them in this House.

In view of these hard facts, Sir, I feel no hesitation in supporting those honourable members who waited upon you yesterday and I also wish to request you, Sir, on my own behalf that you may kindly see your way to give a suitable and appropriate ruling in this connection. I may also add that it is very gratifying to note that even the Opposition is at one with us so far as the question of language is concerned.

Mr. Speaker: May I ask the Honourable Premier the result of the representation made by the Punjab Government on behalf of this House about the modification of section 85 of the Government of India Act?

Premier : The information at my disposal is that the Government of India has addressed the Home Government on the subject.

Mr. Speaker : Honourable members, some of you are very experienced and sound lawyers and presumably the lawyer members read section 85 with the attention which it demands and deserves. If any one thinks that the interpretation which I have been putting upon the section up to this date, is wrong, I think I should vacate the chair and walk out. But I hope that able lawyers, like the Honourable Finance Minister, Dr. Sir Gokul Chand Narang, Lala Duni Chand and Lala Bhim Sen Sachar, will agree that my interpretation of the section is not incorrect.

Minister for Finance : Yours is the only correct interpretation.

Mr. Speaker : I have been interpreting the section according to my lights and am very grateful to the House for not objecting to my interpretation in spite of the great difficulties some honourable members had to face on that account. Representation has been made to the Secretary of State to have the section amended as soon as possible, but the Government machinery is unwieldy and moves rather slowly. So, to expect Parliament to modify the section immediately is to expect too much. On the other hand, I regret to learn from some of the honourable members who saw me yesterday that it is difficult, nay almost impossible for them to go on with the work of the Assembly, unless the rigidity of my interpretation is relaxed. (*Hear, hear*). If honourable members of the House really cannot express their thoughts on any subject as ably and efficiently as they may wish to do, I think I should not stand in their way. (*Hear and hear and cheers*). The framers of the Government of India Act, very able and learned lawyers and statesmen, as they are, did not realise one difficulty, namely that there shall be members who shall not know English at all and, therefore, shall not understand a word of English. Very often I had to rule in English that some members speaking in Urdu were, irrelevant or were repeating arguments, but they were not able to understand my ruling. They will never understand so long as I address them in English. All such difficulties the framers of the Act should have anticipated; but unfortunately they did not. Therefore I propose to allow all honourable members who are unable to express themselves in the English language as efficiently as they wish, to speak in Urdu.

Dr. Sir Gokul Chand Narang (Urdu) : Sir, I congratulate you and thank you that at least after full one year you have been pleased to accede to our request.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu) : Sir, I beg to draw your attention to Standing Order 46. It is written therein that :—

46 (1) The Secretary shall cause every report of the Select Committee to be printed and a copy of the report shall be made available for the use of every member of this Assembly. The report with the amended Bill shall be published in the Gazette.

Usually in printing the report and in its presentation to honourable members this Standing Order is violated and generally preference is given to the convenience of the Government. Further it is stated in the Standing Order 46 (1) :—

The report of the Select Committee on a Bill shall be presented to the Assembly by the member-in-charge of the Bill.

In Standing Order 47 it is stated that the select committee's report can be taken into consideration with the permission of the Honourable Speaker. If, however, any member objects that the report has not been made available to him for seven days and that he had no time to obtain the opinions of the general public and to draft amendments to the Bill according to his own opinion, then you can rule that the report cannot be taken into consideration, but if you decide otherwise, the select committee's report can be taken into consideration. I very respectfully submit that as far as the question of time is concerned the report of the select committee has been published and sent to the honourable members on the same day as it has been presented to this House. Previously the Secretary has been sending the reports of the select committees to the honourable members in advance and we are thankful to him, but, Sir, officially we cannot leave this matter here and we are forced to bring this forward in this House, that we cannot send our amendments in writing to this House when the report of a select committee is sent to us on the same day as it is presented to this House.

As far as the question of time is concerned, you are empowered to reduce its period, but I may submit that it was the duty of the Secretary to print the Bill with its important amendments in the Gazette. I may also submit that the standing order that I have quoted above does not permit you to allow any concession in this respect. What I understand from it is that the report of the select committee with the amended Bill should be made available to the public, so that if going through it any one from amongst them wished to express his opinion he could do so by sending his opinion in writing to the honourable member representing his own constituency. If this is the meaning of the standing order, I may submit that then and then only can we consider the report of the select committee and give it the form of an act. Before I resume my seat, I would like to illustrate my point by citing the example of the Motor Traffic Offences Bill on which discussion was closed yesterday in view of certain legal complexities. The Bill in question before being presented to this House was published in the *Government Gazette*. But the report of the select committee on the present Bill, which was amended in the said committee has not been made available to the public as yet and it has not been published in the *Gazette*. I, therefore, request you to very kindly give your ruling on the point whether we can take into consideration the report of any select committee which has not been published in the *Gazette* and whether or not we can give it the form of an Act.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) (*Urdu*) : Sir, I may submit that my honourable friend, Dr. Gopi Chand Bhargava, the Leader of the Opposition, has stated in the course of his speech that it was the duty of the Secretary to get the report of the select committee published in the *Government Gazette* and after its publication in the *Government Gazette* seven days should have been given for considering it. I am constrained to remark that this contention is based on a misunderstanding. It is clearly set down in the standing order that 'a report with the amendments recommended shall be published in the *Gazette*.' The report should reach the members within seven days. So far as the presentation of the select committee's report is concerned the Speaker can in exercise of his powers

[Raja Ghazanfar Ali Khan.]

relax the seven days' rule to five days or even less and allow the Bill to be presented to the House.

I beg to submit that since the report was sent to the members on the 30th, they had six days for its consideration, and a longer time than that could not be justified. The number of amendments is so great that not a single clause has been left over with regard to which an amendment has not been received. This fact clearly shows that the report has been carefully considered, and, therefore, it does not lie in the mouth of the Opposition to say that permission should not be given for considering the Bill.

Sir, in view of this I beg to submit that you may kindly allow that the Bill be taken into consideration.

Lala Deshbandhu Gupta (South Eastern Towns, General, Urban) (Urdu): Sir, I beg to submit that we should proceed in strict accordance with the rules that the House has framed regarding the procedure to be adopted in respect of the report of a select committee.

An honourable member: The House has not framed these rules.

Lala Deshbandhu Gupta: My honourable friend over there says that the rules have not been framed by the House, but were adopted by it. That makes no difference. Anyhow, these are the rules that govern the procedure of this House.

I think their purport is quite clear and explicit. It is laid down in the rules that a report of the select committee shall be caused to be published in the Gazette and a copy of the report shall be made available to the members seven days before it is presented to the House.

Khan Bahadur Mian Mushtaq Ahmad Gurmami: According to the rules you should also speak in English.

Lala Deshabandhu Gupta: My honourable friend Mian Mushtaq Ahmad objects to my speaking in Urdu and says that I should speak in English. I do not want to waste the time of the House by entering into this controversy although I can very well meet his objection.

The point at issue is a highly technical one. My learned friend has admitted that the form in which the report was sent was confidential. He further says that it was sent to the members some six days back, and that unless it was presented to the House they could not move any amendment to it. My submission is that the provision regarding seven days is intended not only to give the members time for its consideration but it is also intended that the report may be published in the Gazette in order to enable the general public to express its opinion upon the report during that period. If a report is marked confidential and then circulated it does not serve any useful purpose but, on the other hand, it is intended to throttle public opinion. I submit that you should not suspend the Standing Order unless an emergency arises, and should not curtail the vital rights of the Opposition. I think the objection raised by the honourable Leader of the Opposition holds good, because the report has not been made available seven days before its presentation to the House.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North Muhammadan Rural) (*Urdu*): Sir, the honourable member objecting to the Bill being taken into consideration has given three reasons for doing so. Firstly, that the report of the select committee along with the amended Bill has not been published in the Gazette, secondly, that public opinion has not been elicited with regard to the amendments made in the Bill by the select committee, and, thirdly, that according to the standing orders a motion for the consideration of the Bill cannot be made if copies of the report of the select committee have not been made available for the use of members for seven days. I shall deal with these objections *seriatim*.

The standing orders impose no restriction on moving the consideration of the Bill before the publication of the report of the select committee in the Gazette. Moreover, the select committee has made it quite clear in their report that the Bill has not been so substantially altered as to necessitate its republication in the Gazette. With regard to the second objection, I beg to submit that the Bill has received the fullest possible publicity in the press. The principles and provisions of this Bill have been discussed threadbare both in English and vernacular newspapers. The press of the country is the index of public opinion and the Bill has been fully commented upon by every section of the press. It is, therefore, incorrect to suggest that the House is unacquainted with the public opinion on this measure. In regard to the third objection, which is merely a technical one, my submission is that the report of the select committee was made available to the members of this House six days ago, i.e., on the 30th June. The honourable member in charge of the Bill wants the Bill to be taken into consideration only a day earlier than the requisite time. There is no other business which can be taken up to-day and if this Bill is not taken up, we shall waste the day, which will mean a loss of many thousands of rupees to the provincial exchequer. It seems my friend who has raised this objection has thrown the interests of the poor tax-payers of the Punjab in the back ground in his zeal to advocate the cause of the capitalists and money-lenders. Let me remind him that he belongs to a party which claims to be the well-wisher of the poor classes and I would appeal to him not to press his technical objection which will ultimately result in a considerable loss to the tax-payers of the province. Sir, in view of the above facts, I would request you to allow the Bill to be taken into consideration and suspend the standing order, in exercise of your special powers.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural). (*Punjabi*): Sir, I submit that the report of the select committee was forwarded to the members on the night of June 30. At least I got it on that day. I wonder on what system of calculation the result of my honourable friend Mian Mushtaq Ahmad Gurmani was based? To-day is the 5th day and not the 7th as my friend says. I cannot understand the purpose of framing such rules as are not to be adhered to. I do not approve of the practice of disregarding the rules. The power that has been given to you for relaxing rules exists only for an emergency. If a sudden calamity were to befall our province, or some emergency were to arise, say that London was threatened with destruction by flood or fire then the relaxation of the rules would be perfectly justified. But I am at a loss to understand what emergency exists now. I do not know of any fire having broken

[Dr. Sir Gokul Chand Narang.]

out or of there being an immediate danger to the safety of this Government to justify a relaxation of the rules in its favour. If during all this period nothing has happened to shake the Government nothing is going to happen to shake it in another two days.

When a rule has been made, and it has been made with a certain purpose, what is the justification of interference with it? I, therefore, request you not to break it.

I would like to make one more submission. A bundle of amendments to this Bill were sent by me to the office yesterday. I do not know whether they have been printed or not. In any case they have not been circulated in this House. In this connection I would submit one word more. Some honourable members were under this impression that the Bill would be considered on the 8th and there were still four days for sending amendments. They knew that they had so much time to send the amendments and could send the amendments at their convenience. So they delayed sending in their amendments. There is a Persian saying to the effect :

..... کہ تعجیل کار۔

and there is also a well-known adage in Urdu which runs as follows :—

..... تو نہ کر جلدی کہ جلدی کام۔

If the members did not send in their amendments in haste, they were justified in not doing so. I do not understand why the Government is rushing through these measures in hot haste. In the end I would once again request you, and the Government through you, that there should be no interference with the rules already drafted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, my honourable friend has only repeated what Dr. Gopi Chand had already stated. But he has made a novel attack on London by saying that if London was going to be washed away by flood or was going to be burned down, only then an emergency could be said to arise. In that event alone a request could be made that London should be saved even at the expense of breaking the laws. I should like to bring this fact to your notice that you are entitled to use your discretion and you can do so now for saving the money of the province and the time of the House. (*Cheers*).

My honourable friend Dr. Gokul Chand Narang has stated that bundles of amendments had been sent to the Secretary of the Assembly. I have got those bundles of amendments and I may assure him that amendments have been received from every part of the House and if he thinks that the notice for amendments had not been sent to certain members, I may submit that it must be due to special reasons. I think every honourable member could have sent amendments within this period of 7 days. When the Leader of the Opposition said that he with his party was prepared to sit on off days even, I wonder why he should object to take into consideration a measure which is entirely of a technical nature. If the Opposition wants to give notice of amendments I would request you to give facilities to the

Opposition to send in amendments even at this late hour. Further, I would beg of you not to allow this House to waste time which is the property of the province.

Dr. Gopi Chand Bhargava (Urdu) : My objection is that this report has not been published in the Gazette. There is some meaning in making the standing order as it is. This object will not be fulfilled by merely publishing the Bill as amended, after it has been passed by the Assembly. You can allow the consideration of the Bill even in a day but the question is whether you have the right to ignore this provision of our rules and standing orders. Personally, I want it to be considered as early as possible but when a rule has been made and it has been made with a certain purpose where is the question of its not being followed. The rights of the public and the privileges of the House must be safeguarded and cannot be overlooked for any consideration of the money that may have to be spent. If money is the consideration, then why should not the Government decide these things themselves? why have this Assembly meeting here at all? Again if it is a question of money, why take huge salaries and thus spend money unnecessarily? Money should be no question where it is a matter of enforcing the rules and standing orders of the House.

Mr. Speaker : There appears to be some misunderstanding as to the meaning and object of certain standing orders. The honourable members probably do not know that to publish the report of the select committee before its presentation to the House is a breach of privilege. The Secretary could not publish the report in the *Government Gazette* before it was presented to the House. It was presented to the House only yesterday and it has been sent down to Lahore and will be printed in the *Government Gazette* at the earliest possible opportunity. To publish it earlier in the *Gazette* would have been its publication before presentation, and that would have been a breach of the privilege of the House (*hear, hear*). The report circulated among members was confidential and if any of the members had communicated it to the Press, he would have been guilty of the breach of the privileges of the House. It was made available to them only because they had to table amendments after reading it. I think it was sent to the members on the 30th.

Munshi Hari Lal : But the minutes of dissent have been handed over to me only just now.

Mr. Speaker : But a minute of dissent is not a part of the report. It is only a schedule or an appendix to the report. May I again invite your attention to standing order 44, which reads :—

“ If any member of a select committee desires to record a minute of dissent on any point, he must sign the report, stating that he does so subject to his minute of dissent, and must hand in his minute within three days of the date on which he signs the report.

You will see that a report is a report before it is signed by any member of the committee. In other words, the report of a select committee is its report before any minute of dissent is received or given. A report is in order even if there is no minute of dissent. Standing order 46 says :—

“ The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the Assembly. The report, with the amended Bill, shall be published in the *Gazette*.”

[Mr. Speaker.]

So, there can be no objection to the report being presented to the House even without the minute of dissent. Further, some members appear to be under the impression that it is after presentation that seven days begin. That is not the case. The wording of Standing Order 47 is :—

“.....if a copy of the report has not been made available for the use of members for seven days, and such objection shall prevail.....”

The report was circulated to the members on the 30th June. Thus, the honourable members had it for five days. The Bill is a Bill of 5 clauses only and they had five days to give notices of same amendments. It is true that Standing Order 47 lays down seven days' period. But this is the maximum period which must vary according to the length of each individual Bill. But here it is a Bill of 5 clauses and five days are given. I request the honourable members not to press for a pound of flesh. I have received amendment from almost every member and if any other members wish to move amendments, I shall accommodate them to the last moment.

Dr. Gopi Chand Bhargava : The rule says :

“.....The report, with the amended Bill, shall be published in the Gazette.”

Mr. Speaker : Which rule lays down that unless the report is published in the Gazette, the Assembly cannot take any action upon it ?

Dr. Gopi Chand Bhargava : Rule 46.

Mr. Speaker : Publication in the Gazette is one thing and presentation to the Assembly another. They do not go together, as publication cannot be made *before* presentation.

Dr. Gopi Chand Bhargava (Urdu) : Sir, may I submit that that was not the point of order which I raised. I did not mean to ask why the report of the select committee on this Bill was not made available for the use of the honourable members seven days before its presentation in this House. My objection is a bit different from that.

Mr. Speaker : What is the honourable member's objection ?

Dr. Gopi Chand Bhargava : My objection is only this that when we have got our Rules of Procedure to guide us in the various stages of considering this Bill, let us follow them and consider the Bill step by step. It is clearly laid in down the Rules that “the Report of a Select Committee shall be published in the Gazette”. What is the special difficulty which prevents the Government from following this Standing Order ? All I mean to say is that we should follow the procedure gradually.

Mr. Speaker : I have given my ruling on that point. Five days for a Bill of 5 clauses are quite sufficient for tabling amendments. Besides, if any member desires to move any further amendment, I shall be prepared to receive it up to the last moment, provided it is given to me in writing.

Dr. Gopi Chand Bhargava : If that is your ruling, Sir, then I have no option but to submit to it.

Rai Bahadur Mr. Mukand Lal Puri : May I know whether the consideration of the report of the select committee may be taken before its publication in the Gazette ?

Mr. Speaker : Yes, under the Rules and Standing Orders as they stand.

Dr. Gopi Chand Bhargava : Sir, I want your ruling on the objection which I had raised, that is, why was this Report not published in the Gazette along with the amended Bill? That is my objection and I want you to give your ruling on that.

Mr. Speaker : I have read Standing Order 47 over and over again. It says :—

“.....if a copy of the report has not been made available for the use of members for seven days.....”

So, the question is whether the report has been made available for the use of members for seven days or not, and not whether it is published in the Gazette or not.

Dr. Gopi Chand Bhargava : My point is that according to Standing Orders the report cannot be considered unless it is published in the Gazette.

Mr. Speaker : I have clearly ruled that there is nothing in the Standing Orders which lays down, directly or indirectly, that the report of a select committee shall not be taken into consideration before it is published in the Gazette.

Rai Bahadur Mr. Mukand Lal Puri : What is the object of publication in the Gazette?

Lala Deshbandhu Gupta : I want a clear ruling from the Chair as to whether the select committee's report can be considered to be a complete report if it does not contain the note of dissent especially when there is a foot-note to the effect that a member has signed the report subject to a note of dissent. I want to know clearly whether a select committee's report is a report for all intents and purposes without that note of dissent which is referred to here.

Mr. Speaker : According to the present Standing Orders a select committee's report is a report even without the minute of dissent if any, and can be treated as such for certain purposes, specified in standing orders 45, 46 and 47.

Lala Deshbandhu Gupta : How then shall we be in a position to move amendments without knowing what that minute of dissent is?

Mr. Speaker : The honourable member may give notice of amendments even now and I will allow them to be moved.

Lala Deshbandhu Gupta : No case has been made out for hurrying through this Bill and to call on you to exercise your special powers to allow consideration of this Bill.

Mr. Speaker : It is not necessary, I think, to give more time. Therefore the House will begin consideration of the Bill.

Pandit Muni Lal Kalia : I want to raise another objection to this Bill being taken into consideration.

Mr. Speaker : Further objections, if any, can be raised after the motion is proposed from the Chair.

Motion moved—

That the Punjab Alienation of Land (Further Amendment) Bill as reported on by the select committee be taken into consideration.

Pandit Muni Lal Kalra : I have serious doubts about the validity of this measure. I am referring to certain legal aspects.

Honourable members : In *Urdu* please.

Pandit Muni Lal Kalra : I want to speak in English. Have I your permission, Sir ?

Mr. Speaker : No permission is needed to speak in English. Besides, I may point out that adequate arrangements have not been made for reporting speeches in *Urdu*. If all members begin to speak in *Urdu*, the reporting of debates may become impossible.

Pandit Muni Lal Kalra : Keeping in view the remarks made by the Honourable Premier just now with regard to the valuable time that has been spent by the House here with regard to certain measures, I want at this stage to bring to your notice some of my doubts with regard to the validity of the measure that is proposed. My objections with regard to the validity of this measure are confined to the different clauses of this Bill in the light of section 107 of the Government of India Act. Section 107 of the Government of India Act lays down—

If any provision of a provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal Law, whether passed before or after the provincial law, or, as the case may be, the existing Indian Law, shall prevail and the Provincial law shall, to the extent of the repugnancy, be void.

Now, in the first place, we have to understand the meaning of repugnancy and then we have to ascertain whether this Bill comes within the concurrent list.

Mir Maqbool Mahmood : Is the honourable member raising a point of order or is he raising the question as to what the effect of this Bill will be ?

Mr. Speaker : The honourable member will please confine himself to his point of order.

Pandit Muni Lal Kalra : I am confining myself to the validity of this Bill. I am contending that this Bill is void and should therefore not be taken into consideration. I was referring to sub-section (1) of section 107.

Premier : Read sub-section (2) also.

Pandit Muni Lal Kalra : I shall read it when the necessity arises. For the present I refer to paragraphs 10 and 14 of the concurrent list. Paragraph 10 refers to contracts including partnership, etc. Paragraph 14 deals with actionable wrongs, etc. I am confining to land alone and not to agriculture. Item ten means agricultural land but the Bill deals with land as defined elsewhere.

Mr. Speaker : Has the honourable member seen the definition of land as given in the Alienation of Land Act ?

Pandit Muni Lal Kalra : Yes. I have seen it.

Premier : On a point of order.

Pandit Muni Lal Kalia : I am also speaking on a point of order.

Mr. Speaker : Why cannot a point of order be raised against a point of order ?

Premier : May I submit that it is unnecessary to waste the time of the House on the point which my honourable friend wants to make? He wants to state that if this Bill is passed it would be void. This is what my honourable friend wants to impress upon you and this is his point. There is nothing to bar us from passing the law here. If it becomes void later on, why hamper us in passing it now ?

Dr. Sir Gokul Chand Nurang : Is this a point of order ?

Premier : The point of order is this. If this Bill will become void after passing, let it be, why not let us proceed ?

Pandit Muni Lal Kalia : No, it is void even now.

Lala Bhim Sen Sachar : On a point of order.

Mr. Speaker : Please let me first listen to the Premier.

Pandit Muni Lal Kalia : There is no point of order.

Premier : Assuming that the point which my honourable friend is making is conceded by you, there is nothing to fetter our discretion and my point of order is that he is raising irrelevant matters.

Pandit Muni Lal Kalia : I was just asked with regard to paragraph 10 of the Concurrent List. I will quote the whole paragraph. It reads—

“Contracts, including partnership, agency, contracts of carriage, and other special forms of contract, but not including contracts relating to agricultural land.”

What do we mean by ‘contracts relating to agricultural land’? The plain meaning of the words is the relation between the landlord and a tenant or things of that kind. These are the contracts and not contracts of exchange, gifts or will. These are not the contracts of the kind covered by clause 10. The exception there is ‘but not including contracts relating to agricultural land’ It only refers to contracts which relate to relations between the landlord and the tenant. That is my interpretation of paragraph 10 and I hope my honourable friend the Premier and the Government Advocate will agree with me that contracts relating to agricultural land do not mean contracts by way of gifts and exchange. But if this point is not conceded my second point is with regard to actionable wrongs.

Mr. Speaker : How shall the Bill, if passed, deal with any actionable wrong ?

Pandit Muni Lal Kalia : You will kindly read sub-clause (3) of clause 9 of the Bill. It reads—

“In passing an order under the above sub-section the Deputy Commissioner shall not be bound by any decree of a civil court, and may review any order previously passed under that sub-section.”

I give a concrete instance. Suppose there is a person who is a washerman and he has got his caste entered in the revenue papers as a washerman, but he claims to be a Rajput. He files a suit under section 42 of the Specific Relief Act that he should be declared as a Rajput.

Mr. Speaker : Will the honourable member please define an actionable wrong ?

Pandit Muni Lal Kalia : Actionable wrong means any wrong under torts which can be a subject of a suit. It means a wrong on which action can be based under the Law of Torts. I was giving you a concrete instance. In the case mentioned above he will bring a suit that he be declared as a Rajput. In that case I get a decree from a civil court and the Government goes to the District Judge and higher up even to the Privy Council in appeal, but decree is passed in my favour and I am declared a Rajput. Under the provisions of the sub-clause the Deputy Commissioner would be able to nullify the decree of the Privy Council.

Mr. Speaker : Where is the actionable wrong ?

Pandit Muni Lal Kalia : The actionable wrong is that I can go under section 42 of the Specific Relief Act to a court and get myself declared as a Rajput.

Mr. Speaker : I have heard the honourable member and rule out his objection. (*Hear, hear from Ministerial Benches.*)

Pandit Muni Lal Kalia : But there are other points. What will be the effect of clause 8 ? The effect of it will be that it will repeal section 42 of the Specific Relief Act.

Mr. Speaker : I differ from the honourable member.

Pandit Muni Lal Kalia : Then there are other provisions. There are sections 30 (1) (a) and 30 (2) with regard to benami transactions. With regard to that provision benami transactions are lawful and legal under the existing Indian law. So that under the Law of Contracts all benami transactions are legal. What is being done by section 38 ?

Mr. Speaker : The Bill does not deal with all benami transactions in the Punjab. It deals only with a particular section of transactions. So, the honourable member's objection is untenable.

Pandit Muni Lal Kalia : No, the Bill says that all benami transactions are illegal.

Mr. Speaker : All it shall enact, if passed, is that certain benami transactions between agriculturists and agriculturists with a view to benefit a non-agriculturist shall become illegal.

Pandit Muni Lal Kalia : But under the existing civil law all benami transactions are legal.

Mr. Speaker : I have heard the honourable member and hold that he is not right.

Pandit Muni Lal Kalia : I am certain that I am right when I say that all benami transactions are legal and valid under the civil law. I contend that clause 18-A of the Bill proposes, as it were, to repeal the existing civil law and to that extent it is repugnant to the existing Indian law. That is my second point.

Mr. Speaker : The existing Indian Law is not going to be touched.

Pandit Muni Lal Kalia : It is being nullified.

Mr. Speaker : Is it not open to a Provincial Legislature to modify the law relating to benami transactions ?

Pandit Muni Lal Kalia : But we are not acting according to the Government of India Act. My third point relates to sub-clause (3) of clause 13-A. It says :—

“ For the purpose of enforcing an order under sub-section (2) the Deputy Commissioner may exercise all the powers of a civil court conferred by Order 21, Rule 98, of the Code of Civil Procedure.”

By this sub-clause the Deputy Commissioner is going to be made a civil court.

Mr. Speaker : Only certain powers will be conferred upon him.

Pandit Muni Lal Kalia : For the purpose of Order 21, Rule 98, of the Civil Procedure Code, he constitutes a civil court. My contention is that that cannot be done as it is against the provisions of the Punjab Courts Act, section 22.

Parliamentary Secretary (Mir Maqbool Mahmood) : I rise to a point of order. The honourable member can state his point of order but cannot make a speech. At this stage, he can explain why the Bill should not be proceeded with. He cannot take up each clause and point out that it is *ultra vires* of this legislature. That can be done only when those clauses come up for consideration.

Pandit Muni Lal Kalia : Section 22 of the Punjab Courts Act reads—

“ The Provincial Government may after consultation with the High Court fix the number of Subordinate Judges to be appointed.”

But the clause in the present bill proposes that the Deputy Commissioner for the purposes of Order 21, Rule 98, of the Civil Procedure Code, be regarded as a civil court.

Mr. Speaker : That is irrelevant.

Pandit Muni Lal Kalia : Section 33 of the Punjab Courts Act reads—

“ Subject to the general superintendence and control of the High court, the District Judge shall have control over all the civil courts under this part within the local limits of his jurisdiction.”

Mr. Speaker : It is regrettable that the honourable member has quoted a section which is absolutely irrelevant to the matter before the House.

Pandit Muni Lal Kalia : There is another point with regard to this Bill.

Mr. Speaker : Has the honourable member got anything new to urge ?

Pandit Muni Lal Kalia : I will read clause 13-A—

“ When a sale, exchange, gift, will, mortgage, lease or farm purports to be made either before or after the commencement of this Amending Act by a member of an agricultural tribe to a member of an agricultural tribe or of a tribe in the same group, but the effect of the transaction is to pass the beneficial interest to a person who is not a member of the same tribe or of a tribe in the same group, the transaction shall be void for all purposes.”

Now, there is no mention as to what is exchange, gift or will and whether it should be of agricultural land or urban property belonging to a member—

Mr. Speaker : The honourable member need not discuss that point now. If he finds any defect in the clause he may move an amendment

[Mr. Speaker.]

at the proper time or he may oppose the whole clause. I cannot allow a discussion on this clause at this stage.

Pandit Muni Lal Kalia : I am not entering into the merits of the clause. I will exercise that right at the proper stage. What I have been trying to place before you is that there are certain points which make this Bill void so far as its consideration at this stage is concerned. This Bill being of a repealing nature, I submit that it is repugnant to the Indian Law. I may here quote what Maxwell says in his 'Interpretation of Statutes, about repugnancy—

In this respect, the work of the legislature is treated in the same manner as that of any other author, and the language of every enactment must be construed as far as possible in accordance with the terms of every other statute which it does not in express terms modify or repeal. The law, therefore, will not allow the revocation or alteration of a statute by construction when the words may be capable of proper operation without it. But it is impossible to construe absolute contradictions. Consequently, if the provisions of a later Act are so inconsistent with, or repugnant to, those of an earlier Act that the two cannot stand together, the earlier stands impliedly repealed by the later.

Mr. Speaker : The honourable member is entirely irrelevant. This Bill, as I understand it, proposes to do this. The Punjab Land Alienation Act was passed in and has been in force since 1900. According to its provisions an agriculturist cannot alienate his land to a non-agriculturist. But an agriculturist may be prepared to accommodate a non-agriculturist by purchasing the land himself and passing on its benefits to the non-agriculturist. This is said to be violating the provisions of that Act. This Bill is meant to prevent that mischief (*Hear, hear and cheers.*)

Pandit Muni Lal Kalia : I am not concerned at this stage with the mischief as pointed out by you. I only want to—

Mr. Speaker : I have heard the honourable member enough.

Pandit Muni Lal Kalia : This Bill is void in its present form.

Mr. Speaker : The High Court may declare it to be void. There is no bar to its consideration by the Assembly.

Pandit Muni Lal Kalia : The Premier also was pleased to remark that if it is void we can go to the High Court ; this means either the Federal Court or the Governor-General. May I therefore ask whether there is any use in passing such a law and wasting our time on a Bill which is void *ab initio*,

Munshi Hari Lal : I beg to invite the attention of the Honourable Mr. Speaker to section 299 (8) which says :

No Bill or amendment making provisions for the transference to public ownership of any land or for the extinguishment.....

Mr. Speaker : I have read the section and may inform the House that the sanction of His Excellency the Governor was duly obtained before this Bill was introduced.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir I beg to move—

That the Punjab Alienation of Land (Further Amendment) Bill as reported on by the Select Committee be circulated for eliciting public opinion thereon by the 1st October 1938.

The discussion which has taken place just now on the point of order raised by the Leader of the Opposition, lends considerable support to the motion which I have just made before the House. You will remember that when I moved last time that the Bill be circulated for eliciting public opinion, I brought to the notice of the House that there had not been sufficient publication, so much so that several members of the House became aware of the intention of the Government to move this Bill only on their arrival in Simla. The House, however, did not accept my proposal but instead it accepted the proposal to refer the Bill to a select committee without assigning any date for the report of that committee. Under the rules if the House refers a Bill to a select committee without assigning any date....

Mr. Speaker : I am going to be rather strict on two points, namely, irrelevancy, and repetition. The honourable member may speak relevantly for the whole day. But if he makes an irrelevant speech, I shall not allow it.

Rai Bahadur Mr. Mukand Lal Pari : I shall try to be as brief and as precise and as much to the point as possible. I had not even finished my sentence before you thought fit to administer this warning to me. Now I thought that the two months which would be permitted by reference to the select committee would be enough for the persons who were likely to be affected adversely by this legislation, to become aware of details of this legislation and I thought that the grievance of the public on this point would be removed by that time. But unfortunately the Government changed their mind, and put forward a few days later a motion before the House that the select committee should report by the 2nd of July. Thus the period of two months was cut down to a few days. The result was that the expectation I had entertained was frustrated and the due and proper publicity, necessary for such an important measure was not obtained. This was the position so far as the Bill as originally proposed is concerned. The Bill was sent to the select committee and the select committee made their report only yesterday and as you have been pleased to remark, no publication of that report could have taken place either privately or publicly till the report had been presented to the House. Therefore I take it that that being the case up till now the persons who are likely to be adversely affected by this legislation, the public and the press, are not aware of what the report of the select committee is. It may be by accident or it may be by design that at both these stages, at the introduction stage as well as at the stage of consideration of the report of select committee the Bill had not been before the public at all, and the public was ignorant of its precise provisions.

Mr. Speaker : That is repetition.

Rai Bahadur Mr. Mukand Lal Pari : Now when it comes to the House from the select committee, the House is asked to consider it at the point of the bayonet and under the special permission granted by you, Sir, under your special powers, on a date when it is physically impossible for any person likely to be affected by this legislation to become aware of it. Now I do not and never have taken shelter behind technical points. But the point of substance brought out by the Leader of the Opposition is still there, that the object of publication in the gazette is not mere technical compliance with the rules.

Mr. Speaker : Irrelevant. The motion is that the Bill be circulated for eliciting public opinion thereon by the 1st October 1938. What has that to do with what the honourable member is now saying ?

Rai Bahadur Mr. Mukand Lal Puri : Either you have not followed me or I have not been able to explain.

Mr. Speaker : I have tried to follow the honourable member.

Rai Bahadur Mr. Mukand Lal Puri : If you would now try to follow my humble argument I shall try to place it before you as succinctly and as clearly as I can. The object of the publication is that the public may become aware of it. That not having already been done, what I now ask is, kindly do it now; by accepting my motion take the opportunity to circulate the Bill for eliciting public opinion. What I was submitting before you was that the report of the select committee which this House is asked to consider has not been so far published at all for the information of the public.

Again, let us see whether the report of the select committee which we are asked to consider makes any substantial alteration in the original Bill. If it brings within its purview transactions which had not been included in the original Bill, if it brings under its purview persons who were previously not affected by the original Bill, you would agree with me that in such cases where the select committee makes substantial alterations in the original Bill, the Bill should be published again, even if the original Bill had been properly published, so that the persons not affected by the original proposals of the Bill, those affected by transactions previously excluded, might if they so choose either instruct their representatives here or come in the form of a deputation to the Honourable Premier and place their point of view.

Now if you go through the Bill, you will find that it deals with two topics. The first is the question of the determination of the status of members of notified agricultural tribes. That matter, I consider to be of very minor importance. The most important portion of the Bill is the portion which deals with benami transactions and the Bill proposes to declare that benami transactions, relating to alienations of land when the Punjab Alienation of Land Act came into force, shall be void for all purposes. Now if you read the clauses of the Bill as originally published from beginning to end, nowhere will you find this law applicable to past transactions. It did not lay down that this Bill will have retrospective operation. Now turn to section 13-A. If you compare the language of section 13-A as originally published with section 13-A as it has emerged from the select committee, you will notice just three small words put in in italics. It is these three words added by select committee that really matter. The words are 'either before or'. The section now reads: "When a sale, exchange, gift, will, mortgage, lease or farm purports to be made either before or after the commencement of this Amending Act". Now the introduction of these words 'either before or' has made this Bill operative with retrospective effect which the original Bill did not. Therefore it has introduced in the Bill a vital change, a change on a matter of principle. Sir, one of the cardinal canons of interpretation, which is accepted by every one, is that a substantive law is, unless stated to the contrary, never retrospective in its operation. This is a substantive law and the original Bill

did not state either expressly or by implication that it will have retrospective effect.

But this Bill, as it has emerged out of the select committee, lays down not only that the benami transactions shall be void in future and that any person who in future carries into effect any such transaction shall be carrying out a void transaction, but it also declares that all those transactions which have so far been regarded by courts as perfectly valid according to the law of the land, all those transactions which have taken place during the last 38 years shall be "void for all purposes" with all the necessary consequence of even the cash consideration for these transactions not being realisable from the person from whom it was due. That is the difference which the select committee has made in the original Bill. I respectfully ask the members of the select committee who quietly without any further explanation, report that the Bill has not been substantially altered and, therefore, it does not need any publication, whether it is a fair way of dealing with this House, that they should not mention in the report specifically the important change of principle they had embodied in the Bill. Further I wish the House to realise the extent to which this Bill has been extended by the select committee. It was remarked by the chairman of the select committee that according to his information the extent of benami transactions in one tahsil of one district alone amounted to thirteen lakhs of rupees. If that is so, the number of people who would be affected by this legislation will be numerous and would run into thousands, the area of land which would be involved will be lakhs of bighas, and the amount which would be involved would be crores and crores of rupees. The question, therefore, arises—I am not arguing whether this Bill is good or bad, it is a matter of opinion and policy which would be discussed at its proper time—what I wish to ask members of this House is, whether it is not necessary that those persons to whom the select committee have extended this Bill, should come to know that their properties and their estates are being considered in this House especially when the extent of those estates and the number of persons affected is so large. I am not merely raising a technical point. I am raising a very great point of substance and I respectfully submit that on this ground alone the House should be pleased to accept my motion for circulation. After all, expedition is not the only thing. It is no doubt necessary that the business of the Government, like business of other people, should be done with as great despatch as possible but it is equally necessary that it should be done fairly and justly and according to proper forms of procedure. Further it is not only necessary that justice should be done but that it should seem to be done. As I have told you already, the report of the select committee came only yesterday and no one affected by the report has any reason to think that anything relating to him is before the Punjab Legislature.

Mr. Speaker : This is repetition.

Rai Bahadur Mr. Mukand Lal Puri : May I respectfully submit that you have been treating me to-day slightly on different lines from those in which you have been treating other people. I crave for the same indulgence from you as you accord to other members. I have certainly

[R. B. Mr. Mukand Lal Puri.]

repeated that sentence but certainly that repetition, you would agree with me—

Dr. Sir Gokul Chand Narang : You are not writing a book on Geometry that no proposition should occur a second time. You are arguing and repetition is permissible within limits.

Rai Bahadur Mr. Mukand Lal Puri : Is it fair that people, who were misled by the original publication of the Bill into a false sense of security that the transactions in their favour are not the subject matter of discussion before the House and who have not so far taken any interest in the matter should not be informed of this legislation? The House decided yesterday to proceed with that matter, and is it not necessary in the interest of justice, is it not necessary in the interest of fairplay, is it not necessary even to maintain the dignity and honour of the Government, which is responsible for this legislation, that such like persons should at any rate be informed that a legislation like that is going to be considered? The point of order, as I pointed out, which was raised by the Leader of the Opposition was with respect to publication in the Gazette. You have been pleased to hold that publication in the Gazette need not be before the actual consideration by the House of the report of the select committee or even before the actual passing of the Bill, but that I submit is a highly technical interpretation of the Rules. In any case, you would agree with me that the object or at any rate, the spirit underlying the Rule which requires publication in the Gazette is that there should be some kind of publicity.

I ask you, Sir, in all seriousness and with due humility, has there been due and fair publicity of the specific provisions of this Bill? Therefore I request the indulgence of the House for a fair publication not only in the interest of the public at large but in the interest of creating good traditions for legislation in the House.

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

That the Punjab Alienation of Land (Further Amendment) Bill as reported by the Select Committee be circulated for eliciting public opinion thereon by the 1st October, 1938.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I shall be very brief and shall try not to repeat. I would just ask the Honourable the Premier whether he is aware that the very rumour that such a measure is before the House has created a consternation in the province. I ask him if he has received any telegrams and letters, copies of resolutions from various parts of the province. I am a humble man, miles and miles away from the Honourable the Premier and even I have received this bundle of telegrams in which strong protests have been made by people of all classes who are likely to be affected adversely by this measure. (Voices: Not from all). These gentlemen, I must submit with regret, have got no patience. In fact at one time I wanted to get up and raise a point of order whether these gentlemen are in order in shouting in their dozens and in their scores when a point is raised by a member of the Opposition so as to try absolutely to drown his voice and make it impossible for him to state his case before you. I would request you to ask these gentlemen, who know they have got the power, to exercise that power with patience and with courtesy and with a certain amount of restraint. The sentence is not out of the mouth of a speaker, who is not in their good books

before they begin to raise shouts. To revert to the subject-matter I was going to submit that so many telegrams, so many letters and so many resolutions have been received by me, and I believe by a large number of members of this House making all sorts of representations. In some telegrams we read, 'our confidence in the Government is absolutely shaken.' It is not good for the safety and stability of the Government that the confidence of the people should be shaken in their good faith and good intentions. Telegrams are received to the effect in the most bewailing and bemoaning manner: 'Are we not His Majesty's subjects that we should be treated in such a merciless manner by the Government which seems to be bent on favouring one class at the expense of another class? Then there is a cry raised: 'You are sitting in Simla, we know you are doing something and doing your best in placing our case before the Government but come here and you will shed tears of blood when you see with your own eyes the condition of the poor people whose sole subsistence lies in getting mortgages which some of them have got.' If any member wants to see I can show these telegrams to him. Here is a bundle of telegrams and letters which I have received. There are telegrams and letters from people who have appealed to the members to oppose or resign, and I believe every member of the Congress must have received like myself these messages from the people who are likely to be adversely affected by this measure. I ask the Premier and other Ministers, are they aware that this state of affairs is prevailing in the province in consequence of this reckless measure which they are in a clandestine manner trying to rush through? The other day I used the words 'indecent haste' and an advocate of Government, one of the Parliamentary Secretaries got up and showed how touchy he and presumably other members of the Government are even when such words as 'indecent haste' are used in connection with this Bill and the procedure adopted in this House. I shall be most chary in future in using even the mildest language about the Ministers. I think I shall treat them as if they were made of glass with a label put on them 'made of glass, handle with care.' I shall certainly be careful and shall not use unnecessarily strong words. I ask the Honourable the Premier whether he is aware of what is going on in the province. If he is aware of the state of affairs, does he believe that the people are justified in raising this cry against this measure? If they are justified in raising this cry and in making protests against this measure, the first thing he should do is immediately to withdraw the Bill. If he is not satisfied with the cry it is incumbent upon him to circulate the measure and put it before them and say: 'Why are you crying, this measure is an innocent thing, it will do you good, it will pave your houses with gold, make your houses a paradise!' Why does he not do that? Why is he afraid of putting it before the public? The other day when he was asked by a friend whether more wisdom had dawned upon the present Ministry and whether it was any negligence on the part of the previous government that they never thought of bringing forward this measure, he said those people chose the line of least resistance. They were afraid that their sleep might be disturbed, that their dances and dinners might be disturbed and their peace of mind might be disturbed by scores and hundreds of letters and telegrams and resolutions appearing in front of them. Now, does he mean to say that when he moves such a measure, there will be no cry or does he mean to say that he would not care at all for any cry that may be raised in the

[Dr. Sir Gokal Chand Narang]

province? If that is his attitude, if he thinks that the measure will be swallowed by the whole province and by all sections who stand to be ruined by this measure, he is utterly mistaken. If he thinks he can ignore them and does not care what those people say and how much they cry and however strong their protests may be, then he is mistaken. He is digging the grave of his own government and of his own party. To-day he does not realize it because he has a solid phalanx of voters at his back, also probably some people outside this House on whose support he relies. He should remember that governments only subsist and continue to exist as long as their foundations are laid on justice and fairplay to all the parties in the country.

No policy of robbing Peter to pay Paul, of robbing poor banias, khatrias, tirkhans and other non-agriculturalists and pampering people who are already too much pampered by the provisions of laws which have been enacted for their benefit, should be followed. I would, therefore, ask the Honourable Premier that while taking into consideration such a measure he should not ignore such poor people? Does he mean to follow the Persian verse?

ستم کرد چون دزد تیره لزان
چه ضم دارد از مریه کارزان

Does he keep that policy before him, that he does not care who cries and he does not care whether widows are ruined and children are made destitute? I hope he will not follow that policy. Sikander of before was certainly different from Sikander as we see him to-day and I wish and hope that Sikander would remain the same. He said the other day, 'I am still where I was, no change has taken place in me.' But I say that he may be in the same place in the boat, but the boat in which he stood has shifted. His party has shifted its position and it would land him one day in a wrong place. The danger is ahead. I would, therefore, request him not to hurry this measure through. Nothing is to be gained by this hurry and nothing is to be lost by putting this measure before the people and telling them, 'Look here, this is a measure which we are going to introduce, you need not be afraid of this'. I think, he will be a gainer if he can prove that it is a right and reasonable measure just and fair to all parties concerned. With these words, I support the motion moved by my honourable friend Mr. Mukand Lal Puri.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I heard very attentively to the speeches made by two of our eloquent friends, one on my right and the other opposite. I should like very briefly to reply to the points raised by Mr. Puri, before I address myself to the honourable member opposite. Mr. Puri has merely repeated the arguments which he mentioned on the previous occasion when we discussed this very dilatory motion in this House. I am glad to say that the House, after hearing me and various other members came to the conclusion that the motion should not be allowed and I hope after they have heard my submissions they will again come to the same conclusion to-day, as they did on the first day when this Bill was introduced in this House. He has tried to elaborate one broad point and that was the main point in his speech. He tried more or less, if I may use that word, to befool this House. I deliberately use this word in pointing out to a particular clause in this Bill, which he said, bad

been radically altered, that particular clause is clause 13-A of the Bill. Now, Sir, those of my honourable friends, who know a little bit of English and I do not claim myself to be an authority on the language—but my friends who can be deemed to be an authority have read the original section and the section as amended. As a matter of fact, if you will see the original section, you will find that the words used in the original section do not mean that the Act will not be retrospective.

Rai Bahadur Mr. Mukand Lal Furi: On a point of order, Sir, with respect to a substantive enactment, the rule of interpretation is that it is never retrospective. I would ask the Honourable Premier to consult his lawyers whether the original section would have any retrospective effect rather than rely upon his knowledge of the English language.

Premier: My honourable friend has anticipated me. If he had not been impatient, I would have made myself clear. The original section runs thus :—

“When a sale, mortgage, lease, or farm purports to be made by a member of an agricultural tribe,”

It is quite evident from those words that this Act will apply to such transactions which purport to be. That is the intention, and that was the intention from the very beginning. But in the select committee, my honourable friend raised a point, as he has raised a point here, that this will not have a retrospective effect unless you definitely specify in the Act itself by specifying the words that it will have retrospective effect. The original section does not mean that it will not have retrospective effect. That is our intention.

Now, my honourable friend has brought forward an argument that since this Bill has been radically altered, therefore it should be circulated and it should go before the public and the public should know the revised version of the Bill as it has emerged from the select committee. With regard to this my contention is, can my honourable friend lay his hands on his heart and say definitely whether this revised version of the Bill would make him or those who think like him, change their views with regard to the provisions which still remain unchanged and which were in the original Bill? I am prepared to concede with regard to matters of policy and principle. But I do not accept to give way to my honourable friends here and opposite. It is only a question of detail. It is a question of compromise or a question of give and take. Now, it is my honourable friend's contention that if this Bill had been published in the Gazette, the man in the street would have taken the trouble of going through this amended Bill which I say even an acute and intelligent lawyer like him would find it difficult. Could he be able to look into this amended Bill, a Bill of a technical nature? No. It is a Bill of basic principles and you cannot expect an ordinary man to form an opinion. With regard to this I would submit that the whole press in the province without any single exception has been fully aware of this measure for the last week or ten days. But I am sorry to say that that section of the press which profess to be the friends of the poor down trodden people, when they find that perhaps their fraternity are likely to be affected, they are now vehemently opposing a similar measure here, which was passed in other provinces and for which they could not find adequate words in praise. They

[Mr. Premier.]

are denouncing us for doing this while they are praising other provincial governments for doing similar acts. (Dr. Sir Gokul Chand Narang : Which Province has passed this law?) Not this specific law, but the tenancy law in the United Provinces and Bengal which are more extreme.

An Honourable member : Why similar law? Have other provinces passed a similar law?

Premier : Yes, by similar law I mean law having the same basic principle. I quite realise the difficulty of some of my friends opposite. I therefore do not resent their interruption. As a matter of fact, I sympathise with them in their trouble. They are being pulled in two different directions by two strong forces. (Interruption). My honourable friends are now getting restive and impatient and if I may say so, the hackneyed expression

' chor ki darhi men tinka '

aptly applies to them. I shall not probe too much into their domestic affairs. Their problem is whether they should obey their higher authorities and adopt the creed of their party or whether they should obey their own constituents on whose votes they have come here, constituents who fortunately or unfortunately happen to be affected by this measure. I do not blame my honourable friends for that.

I should like to say a few words before I sit down with regard to what my ex-colleague, Dr. Sir Gokul Chand Narang, said. He said that he had received a bundle of telegrams. I think other honourable members also must have received a bundle of telegrams from their constituents, because after all they are the people who are affected. It is natural that these constituents should have sent telegrams to their representatives that they are going to be affected by this measure and that therefore the representatives should oppose the measure. But my honourable friends have got a clear reply also to give and that is, they may say that they stood for election on the Congress ticket and that the Congress policy is quite different from what the constituents desire. (Interruptions).

Mr. Speaker : I appeal to the good sense of honourable members not to behave in a disorderly manner.

Dr. Satya Pal : We appeal to the good sense of the Honourable Premier not to drag in the Congress on every point. The Congress is not now under discussion.

Premier : I know that several of my friends opposite have received a bundle of telegrams. I also have received this bundle of telegrams. I have received telegrams from the other side also, people whom we represent here in this Chamber, whom we are trying to protect by this measure, people who have neither the money nor the facilities to send telegrams in large numbers. My honourable friends may also rest assured that every one of the telegrams which passed through me was read carefully by me and considered. Similarly the telegrams received from the other side also received my careful consideration. But there is not a single telegram which contained anything but vague generalities, such as want of confidence in Government or strong protests made in a meeting of 100, or 500 or 1,000 persons. (Dr. Sir Gokul Chand Narang : Do you expect the telegram to contain arguments.

for or against the measure?) My honourable friend said that the Government was digging its own grave, and that it had lost or was going to lose as a result of this enactment the confidence of those people who are going to be adversely affected. Now, who are those people who are going to be adversely affected? What is their numerical strength in this province? The people who are going to be adversely affected are those who have been trying dishonestly to hoodwink the ignorant zamindars or who have been trying in collusion with ignorant zamindars by dishonest and fraudulent methods to exploit other zamindars.

Dr. Sir Gokul Chand Narang : Is the Honourable Premier in order in blackguarding a whole class like this?

Mr. Speaker : I did not understand the Honourable Premier to attack a whole class.

Dr. Sir Gokul Chand Narang : He has characterised all the people who have had these benami transactions as dishonest blackguards. Is it fair; is it worthy of the Premier to do so?

Mr. Speaker : There is nothing unparliamentary in it.

Premier : I did not mean the whole class. I meant only those persons among that class who dishonestly tried to evade the provisions of the Act which was enacted to safeguard the poor people of the province. (*Hear, hear and cheers*). I believe that when my friends opposite calmly and dispassionately consider the provisions of this Bill they will admit in their heart of hearts, though they may not do so publicly, that in passing this measure we are dictated by nothing else except a sense of equity and righteousness. Even if the argument of my honourable friend turns out to be true, namely that I am going to lose the confidence of that class of persons who have dishonestly evaded the provisions of that Act, you may be sure that I will pass no sleepless nights. I will sleep comfortably, because I shall be clear in my conscience, before God and man that what I am doing is not to save any of those handful of that dishonest section of people, but to save the 2½ million of the people of this province whom my honourable friend also wants to defend. (*Cheers*)

Dr. Sir Gokul Chand Narang : There is equal number on both sides.

Premier : I say that there are only a handful of people who are trying to exploit the poor zamindars.

The honourable member again tried to bring a charge of recklessness against me and my colleagues. I tried to assure this House before and I repeat it again that these measures are not the result of any hasty thought. We have been considering over these matters for months. As a matter of fact my honourable friend, if he will take his memory back to the days when he was a member of the Government, will recollect that in those days certain officers were consulted with regard to this Bill.

Dr. Sir Gokul Chand Narang : Not to my knowledge.

Premier : I am afraid that now the time is past my honourable friend cannot recollect what happened then. I can assure him that this matter was discussed in his time also. We issued instructions to the

[Premier,]

Financial Commissioner and the deputy commissioners to see how far it was possible to give relief without having resort to fresh legislation. (*Interruption*). However, that charge of recklessness is misplaced and unfounded.

There is one word which I should like to say with regard to the remark of my honourable friend that Sikander to-day is different from the Sikander whom he knew as his colleague. I can assure him that so far as I am concerned there has been not an iota of change in my mentality or policy or in my ambition and endeavour to be just to every one in this province, not only to the class which he is trying to defend, but to all classes. (*Cheers*). If I am closing the doors of dishonesty for a certain section of the people, does he think that I am doing an injustice? Does he not think that I am doing the greatest possible good and justice by putting them on a line where they would not be looked down upon or referred to contemptuously because of these nefarious practices which they have been adopting hitherto? I can once again assure him that this measure is intended to make the dishonest people honest and to save the millions of poor and distressed peasants who till now have been crying in wilderness. After the passing of this measure they shall no longer cry in wilderness. (*Hear, hear and cheers*).

An Honourable member : 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 Alienation of Land (Further Amendment) Bill as reported by the Select Committee be circulated for eliciting public opinion thereon by the 1st October, 1938.

The motion was lost.

Mr. Speaker : The question is :

That the Punjab Alienation of Land (Further Amendment) Bill as reported by the Select Committee be taken into consideration.

The motion was carried.

Clause 2.

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

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural) : I beg to move :

That in line 1, for the word "Clause" the word "Sub-section" be substituted.

This is a verbal amendment.

Mr. Speaker : Amendment moved is—

That in line 1, for the word "Clause" the word "Sub-section" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That the first four lines of clause 3 stand part of the Bill.

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I beg to move—

That in lines 6-7 of the newly inserted clause (7) the following be deleted "and the assignee or representative-in-interest of any person."

I am moving this amendment for the reason that the inclusion of these words will create confusion and will affect persons who may be entirely innocent. In the first place the assignee of an alienor under the very Act would probably be an agriculturist and he will be in the same position as the alienor himself so that from this point of view it is redundant and even if there is a representative or assignee and he does the thing, he may not be doing it for the reasons for which an ordinary agriculturist alienor mortgagor might do it. There may be no question of his helplessness being exploited by the so-called moneylender. This is the reason and I hope the Premier understands it and as it is an innocent amendment I hope he will accept it.

Mr. Speaker : I think the word "assignee" in the last two lines of sub-clause 7 is not the proper word.

Premier : I entirely agree with you. The word 'assignee' should not be there.

Mr. Speaker It should be "heir."

Rai Bahadur Mr. Mukand Lal Puri : (Rawalpindi Division, General, Rural) : If you permit me I will move an amendment. I propose that the word 'heir' be substituted in place of the word assignee occurring in the Bill. This would ensure not only to the alienor but his sons and grandsons or collaterals whoever succeed him—

Premier : His lawful heirs and successors.

Rai Bahadur Mr. Mukand Lal Puri : May I just point out the difference ? The idea that the Honourable Premier has in view in presenting this legislation is to help the alienor whose land has been alienated, or his heirs. It is certainly not intended to help the persons who have purchased the rights of the alienor. If you include the word 'assignee', you are practically laying a premium on purchase by capitalist landlords of the interest of these alienors which certainly is not the intention of the legislature as alleged by the Honourable Premier. My amendment, therefore, is that in place of the word 'assignee' the word 'heir' be substituted.

Pir Akbar Ali : Assignee means whose rights have been assigned to another person.

Rai Bahadur Mr. Mukand Lal Puri : You have been pleased to allow me to move my amendment to the following effect that the word 'heir' be substituted in place of the word 'assignee.'

Raja Ghazanfar Ali Khan : Why ?

Rai Bahadur Mr. Mukand Lal Puri : My friend Raja Ghazanfar Ali Khan wants to know why. The reason is that it should be possible not only to the alienor but his sons, grandsons and descendants and it should be possible not only to the heirs by descent but also to his collaterals and to his

(R. B. Mr. Mukand Lal Puri.)

daughters if succession by daughters is permitted in that tribe, to get back the land. I, therefore, want to ensure that the alleged spirit of the legislation is kept up. The intention of Raja Ghazanfar Ali Khan seems to be that these alienations may be set aside, the alienees may be ejected from the land and the lands given to purchasers from original alienors. I do not agree with him. Therefore, if you do not have a safeguard of the kind I am suggesting, you will be perpetrating the same thing from which you wish to extricate these alienors. Therefore, I submit that the only logical solution of the point is that which I have suggested and with which I am glad to say the Honourable Premier who was here just now but who has gone out agrees in its entirety. (*Interruption*). The word 'heir', as I have submitted and if I may respectfully offer my own opinion on the point, would include anybody who gets the estate of that gentleman by inheritance. Inheritance opens on the death of a person but it will not be possible for that person to assign his rights by gift or any other assignment.

Advocate-General (Mr. M. Sleem): I am not clear what the House wants.

Raja Ghazanfar Ali Khan: This is not a technical question upon which the opinion of the Advocate-General should be asked. This is a question of policy whether the Government want the word 'assignee' to be there or not. There is no legal point and I submit that this word 'assignee' has been purposely kept there. (*Interruption*). If the Leader of the Opposition is of opinion that this amendment which has been proposed by my friend Rai Bahadur Mr. Mukand Lal Puri, and which by the way nobody has understood and nobody has taken down, should be accepted, then I am afraid I must strongly oppose the amendment moved by the Rai Bahadur. The word 'assignee' has been purposely kept there and let us understand clearly what we are going to accept now. It is not a question of moving any technical amendment. It is a very important amendment of a very important character.

Sardar Kapoor Singh: I have got objection for the omission of the word 'assignee'. If the word 'assignee' is omitted, then in that case there shall be a loophole to defeat the object of the Bill. Suppose A is an alienor and B is the alienee with C as the beneficiary. Then in that case beneficiary and alienee join together and they in a way transfer that land or property to some other person who is the assignee. (*Voices: No, no.*) What would be the result? The alienor can get the possession and at the same time his descendants or heirs can get possession according to Section 13-A, but not the assignee because in that case the beneficiary and alienee joining together would be able to defeat the object of the Bill. (*Voices: No, no. It is wrong.*)

Dr. Sir Gokul Chand Narang: I should like to know what is before the House. I am quite willing to accept Mr. Puri's amendment in place of mine namely, to substitute the word 'heir' in place of 'assignee' or representative-in-interest of any person.' He has given a very good reason too for moving his amendment. You may put it to the House.

Mr. Speaker : The motion is—

That in line 3 of sub-clause (7) of Clause 1 the words 'way of' should be omitted.

The clause shall stand as it is without any difference in its meaning or sense and the language of the sub-clause shall be improved that is to say—

"(7) 'Alienor' includes any person transferring an interest in land by sale, exchange, gift, will, mortgage, lease or farm....."

The suggestion is that the words 'way of' should be omitted. (*Voices agreed*). But somebody should move the amendment.

Lala Bhim Sen Sachar : I move—

That the words 'way of' in line 3 of sub-clause (7) be omitted.

The motion was carried.

Minister of Revenue (The Hon'ble Dr. Sir Sundar Singh Majithia) :
I move—

That for the words 'assignee or representative-in-interest' the words 'lawful heirs and successors-in-interest' be substituted in sub-clause (7).

Mr. Speaker : Clause under consideration, amendment moved—

That for the words 'assignee or representative-in-interest' the words 'lawful heirs and successors-in-interest' be substituted in sub-clause (7).

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division General Bural) : May I speak on this amendment moved by the Honourable Minister of Revenue? They want to shed crocodile tears for the poor people and yet they want to snatch the land from them. I wish the Honourable Premier had been here and I would have pointed out this thing to him. The Minister of Revenue is coming forward with an entirely new thing which negatives the proposal of the Honourable Premier.

Minister : The honourable member need not wax eloquent over it. I am doing so after consultation with the Premier.

Rai Bahadur Mr. Mukand Lal Puri : But let him come here.

Mr. Speaker : The amendment moved is—

For the words 'assignee or representative-in-interest' the words 'lawful heirs and successors-in-interest' be substituted.

Rai Bahadur Mr. Mukand Lal Puri : Successors-in-interest include assignees. Under the amendment of Sir Sundar Singh the assignees would be included. If he had confined his amendment to lawful heirs then the assignees may be perhaps excluded. If you include a successor-in-interest, donee for example can be successor-in-interest; but if there is any assignment then assignee is successor-in-interest of the alienor. When you use the words 'lawful successors' you include not only the persons who get an estate by inheritance but also those who succeed to the estate by any transaction *inter vivos* for example, a gift, sale, lease and so on. May I through you ask the honourable member in charge of the Bill as to what he means by successors-in-interest? Does he want to include assignee with or without consideration?

Khan Muhammad Yusuf Khan : Why not put the words 'legal heirs'?

Pir Akbar Ali : An 'assignee' means the person to whom an alienor transfers his rights in the land, whether an agriculturist or a non-agriculturist. If so the rights which we are anxious to safeguard will become unsafe.

Rai Bahadur Mr. Mukand Lal Puri : Not assignees but heirs and successors.

Revenue Minister : Lawful heirs and successors.

Mr. Speaker : As the Honourable Revenue Minister sticks to the following: 'lawful heirs and successors', I will put it to the vote of the House. The question is—

That for the words "assignee or representative-in-interest" the words "lawful heirs and successors" be substituted.

Rai Bahadur Mr. Mukand Lal Puri : This is being moved for the first time and I want to make a speech.

Mr. Speaker : As it has already been discussed, I will put it to the vote of the House.

(*Rai Bahadur Mr. Mukand Lal Puri stood up*).

I request the honourable member to resume his seat.

Rai Bahadur Mr. Mukand Lal Puri : Not on this motion.

Mr. Speaker : Will the honourable member resume his seat? He has already spoken more than once.

Munshi Hari Lal : By whom was it moved?

Mr. Speaker : It was moved by the Honourable Member in charge of the Bill.

Rai Bahadur Mr. Mukand Lal Puri : I have spoken in support of my amendment which is not now before the House. I have not spoken on this motion.

Mr. Speaker : I am not going to allow any further discussion. Almost every lawyer member has spoken.

Maulvi Mazhar Ali Azhar : This amendment will take away the whole effect of the Bill. The matter is an important one and you must allow time to discuss it.

Mr. Speaker : Has not the meaning of "assignee" been discussed?

Maulvi Mazhar Ali Azhar : The effect of this amendment has not been discussed.

Mr. Speaker : I will not allow any more discussion.

Rai Bahadur Mr. Mukand Lal Puri : I have not so far spoken on this motion and I think I have a right to make a submission.

Mr. Speaker : Every member who wanted to speak was allowed to speak.

Rai Bahadur Mr. Mukand Lal Puri : On another motion. This is being moved now. After Sir Sundar Singh Majithia moved, I at once got up. There has been no speech after it was actually moved. Sir Sundar Singh changed his motion half a dozen times.

Minister of Revenue : Please do not make that allegation.

Rai Bahadur Mr. Mukand Lal Puri : Please address the Chair. I ask for an apology. The Honourable Minister is shouting at me.

Mr. Speaker : What is the complaint?

Rai Bahadur Mr. Mukand Lal Puri : I said the Honourable Sir Sundar Singh was trying to improve and change it several times. At this the gentleman got up and shouted at me in a tone which is not proper for a gentleman of his age and his position.

Mr. Speaker : I request both gentlemen to be calm.

Minister of Revenue : He says I have changed my amendment several times. He should not have said that.

Premier : If my honourable friends are not willing, we will go on with the clause as it stands without any amendment.

Maulvi Mazhar Ali Azhar : I would ask the Honourable Premier and the Honourable Minister for Revenue to consider the position that by leaving the clause as it stands, they are nullifying the object of the whole Bill, and by the amendment that is being proposed by the Honourable Revenue Minister they are also nullifying the whole Bill. Allowing assignees or representatives-in-interest of alienors to get back the land will open the door for *sahukars* and moneyed landlords to acquire the interests of the alienor in the land which are being created under this Bill.

Premier : Do you want the word "assignee" to be removed altogether?

Maulvi Mazhar Ali Azhar : Yes, but I would like the words "but not an assignee" added at the end.

Premier : Very well, remove it.

Dr. Sir Gokul Chand Narang : On a point of order, Sir, I hope that this point of order will produce a calmer atmosphere. What is before the House now, I understand, is the amendment moved by the Honourable Minister for Revenue and that is that in place of the words "assignee or representative-in-interest" the words "legal heirs and successors" be substituted. Here comes the Honourable Premier and says to Maulvi Mazhar Ali Azhar, "Do you want the word 'assignee' to be removed? Then let it be removed," as if it is a panchayat sitting in some drawing room and he could oblige him by saying this or that. He should follow a regular procedure. There is an amendment before the House. Whether you allow any discussion or not, that is a different question, but now the Honourable Revenue Minister's amendment is before the House.

Mr. Speaker : Does the House wish to further discuss the amendment? The amendment moved is that—

For the words 'the assignee or representative-in-interest' the words 'legal heirs and successors' be substituted.

Premier : If you permit and if the House agrees, I would interpolate the word *bona fide* before the word "successors."

Mr. Speaker : Some honourable members have not got the amendment before them. So, I may once more try to explain the situation. In clause 7, seven classes of alienation are mentioned; viz., (1) sale, (2) exchange (3) gift and (4) will. Anyone of these 4 kinds of alienation leaves nothing with the alienor. The next 3 kinds of alienation are (5) mortgage, (6) lease and (7) farm. In these 3 classes of transfer the right of ownership remains with the transferor.

Premier : May I suggest that you put to the vote of the House the amendment proposed by my honourable colleague, namely—

That for the words 'assignee or representative-in-interest' the words 'lawful heirs and successors' be substituted.

6 P. M.

Mr. Speaker : The question is—

That for the words 'assignee or representative-in-interest' the words 'lawful heirs and successors' be substituted.

The motion was carried.

Mr. Speaker : The question is—

That the proposed sub-clause (7) as amended stand part of the Bill.

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I beg to move—

That in line 2 of sub-clause (8), for the word 'officer' the word 'court' be substituted and the words "within the meaning of sections 19, 20 and 21 of the Act" be deleted.

Mr. Speaker : I propose to put the amendment in two parts. The question is—

That in line 2 of sub-clause (8), for the word 'officer' the word 'court' be substituted.

The motion was lost.

Dr. Sir Gokul Chand Narang : In view of the decision of the House on the last amendment the next amendment becomes useless. It need not therefore be put to vote.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : I beg to move—

That in lines 3—6 of sub-clause (8), the words 'and shall include.....for the purposes of the Act' be deleted.

I need not make any speech in commending this amendment to the House. The necessity for this amendment is perfectly clear. We are giving wide powers, powers which are ordinarily exercised by civil courts, to individual officers. It is, therefore, highly desirable that this officer should not be below the rank of a deputy commissioner.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 3—6 of sub-clause (8) the words 'and shall include.....for the purposes of the Act' be deleted.

Munshi Hari Lal (South-Western, Towns, General, Urban) (*Urdu*) :

Sir, under the Land Alienation Act the powers to deal with revenue cases have been given to the deputy commissioner only, and not to any other official. It means that when important matters are involved the deputy commissioner is empowered to deal with them. I beg to submit that these powers should not be delegated to assistant collectors, first grade. The nature of their duty is such as to necessitate their remaining constantly on tour and for this reason they are prone to be influenced by some big landlord. This will not be conducive to their work and for this reason I submit that these powers should not be given to any other officer lower in rank than that of the deputy commissioner.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Bural) (Punjabi) : Sir, I rise to support the motion that has been moved by my honourable friend Munshi Hari Lal. I had also moved a similar amendment but it was unfortunately rejected. It is desirable in the interest of the Bill itself that this amendment should be accepted. By doing so we can effect a lot of improvement in this measure. A deputy commissioner is as a rule reliable and responsible officer.

An honourable member : Cannot a deputy commissioner be won over ?

Dr. Sir Gokul Chand Narang : I know that influence can be brought to bear upon a deputy commissioner, as is evident from the *Riyasat* of 30th May, 1938. I concede they are not angels, yet most of them are men of character and it may be expected of them that they will guard themselves against temptations. My honourable friend Munshi Hari Lal has rightly said that a deputy commissioner should exercise these powers and that they should not be vested in P.C.S. officers or revenue assistants. Not that I regard them as dishonest or corrupt, but the important nature of the work demands that it should be handled by higher authorities. For these reasons I support the amendment now before the House.

Minister for Revenue (The Honourable Dr. Sir Sandar Singh Majithia (Punjabi) : Sir, my friends sitting on the opposite benches want to throw all the burden on the Premier's shoulders who has got to do a thousand other things. I know how very busy he is one way or the other. So far as the Opposition is concerned I know where the shoe pinches. They say, why the Government does not consult some other official than the deputy commissioner in such matters. If we agree to the proposals made by the Opposition the Government would be deprived of the services of such an important official, as the deputy commissioner of a district, I mean the honourable members sitting on the opposite benches want to tie the hands of the Government. In my opinion the deputy commissioner can exercise his powers in a befitting manner and I am sure that deputy commissioner will use his powers and privileges in a manner which would do credit to anybody.

Lala Bhim Sen Sachar (Urdu) : Sir, I put forward the amendment to this clause before the House with the hope that no part of this House would oppose it. But I am surprised to know that even this amendment has not gone unopposed. As some drastic changes are contemplated by this Bill I submit that the person who would be appointed to settle cases under the proposed Act should be a responsible officer. In this connection the Honourable Minister for Revenue has been pleased to state that the Government is going to vest these powers in the deputy commissioner and no one else. There is no doubt that the deputy commissioner would be able to meet all these situations. But I submit that the officer whosoever he may be would have to deal with cases of valuable alienations even disregarding decrees of civil courts. He should, therefore, be above being influenced by anybody. He must be a man of vast experience and good administrative ability. Unfortunately we are unable to take this credit that our ordinary Government officials cannot be easily influenced. We sitting on this side of the House are for

[**L. Bhim San Sachar**.]

those officials who cannot be easily influenced. We hope that the Government would be pleased to show a more accommodating spirit and accept all reasonable proposals made by any quarter of the House.

Mir Maqbool Mahmood : On a point of order. It has been suggested that under the Land Alienation Act only the deputy commissioner can exercise those powers. This is in clear contravention of the section.

Mr. Speaker : It is not a point of order. The question is—

That the last 25 words of sub-clause (8) be omitted.

The motion was lost.

Mr. Speaker : The question is—

That the proposed sub-clause (8) stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the proposed proviso stand part of the Bill.

The motion was carried.

Clause 4.

Mr. Speaker : The question is—

That the first seven lines of clause 4 stand part of the Bill.

The motion was carried.

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

That in lines 4-6 of newly inserted sub-clause (2), for the words 'such enquiry as may be prescribed' the words 'recording and receiving such evidence as may be produced by the parties concerned' be substituted.

The object of my amendment is that instead of leaving the question of the method of enquiry to the Government, it should be left to the deputy commissioner and that it should be necessary for him to record whatever evidence is produced by the parties concerned. So far as this side of the House is concerned that I understand, with the exception of this amendment or one or two other amendments of a mild character, no other amendments are going to be moved. I wish it were possible for me to speak frankly my views and my opinions with regard to this Bill, but Sir, the seal of silence, as a matter of principle, has been placed upon our mouths and therefore, I propose to discuss, as much as is permissible for me. The late Bal Gangadhar Tilak uttered the historic words when the sentence of 6 years' imprisonment was passed against him. What he said was this. "I wish it were the will of God that the cause that I advocate may prosper more by my suffering than by my freedom." Exactly the same situation has arisen by reason of our adopting the attitude of self-suppression and self-effacement. Our object is to advocate the cause of the Congress.

Premier : They make a virtue of necessity.

Lala Duni Chand : I am putting forward these arguments in order to induce the House to accept this amendment. These are my arguments and I am perfectly entitled to show why the amendment that I have proposed should be accepted. I am not behind any honourable member in this House in serving the cause of the agriculturists. (*Hear, hear from the Unionist benches*). It has been the business of my life to serve the agriculturists.

Mr. Speaker : The honourable member is irrelevant. If he continues to be irrelevant I shall have to ask him to resume his seat.

Lala Duni Chand : I will try to convince the Speaker as to the relevancy of my speech. In support of my amendment I want to show what my arguments are and I am speaking perfectly relevantly. I am going to ask this House to adopt this motion and I am giving my reasons for this. If the deputy commissioner is not required to record and receive evidence in order to find out the truth and if it is left to the discretion of the local Government, there would be no inquiry worth the name. It must be the deputy commissioner who should record and receive whatever evidence is produced by the parties concerned. My object is that the matter should not be left to the sweet will of the executive Government.

Mr. Speaker : This is repetition.

Lala Duni Chand : I am repeating nothing. I only state that this matter should not be left to the Government. The parties concerned should have a right to produce whatever evidence they have before the deputy commissioner and the deputy commissioner should be under the obligation of recording and receiving the evidence that the parties produce. With these words I move my amendment.

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

That in lines 4-5 of newly inserted sub-clause (2) for the words 'such enquiry as may be prescribed' the words 'recording and receiving such evidence as may be produced by the parties concerned' be substituted.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I had no intention of making a speech on this amendment because I could hardly hear my honourable friend and what little I have heard I am afraid I have not been able to understand. My honourable friend started with certain assurances with regard to self-suppression and self-effacement. I know their difficulties, but with regard to this particular clause it was hardly necessary for him to make virtue of necessity. I know what his feelings are and I know what he means. However I sympathise with him. But let me point out that he is trying to introduce a principle which does not exist so far in the Alienation of Land Act and he wants to make an innovation and a departure from the previous practice and policy. I, therefore, do not think it is possible for the Government to accept this amendment.

Mr. Speaker : The question is—

That in lines 4-5 of sub-clause (2), for the words "such enquiry as may be prescribed" the words "recording and receiving such evidence as may be produced by the parties concerned" be substituted.

The motion was lost.

Mian Abdul Rab (Jullundur South, Muhammadan, Rural) : I beg to move—

That in sub-clause (2), last line, for the word "this" the words "the said" be substituted.

The motion was carried.

Mr. Speaker : The question is—

That the proposed sub-clause (2), as amended, stand part of the Bill.

The motion was carried.

Mr. Speaker : Sub-clause (3) will be taken up to-morrow.

The Assembly then adjourned till 11 A. M. on Wednesday, 6th July, 1938.

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PUNJAB LEGISLATIVE ASSEMBLY

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 6th July, 1938.

*The Assembly met at the Assembly Chamber, Simla, at 11 a.m. of the clock.
Mr. Speaker in the chair.*

OATH OF OFFICE.

Chaudhri Muhammad Qasim (Bhalwal, Muhammadan, Rural) was sworn in.

QUESTIONS AND ANSWERS.

(POINT OF ORDER.)

Sardar Hari Singh : I would invite your attention to Rule 9 on page 13 of the Interim Rules wherein it is stated that the first hour of every meeting shall be available for the asking and answering of questions. There is no exemption in the case of an extraordinary meeting and my contention is that the questions that we have given notices of have not been exhausted and some should have been answered to-day.

Mr. Speaker : When did the House decide that it will meet to-day?

Sardar Hari Singh : Day before yesterday.

Mr. Speaker : It was impossible in the meantime to have questions printed and brought before the House to-day.

Sardar Hari Singh : I want to know as to how we get over this Standing Order.

Mr. [Speaker : The Standing Order applies only which it is possible to have a list of questions printed and circulated in time. The office could not arrange all this.

Sardar Hari Singh : Where is the prohibition that the office should not make arrangements ?

Mr. Speaker : What is impossible to be done cannot be expected to be done. Suppose the House decides on Friday night that it will meet the next morning. Does the honourable member expect that the first hour on Saturday morning should be made available for questions ? Questions should be asked on the usual days on which the Assembly sits. The practice of the House is to sit on four days in a week. To-day being one of the off days the sitting is extraordinary and, therefore, the first hour could not be made available for questions. Hence there is no violation or breach of Rules.

Sardar Hari Singh : I want to bring to your notice that in that case the Standing Order is defective because it makes no exceptions.

Mr. Speaker : All man-made laws are defective. When it is physically impossible to comply with a rule or law, the only alternative is to ignore it.

REPORTS OF SELECT COMMITTEES.

UNAUTHORISED PUBLICATION IN NEWSPAPERS.

Mian Abdul Rab : On a point of order. You were pleased to rule yesterday that the reports of the select committees are privileged documents unless formally presented to this House and cannot be published even in the Gazette. In this connection I draw your attention to the issue of the *Tribune*, dated 3rd July, 1938, wherein the report of the select committee on the Restitution of Mortgaged Lands Bill is published. That report has not yet been formally presented to the House. Is that not a breach of the privileges of this House ?

Mr. Speaker : Is it the report or the minute of dissent that is published in the paper ?

Mian Abdul Rab : It is the report of the select committee as well. Full text of the select committee's report is published in the issue of the *Tribune*, dated the 3rd July, 1938. It was to have been presented to the House yesterday.

Mr. Speaker : When was it presented ?

Mian Abdul Rab : It has not been presented yet. Even if it were presented, it was presented on the 5th of July but it was published already in the *Tribune* of the 3rd July, 1938.

Mr. Speaker : It was presented on Monday, the 4th of July, 1938.

Mian Abdul Rab : Advance copies were sent to the members.

Dr. Satya Pal : How can the *Tribune* be held responsible ?

Mr. Speaker : Every one is presumed to know law.

Lala Bhim Sen Sachar : But after the law has been made.

Rai Bahadur Mr. Mukand Lal Puri : Is there any Rule of Procedure which has been infringed by this publication ?

Premier : I think that it is some member of this House who infringed the Rule by providing the report to the *Tribune* for purposes of publication.

Rai Bahadur Mr. Mukand Lal Puri : Which Rule has been infringed ?

Mr. Speaker : The proceedings and reports of select committees have always been treated and marked as "confidential."

Rai Bahadur Mr. Mukand Lal Puri : By whom ?

Mr. Speaker : By the Secretary of the House.

Rai Bahadur Mr. Mukand Lal Puri : But Secretary of the House is not to lay down rules of our conduct. The rules are to be laid by this House or are to be regulated by conventions which have the sanction of law.

Mr. Speaker : Has not the honourable member been a member of select committees on several occasions ?

Rai Bahadur Mr. Mukand Lal Puri : Yes, Sir.

Mr. Speaker : Has he ever divulged the proceedings of any select committee ?

Premier : He was a member of the last Council also and I think that he has forgotten the conventions which were set up. As a matter of fact it was after considerable discussion that we decided that, in order to save time and to see that the reports are circulated in time, they should be confidentially circulated to the members and not made public until they are presented to the House itself. I believe that if the Secretary will look up the proceedings he will find that we did set up this convention and decided that nothing should be published until presented to the House but that the members should receive the reports in confidence before they are laid on the table of the House.

Mrs. J. A. Shah Nawaz : I understand that in the Central Assembly no advance copies are supplied to the members.

Rai Bahadur Mr. Mukand Lal Puri : On a point of constitutional importance, I wish to point out that there is no breach of privilege in publishing the reports which are sent to 175 members and are to be found lying loosely and broadcast in the office of the Secretary especially when there is no rule prohibiting the publishing of these reports. The select committee or the House did not authorize the Secretary to mark them as 'confidential.'

Mr. Speaker : I think the honourable member is not right in what he says. Documents, which are sent to the honourable members marked as 'confidential', are not expected to be published by them. That is the practice, and I hope that every honourable member will follow it.

Rai Bahadur Mr. Mukand Lal Puri : May I ask who authorised the Secretary to mark it as confidential and when and by whom was the alleged practice or convention adopted?

Mr. Speaker : Order, order, no further discussion.

Premier : I hope the press would also recognise this convention of the House and that they will not publish any report of a select committee unless it is actually presented in the House.

Fir Akbar Ali : Every copy of the report is marked as confidential and it is written there 'confidential advance copy.' They have been very careful.

Rai Bahadur Mr. Mukand Lal Puri : Would it not be better to have this in the form of a rule rather than in the form of a nebulous convention?

Mr. Speaker : A resolution of the House is as good as a rule.

Rai Bahadur Mr. Mukand Lal Puri : Is there any resolution of the House on this point?

Mr. Speaker : All I remember is, as stated by the Honourable Premier, that some years ago, the Council decided after discussion that the reports of select committees should not be made public but that they should be circulated among the members in advance as "confidential document."

Rai Bahadur Mr. Mukand Lal Puri : We will look up the old proceedings. I do not think there was any formal resolution of the House.

Mr. Speaker : Quite So. There was no formal resolution. Every honourable member should understand that a report of a select committee is not to be published before it is presented to the House.

Dr. Gopi Chand Bhargava : May I submit one thing. As has been pointed out by the honourable Begum Shah Nawaz, in the Central Assembly advance copies are not supplied.

Mr. Speaker : Nor in the House of Commons.

Dr. Gopi Chand Bhargava : Therefore my submission is that it is a breach of privilege of the House to publish these reports and make them available to the members of the House before they are presented. Therefore I would submit that instead of making a rule or giving order that the report be supplied to us we should stick to the rule and not supply advance copies.

Rai Bahadur Mr. Mukand Lal Puri : Who has ordered the Secretary to send advance copies ?

Mr. Speaker : The House.

Rai Bahadur Mr. Mukand Lal Puri : When and who decided that advance copies should be sent ; and if there is no such rule—

Mr. Speaker : Order, order. The honourable member is making speech after speech. This is the eighth or ninth time that he has got up.

Rai Bahadur Mr. Mukand Lal Puri : I just want to put a point of order before you.

Mr. Speaker : I do not wish to allow discussion of the constitutional point raised by the honourable member ; but this House has been following certain traditions established by the old Council.

Munshi Hari Lal : Certainly these conventions are not binding on us.

Mr. Speaker : We shall first consult the old proceedings and then discuss the point.

Premier : I have a clear recollection that we did discuss this matter and came to this decision.

Mr. Speaker : Yet we should see the printed proceedings.

THE PUNJAB REGISTRATION OF MONEY-LENDERS' BILL.

Premier : I beg to present the report of the select committee on the Punjab Registration of Money-Lenders Bill.

Lala Bhim Sen Sachar : Is the Honourable Premier in order in presenting the report of the select committee ?

Mr. Speaker : Yes.

THE PUNJAB ALIENATION OF LAND (SECOND AMENDMENT) BILL.

Clause 4.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, I beg to move that—
Sub-clause (3) of clause 4 be deleted.

Mr. Speaker : That is not an amendment. When the clause is put, the honourable member may oppose it.

Rai Bahadur Mr. Mukand Lal Puri : As you please Sir, what is your ruling ?

Mr. Speaker : The deletion of a clause or of a sub-clause, when the latter is dealt with separately, is not an amendment ; but a negation of the clause or the sub-clause, as the case may be. The question is—

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

The motion was carried.

Munshi Hari Lal (South-Western Towns, General, Urban) : Sir, I beg to move that—

In the proviso lines 2-3, for the words "instituted before the 15th June, 1938" the words "before the commencement of the Act" be substituted.

My amendment is a very simple one. I submit that all those suits that are instituted before the commencement of the Act should be excluded from the purview of the Land Alienation Act. There may be cases which may be pending at the time of the commencement of this Act and decrees may follow in these suits afterwards. It will be no fault of plaintiffs if they do not get decrees before the commencement of this Act, though they may have lodged their suits beforehand. Moreover I submit that it will be in accordance with the spirit of section 107 of the Government of India Act. Any man who has got the right to institute a suit before the passing of the Act and has instituted it should not be deprived of the fruits of his efforts. I am now urging a provision for those plaintiffs who have preferred their suits before the commencement of this Act. The Act should not have any retrospective effect in this respect. With these words, I move my amendment.

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

In the proviso, lines 2-3, for the words "instituted before the 15th June, 1938" the words "before the commencement of the Act" be substituted.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural) : Sir, I rise to oppose the amendment. Under the proviso as it stands, this Act will not apply to the suits instituted before the 15th June, 1938. We wanted to delete these words, but we have not moved any amendment to that effect for the simple reason that we do not want to affect those decrees passed before the 15th June, 1938. If this amendment is accepted then the whole object of this Bill will be frustrated for the reason that the assent of His Excellency the Governor to this Bill may be given 4 months hence or 6 months hence or even later. There may be a propaganda, as it is going on now, in the press that the special powers of the Governor to safeguard the interests of the minorities be invoked. Who knows that these powers may be exercised or there may be some discussion over the propriety of exercising these powers ? If we accept this amendment, all those transactions which we want to be covered by this Act or all those people whom we want to benefit by the provisions of this Act will not get the least benefit as the people to be affected by this Bill in the meanwhile may try to evade its provisions by hook or by crook. Therefore, Sir, under these circumstances, I would oppose the amendment and request you to pass the proviso as it stands.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, I do not at all agree with the previous speaker when he made a bold assertion that if the proposal of the honourable member opposite is accepted, the whole object of the Bill will be defeated. In the first instance, he has omitted to note that this sub-clause only refers to the declaration of status by a member of the agricultural tribe and does not at all refer to other provisions in the Bill which are most important and which relate to *benami* transactions. My objection to the proposal is really based on a fundamental principle that we should be very jealous of the decisions of our courts and that the civil courts should not be treated with slight or disrespect, a tendency, which, I have, of late, noticed ever increasingly growing in this House, and therefore, it is because of that and not because the amendment is of any substance that I whole-heartedly support the amendment. The effect of the amendment would only cover a declaration of perhaps about a dozen persons, who might institute suits and get themselves declared members of agricultural tribe and might obtain decrees or might be refused that privilege. But, Sir, if the principle underlying this section is accepted, then it would mean that the executive is being given an authority to set aside the decision of the highest courts which may have been passed before the enforcement of this Act.

Munshi Hari Lal : Sir, an objection has been taken by an honourable member opposite that this Act may come into force after 5 or 6 months. I go further and say that this Act may not come into force at all. The Governor may refuse to give his assent to it. Are you going to penalise the plaintiff because this Act is in suspense or is in abeyance or is awaiting the assent of the Governor? Why should the poor man, who has got a right to go to the civil court to get himself declared as a member of an agricultural tribe, be deprived of that right and why should he not think rightly that this Act may not come into force at all? My point is quite reasonable and unassailable.

Mr. Speaker : The question is—

That in the proviso, lines 2 and 3 for the words "instituted before the 15th June, 1938" the words "before the commencement of the Act" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That the proposed proviso stand part of the Bill.

The motion was carried.

Clause 5.

Mr. Speaker : The question is—

That the first four lines of clause 5 stand part of the Bill.

The motion was carried.

Pandit Muni Lal Kalia : I want to raise a point of order with regard to the operative part of this clause, that is, the proposed new section 18-A. My contention is that it is *ultra vires* of this legislature to pass this clause. My authority for doing so is section 109 (2) (a) read with section 298 of the Government of India Act. Based on these two sections my contention is

that the proposed provision cannot be made by this legislature without the previous sanction of the Governor-General, as the provision aims to repeal section 298 of the Government of India Act.

Mr. Speaker : Has not this point been discussed already ?

Pandit Muni Lal Kalia : No, Sir. This is entirely a new matter that I am raising at present. I may also point out that there is a precedent as well. Section 108 (2) reads—

“ Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which repeals, amends, or is repugnant to any provisions of any Act of Parliament extending to British India.”

I contend that the proposed section 13-A is repugnant to the provisions of an Act of Parliament, namely the Constitution Act of 1935. I shall presently show how it is repugnant. Section 298 (1) reads—

“ No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India.”

To this provision there is an exception in sub-section (2), but that exception does not cover the provisions of this Bill. That relates only to restrictions on the power of disposing of property by way of sale or mortgage in any particular area by any particular class of persons. That is the only exception. The exceptions contained in sub-section (2) do not go against or nullify nor are inconsistent with all the provisions that are given in sub-section (1) of section 298. It only limits the operation of the sub-section so far as the power of disposing of property by certain class regarding any particular kind of property is concerned. I want to bring to your notice the exception : Section 298 (2) says :—

“ Nothing in this section shall affect the operation of any law which—

(a) prohibits, either absolutely or subject to exceptions, the sale or mortgage of agricultural land situate in any particular area, and owned by a person belonging to some class recognised by the law as being a class of persons engaged in or connected with agriculture in that area, to any person not belonging to any such class.”

Conceding this position that so far as the power of disposal by way of sale or mortgage of agricultural property is concerned, this House is perfectly entitled to bring legislation to that effect even without obtaining the previous sanction of the Governor-General, the provision intended to deprive me of the property which I am holding or to deprive me of the right of acquiring property which I am entitled to acquire under the law cannot be made by this legislature. The provincial legislature cannot make an alteration in that behalf.

Mr. Speaker : Please state the point of order briefly.

Pandit Muni Lal Kalia : My point of order is this. Clause 13-A of the Bill is *ultra vires* in view of section 108 (2) (a) read with section 298 of the Government of India Act for the reason that I cannot be deprived of the property which I hold and I cannot be prohibited from acquiring property which I want to acquire because there is a fundamental right given to me under section 298 of the Government of India Act. The disability is only confined to the power of disposal of agricultural classes by way of sale or

[Pt. Muni Lal Kalia.]

mortgage. That is one thing. Clause 18-A of the Bill deprives a person of acquiring or holding property and therefore my submission is that all the clauses of the Bill from clause 18-A onwards should be held *ultra vires* and should be expunged from the Bill.

Mir Maqbool Mahmood : The objection raised by the honourable advocate-general of the Opposition, will not hold water and I am sorry that this attitude of obstruction is being taken on a measure of this nature by our friends of the Congress party.

Dr. Gopi Chand Bhargava : I beg to object to the words used by my honourable friend. It is not by way of obstruction that we are raising these points. We think it is a privilege of the House to invite your attention to the laws under which we are working. Therefore it is not by way of obstruction that we raise these points. It is only by way of protecting the privileges of the House.

Mr. Speaker : The honourable member (Mir Maqbool Mahmood) should not have used those words.

Mir Maqbool Mahmood : I am sorry. I have a double bared reply to the technical objection raised by my honourable friend. If you read section 298 you will find that there is a very definite word 'only' in line 2. The section reads as follows:—

“No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be prohibited on any such grounds from acquiring, holding or disposing of property.”

I submit that we are not legislating by this Bill that every non-agriculturist shall be deprived of the lands that he is holding. If we were doing that, then the word 'only' will be deterrent and the Bill will be *ultra vires*. What we are seeking to legislate is that certain persons who have held lands which are *benami* and which have been a fraud on the Land Alienation Act shall be deprived under certain conditions of holding these lands. Therefore, I submit that the word 'only' is a saving item and section 298 will not apply to the present case even if we were to stretch the word 'descent' and include therein descent from a particular tribe.

The second point which I have to urge is this. Section 108 (2) applies to the *introduction* into the House of a Bill or the *moving* of an amendment, as you were pleased to indicate the other day. We are not introducing a Bill nor are we moving an amendment as contended by my friends opposite. On both these grounds my honourable friend's objection does not hold water.

Advocate-General (Mr. M. Sleem) : So far as section 108 is concerned, I submit it does not apply at all. It has got nothing to do with the point. That deals with a case where you are trying to repeal a provision of an Act of Parliament. There is nothing of the kind here. So the objection really is that under section 298 this Bill, if passed, would by reason only of descent, bar certain persons from holding land, because section 18-A, deals with a case where if a transaction is declared to be *benami*, the person holding that property can be deprived of that property. In that case supposing this section applied, there are the only relevant words: “No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth,

descent, colour or any of them be prohibited on any such grounds," namely, on the ground of descent, from holding property. This section does not say that because a person is a non-agriculturist he shall not hold any property after the commencement of this Act. What it says is that if a person is a non-agriculturist, not by reason of his being a non-agriculturist but by reason of his having entered into a transaction which purports to be what it is not, he shall be deprived of it. That, I submit, does not "prohibit him" on the ground of descent alone from holding property. I emphasise the words 'prohibited on such grounds.' Therefore the ground would be not the ground of descent. Here he has got to be prohibited not on the ground of descent but on the ground that the transaction is *benami*.

Dr. Sir Gokul Chand Narang : As I was one of the persons who raised this objection before and as no reply whatsoever was given by any one on that side, I think I may say a few words to support this point of order. I raised this point and neither you gave a ruling on this point, nor did any honourable member from the Government benches care to say a word about that legal and technical point raised by me.

Mr. Speaker : If the honourable member wishes to raise his point of order, I shall gladly give him an opportunity after the point under discussion is disposed of.

Dr. Sir Gokul Chand Narang : It is the same point of order that I wish to speak about. My point of objection is under section 298. In fact I attacked the whole Bill on the ground that under section 298 it was *ultra vires* of this House to proceed with any such legislation.

Mr. Speaker : This point was raised; but I cannot say whether it was decided.

Dr. Sir Gokul Chand Narang : I raised the point but no one answered it.

Pandit Muni Lal Kalia : My point is a different one. It relates to section 108 read with section 298 and the answer given by the learned Advocate-General does not meet the objection raised by me.

Mr. Speaker : The Advocate-General has expressed his opinion. I am not bound to accept it; but as I have not studied the point as carefully as he has, and as *prima facie* he appears to be right, I accept his view.

Pandit Muni Lal Kalia : May I know if the members of this House have a right to say anything against the opinion expressed by the learned Advocate-General in order to secure the right ruling from the Chair?

Mr. Speaker : As I have given my ruling, I cannot allow a further discussion of the point of order.

Pandit Muni Lal Kalia : Have I not a right of reply?

Mr. Speaker : No.

Dr. Sir Gokul Chand Narang : May I through you ask a question from the learned Advocate-General? What I beg to ask the Advocate-General is this. Does he really believe as a lawyer apart from the personal capacity, that this clause aims at setting aside or depriving people of certain rights in property simply because certain transactions are *benami*?

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Is it not a fact that these *benami* transactions are being set aside on the sole ground that people who have been deriving benefits or strive to derive any benefits from these *benami* transactions are members of a particular tribe who are under the Alienation of Land Act not entitled to secure property by sale or mortgage from a person who belongs to a particular tribe by right of descent? Is there any other reason given in the Bill or in this clause?

Mr. Speaker : If the honourable Advocate-General is in a position to answer, he may do so.

Advocate-General : It is rather surprising that in the form of a question the honourable member should be attempting to criticise the merits of the Bill. (Dr. Sir Gokul Chand Narang : No.) His question is that this Bill may be worked in such a manner that if a transaction were not *benami* certain officers empowered under this Act would declare it to be *benami*. (Dr. Sir Gokul Chand Narang : No. No.) The question of law is simply this. It says that if a transaction is found to be *benami* then certain persons shall be deprived of their rights.

Dr. Sir Gokul Chand Narang : Read further lines.

Advocate-General : There are certain persons only who would be affected but they would be affected not on the ground that they are not agriculturists.

Mr. Speaker : The fact that certain persons are being deprived of certain rights on the ground of descent does not appear to be established.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I beg to move—

That in 13-A (1), lines 1-2 the words "sale," "exchange", "lease" and "farm" be omitted.

You will see by a reference to this clause that a large number of alienations are included in this. There is sale, exchange, gift, will, mortgage, lease or farm. I want sale to be omitted, I want exchange to be omitted and I also want lease or farm to be omitted. My reasons for omitting the word 'sale' are these. Suppose a sale took place some thirty years or so ago and there have been many transactions after that sale, there is no *animus revertendi* with respect to that particular land left on the vendor of that land. A certain person holds a sale deed and belongs apparently to an agricultural tribe, the fact that the original vendor in that particular case was a member of an agricultural tribe would in no case invalidate the sale. Anyone who wants to purchase from the vendee who holds the title deed in his name without any ambiguity or without any reference to any other person having a right in that land purchases from such a vendee without any notice of a defect in the title. I hope I have made myself clear. Nothing would be clear to some of my friends on this side. Then again X might have acquired from Y and X might have sold to Z after ten years, twelve years or fifteen years. After twelve years the title becomes, apart from anything else, valid and ripe by even adverse possession. Are you going to penalise a series of persons who were not at all at fault in acquiring the property which stood in the name of a rightful person? Apparently an agriculturist has full authority to purchase from an agriculturist. What

is there to put the second vendee on notice either with respect to the fraud of some money-lender who might have been at the root of the original transaction or the zamindar or the agriculturist who was a party, according to some of my friends here, to this fraud perpetrated on this sacred Act, the Land Alienation Act, which is being treated as if it were a sacred person against whom no offence can be committed? I ask the Honourable Minister of Revenue with all the earnestness that I can command, through the Chair, whether he thinks it fair to penalise half a dozen persons whose purchase might be from one of his cousins or friends who is a zamindar and who apparently had full rights to purchase that property. X comes and buys from Y. Z comes and buys from X and now you get up after 37 years and say that all these people should be deprived of the property on which they might have spent thousands without the slightest fault on their part. You cannot accuse them of being a party to the fraud. They may be absolutely ignorant of any collusive arrangements between the original vendor and the zamindar vendee or the third person who has prompted that collusive or *benami* transaction. Do you not realise that thereby you might be perpetrating the biggest oppression and tyranny on men who are absolutely innocent? Think over it even during the few minutes that you have at your disposal at the present moment. How can you justify such a procedure? Is there no reason or justice left in the world—or the world of this Punjab Cabinet—that they should get up and try to penalise persons against whom no blame attaches whatsoever? I challenge anyone of my friends on those benches to point out that any subsequent purchaser from the original vendee can possibly be a party to the fraud. If there is a possibility, penalise that particular individual. But do you not recognise that in nine cases out of ten the vendees—the subsequent purchasers—may be absolutely innocent and may not have any knowledge whatsoever of the secret arrangement that may be subsisting between the money-lender and his agriculturist friend and the agriculturist vendor? Now take it like this. The zamindar friend who is a party to this *benami* transaction is probably sufficiently obliging, and it may be that he, acting in collusion with the beneficiary, sells the land and passes the money to the *shukar*. Such a thing is possible and there is no inherent improbability in it. Therefore, so far as the money-lender is concerned he is finished, so far as the original agriculturist vendor is concerned he is finished, and so far as the agriculturist friend who helped him in this transaction is concerned, he is also finished. He got the money and passed it on to the *shukar*. An innocent person comes and pays full consideration and acquires that property. Now the honourable member wants to deprive that purchaser of that property. And it may not be that man at all. The man who is now in possession of the property may be the 12th or 20th man. Supposing there is a plot of ten acres which has passed hands and out of ten acres 200 persons have purchased land to build small houses as happened near the towns of Lahore, Amritsar and other places. Hundreds of persons might be affected. Have you thought for the moment over the enormity that you are going to perpetrate? I wonder, Sir, as to what has happened to the sanity and sense of the Government of this province that they are launching forth such an absurd legislation before this House. This is what I wanted to say about the 'sale.' I hope that in the name of goodness, in the name of justice and fairness they would withdraw at least this word from this clause and not perpetrate the wrong which they

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were unable to foresee and which perhaps if they had sufficient time, they would never have thought of perpetrating.

Let us come to 'exchange.' What is exchange? This is also a kind of sale. Instead of selling your property for cash you sell it for kind. You say, "All right, here is my one acre of land. It is lying too far away from my well and I cannot irrigate it, because my source of irrigation is at a distance of a mile or half a mile from the land." He goes to a *sahukar* to whom he owes money or some other person and says, "Look here, this land is almost useless to me. You give me half an acre of land which is close to my well and I give you one acre of land which is at a distance of a mile but which is nearer to a well of yours which lies next to my land." Thus the transaction takes place. That is the nature of the consideration. Does it make any change in the real nature of the transaction? There is no real difference between exchange and sale and when this land is exchanged, just as I said in the case of sale, this exchanged land, this one acre of land which was not fit perhaps for agricultural purposes because it lay too far away from the source of irrigation, is purchased in exchange by a man for half an acre and this land is then cut up into nine pieces of one kanal each or may be 18 pieces of ten marlas each and they are given to poor persons to build their cottages on it and now the Honourable Minister of Revenue wants to dispossess those who built eighteen cottages on this land because originally this transaction, according to him, was a fraud on a very holy piece of legislation called the Land Alienation Act! Have you thought over this? I am sure you have not, otherwise you would not have done this as you are so good by nature. (Laughter). Have you realised the implications of this measure? I am not casting any reflection on your power of realisation or your power of understanding. You get unnecessarily excited: I never question your ability, but it is not always possible to foresee all the implications. Now, Sir, what is the answer to the proposition which I have put? Are they going to dispossess people of their land? There may be hundreds of such cases, because these transactions, I am told, are fairly numerous. Their number *ex hypothesi* must be large, otherwise these gentlemen would not have taken the trouble to crush a butterfly on the wheel and put big guns in motion for crushing a few small folk. *Ex hypothesi* the number must be considerable and out of that number the number of such cases which I have put must be considerable. Are they going to dispossess certain people of their land simply because the original person who acquired the land, acquired it by sale or exchange? Then I come to the question of farms and leases. If you turn to section 11 of the Punjab Alienation of Land Act you will find that it is no sin to enter into a lease, to give land on lease, by an agriculturist, even to a wretched non-agriculturist. It is no sin. I shall read this section to save you the trouble of reading it. It says—

"Any member of an agricultural tribe may make a lease or farm of his land for any term not exceeding 20 years, and any lease or farm made by a member of an agricultural tribe for a longer term than twenty years shall, if the lessee or farmer is not a member of the same tribe or of a tribe in the same group, be deemed to be a lease or farm for the term permitted by this section."

So far as the leasing out is concerned the principle is recognized. It is only the question of period for which a lease or farm may be executed.

Why allow lease or farm to be included in this without any limitation of time? If the lease or farm is for more than 20 years he might be penalised. There should have been some sense in it: without any limitation of time you penalise a lease or a farm as is provided by the Land Alienation Act which is your Bible⁴ so far as this Bill is concerned. Are you going to set aside all such leases and farms? Does it matter, Sir, whether I take the lease in my name or in the name of my friend? I am entitled to take it in my name: I am entitled to take a lease for twenty years and I am entitled to take a farm for any period not exceeding 20 years. Does it make any difference whether I get it in my own name, or in the name of my son or in the name of my friend? Is it a fraud on the Land Alienation Act? That is their only justification that it is a fraud on the Land Alienation Act and therefore people should be penalised. With due respect to you, Sir, I may point out that yesterday you made some little slip when answering a point of order raised by my honourable friend. You said they are going to pay compensation. Probably you were at that time thinking of the Punjab Restitution of Mortgaged Lands Bill and not of this Bill, or probably you were thinking that they could not be capable of such absurdity that they were going to dispossess people without giving any compensation.

Mr. Speaker: I admit that that Bill was in my mind.

Dr. Sir Gokal Chand Narang: There is no provision for any compensation. Supposing only last year a big gentleman like any one of these gentlemen here wanted some money—even big men want money—I want money very much sometimes (*laughter*)—then, Sir, he goes to a friend who happens to be a non-agriculturist. He says Chaudhri Sahib or Sardar Sahib I am prepared to oblige you, I have got the money, but what is the security? You are making new laws every day, what is the security? He says, well, you believe me, I am an honourable man, I hold 50 squares of land in Montgomery and 60 squares of land in Lyallpur and 70 squares of land in Sheikhupura and so on. He says, you give me Rs. 10,000 and the mortgage will be in favour of our common friend Chaudhri so and so. With this Rs. 10,000 what does he do? He goes to buy five squares of land from a humbler zamindar who is in need of money. He gets the land. There was no fraud at all in this case on the agriculturist mortgagor because he is a big man and understands all these things and it was an amicable and friendly arrangement to oblige a big person who was temporarily in need of money. Then this Bill comes into operation and says, nothing goes to the creditor and the land goes back to the Chaudhri Sahib without any compensation. He is at once relieved of his money. Is that the object of this Bill? (*A voice:* Are you talking of the present or of the past?) I am talking of the present. This is what is being done. Without any regard for what happens you do this to a man who lent merely to oblige a friend. His *benami* transaction disappears and with it evaporates his ten thousand rupees. Are you going to encourage this sort of thing? The Premier is not here, the new missionary of morality! Have we come to this that we have now to learn *morality* from Sir Sikander? That missionary of morality is not here. I would have asked him, is this the morality that he is going to preach to the people? He said he will not spend sleepless nights by losing the confidence of the people who have been dishonest! Is this not dishonesty to tell those people who lent money to

[Dr. Sir Gokal Chand Narang:] their friends "no you cannot realise your money." (At this stage the Premier entered the Chamber). Here is the missionary. I suppose he will get himself ordained one of these days to preach morality to the province! This is the morality. I say with all respect that this clause which seeks to set aside sales, exchanges, leases and farms without giving any compensation whatsoever is the most immoral attempt at legislation and it should in no way be encouraged or approved by this House. It is a great pity that some of these gentlemen, perhaps most of these gentlemen, have not given as much thought to the case as the case deserves and therefore our case really goes by default and I appeal to these gentlemen who claim to understand what they are doing to realise the serious implications and the serious injustice and oppression which such a clause implies and which the inclusion of these words in this clause would perpetrate.

Mr. Speaker: I think the honourable member's amendment is out of order, inasmuch as, if the words 'sale,' 'exchange,' 'lease' and 'farm' are omitted, their omission shall be inconsistent with clause 3 which was passed yesterday.

Dr. Sir Gokal Chand Narang: Have you ruled my amendment out of order?

Mr. Speaker: Yes.

Dr. Sir Gokal Chand Narang: I was going to request you to kindly consult the learned Advocate-General whether the amendment moved by me was out of order or not?

Rai Bahadur Mr. Mukand Lal Puri: Will you give me an opportunity to move a fresh amendment to this clause in consultation with Dr. Sir Gokal Chand Narang?

Mr. Speaker: Certainly.

Diwan Bahadur Raja Narendra Nath: May I move my amendment which runs thus:

"That in line 1 of 13-A, the word "exchange" be deleted.

Mr. Speaker: I have already ruled in connection with Dr. Sir Gokal Chand Narang's amendment that the deletion of the word "exchange" is inconsistent with clause 3 which was passed yesterday.

Diwan Bahadur Raja Narendra Nath (East Punjab, Landholders): Sir, I beg to move—

That the word "will" be deleted.

I want to say a word. I cannot imagine that a man who is making a will and whose mind is in a solemn condition would be a party to a fraudulent declarations have a high evidential value. I think that sort of solemnity is attached to a will. I cannot imagine that a man, who is making a will and who is making the last testament before he dies, would be a party to a fraud. I think this word has been inserted now and it did not exist in the original Bill.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, may I say a word in support of the amendment. May I ask the Government or the members of this House if it is within their knowledge

that any *benami* transaction has so far taken place by will? I would accept the statement of any member of this House if he speaks from personal knowledge or even on hearsay. So this proposal is very much to the point that we should not be legislating for eventualities which have not arisen and which are never likely to arise and the proposal is not so queer as it seems to have been taken by some members. Therefore, I have great pleasure in supporting the proposal.

Pir Akbar Ali : Does not the same objection apply to this amendment as applied to the amendment made by Dr. Narang? You already gave a ruling that clause 3 having been passed any amendment that proposes to nullify that clause is out of order.

Mr. Speaker : Dr. Narang is an able lawyer. What has he to say?

Dr. Sir Gokul Chand Narang : With respect to the suggestion you were so kind to make, may I draw your attention to the Explanation attached to the proposed section 13-A? The Explanation is the result of the joint deliberations of the select committee. The Explanation is—

" Any alienation made in consequence of a transaction rendered void by this sub-section shall also be deemed void for all purposes."

Mr. Speaker : What is the honourable member speaking about?

Dr. Sir Gokul Chand Narang : You were kind enough to suggest that I should make an amendment. I want you to refer to amendment No. 18. You will please see whether in view of that amendment it is necessary for me to comply with your suggestion. That amendment is—

That in the Explanation to 13-A (1) for the words "also be deemed void for all purposes" the words "not be affected by anything stated in this sub-section if made before the 15th June, 1938" be substituted.

Mr. Speaker : Will that meet the object of the honourable member?

Dr. Sir Gokul Chand Narang : I am asking you about it. Otherwise I shall put in an amendment as suggested by you in the form of a proviso.

Mr. Speaker : That amendment may be moved later.

Dr. Sir Gokul Chand Narang : Very well, Sir. Then I shall hold your suggestion in reserve. I beg to move—

That in 13-A (1), line 4, the words "either before or" be omitted.

You will see that the proposed clause 13-A says—

" When a sale, exchange, gift, will, mortgage, lease or farm purports to be made either before or after the commencement of this Amending Act by a member of an agricultural tribe to a member of an agricultural tribe...."

What I submit is that the words "either before or" should be omitted from this clause. The clause will then read—

"—purports to be made after the commencement of this Amending Act."

As was pointed out by one honourable member yesterday, these words did not exist in the Bill before it went to the select committee. These words were put in only subsequently. The Honourable Premier was pleased to explain that these words only clarify what he had in his mind when he

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drafted this Bill. Whether he had this really in mind or not is really not the question. The question is whether these words are necessary or not, and whether these words do not constitute an unjustifiable attack on the rights of property acquired by certain persons before this Bill was thought of. We have heard of people being punished for one thing or another, but we are yet to be told that people may be punished for something doubtful which they did 37 years ago. Even a murderer—I can speak with some authority on this point—if he is caught after 80 or 87 years is not hanged. He may be punished, but he is not hanged. But what is proposed here is that if a person did something which according to the honourable gentlemen opposite he would not have done if this Bill had already been passed he should be punished even though he did that act some 37 years ago. Now, even if a wrong is perpetrated again and again by people, then that wrong really loses its real character. The Honourable Premier also knows

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This is a well recognised proposition. I do not think that there was anything really wrong in these *benami* transactions. But let us assume that these *benami* transactions were wrong. They were tolerated for so many years by the authorities of the province. It cannot be said that the deputy commissioners, financial commissioners and the Government were not aware that *benami* transactions were being entered into all these years. They did nothing. On the other hand they let these transactions multiply. By their conduct they let the people understand that there was nothing wrong in those transactions. Are they not, then, estopped now after 37 years, from saying that these people have been committing any wrong? But what do these people now say? They say—"We now have come into power and for the wrongs that the whole province has committed during the past 37 years we are going to hang them. It might have been something if they had said, "You have been doing these things. We think that they are wrong. But as we tolerated or rather as our predecessors tolerated these wrongs whether wisely or not, we want to stop these transactions now." I submit that the blame for all these transactions attaches to the Government itself and I would have understood if the Government had said "Since we are partly to blame for these transactions, we shall only set aside these transactions on certain terms" and those terms might have been included in the Bill. These terms might have been that these people will not get any interest on the amount involved or that part of the amount involved will be forfeited and so on. If it was a sale they could convert it into a mortgage, or if it was a mortgage for an indefinite period, they could convert it into a mortgage for 20 years and so on. But they are doing nothing of the sort. They are depriving them wholesale of the rights which they had acquired during the last 37 years. I would, therefore, appeal to my honourable friends in the name of equity, justice and good sense to accept my amendment. I say that it was the fault of the Government itself that encouraged this wrong if it is a wrong. The present Minister for Revenue was in the Government in 1921 and he continued in that office till 1925. Did he sleep over this matter then? Has he only now been awakened from his slumber? The late Sir Fazl-i-Husain was the Revenue Member for more than five years. He never contemplated this in his

time. We cannot say that he was ignorant of these transactions. Again, the Honourable Premier himself was a member of the previous Government. He too did not contemplate such a measure as this then. Even Sir Chhotu Ram, the most inveterate friend of these fraudulent people while he was a member of the Government did not think of such a measure, perhaps because circumstances were somewhat different and there was a greater curb on his activities than there is now. Therefore none of these gentlemen, neither the Honourable Minister of so-called development, nor the Minister for Revenue who is enjoying his second term, nor the Honourable Premier who has been Revenue Member for so many years, nor any one of their predecessors, ever thought of perpetrating such a tyranny over the people as has entered into the heads of my friends sitting over there. I would therefore beseech them to confine their remedy to the future. If they think that this is something wrong, it is a fraud on the Act, let them legislate that people should not enter into such transactions in future. It will be a warning to them. But now you are catching people sleeping as it were and robbing them of the rights they have acquired at a time when such a procedure was never considered wrong by any one and was not pointed out to be so by any member of the Government.

Mr. Speaker : Amendment moved is :

That in line 4 of 13-A (1) the words "either before or" be omitted.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I have listened with great attention to the two speeches made by my honourable friend, Dr. Sir Gokul Chand Narang, on this Bill. I thought there were some chances perhaps of convincing my friend that from the very beginning he has given a clear proof that he cannot look at any clause or part of this Bill with an unbiassed mind. But now I have given up that hope because he seems to be so strongly prejudiced against the interests of zamindars and the poor agriculturists that it will be a waste of time to try to convince him. So far as the present clause is concerned the Honourable Premier in his forcible and convincing speech yesterday explained to the House that the object of the original clause before the Bill went to the select committee was the same as it is now as reported by the select committee. He had given strong arguments and I need not repeat them now. But there are two or three submissions which I would like to place before the House in this connection. The first is that in my humble opinion the amendment which has been moved by my honourable friend, Sir Gokul Chand Narang, should be ruled out of order, on the same grounds as you ruled out the previous amendments, because you will be pleased to observe that there are two operative portions of this clause 13-A. As a matter of fact the whole Bill is based on two things, one about the sale, exchange, gift, will, mortgage, lease or farm of *benami* transactions and the other the application of the Bill to all the *benami* transactions which have taken place so far. Therefore if a person tries to move an amendment removing the words which would make this Bill operative over the transactions which have taken place so far, it should be ruled out of order because it goes against the principles and objects of the Bill itself. Therefore in the first instance I must submit that this amendment is entirely out of order and should be ruled out as such. But that is for the chair to decide.

[Raja Ghazanfar Ali Khan.]

Now coming to the merits of the amendment, my honourable friend has based his speech on two main arguments. The first is that *benami* transactions are quite legitimate and honest and quite scrupulous and the Government is now trying to punish those people who were parties to those honest transactions. His second argument is this. He assumes that these *benami* transactions are dishonest, illegal and unscrupulous, but he says, 'look here, people have been doing this mischief for a number of years and your predecessors did not take any step to put an end to them; why are you doing it now?' Now I would ask him in all seriousness, does this argument contain any sense whatever? If the previous financial commissioners or the previous Government did not consider it expedient or wise to undo a wrong which, quoting the words of my honourable friend, they knew all the time was unfair, is that a reason why an important piece of legislation which suggests honest methods should be thrown out?

Dr. Sir Gokul Chand Narang: They were parties to the fraud.

Parliamentary Secretary: But, Sir, I would ask him, what was the use of clamouring for provincial autonomy?

Dr. Sir Gokul Chand Narang: Heaven save us from this provincial autonomy, if it is for this purpose.

Parliamentary Secretary: I am glad he feels disgusted with the provincial autonomy. He feels disgusted because a very small minority, a small section which has been so far very unfair and unjust are making an attempt to undo the wrongs committed in the past. That is why he would not have that provincial autonomy. It is worth nothing for him if it cannot help that section to suck the blood of the poor agriculturists. We were all clamouring that the franchise should be widened (*Interruption*), the Congress more than anybody else clamoured that there should be adult franchise. It is as a result of that franchise that you find to-day that such Bills which are just and fair are brought forward (*hear, hear*), because the people sitting here are not the same old nominated members, benches here are not being occupied by permanent secretariat officials, but by people who are returned by agriculturists.

Mr. Speaker: Please speak to the motion.

Parliamentary Secretary: I admit, Sir, that this is not, strictly speaking, to the point. But this was the argument which my honourable friend on the other side emphasised, that the previous government, the previous financial commissioners, did not do anything, 'why are you bringing forward these Bills?' Now, Sir, in all seriousness I would ask my honourable friends opposite who seem to have entered into a conspiracy of silence so far as this measure is concerned, except for raising certain points of order, who generally ask innumerable questions about the betterment of zamindars—this is the third stage of the Bill and yet my friends of the Congress benches have kept up a conspiracy of silence—I would ask them to forget for a moment to what community they belong and what particular interest they represent and to consider whether these *benami* transactions are legal or illegal, whether they are honest or dishonest, whether these things are done by scrupulous or unscrupulous people. If we are to accept my honourable

friend's amendment, then the House will be committing itself to the principle that whenever a wrong has been committed, whenever the terms of an Act have been evaded, then we should let those people take full advantage of law-breaking and should not bring forward any measure which tries to remedy the wrong that has been committed.

I am sure in this honourable House even my friend Rai Bahadur Mr. Mukand Lal Puri would not be so unfair and unjust as to subscribe to such a ridiculous proposition.

Mr. Speaker : He has given notice of an identical motion.

Raja Ghazanfar Ali Khan : I am sure after hearing my speech he will realise that he will not be doing credit or justice to himself or his constituents by defending the benami transactions. There can be two opinions about other matters, but about these benami transactions there can be no difference of opinion that they are illegal and immoral. I can quite understand there are certain people who do not consider the Alienation of Land Act as a proper piece of legislation, but so long as the Act is there and it has not been repealed and it remains the law of the land, we must respect it and unite in punishing anybody whoever he may be and may belong to any class, who tries to evade the provisions of the Act and who wants to take undue advantage of it. The House will, I trust, unanimously turn down this amendment which to my mind is unjust.

Dr. Sir Gokul Chand Narang : Punish the descendants of the wrong-doers, if it is a wrong.

Raja Ghazanfar Ali Khan : I want your ruling on the point raised whether the amendment moved by Sir Gokul Chand Narang does not go against the very principle of the Bill and whether it is not out of order.

Rai Bahadur Mr. Mukand Lal Puri : Sir, I sent a similar amendment to that which has been moved by Dr. Sir Gokul Chand Narang and I may state at once that there are really only two important points in the Bill which deserve the serious consideration of this House and these two points are one which is covered by this amendment and the other which is the subject matter of another amendment whether when dispossessing these alienees you ought to give some compensation or in other words, you ought to give them at least the compensation which is available to them even under the Alienation of Land Act, i.e., section 9. The other amendments are of smaller importance and these are the only two important amendments to which the House ought to devote its serious attention. Now Sir, in considering benami transactions one section of the House starts with the assumption that the benami transactions have always been illegal and dishonest, and therefore, if they were illegal and dishonest, to use the words of the Premier, we are doing nothing here except to punish the dishonest people. If that position were the correct position, there would be something to be said for the view which they are propounding. But let us see as to what a benami transaction is. Now, Sir, a benami transaction is well-known in legal circles and even before the British Raj and ever since the advent of the British administration into this country benami transactions have, always been recognized as perfectly legal and valid. It has been particularly noted that benami transactions are more prevalent in India than in other countries and these benami transactions have had

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the sanction of their Lordships of the Privy Council not only once but repeatedly from the earliest time up to the present day. Therefore any one who styles a benami transaction as illegal or dishonest is not stating what the law of the land has been or is to-day. That, Sir, is a clear well-defined position and an unassailable position. The second question is, assuming that the general benami transactions are not illegal and dishonest, are the benami transactions which are with respect to the Alienation of Land Act illegal or dishonest? That they are not illegal would be apparent from the fact that you are now legislating to declare them void. If they were illegal so far, it would not be necessary to have this legislation at all. For the first time you are trying to declare illegal what has so far been recognized as absolutely legal. That I respectfully submit is the position, otherwise there would be no *raison d'être* for the present legislation. As to whether these transactions are morally dishonest or as to whether they violate the spirit of the provisions of the Alienation of Land Act, I wish to submit, without entering into any detailed controversy—

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

Rai Bahadur Mr. Mukand Lal Puri : The question before the House is whether this Bill should have a retrospective effect and it has been stated before you that this should have retrospective effect, because these benami transactions are dishonest and I am going to show you that they are not dishonest. Therefore my submissions are relevant to the point which is being discussed. I submit that I do not wish to trouble the House with my humble opinion on the point, but I take leave to place before the House what one of the most distinguished judges of the Lahore Chief Court, himself a member of a notified agricultural tribe, a great supporter of the Punjab Alienation of Land Act, no less a person than the late Sir Mian Shah Din said about benami transactions in a case reported as P. R. 142 of 1907 when he was sitting in Division Bench with Sir Fredrick Robertson. This is what he said with respect to these benami transactions and I crave your indulgence for placing that opinion before you—

"All acts of the Legislatures are equally important and equally to be carried out by the judiciary. Here we have a mortgage perfectly legal on the face of it executed in favour of an agriculturist who seeks the aid of the court to enforce his rights as between him and the mortgagor. There is no infringement whatever of the Punjab Alienation of Land Act in granting the relief claimed. The object of the Act . . ."

He is referring to the Alienation of Land Act.

"is not to prevent money-lenders, non-agriculturists, from recovering sums justly due to them by an agriculturist by any legal means in their power and if they can induce an agriculturist to pay off a debt due to them and to take a mortgage of land from their debtors as security for himself, there is nothing in the Act to prohibit such a course. Indeed the object of the Act is attained rather than defeated by what has occurred here. Without the Act, Mool Chand, etc., non-agriculturist money-lenders would undoubtedly have taken the mortgage themselves and obtained possession of the land. The Act prevents this, though of course they could have taken a mortgage in one of the specified permissible forms. But Jahan Khan the plaintiff is prepared to lend the debtor Ali Khan the money necessary to pay off the money-lenders and to take the land in mortgage himself, he being an agriculturist and we are only asked to decree him relief. So far as the plaintiff Jahan Khan is the mortgagee, Jahan Khan asks for possession under his deed, he is entitled to it, and there is nothing in Alienation of Land Act or any other Act, which justifies in refusing him the relief to which he is legally entitled."

These transactions took place after the Alienation of Land Act came into force.

1 P. M.

At this stage the Assembly adjourned for lunch till 2-30 p. m.

The Assembly re-assembled at 2-30 p.m., of the clock. Mr. Speaker in the Chair.

Rai Bahadur Mr. Mukand Lal Puri: Sir, I was pointing out that in 1907 two Honourable Judges of the High Court, one of whom was the Honourable Mr. Justice Shah Din, observed as follows:—

Indeed the object of the Act is attained, rather than defeated by what has occurred here.

It is Punjab Record 142 of 1907. This decision has always been followed in later decisions and as the Premier is anxious to know those decisions. I would refer him to 1924, 6 Lah. L. J. 37 Ind. Cases 193 (Broadway, J.) and another judgment of 1927-28 Punjab L. R. 468 (Tek Chand, J.). Sir Alan Broadway observed in this judgment of 1913 as follows:—

Counsel (for Fateh Khan) admitted that his client had been released from all liability to Chet Ram and Sahib Dipta who now could not, in any circumstances, recover any money from him, but must look solely to Haider. That being the case the debt due by Fateh Khan... is now extinct, and that because Haider now is liable to pay it.... In these circumstances it seems to me that there has been no contravention of the provisions of the Punjab Alienation of Land Act. The only person who can advance any claim under the mortgage is Haider, and Chet Ram and Sahib Dipta can in no conceivable circumstances ever obtain possession of this land. If they did attempt to get possession they would be met at once by the Alienation Act. I must, therefore, hold that the mortgage is a valid one so far as this Act is concerned.

Again, the same matter was considered by Mr. Justice Chevis in 1927, when he observed:—

There is nothing illegal or opposed to public policy in a third party (being a member of an agricultural tribe) coming in and taking the land (of an agriculturist) on mortgage, undertaking in exchange to pay off the debts due by the mortgagor to a non-agriculturist).

Therefore, you would observe that it has not been so far considered in any case an evasion of the Land Alienation Act for an agriculturist to buy the land of another agriculturist, agreeing to pay off the debts of his vendor to the transferer and it would not in any case be illegal or improper for him to raise that money by taking a loan from the same person to whom the transfer was made or even undertaking to pay by instalments or even to pay from the produce of the same land. Therefore, I certainly wish this House not to start with the assumption that these past benami transactions were in any way considered to be improper by the courts. If that were the view which was taken by the courts of these benami transactions, did the Government of the day—the Executive—take any view different from these decisions? I respectfully submit that for the last thirty years no executive Government has taken any steps to get these decisions of the High Court over-ruled by the legislature by passing a new enactment. This is not a thing which is unheard of in the legislature. You are aware that during the last ten years whenever an interpretation has been given by the High Court which in the opinion of the agriculturists members of this House or

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the Government of the day has infringed the provisions of the Land Alienation Act — for instance the period for usufructuary mortgage in execution of a decree for money which is twenty years and for which there has been considerable discussion—the Punjab Government has stepped in to set that right and several enactments were passed to bring the law of the land into conformity with the opinion of the majority of the members of this House although that opinion was against the view which had been propounded by courts. What I want to emphasise is that with respect to these benami transactions not only were they treated as perfectly legal by the courts but the Government of the day never thought for a moment to call into question their legality or validity. If that be the state of affairs on the subject, does it lie in the mouth of the members of the Government or of anybody else to say that these transactions were tainted with dishonesty or that this legislation is only intended to affect those persons who acted dishonestly? If this legislation were confined to future transactions, if this legislation which for the first time declares such transactions to be void in future, were to apply to future transactions, I would understand the reasoning of the Government that those persons who in any way were party to the transactions in future would be evading the law and would be acting contrary to law, but how can you call those persons dishonest who before you pass this law acted in a manner which had been sanctioned by numerous decisions of the High Court extending over a quarter of century and which had also the support of the executive Government? Therefore, if you apply this Bill retrospectively you are certainly not aiming at dishonest transactions. These transactions were neither dishonest nor illegal when they were entered into, not are they so even to-day nor will they be void, until this Bill is actually passed into an Act. By this Bill, you are designating an honest transaction as void, and then trying to meet the consequences of your own action on the heads of innocent people. I, therefore, submit that it is not at all a case of punishing dishonest people, as alleged by the Premier so far as the retrospective application of the Act is concerned. It is not the case of punishing the dishonest but —

Mr. Speaker : The honourable member is saying the same thing over and over again.

Rai Bahadur Mr. Mukand Lal Puri : Well, I leave that point. Another point was made that the Bill, as it has emerged out of the Select Committee, is exactly the same as the Bill as it was introduced in the House. That is a point which has been placed before you. But the object of the Bill—

Mr. Speaker : The amendment under discussion is—

That in 13-A (1), line 4, the words "either before or" be omitted.

That is the motion now before the House.

Rai Bahadur Mr. Mukand Lal Puri : The motion before the House is the same that you have been pleased to read which means that the Bill be not applied with retrospective effect and I am only trying to meet the argument which was advanced by one of the speakers before you that the Bill was originally retrospective and the select committee has made no change by making it retrospective. What I was going to submit to you

was that the object of the Bill can only be ascertained from the language employed in the Bill itself and I respectfully submit to you—you being one of the oldest and ablest lawyers of this province—whether.....

Mr. Speaker : Was not this matter discussed yesterday ?

Rai Bahadur Mr. Mukand Lal Puri : This question was raised to-day though it was also referred to yesterday in a passing manner. A passing reference only was made. If there had been less interruptions I would have finished by this time but I do not propose to lose any opportunity, allowed to me under the constitution, of putting my views before the House, in spite of any interruptions. I am unfortunately used to interruptions and interruptions do not necessarily lead to expedition or saving of time. What I was submitting is this that the canon of interpretation of substantive statutes as distinguished from adjective Law is that a substantive enactment, unless specifically stated, is never retrospective in its operation.

Mr. Speaker : This argument was advanced yesterday.

Rai Bahadur Mr. Mukand Lal Puri : I wish to emphasise that point by reiterating that argument which I submit is unanswerable and has not so far been answered by any member who has supported the Bill. I have put before you the legal view about the validity of these benami transactions by quoting the opinion of the judges and the conduct of the executive. Let us, however, consider this case from the point of view of ordinary morality. Is this Act dishonest from the point of view of every day morality ?

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

Rai Bahadur Mr. Mukand Lal Puri : Is this act dishonest from the point of view of ordinary morality leaving aside for the time being the legal view which has been taken ?

Mr. Speaker : This point has been argued by Dr. Sir Gokul Chand Narang. I cannot allow his arguments to be repeated.

Rai Bahadur Mr. Mukand Lal Puri : Has it been argued ?

Mr. Speaker : Yes.

Dr. Sir Gokul Chand Narang : I argued this point but let him give new arguments in support of my arguments.

Rai Bahadur Mr. Mukand Lal Puri : Dr. Sir Gokul Chand Narang has been pleased to plead on my behalf. I want your ruling whether I should proceed with further arguments or the arguments already advanced would serve the purpose.

(Voices : Question be now put).

Rai Bahadur Mr. Mukand Lal Puri : Can I proceed ? I am entirely in your hands. If you think that sufficient light has already been thrown on the subject, I will obey your ruling.

Mr. Speaker : If the honourable member wishes to speak further, he may proceed.

Rai Bahadur Mr. Mukand Lal Pari : Supposing a member of the statutory agricultural tribe sells his land with a view to lead an extravagant life and sells it to another member of the statutory agricultural tribe there is nothing illegal in it, but in ordinary parlance we would not approve of it. Again one might say from the point of view of ordinary morality that he has not acted up to the highest standard. Supposing, Sir, he sells his land not to lead an extravagant life but with a view to pay the debts due from him, the debts which he incurred to purchase other land or property, would you consider his conduct to be immoral in any sense of the word? Certainly not, and supposing the person who purchased the land agreed to raise money from some non-agriculturists creditor, would you call it immoral? Certainly not. After all, what are these so-called *benami* transactions except the transactions of the kind which I have just now placed before you? Debt is due to a creditor. He wishes to realise his money and calls for the assistance of a member of the notified agricultural tribe who is permitted under the law to take land and with his assistance he is able to realise his money. Where is immorality in it? Therefore, let us not damn a person before hanging him. This is what is really being done. First you call these persons wrongly evaders of law and dishonest and then you rob them of their property. In every one of these cases the transferer has been a willing party. The member of the agricultural tribe has taken it willingly; the debt was due and it has been liquidated. Where is, I submit, the dishonesty? Where is the offence? You may say, we do not like this transaction, or you may say for certain reasons of public policy, we do not want to have these transactions in future. You are welcome to do so. Pass any law, enforce it with any rigour but you cannot call a simple transaction which has taken place under the shadow of law during the last 40 years as dishonest and illegal and try to expropriate those persons without paying them a single pie by way of compensation. Sir, these are my submissions against making the Bill retrospective. Another point which has just now been brought to my notice by Dr. Sir Narang and on which we were having discussion during luncheon interval with the Honourable Minister for Revenue is, is this Bill to be confined to setting aside dishonest *benami* transactions only or to set aside even alleged *benami* transactions which were *bona fide* and made with a view to discharge debts, which have long ceased to exist? Again there may be past transactions, in which on account of peculiar circumstances, no action may be called for. No discretion is given to the collectors to refuse to take action in suitable cases, for instance where one or more *bona fide* transfers for value have taken place. Thus the retrospective application of the Act is one of the worst features of this legislation and would cause great hardship and injustice to innocent people, would increase litigation and would unsettle titles settled long ago. I raise my voice in protest against this provision.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, my friend Dr. Sir Gokul Chand Narang's speech on this point lacks its usual eloquence and was somewhat laboured, and if I may be permitted to say so, some of his arguments were also specious. As you know he is one of the most eloquent speakers of this House, but over this particular amendment his speech was halting. I could see and every one on this side of the House

could see that he was trying to employ arguments—forced arguments—which could possibly be dragged into service for the purpose of making out a case somehow or anyhow (A voice : *مذکورہ لہجے عالم بالا معلوم شد* My honourable friend has quoted another Persian proverb and in his speech he also said : *غلط انعام صحیح* That is not correct. It is : *غلط انعام صحیح*

Therefore you cannot possibly convert a dishonest transaction into an honest one merely by using wrong proverbs. After listening to these speeches—eloquent and learned speeches—and the lawyerlike utterance of my learned friend, I as a layman, was at a disadvantage in following all this technical hair splitting; and I could only feel, after listening to them, that they were trying to confuse others in various parts of the House. I may remind them of the old saying that you can befool all people for sometime and some people for all time but you cannot befool all people for all time. (*Interruptions*). Now, Sir, let us come to the matter before the House. The honourable members have been trying to prove to this House that two and two are not four but five. They have been trying to prove that a dishonest transaction is not dishonest but it is an honest transaction. They have been trying to prove to us that those dishonest transactions are honest transactions. Now, Sir, what does this Bill seek to amend? It does not want to amend any provision of the Land Alienation Act which will go against an honest non-agriculturist. No. It merely, as I pointed out yesterday, seeks to amend the Act with a view to put a stop to the fraudulent transactions.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. That is not the amendment before the House. He says that this Bill seeks to put a stop to that so-called dishonest practice. My amendment is that the words "either before or" should be omitted. I am referring to the past.

Premier : I am referring both to the future and the past.

Dr. Sir Gokul Chand Narang : Future is not before the House.

Premier : If you do not keep the future before you, you cannot see the past in its true perspective.

As I was pointing out, the object of this Bill is to rectify those dishonest transactions which were made after the passing of the Land Alienation Act. All it seeks is to rectify those transactions which were real evasions of law during that period. Now, it is quite possible that very few of them may come to light and others may never come to light, but if they do come to light, the collector would go into them and make enquiries and set aside those transactions. That is the position. I will try to convince my honourable friends how you can call the transaction a dishonest transaction. When a man says that in lieu of the debts, instead of selling to him you sell the land to some other person, that is where the dishonesty comes in. (*Dr. Sir Gokul Chand Narang :* There is no such provision.) This is one of the arguments advanced by Mr. Puri. A non-agriculturist is at liberty to get on mortgage or on lease the land of an agriculturist for 20 years. There is nothing to stop him. Why should he not come forward in a straight manner and say, 'You owe me five thousand rupees. You

[Premier.]

must give me your land for 20 years and I will take as much advantage out of this land as I can.' But instead of that, another agriculturist tries to conspire with him and defraud the original vendor. He gets a pro-note from the second party and the transaction is complete. That is now known a *benami* transaction. Rule out the word '*Benami*'. We do not want that word. We should see that under this Act all fraudulent and dishonest transactions should be set aside.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. Again, the Honourable Premier does not seem to know what he is talking about. He is under the impression that there is some provision in the Bill which enables deputy commissioners to find out which is an honest and which is a dishonest *benami* transaction. There is no such provision. The law aims at setting aside all the *benami* transactions whether honest or dishonest.

Premier : What I have said is that the word '*benami*' need not be used. It is not used in any substantive clause. Remove it. That is what I was trying to point out to my honourable friend—who is very able and clever at confusing issues. I know perfectly well what this Bill is aimed at. The collector would go through all those transactions, whether you call them *benami* or from your point of view honest transactions and from my point of view dishonest transactions and evasions of the Land Alienation Act, and whenever there is an evasion of the Land Alienation Act, that would be called a fraudulent and dishonest transaction and it must be set aside.

Dr. Sir Gokul Chand Narang : Whether honest or dishonest?

Premier : If the transaction is honest it will not be a *benami* transaction.

Dr. Sir Gokul Chand Narang : Refer to the judgment of Justice Shah Din.

Premier : I am coming to that. My honourable friend has read a portion of that judgment and from that portion it was obvious that that transaction was not a *benami* transaction for the simple reason that it was the second party itself who owed those dues and the land was transferred to another agriculturist. How can that be a *benami* transaction? It is only those transactions in which the beneficiary is a third party that become *benami*. In this case the beneficiary is the agriculturist. Where does the *benami* come in? You only quoted an extract of that judgment. That is how you look at the provisions of this Bill. If there is a third party, a beneficiary, who is not an agriculturist, it is then and then only that the transaction can become *benami* or fraudulent. I do not think I
S.P.M. need take any more time of the House. I hope I have made myself sufficiently clear to at least those who tried to throw dust in our eyes. They need not wink or blink at it.

Mr. Speaker : The question is—

That in 13-A (1), line 4, the words "either before or" be omitted.

The Assembly divided - Ayes 10; Noes 81.

AYES.

Binda Saran, Rai Bahadur.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur, Lala.
Jagjit Singh, Bedi, Tikka.
Jugal Kishore, Chaudhri.

Mukand Lal Puri, Rai Bahadur Mr.
Narendra Nath, Diwan Bahadur
Raja.
Sita Ram, Lala.
Sohan Lal, Rai Sahib Lala.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzalsali Hasnie, Sayed.
Ahmad Yar Khan, Daulatana,
Khan Bahadur Mian.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Anjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar-Mohy-ud-Din Qadri, Mian.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.
Faiz Muhammad, Shaikh.
Farman Ali Khan, Subedar Major
Raja.
Fateh Jang Singh, 2nd-Lient. Bhai.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fateh Sher Khan, Malik.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bekhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Hussain, Khawaja.
Ghulam Mohy-ud-Din, Maulvi.
Ghulam Rasool, Chaudhri.
Gopal Singh (American), Sardar.
Habib Ullah Khan, Malik.

Haibat Khan Daha, Khan.
Hari Chand, Rai.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jagjit Singh Man, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Jogindar Singh Man, Sardar.
Karamat Ali, Shaikh.
Khizar Hayat Khan Tiwana, The
Honourable Nawabzada Major..
Kishan Das, Seth.
Manchar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Mazhar Ali Azhar, Maulvi.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Ashraf, Chaudhri.
Muhammad Hassan Khan Gurchani,
Khan Bahadur Sardar.
Muhammad Hayat Khan Noon,
Nawab Malik Sir.
Muhammad Hussain, Sardar.
Muhammad Hussain, Chaudhri.
Muhammad Nurullah, Mian.
Muhammad Qasim, Chaudhri.
Muhammad Saadet Ali Khan, Khan
Sahib Khan.
Muhammad Sarfraz Khan, Chaudhri..
Muhammad Sarfraz Khan, Raja.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Muhammad Wilayat Hussain,
Jeelani, Makhduzada Haji
Sayed.
Muhammad Yasin Khan, Chaudhri.

Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Sham Lal, Rai Bahadur Chaudhri.
Muzaffar Khan, Khan Bahadur Nawab.	Sikander Hyat-Khan, The Honourable Major Sir.
Nasrullah Khan, Rana.	Singha, Mr. S. P.
Naunihal Singh, Mann, Lieutenant Sardar.	Sumer Singh, Chaudhri.
Pir Muhammad, Khan Sahib Chaudhri.	Sunder Singh Majithia, The Honourable Dr. Sir.
Pritam Singh Siddhu, Sardar.	Suraj Mal, Chaudhri.
Ranpat Singh, Chaudhri.	Talib Hussain Khan, Khan.
Sahib Dad Khan, Khan Sahib Chaudhri.	Tara Singh, Sardar.
Shahadat Khan, Khan Sahib Rai.	Tikka Ram, Chaudhri.
Shah Nawaz, Mrs. J. A.	Ujjal Singh, Sardar Bahadur Sardar.
	Wali Muhammad Sayyal Hiraaj, Sardar.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): I beg to move—

That in line 8 of 13-A (1) for the word "an" the words "the same" be substituted.

I need not detain the House very long in making a speech and commending this amendment to the House. The object of the amendment is only to put the provision on a proper basis.

Mr. Speaker: Clause under consideration, amendment moved—

That in line 8 of 13-A (1) for the word "an" the words "the same" be substituted.

Pir Akbar Ali: I do not see the advisability of the amendment. I submit that this amendment if accepted will create some difficulties. It is therefore, better to retain the word 'an' as in the Bill.

Raja Ghazanfar Ali Khan: If the word 'an' is allowed to remain there, then I submit that the words 'or of a tribe in the same group' will become absolutely meaningless, because the clause would read "to a member of an agricultural tribe." Then where is the question of group? It is only by substituting these words that the clause will read properly.

Mr. Speaker: Question is—

That in line 8 of 13-A (1) for the word "an" the words "the same" be substituted.

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): I beg to move—

That in line 12 of 13-A (1) between the words "transaction" and "shall" the word "if more than 20 years old" be inserted.

My ground, for moving this amendment are these. As under the ordinary law it is permissible to a non-agriculturist to take an agriculturist's land for 20 years on mortgage or lease or farm, it does not militate against the spirit of the Land Alienation Act if a transaction which is objected to on the ground of its being benami is allowed to stand for 20 years. I need

not go again into the arguments which I have already submitted to this House. But it is obvious that if by the ordinary law or by the law under which this Bill is being brought before this House it is permissible to do a thing it does not become invalid, immoral or dishonest if the same object is achieved by another method. Now, supposing those people were mistaken in thinking that *benami* transactions were valid and they entered into those transactions, they did not commit any sin and if this law requires that any evasion of law should be rectified even at this late stage after 87 years, not the letter of the law but the spirit of the law should be taken, because the letter killeth and the spirit giveth life. The Honourable Premier said, "well what was there to prevent an honest mortgagee or an honest moneylender to take a mortgage for 20 years from an agriculturists?" That would have been a straight forward course. But he overlooked the fact—he will again perhaps say that my reasoning was halting and so on—if he does not pay attention it is not my fault—but he overlooked the fact that the mortgagee or the *benami* vendee thought that his debt would not be satisfied even to a fraction unless the mortgage was for a longer period or was without any fixed time or it would not be satisfied unless a sale of the land was executed and if the person who is prepared to sell, if the person who is the debtor is prepared to convey any sale or any long term mortgage or a mortgage without a specified time, can it be said that the man who takes the mortgage or stands to gain by the mortgage or by the sale has acted dishonestly? These gentlemen have got only one thing to say, 'dishonest, dishonest, dishonest' and they repeat the same every day as if every non-agriculturist is dishonest and every agriculturist is a model of virtue and piety and righteousness. (An honourable member: No.) If you sincerely say 'no,' then why are you going to punish the honest with the dishonest? I pointed out at the time at the risk of interrupting my honourable friend, the Premier, that he was under the impression that there was a provision in the Bill making a distinction between an honest transaction and a dishonest transaction. If that were so, I certainly would keep quiet and would not take one minute of the time of this House. I would perhaps then support the Bill because I am not here to support dishonest moneylenders or dishonest dealers. I am here to defend those who are honest, who entered these transactions in a *bona fide* spirit with the full and enlightened concurrence of the man whose land was taken either in sale or in mortgage.

What is the reason for punishing these people? There is another presumption which the Honourable Premier and some of his redoubtable colleagues are making and that presumption is that every *benami* transaction is dishonest, every evasion of any statutory law is dishonest. If they really think so, I pity their ignorance, because an evasion of law in itself is not dishonest necessarily. It may be dishonest, it may not be dishonest. It depends upon the circumstances. The dishonesty lies in this that a man whose land is being taken was incapable of looking after himself and guarding his own interests and advantage was taken of his ignorance of law and the ordinary rules of business and his property was taken away from him. But is there any provision in this Bill which says that operation of this Bill should be confined only to those cases where an undue advantage was taken of the ignorance or helplessness of the person whose land is involved in this.

[Dr. Sir Gokal Chand Narang.]

transaction. If there was any such provision no one would object. People would be satisfied, but the fact is that you want to hang every one, as they say in Punjabi, with the same rope. Whether a person is honest or dishonest, you want to hang him with the same rope and you would permit me if I now drift from English into Punjabi.

(Punjabi) : Sir, I wish to say a few words in Punjabi for the benefit of my honourable friends who are not acquainted with English and consequently the English speeches delivered on the floor of the House must have left them no wiser than they came here. I would not have proposed to speak in Punjabi but for the painful fact that the present Bill has got far reaching effects and is going to prove a death warrant for a large number of inhabitants of this province. It would be a thousand pities, therefore, if some of my friends should remain ignorant of the *pros* and *cons* of the Bill simply because they do not understand English. I want these honourable members who are occupying the benches on my left hand side to realise what they are going to vote for. Coming to the facts, I may observe that the object of my amendment is simply this that only those *benami* transactions should be declared void which are more than 20 years old.

Mr. Speaker : The honourable member may not be out of order, but it does not look well that after having almost finished his speech in English he should re-start it in Punjabi.

Dr. Sir Gokal Chand Narang : During the time of Mr. Casson and I believe even in your time under the old constitution, I remember, there were instances where a member during the same opportunity that he had of speaking, spoke in two languages. Of course it would be different if I repeat what I have already said in English. Certainly I do not claim the right of translating my speech.

Mr. Speaker : There is nothing in the rules or standing orders which stands in the way of the honourable member making half of his speech in English and the remaining half in Urdu or Punjabi; but I do not consider it desirable that after the completion of his speech in English he should start repeating it in Punjabi or Urdu.

Dr. Sir Gokal Chand Narang : I want particularly to speak in Punjabi for the benefit of the people on this side.

Mr. Speaker : The honourable member could address the House in English or in one of the recognised vernaculars of the province. He preferred to speak in English and has almost completed his speech. Now in the interest of those who do not understand English, he has started to speak in Punjabi. This means a second speech. Therefore, I request him to finish his speech in English.

Rai Bahadur Mr. Mukand Lal Puri : Are there any rules for interpreting speeches at all from English into vernacular? In the old Council we used to have interpreters at one time.

Mr. Speaker : There is a rule but it is not acted upon.

Rai Bahadur Mr. Mukand Lal Puri : Has it been suspended?

Mr. Speaker : The rule is there, but has not been acted upon for a number of years.

Rai Bahadur Mr. Makand Lal Puri : What is the present policy? Would you permit such translation?

Mr. Speaker : I have expressed my view and will express it again if and when necessary.

Dr. Sir Gokul Chand Narang : Sir, if you desire that nothing should be said in the Punjabi language for the benefit of the honourable members sitting on the back benches I am prepared to resume my seat.

Sir, in a nut shell my position is this. The Bill under consideration makes no distinction between a fraudulent transaction and a *bona fide* one. All I seek is that the Unionist Government should be prevailed upon to recognise some distinction between honest and dishonest transactions. If that is done, I for one will have no objection to the Bill.

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

In line 12 of 13-A (1) between the words "transaction" and "shall," the words "if more than 20 years old" be inserted.

Parliamentary Secretary (Mir Maqbool Mahmood) (Urdu) : Sir I am greatly surprised to note that my learned friend Dr. Sir Gokul Chand Narang should have sought to patch up his speech with such flimsy arguments as he has done to-day. In fact he has propounded a grotesque theory that if the culprits, say in the *benami* transactions, have not been able to go on evading the law of the land for a long term of 20 years, they should be permitted by the State to carry on their nefarious business unmolested and may be brought to book only when they have completed 20 years in committing this fraud on the public. With due deference to the honourable and learned Doctor I wish to ask one question from him. Will not this theory, if put to practice, reduce the law which can be violated for full 20 years, to mere mockery? And what will the people say about the competence of that State which allows its laws to be infringed continuously for a term of 20 years? No person with an iota of sense in his head can be a party to such arguments as my honourable friend opposite has advanced to-day. Instead of saying that we should try to nip the evil in the bud, the learned Doctor over there, wants us to allow it to flourish and bear fruit to please the moral sense of this novel moralist and a strange jurist. What aggravates his position is the second objection which my honourable friend has raised against the Bill. He argued that when these *benami* transactions were tolerated by the previous Government, why should the present Government pronounce them to be evil and void? Let me inform the learned Doctor that the legal conscience and the sense of morality grow and develop in this world and do not remain static and stagnant like his own. The whole history of ethics is replete with such examples, but let us not go far in search of one. Only a few years back it made the people shudder at the very idea of bringing under control the exorbitant rates of interest which were in vogue in this very province, and if I mistake not, no less a person than my honourable and learned friend Dr. Sir Gokul Chand Narang himself got up to oppose such a proposal that was discussed in our old Council and declared that none should dare touch and pollute with his impure hands the usurious rates charged by the money-lenders in this province.

Dr. Sir Gokul Chand Narang : It is absolutely wrong.

Parliamentary Secretary : Again, till very recently the theory of *damdupat* was not acceptable in our own province but now public opinion has outgrown its infancy and it regards this to be an inhuman and heinous crime to charge a debtor more than double the amount of the principal that was originally lent to him. I need not tell my honourable friend and the learned Doctor that the various evils that remained hidden in the chimerian darkness till recently, are now coming to light in their most detestable and horrible form.

I am constrained to remark that this Bill neither goes against the law of the land nor does it offend public opinion which is developing very fast in this country. I think that if a thing was permitted or tolerated two or three years ago it should be done away with now. If I am not wrongly interpreting public opinion, this Bill is a praiseworthy effort on the part of Government. Any way you cannot lay the whole blame on the shoulders of the Government for introducing this measure. As I have already said public opinion is responsible for its introduction.

The matter now before the House is that if such transactions are being carried on which are mentioned in this Bill, they should be stopped at once. I would also submit that if an evil deed is continuously committed for 20 years it cannot by any stretch of imagination be called a praiseworthy act. An evil is an evil for all times. My learned friend has remarked that a transaction which is bad in principle, but is not 20 years old, should not be declared void and that transactor should not be brought to book. I would request my honourable friend to give his serious attention to this matter once again and that he should not press this amendment.

Besides, it is admitted by my friend opposite that the Land Alienation Act was framed for safeguarding the interests of those who were not capable of protecting their own interests.

Rai Bahadur Mr. Mukand Lal Puri : May I ask which amendment my friend is discussing now ?

Parliamentary Secretary : I regret to find that the simple point raised by me have pinched my honourable friend so much. Mr. Speaker, I beg to submit that the amendment moved by my learned friend Dr. Gokul Chand Narang should be considered dispassionately. The object of this amendment is that a person who in open violation of the Land Alienation Act gets hold of some poor zamindar's land, through a *benami* transaction may be permitted to hold it for 20 years. But my submission is that he could get a mortgage on that land and if he has not done so he has acted against the law and perpetuated a fraud.

I admit that in enacting such laws some sort of harshness is inevitably exercised. But it is for the House to see whether these are the same persons who have flouted the provisions of the Land Alienation Act by transacting *benamis*, that have been harshly dealt with. Is it not just that some of these oppressors of the poor agriculturists be treated with some severity rather than prolong the misery of thousands of their victims ?

My submission is that if this amendment is accepted we will be abetting this crime. During the discussion on this amendment my learned friend has remarked that a *benami* transaction is lawful and that the *benamidar* should not be deprived of the benefits of that land for 20 years. My submission is that under section 66 of the Civil Procedure Code, a civil court is entitled to interfere if it is proved to its satisfaction that the transaction was a fraudulent one. The *benamidars* could have obtained a mortgage for 20 years if they had so desired but since they have failed to do so and got the land transferred to them by means of a *benami* transaction they are guilty of deception and fraud. When my honourable friend Dr. Gokul Chand wants to extend the period during which the *benamidar* may remain in possession of the land to 20 years, he is lending his support to the injustice that is being perpetrated on the poor zamindars, for whom the opposition is never tired of showing great concern.

Dr. Sir Gokul Chand Narang got up to oppose such a proposal that was discussed in the old Council and declared that none should dare touch and pollute with his impure hands the usurious rates charged by the money-lenders in this province.

Dr. Sir Gokul Chand Narang : It is absolutely wrong.

Rai Bahadur Mr. Mukand Lal Puri : On a point of order. Is the speech, that has been made so far, relevant to the amendment which is before the House ? I have raised the objection after listening for nearly ten minutes.

Mr. Speaker : ' Relevancy in debate ' is rather an elastic expression. (*Laughter*). An able lawyer can make any irrelevant thing relevant. The honourable member, who is now questioning the relevancy of the Honourable Mir Maqbool Mahmood's speech, has often been considered irrelevant ; but on his convincing me on certain occasions that he was relevant, I had to change my view and give him full latitude to make his speech. I think Honourable Mir Maqbool Mahmood is quite relevant.

Rai Bahadur Mr. Mukand Lal Puri : May I with due respect say that whatever your decision may be with regard to the relevancy or otherwise of the speech, your observation about my conduct was out of question.

Mr. Speaker : The observation I have made is favourable rather than adverse. After I have given my ruling the honourable member has no right to make comments on it. May I ask which amendment is under discussion ?

Rai Bahadur Mr. Mukand Lal Puri : The amendment is confined to a very small matter. It is—

That in line 12 of 13-A (1), between the words " transaction " and " shall " the words " if more than 20 years old " be inserted.

I must of course bow to the ruling of the Chair. I, however, want to give my personal explanation.

Mr. Speaker : No personal explanation is needed. The honourable member has not done or said anything which requires personal explanation.

Rai Bahadur Mr. Mukand Lal Puri : I have been held out by you to the whole province that I was irrelevant.

Mr. Speaker : Order, order. I did not mean disparagement in the least. On the other hand I have admired the honourable member as an able lawyer and speaker.

Rai Bahadur Mr. Mukand Lal Puri : I have got the greatest respect for you but I want an opportunity to—

Mr. Speaker : Order, order. If the honourable member rises again I shall have to expel him.

Rai Bahadur Mr. Mukand Lal Puri : In order to avoid—

Mr. Speaker : I direct the honourable member to leave the House.

Dr. Gopi Chand Bhargava : I rise to a point of order. When you gave your ruling the honourable member stood up just to explain.

Dr. Sir Gokul Chand Narang : Have you asked Mr. Puri to go out ?

Mr. Speaker : I told him not to rise again. He rose and I have asked him to leave the Chamber.

Dr. Gopi Chand Bhargava : I was submitting that you had given a ruling but he did not rise to raise any objection against your ruling. He only stood up to explain what he understood.

Mr. Speaker : I told him expressly and repeatedly that he had not broken any rule nor done anything which required personal explanation. On the other hand I told him that he had been very ably making irrelevant things relevant, as an orator and an able lawyer and that I admired his speeches. Once or twice I thought that he was irrelevant. I called him to order. He explained his point of view and I was satisfied. Where was the necessity of rising against the express order of the Chair ? I told him last time to stop rising and that if he rose again I shall have to expel him, but he disobeyed me and rose again. What could I have done under these circumstances ? (*Dr. Gopi Chand Bhargava rose from his seat*). I cannot allow any further discussion. I have given my ruling and taken the action that I could take. So the matter ends. Let us now proceed with the amendment. (*Sardar Sampuran Singh rose from his seat and wanted to address the Chair*). I am not going to listen any more on my ruling or action.

Sardar Sampuran Singh : You have put a question.

Mr. Speaker : I have not.

Sardar Sampuran Singh : You have.

Mr. Speaker : If the honourable member again speaks in that tone, I shall be compelled to ask him to leave the Chamber.

Sardar Sampuran Singh : You can turn the whole House out in this way.

Dr. Sir Gokul Chand Narang : Will you kindly ask Rai Bahadur Mukand Lal Puri to come back ?

Mr. Speaker : If he will apologise when he comes back, I shall allow him to return. (*Hear, hear*).

Dr. Gopi Chand Bhargava : I shall be the last person to question your ruling. You have found during the last fifteen months that I have never questioned your ruling. Therefore, I did not rise to question your ruling at all. I only stood up to invite your attention to one very important point and that is that the honourable member whom you have named only stood up to explain what he understood. You were pleased to say that you did not make any disparaging remarks. He again stood up to explain and you asked him to go out.

Mr. Speaker : The honourable member is omitting a very important link of the chain. I concede that the Honourable Mukand Lal Puri got up each time to give a personal explanation. But I assured him more than once that no explanation was needed, as he had committed no irregularity or done anything which required a personal explanation. However, he again got up. Upon this I told him for the last time that if he rose again, after my express orders, I shall be compelled to expel him from the House. Despite this, he got up again and thus compelled me to do what I did against my will.

Dr. Gopi Chand Bhargava : It is quite possible that he might have risen to raise another point of order. (*Voices :* Same point again and again).

Premier : There seems to be some misunderstanding. As a matter of fact I do not think that my friend Mr. Mukand Lal Puri wanted to disobey your orders. As a matter of fact what he said was that he wanted to make his position clear that he would not in any way challenge the ruling. That is what he wanted to say. But you probably misunderstood his action and thought he was going to flout the ruling of the Chair. That was not his intention at all. He merely wanted to say that he did not mean any discourtesy to the Chair and he did not want to flout your ruling. He merely wanted to express regret about what had happened.

Mr. Speaker : May I ask one thing? Can any honourable member of the House deny that I repeatedly told him to resume his seat?

Premier : That is true.

Mr. Speaker : Did I not last time say that if he again rose against my order, I shall expel him from the House?

Premier : Exactly.

Mr. Speaker : Did he not get up again? That is the point.

Lala Duni Chand : He never realised that you were on the point of expelling him. (*Voices :* Order, order).

Mr. Speaker : If he apologises for disobeying the Chair, he may come back.

Premier : You are perfectly correct.

Mr. Speaker : If I am perfectly correct then I would request the honourable members to proceed with the business of the House.

Premier : He did not get up in any way to flout your ruling. He wanted to explain that he did not wish to flout you.

Lala Deshbandhu Gupta : I respectfully submit that although the Chair has got very wide powers I do not think the Chair meant that the member who had been asked not to rise, was not to rise on any other point. It was after all in a certain context that you asked him not to rise.

Mr. Speaker : Is the honourable member sure that he had another point in his mind ?

Lala Deshbandhu Gupta : You have yourself admitted that you were not sure what was passing in his mind when he rose. That is exactly my argument. The gentleman had risen not to disobey or challenge your orders. There is a genuine misunderstanding and I would request you to revise your decision.

Mr. Speaker : Is he prepared to come and make a statement in the House that he got up for such and such purpose and not to discuss the same point ?

Premier : I think we had better proceed with the business. If he comes and gives an explanation I think you will allow him to come.

Mr. Speaker : The question is—

That in line 12, of 13-A (1) between the words "transaction" and "shall" the words "if more than 20 years old" be inserted.

The motion was lost.

Diwan Bahadur Raja Narendra Nath (East Punjab Landholders) :
Sir, I move—

That in lines 12—16 of 13-A (1) the words "void Act" be omitted and in their place the following be substituted :—

"Valid only for 20 years from the date of transfer, and the alienor shall be entitled to possession of the land so alienated after the lapse of 20 years."

My argument is the same as was that of Dr. Gokul Chand Narang. The only difference is that I do not want that at the very outset the period of possession of the alienor should exceed the limit of 20 years. All I want is that the period of his possession may be allowed to be within 20 years and I am quite prepared to accept any amendment that may be proposed by the sponsor of the Bill with a period fixed to be less than 20 years after such enquiry as the deputy commissioner or the collector may make.

Mr. Speaker : Question is—

That in lines 12—16 of 13-A (1) the words "void Act" be omitted.

The motion was lost.

Dr. Sir Gokul Chand Narang : Sir, I beg to move that—

In lines 12-13 of clause 13-A (1) the words "for all purposes" be omitted.

I want to make my friends understand the purport of my amendment. If my amendment is not carried, it means that all sales or mortgages effected by agriculturists in favour of non-agriculturists would in the long run be declared null and void and agriculturists would be the losers in all transactions. I submit that if my agriculturist friends look at my amendment minutely and thoroughly they would surely find it more useful for themselves. But I know they are impatient and they would not listen to me. (Cheers). We, who are sitting on these benches have always kept in view what is just and equitable and always tried to save poor people

from unjust persons. If the words "for all purposes" are not omitted, it means that these words will affect even the 10th sale. If a *benami* sale passes through the hands of even 10 persons it would remain a *benami* transaction and the provisions of the proposed clause would apply to it. It was enacted in 1901 that a non-agriculturist cannot obtain land by sale from an agriculturist and whatever transfers of land have since taken place they have all been made in favour of agriculturists. I would challenge you to look-up the sale deeds and mutation registers of such sales and you would find that the statement made by me is absolutely correct.

If my amendment is accepted and these words are omitted then the agriculturists would gain a lot because the existing sales in the name of agriculturists could be cancelled and declared void and thus this clause would not effect the non-agriculturists. My friends on the left are becoming impatient but I would like them to keep this fact in mind that so far as sales under the Land Alienation Act are concerned the agriculturists alone could gain by them and as much as every sale would be effected in their favour as it has been done previously. I leave this matter in their hands and do not propose to labour that point more. I wanted to place the defect of this clause before the House and that I have done.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 12 and 13 of 13-A (1), the words "for all purposes" be omitted.

Rai Bahadur Mr. Mukand Lal Puri : Before you proceed further, I should like to explain myself. I did not intend to question your ruling. I was misunderstood by you.

* r. m.

I only wanted you to make clear certain observations made by you which I thought were a reflection on me. I did not at all wish to question your ruling.

Mr. Speaker : The honourable member wanted to give a personal explanation which was not needed and I repeatedly requested him not to do so, otherwise the honourable member had not done or said anything objectionable. I also had not passed any adverse remarks. On the other hand I had praised his ability as a sound lawyer and good speaker.

Rai Bahadur Mr. Mukand Lal Puri : I may assure you that I had no intention of disobeying your orders.

Mr. Speaker : I accept the honourable member's explanation. I have a great respect for him as one of the ablest members of this House and I am very glad that he has explained himself so candidly and clearly.

Chaudhri Ram Sarup (Rohtak Central, General, Rural) (Urdu) : Sir, I do not wish to make a long speech and would have made none at all but for the very provocative remarks that my honourable friend Sir Gokul Chand Narang has made during the course of his speech. The object of his amendment is that the Unionist Government should adopt a double policy and deal with the agriculturist offenders leniently and treat the non-agriculturists harshly. This lesson has been given to us by him in the garb of a moral preacher while it is clearly an attempt on his part to make us dishonest. That is what I have been able to understand from his speech. He means to teach us unfairness and dishonesty.

Dr. Sir Gokul Chand Narang :

پوزن پتھر سوجہ پر ایسی نم سوجہ تو کیا سوجہ

Chaudhri Ram Sarup : What exactly the learned Doctor wants is that the Government should give commendations to those agriculturists who entered into *benami* transactions and will have now to give up the land in question. He argues that these agriculturists are our own brothers in profession and exhorts us, therefore, to show them a favour which we are not offering to the non-agriculturists. Let me assure my honourable friend that the Unionists will treat the agriculturists and non-agriculturists alike. The learned Dr. Sir Gokul Chand Narang has preached dishonesty in the garb of honesty. I am sorry he has thought it fit to stoop so low. I request him even now to follow the right path and support us instead of supporting an unfair and unjust amendment.

With these few words, Sir, I oppose the amendment which my honourable friend Dr. Sir Gokul Chand Narang has moved just now.

Diwan Bahadur Raja Narendra Nath : Sir, my only submission in this connection is that the words "for all purposes" serve no useful purpose here. I admit no harm will result if we retain them. But it is no use retaining them. That is all I have to say. (*Pir Akbar Ali :* What is the harm if we let these words remain as they are?).

An Honourable Member : The question be now put.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That in lines 12 and 13 of 13-A (1), the words "for all purposes" be omitted.

The motion was lost.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu) : Sir I beg to move—

That in lines 13—16 of 13-A for the words "and the alienor.....Act" the following be substituted:—

" Provided that in cases, which appear to him just and equitable for compensation, the Deputy Commissioner shall have the power to determine the amount of compensation and order restoration of land to the alienor subject to the payment on easy yearly instalments of such compensation as determined considering all the circumstances and in the event of alienor refusing to make payment of compensation within the time fixed by Deputy Commissioner or failing to pay two successive instalments, the beneficiary may retain or obtain the possession of land for such term not exceeding seven years as the Collector may decide and after the expiry of the term so fixed the land will revert to the alienor free of all liabilities."

My submission is that since yesterday discussion is going on on this very clause and many other clauses have been disposed off. Whenever any honourable member rises to speak in support of the Bill from the Treasury Benches, he usually turns his attention towards us and questions us as to what is the position of the Congress as regards this Bill. The manner in which they express their ideas and the meaning they convey thereby

goes to show that it is the object of the Government to know the exact position of the Congress regarding the Bills that have been introduced in this session. But as I stated the other day in connection with another Bill, in the same manner I would like to express my view point regarding the Bill now before the House.

I may submit that I have moved my amendment with a view to clear the position of the Congress. The All India Congress stated it very clearly in its election manifesto that its representatives would go to the provincial Legislative Assemblies for safeguarding the interests of the poor people, whether they be agriculturists or non-agriculturists. Keeping this election manifesto of the Congress in view I submit my amendment before the House.

It has been stated on the floor of this House that *benami* transactions are fraudulent and false and they are merely done in order to violate the provisions of the Land Alienation Act. I admit that as far as the infringement of the Land Alienation Act is concerned, these *benami* transactions are not transacted in accordance with the provisions of the said Act. That is why they are called dishonest transactions. But the question is whether the person who has entered into this transaction has paid any money or not. I would like to invite attention of the House to this point.

My submission is that if anybody has made a *benami* transaction, he should pay the penalty for it, and the penalty is being imposed by my honourable friends opposite. They have provided that anybody who has made a *benami* transaction before or after the commencement of this Act shall be void and illegal for all purposes. I may submit that the punishment should not be of a vindictive nature and should not be out of proportion to the offence of the *benami* holder. Apparently the object of this Bill is to nullify the covenant that is entered into by this transaction. I, therefore, wish to say a few words regarding money which an alienee has paid to alienor in a *benami* transaction. As my friend Mr. Maqbool Mahmood has pointed out, whenever any new law is framed the changing notions of society are kept in view. So it is necessary that we should keep this principle in view when we take this Bill into consideration. I may submit that when any amendment is to be made in any Act, then the mutual relations of the different sections of society should be kept in view. Just for the sake of benefitting the rich people the poor people should not be deprived of their money and power should not be used in order to rob the money of the poor alienee without giving him any compensation. In this respect I would like to make the position of the Congress clear and it is this, that we do not wish to take the property of a person without giving him any kind of compensation to which he is entitled and we are of opinion that the property can only be restored to the original owner on payment of compensation which the alienee demands. I have submitted my suggestion that whenever any *benami* transaction case comes before a deputy commissioner and any body admits that that *benami* transaction was made in his name, the deputy commissioner would be empowered to reject his contention on the ground that he had received sufficient compensation or he could decide otherwise as the case may be. And if he has received no money then he

[Dr. Gopi Chand Bhargava.]

should be entitled to have some benefit for the money he has lent to the alienor. But if the alienee has received any sum, which as in other provinces falls under the *dandapat*, then he should receive nothing and the *benami* transaction should be declared null and void. If the alienee has received no money, then the deputy commissioner should have the power to determine compensation to the alienee, provided the case appears just and equitable to him for compensation. But if the case is otherwise, then the alienee should be punished and in my opinion his punishment should not exceed the intensity of his offence. The utmost punishment should be such which should bring the offender round and which should deter him from indulging in that kind of transaction again. In my opinion the punishment which I think to be sufficient is that the sum which the alienee has received should be deducted from the sum which he is to receive. If my honourable friends think that this compensation is excessive I would request you to fix any kind of limit. My amendment empowers the deputy commissioner to decide what amount of compensation would be given to the alienee. The utmost limit can also be fixed beyond which no deputy commissioner would be empowered to decide.

Again if the alienor decides to pay up his debt at once, he is entitled to do that. If he decides to pay it back in instalments he should pay up the debt in that way. If the alienor does not pay up his debt, then just as lands in *mustajari* are held, in the same way the alienee should be entitled to benefit by the land for not more than seven years. This is what is meant by this amendment. Just as in the Usurious Loans Act the lender is not entitled to get more interest than is fixed in the Act, in the same way I have empowered the deputy commissioner to determine the amount of compensation to be given to the alienee. For this purpose I have fixed that such limit should not exceed 7 years, in order that the alienee may get something back for his own money. My submission is that the proposal of my friends opposite means that anybody who has power, can do according to his own will and can take the law into his own hands. My honourable friends opposite have been citing the examples of other civilized countries of the world and they declare from housetops that they are doing in that very way. But my submission is that my friends cite examples only but do not follow them. It is always said that they have great regard for the poor. May I enquire whether this is the way of serving the poor? It is quite apparent that the wish of my honourable friends is only to benefit the rich landholders at the expense of the poor cultivators. The present Government is composed of the rich zaminders only and I wish that they had some regard for the poor people as well.

It is said that the *benamis* are fraudulent. True. But may I ask how it is dishonest to claim a compensation for the actual money paid by alienee? I suggest that when any *benami* holder admits the transaction to be a *benami* one and also admits the account and thus when evidence is just and equitable, then the alienor shall have to give him compensation. If he refuses to admit before a deputy commissioner that a *benami* transaction has not been made in his favour, I am not prepared to give him any relief or protection.

I beg to submit that the amendment moved is a very proper one and in my opinion it does not go against the basic principles of any of the laws that have been enacted since the formation of civilized society. But it will not be fair to let it fall only on the score that it has been moved by the Congress and that if the Government were to accept it they will be discredited for doing so and their prestige will suffer. If you refrain from doing justice because of this line of argument and say that the Government are not prepared to accept it you will be guilty of rank injustice.

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

That in lines 13—16 of 13-A for the words "and the alienor.....Act," the following be substituted:—

" Provided that in cases, which appear to him just and equitable for compensation, the Deputy Commissioner shall have the power to determine the amount of compensation and order restoration of land to the alienor subject to the payment of easy yearly instalments of such compensation as determined considering all the circumstances and in the event of alienor refusing to make payment of compensation within the time fixed by the Deputy Commissioner or failing to pay two successive instalments, the beneficiary may retain or obtain the possession of land for such term not exceeding seven years as the Collector may decide and after the expiry of the term so fixed the land will revert to the alienor free of all liabilities."

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (Urdu) : Sir, it is a well-known fact that the *benamidars* violate the law of the land and if as is proposed in the amendment they are given any compensation they will be encouraged to intensify their unlawful activities. There is the danger of even the zamindars following in their footsteps. By letting a law-breaker go scot free you are setting a bad example. The practice of *benamis* is already ruining a number of zamindar families.

My honourable friend Dr. Sir Gokul Chand Narang remarked just now that even if the land was transferred ten times, it ultimately remained in the possession of zamindars. Indeed it does remain in the possession of zamindars but during that time ten zamindar families are ruined whose blood is drained by the *sahukars*.

A *benamidar* ruins, as I have already said, at least ten families of zamindars. For instance, A is a *sahukar* and B is his debtor. Now C is a good zamindar and the *sahukar* A gets B's land transferred in C's favour. In the first instance, the *sahukar* does not ask for any bond but later on he says to C: "Supposing you die or I die to-morrow, it is just possible that your sons refuse to recognise our arrangements about this land, why not reduce the agreement to black and white saying that you are tilling my land." That done, C who had written that document gives all the produce of that land to the *sahukar*. But if next year crops fail, the *sahukar* charges C with malpractices and gets back the land from him. The inevitable result of the whole affair is that the written bond ruins the zamindar. Now the *sahukar* goes to another zamindar and entraps him likewise. Thus this tragedy is repeated many times... To whomsoever the land goes, he is ruined and the *sahukar* chooses another victim to squeeze out his blood. I hope that my honourable friend Dr. Sir Gokul Chand Narang will now see the truth of my statement that the *benami* land ruins ten zamindar families. The land remains in the possession of zamindars but what is the use of that land to the zamindar whom it ruins in the end? It is clear, therefore,

[Ch. Ali Akbar.]

that the mal-practice of *benami* goes on and the law continues to be broken. The zamindars are crushed in this way. It is high time that Government did something to put a stop to *benamis* at once. Should the Government postpone it for six months several zamindar families will come to grief.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural), (Urdu) : Mr. Speaker, my friend Mir Maqbool Mahmood expressed his surprise on the attitude of the Congress party in support of the capitalists and money-lenders who had evaded the provisions of the Punjab Alienation of Land Act. As for myself I am neither surprised nor perturbed over the attitude of my friends sitting opposite. As a matter of fact, I had anticipated that our Congress friends will not be able to resist the temptation of supporting the cause of their first love, the *bania*, however unreasonable that cause may be. The amendment moved by the Leader of the Congress party has fulfilled my expectations. Dr. Gopi Chand Bhargava's amendment provides that when the collector finds that a particular alienation of land was a *benami* transaction and such transaction was made to evade the provisions of the Punjab Alienation of Land Act, he may order the restoration of land to the alienor subject to the payment of a compensation which may be determined by the deputy commissioner, and if the alienor fails to pay the compensation, the beneficiary or the ostensible alienee may retain or obtain the possession of land for such term not exceeding seven years as the collector may decide and after the expiry of the term so fixed the land may revert to the alienor free of all liabilities. Sir, a careful examination of this amendment will disclose that the members of the Congress party have tried to evolve a compromise between the Congress creed and their innate feelings of sympathy with the capitalist and money-lending classes. It reminds me of a famous verse of Akbar Allahabadi which aptly describes the policy of our Congress friends in the Punjab. He says—

مے دیں ہو، توں مین لیاؤ، چندہ بھی دو۔۔۔ جہد مین
شیخ بھی خوش رہے شیطان بھی بیزار نہ ہو

(A voice : What about the policy of the Unionist Government)? Sir, we do not care for the resentment of the Satan (شیطان). Now coming to the amendment, Sir, I submit that a *benami* transaction is made to evade the provisions of the Alienation of Land Act, and anybody who violates the law of the land, must face the consequences of his illegal action. The amendment under consideration, in substance, amounts to this, that the beneficiary or the ostensible alienee in a *benami* transaction should be given compensation for cleverly evading and violating the provisions of the law of the land. This seems to me a strange principle of justice. Now, Sir, I would like to know from my friend the Leader of the Opposition as to what he would do, if a man, who had committed burglary in his house and dispossessed him of his belongings, is captured by the police along with the stolen property. Would he like the offender to be punished for his offence or would he return a portion of the stolen property to the burglar in lieu of the hardships and risks which the burglar took in committing the crime; and let him off after taking the remaining portion of the stolen property? (Laughter).

(A voice : In a *benami* transaction the alienor is as much guilty of evading the law as the beneficiary or the ostensible alienee). Sir, I do not defend the alienor who I admit is a party to the evasion of law, but let us not forget that his acquiescence is brought about under pressure, as no one will be willing to part with his property especially when the law of the land protects him from doing so. What happens in actual practice is that an indebted person is made to agree to the alienation of his land under the threat of his being sent to the civil prison or after being harassed in the civil courts and by frequent attachments, he is compelled by the creditor to agree to his proposal. Let us not forget that before the passing of the indebtedness legislations in the Punjab, the debtor was liable to be sent to civil prison, his house, standing crops, cattle and the whole of his agricultural produce were liable to attachment, and it was not difficult to harass the poor debtor and to make him agree to any terms which the creditor desired. Most of the *benami* transactions relate to this period. We should also bear in mind that under the customary law of the province an agriculturist proprietor has restricted rights in landed property. He holds the ancestral landed property as a trust for his successors and has only a life interest in the property. He has no right to alienate his landed ancestral property to the detriment of his successors. Why should the successors of a particular landholder suffer for his folly or misdeeds? It is, therefore, just and equitable that the property of a family should not be allowed to pass into the hands of outsiders against the provisions of the Alienation of Land Act. If *benami* transactions are not checked, the Punjab Alienation of Land Act will soon become a dead letter and a situation might arise which may endanger the peace and tranquility of the province. Sir, we must first decide the issue as to whether a *benami* transaction is legal or illegal and as to whether it amounts to the violation of the provisions of an existing law or not? If the House agrees with me that such transactions are illegal, then the question of compensation does not arise. It would be illogical to grant compensation to a person for violating the provisions of a law. We on this side of the House have no sympathy for one who violates the law of the country, but I know that our friends of the Opposition have a soft corner for law breakers and according to their standard of morality it is no crime to resort to civil disobedience or in other words the violation of the law of the country. Realising that "*benami*" amounts to "*be imani*," we cannot accept the proposition put forward by the Leader of the Opposition to grant compensation to a person who has dishonestly evaded the provisions of the Punjab Alienation of Land Act. When he did so, he knew it full well that he was acting against the law and therefore he must suffer the consequences.

With these words, Sir, I oppose the amendment under consideration.

Mr. Speaker : Question is—

That in lines 13—16 of 13-A for the words "and the alienor.....Act" the following be substituted:—

"Provided that in cases, which appear to him just and equitable for compensation, the Deputy Commissioner shall have the power to determine the amount of compensation and order restoration of land to the alienor subject to the payment on easy yearly instalments of such compensation as determined considering all the circumstances and in the event of alienor refusing to make payment of compensation within the time fixed by the Deputy Commissioner or failing to pay two successive instalments, the beneficiary may retain or obtain the possession of land for such term not exceeding seven years as the Collector may decide and after the expiry of the term so fixed the land will revert to the alienor free of all liabilities."

The motion was lost.

Mr. Speaker : The question is—
"That 13-A (1) stand part of the Bill."

The motion was carried.

Dr. Sir Gokul Chand Narang : I move—

That to clause 13-A (1), before *Explanation*, the following proviso be added:—

"Provided that the alienor shall not be entitled to possession unless he pays to the person in occupation under such transaction an amount which shall be equal to the amount of the original consideration together with compound interest at nine per cent. per annum with yearly rests from the date of the transaction up to the date of his ejection after deduction of the benefit received by him under such transaction."

Mr. Speaker : This is practically the same amendment as has been disposed of by the House. Here the amount of compensation proposed by the honourable member is different from that proposed in that amendment.

Dr. Sir Gokul Chand Narang : Has the House decided that no compensation is to be paid at all? (*Voices : Yes*). No. This has not been decided by the House.

Mr. Speaker : Compensation proposed by Dr. Gopi Chand Bhargava has not been agreed to by the House.

Dr. Sir Gokul Chand Narang : That does not mean that the House does not agree or would not agree or should be presumed not to agree to any compensation whatsoever. No such presumption can be made. Therefore, it does not mean that my amendment suffers from any technical defect.

Mr. Speaker : It does suffer in one respect. It should not be discussed any longer. The discussion on the amendment already moved is enough. The principle is discussed; only the amount is to be put to the vote of the House, and this I am going to do.

Dr. Sir Gokul Chand Narang : Am I not allowed to explain it? I shall not make a long speech. I hope I shall be permitted to explain my amendment. (*Voices : Urdu, Urdu*). Why should I waste my words in addressing these gentlemen in Urdu or Punjabi!

In the first instance, the greatest defect in the Bill which has excited so much criticism in the province is that whereas you are depriving the beneficiaries of *benami* transactions, you are not giving them any compensation whatsoever. It may be that some of these beneficiaries have enjoyed the fruit of these *benami* transactions for some time, some 10, 20, may be even some 35 years. But there may be those who have not derived any benefit from these *benami* transactions whatsoever. Has any provision been made in the Bill for people who had these *benami* transactions made, say, in January, 1938, or even in May or June, 1938, for large sums of money, it may be? Has any provision been made to compensate them even to the extent of one penny? Has any provision been made in the Bill to protect those transactions where it is found that the transaction did not involve any sharp practice, that there was no dishonesty practised by the beneficiaries and no advantage was taken of the ignorance, the proverbial ignorance, of the agriculturist and no advantage was taken of his helplessness, that the transaction, barring the fact that it was an evasion of a provision of the

Land Alienation Act, was perfectly sound and honest and entered into by both parties in a *bona fide* manner? I submit that no such provision has been made and, therefore, I submit with all respect and with all the earnestness that I can command that this absence from the Bill makes it an Act of usurpation, spoliation and confiscation and, therefore, of the highest tyranny and oppression. It is for this reason that I have moved this amendment so that the face of the Punjab Government may be saved to a certain extent that it was not utterly oblivious of the interests of the other parties concerned. Now Sir, with respect to the quantum of the compensation I have proposed. Now if the transactions had not been an evasion of the Land Alienation Act the mortgagee (or if the sale was to be set aside by a court of law, the vendee) might have been entitled to receive the balance of the principal money along with the interest agreed upon or at least, if the Usurious Act was to apply as passed by the Punjab Council, to an interest upto 9 per cent. compound with yearly rests which is the rate of interest prescribed in the Relief of Indebtedness Act passed by the Punjab legislature about three years ago. So long as that Act is in force, my submission is that it is not to be considered as unconscionable or usurious if the rate of interest is allowed at 9 per cent. compound interest with yearly rests on the principal mortgage money. I have taken this rate from the Relief of Indebtedness Act. Therefore, it cannot be said that I have put too high a rate of interest in my amendment. Then I have also provided, Sir, that from the amount which may be made up by the addition of the principal money to the interest, the amount of the benefit received may be deducted and even on that amount of the benefit, say it was one hundred rupees or grain worth one hundred rupees, every year compound interest at 9 per cent. per annum with yearly rests may be awarded to the alinor, to the agriculturist in whose interest this Bill is going to be passed, *viz.*, compound interest at the same rate on both sides and then the balance that may be left may be awarded to the beneficiaries. I ask my friends, considering that there was no taint in the transactions so far as any hoodwinking, defraud and befooling of the agriculturist was concerned, why this compensation should not be given to the beneficiary. To deprive him of his property is, as I have submitted, against the spirit of all jurisprudence and no civilised country throws out people in such a merciless manner, simply because they have transgressed one provision of an artificial law. Here they have not even transgressed any express provision of the Act; they have only tried to evade it. I can understand some one getting up from those benches and say, "Well, take the statute of limitation". If a claim is barred by one day, no suit will lie and every court will dismiss it as time barred even if the amount be 10 lakhs. I quite agree, because that means that the statute has been violated and the claim is not in accordance with the statute. My submission is that in these benami transactions not a single provision of the Land Alienation Act as such is violated. A simple transaction is entered into in order, at the worst, to evade the artificial provisions of the law and no provision as such has been broken and even if any provision had been broken it is not of substance like the statute of limitation. My submission is that to deprive the beneficiary of any compensation whatsoever is not in consonance with justice and fairness.

It is with this object that I have moved this amendment. I know that the fate of this amendment is going to be like the fate of other amendments.

[Dr Sir Gokul Chand Narang]

Now, the amendment moved by Dr. Gopi Chand Bhargava was a very flimsy amendment. It was only better than no compensation as '0001 may be better than zero, and even that homeopathic dose has not been swallowed by my honourable friends. But I have nevertheless considered it my duty to put it before the House.

Mr. Speaker : Clause under consideration ; amendment moved is that—

“ To 13-A (1), before *Explanation*, the following proviso be added :—

Provided that the alienor shall not be entitled to possession unless he pays to the person in occupation under such transaction an amount which shall be equal to the amount of the original consideration together with compound interest at nine per cent. per annum with yearly rests from the date of the transaction up to the date of his ejection after deduction of the benefit received by him under such transaction.”

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I congratulate my honourable friend, Dr. Sir Gokul Chand Narang on his perseverance and I admire his repeated attempts to try to confuse the issue. He has again come forward with his very innocent air and said, ‘Here you are, you have brought forward an iniquitous law to exploit somebody or to despoil somebody of his property.’ I have repeatedly on the floor of the House, during the last two days, tried to convince him. I dare say that it is not merely for the sake of his conviction that he is standing in his seat over and over again, but probably to satisfy his constituents that he is doing his duty. (*Dr. Sir Gokul Chand Narang :* No). There is no harm in that. All honour to my friend for trying to do his duty to his constituents. Now, Sir, what was his argument? His argument was that because that honest beneficiary has evaded or transgressed just one law, therefore, his penalty should not be so severe. What is the penalty? The penalty is this. We are merely asked that the stolen property which a person has got should be returned to its proper owner and that if that stolen property is with him for 37 years, he proposes that the compensation should be small and if the stolen property is with him only for 2 years, a bigger amount of compensation should be paid. That is the gist of his argument and I am sure that the House must, by now, have understood that this has been the main theme throughout his argument on this Bill, not only to-day, but during the past two days. His point is that if that fellow is dishonest and he has defrauded other persons and he has transgressed a provision of law, even then he must be given due compensation because he has transgressed just one provision. That seems to be the gist of his argument and in a nutshell that is what he said. If we were to accept that argument, I suppose, he would next argue that the person, who has been convicted under section 379, because he has only transgressed just one provision of the law, should also be compensated and should not be punished.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. The Honourable Premier seems to be utterly ignorant of the definition which he applies to such transactions.

Mr. Speaker : It is not a point of order.

Dr. Sir Gokul Chand Narang : He should not have assumed this.

Premier : Sir, what I have assumed is perfectly correct. My honourable friend knows it. If it had been an honest transaction, it would have been in the name of the beneficiary himself. You may be sure that he is not such a simpleton as my honourable friend tries to depict him. What he says is this. He asks A to transfer his land to B and he takes a promote from B for perhaps the double or quadruple the amount for which that land is transferred. If that land goes back to A, he would not suffer. He would go to a court and probably get that amount. (*Dr. Sir Gokul Chand Narang :* Include it in the Bill). As a matter of fact my honourable friends have given notices of such amendments. If you want to give protection to all honest people, accept the amendment as proposed by Mr. Singha. I will not oppose it. But I did not wish to accept that amendment for the simple reason that B, who in collusion with the beneficiary defrauded the other person, should also be penalised and that is why I opposed that amendment. (*A voice :* That is not moved). If my honourable friend thinks that he wants to protect that honest intermediary and if he likes that that honest beneficiary should also be protected, then he can get up and say that he accepts that amendment.

Mr. Speaker : The question is—

That to 13-A (1), before *Explanation*, the following proviso be added :—

“ Provided that the alienor shall not be entitled to possession unless he pays to the person in occupation under such transaction an amount which shall be equal to the amount of the original consideration together with compound interest at nine per cent. per annum with yearly rests from the date of the transaction up to the date of his ejection after deduction of the benefit received by him under such transaction.

The motion was lost.

Rai Bahadur Mr. Mukand Lal Puri (Bawalpindi Division, General, Rural) : I beg to move—

5 r. u.

That the following proviso to 13-A (1) be added :—

“ Provided that any transaction proved to be benami, effected before the Act shall be turned into 20 years mortgage from the date of the mutations, in one of the forms permissible under the Land Alienation Act, if the beneficiary applies to the Revenue Officer and relinquishes his claim against the benamidar.

I do not wish to explain further the limitations with which my amendment is circumscribed. They are stated *in extenso*, in the amendment itself. The object of this amendment is this. Benami transactions are being condemned because they are evasions of the Land Alienation Act. What I suggest to the House is that instead of cancelling them altogether and denying to one party the rights which they have got under the benami transactions in their entirety you should secure to them what was permissible to them before and is even now permissible under the Land Alienation Act, that is, the usufructuary mortgage for 20 years. I do not say that that usufructuary mortgage should begin from the date of the cancellation of the benami transactions, but it should proceed from the date of the original transaction so that if the land has been in possession of the beneficiary for the last fifteen years, he would only get usufruct for another five years. My reason for moving this amendment is to be found in the Alienation of Land Act itself. The Alienation of Land Act provides that if any person

[R. B. Mr. Mukand Lal Puri.]

takes an alienation which is patently opposed to the provisions of the Land Alienation Act, then it shall be the duty of the Collector to set aside that alienation and transform it into one of the mortgages permissible under the Alienation of Land Act. I refer to section 9 of the Land Alienation Act which runs as follows :—

If a member of an agricultural tribe makes a mortgage of his land in any manner or form not permitted by or under this Act, the Deputy Commissioner shall have authority to revise and alter the terms of the mortgage so as to bring it into accordance with such form of mortgage permitted by or under this Act as the mortgagee appears to him to be equitably entitled to claim.

Now, after the Land Alienation Act came into force it was absolutely illegal for a non-agriculturist creditor to take simple mortgage or take a mortgage beyond a term of 20 years from his debtor. Supposing a person wishing to flout the law did so openly and took that simple mortgage for Rs. 500 which was due to him in a form which was not permitted by the Land Alienation Act. The provisions of the Land Alienation Act lays the duty upon the Collector to cancel that alienation and transform it into a usufructuary mortgage which is permissible under the Act. Thus the Act already contains a provision for dealing with persons who thus openly flout the provisions of the Act. Why should you not repeat the same provision with respect to these benami transactions which were entered into by persons at the time when they were considered to be perfectly legal? Instead of taking a simple mortgage himself he has taken a simple mortgage in favour of a member of an agricultural tribe. At the time he entered into this transaction he thought that this was the less objectionable way of dealing with the land of an agriculturist. Instead of taking a simple mortgage himself he had it in favour of a member of a notified agricultural tribe, a thing which was permitted by the rulings of the High Court in accordance with the then existing practice. Certainly in morality or in law his case is not worse than if he had taken a simple mortgage himself. Therefore I put it to you, what justification is there for dealing with this alienee in a manner which is more harsh and stringent than if he had taken the simple mortgage himself? As I have already submitted, you are upsetting transactions worth thousands of rupees without affording any compensation and here is before you a definite provision under the Act itself. Why should you not take advantage of that provision and give to these benami transactions the same protection which the Act offers to those gentlemen who openly violate the provisions of the law? I have, I think, sufficiently explained my point and I now commend my amendment to the consideration of the House.

Mr. Speaker : I am going to put this amendment to vote without allowing any further discussion. The question of compensation, to which the amendment relates, has been fully discussed. So, I do not propose to allow any discussion on any amendment which relates to compensation in one form or another. If any honourable member has got an amendment which relates to compensation and he desires to have it put to vote he may move it in its turn without making any speech and I shall put it to the vote of the House.

Dr. Sir Gokul Chand Narang : So far as I am aware the previous motions referred to compensation in cash. The present amendment does

not refer to any compensation in cash. It only refers to conversion of a particular transaction into a form of mortgage which is recognised by the Act. I would therefore submit that this amendment is not on all fours with the motion previously considered.

Mr. Speaker : If one honourable member proposes Rs. 500 as compensation, another proposes Rs. 1,000 and a third Rs. 5,000, there is no reason why three discussions should be allowed on these three figures.

Dr. Sir Gokul Chand Narang : There the question of cash is involved. Here there is no question of compensation in any form. It is only conversion of one kind of transaction into another kind.

Mr. Speaker : I cannot allow any further discussion. If any particular motion deserves to be treated separately as an independent motion it will be considered on its merits. But the present motion relates to compensation; so, I will put it to the vote without further debate.

Dr. Sir Gokul Chand Narang : Suppose I want to exchange my horse for another man's camel. There is no question of compensation involved.

Mr. Speaker : That is a hypothetical case.

The question is—

That the following proviso to 13-A (1), be added :—

“Provided that any transaction proved to be benami, effected before this Act shall be deemed to be a mortgage from the date of the mutation, in one of the forms permissible under the Land Alienation Act, if the beneficiary applies to the Revenue Officer and relinquishes his claim against the benamidar.”

The motion was lost.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) :
I beg to move—

That in the Explanation to 13-A (1) for the words “also be deemed void for all purposes” the words “not be affected by anything stated in this sub-section if made before the 15th June, 1938” be substituted.

I shall ask you first to refer to the explanation itself and you will find it runs like this :—

Any transaction made in consequence of a transaction rendered void by this sub-section shall also be deemed void for all purposes.

You remember, Sir, when we were discussing the omission of sale, exchange, lease and farm from the first two lines of the sub-clause, you were pleased to suggest that I might, if I so chose move an amendment to the effect that *bona fide* subsequent purchasers or transferees shall not be affected by the fact that the original transaction was a benami one and you will also remember that at that time I drew your attention to this explanation and requested you to let me know if my amendment No. 13 would not meet the object that you had in view. In case you think that this amendment of mine does not meet that object, I am prepared to substitute, as you were kind enough to promise to receive any amendment of this kind—the following amendment :—

That the following proviso be added at the end of clause 13-A (1), namely :—

Nothing in this section shall impair the rights of transferees in good faith for consideration without notice that the transaction in consequence of which the original transferor held was benami.

(Dr. Sir Gokul Chand Narang).

Now when I moved the deletion of the words 'for all purposes' I distinctly indicated that zamindars stood to gain by that amendment. But as ill-luck would have it I was told that I was trying to make the zamindars also be-iman and I had no option but to give expression to a verse that involuntarily came to my lips :—

پڑیں ہاتھ سمجھ کر ایسی تم سمجھ تو کیا سمجھو

I think that I was not doing any injustice to the gentleman who said that he had understood it although he had not understood it. I do not mean any disrespect to him, but that was an involuntary expression. What I meant to point out and what I mean to point out now is this : that after the transaction which is being attacked as fraudulent there might be a succession of non-fraudulent honest transfers. (*Premier* : You are on sound ground now). I was on sound ground then also and I am not to blame if people would not understand me. I distinctly pointed this out then. But anything coming from this side is looked upon with great suspicion even when it is for the benefit of that side. That is unfortunately the case. Credit is not given to us for doing the right things and the necessary things. Now, Sir, if the land changes hands say a dozen time, even the 12th transferee will be affected in spite of the fact that not only he but even his ten predecessors in interest were honest and only the 11th predecessor in interest was aware of the true nature of the transaction. (*An honourable member* : These arguments were already advanced). I just made a reference then and you were kind enough to suggest that I might move an amendment. If these gentlemen are *ghairdars* and they know what is going on without being told, you may take votes on it. I am not anxious to exhaust myself and I entirely repudiate the remarks of the honourable Premier, childish remarks, that I was getting up simply to show off to my constituency. I wish he knew better. I am not trying to satisfy any person either here or outside.

Mr. Speaker : When did he use such words ? I did not hear.

Dr. Sir Gokul Chand Narang : He said these words when he rose to reply to one of the amendments.

Mr. Speaker : The honourable member should have drawn my attention then and there.

Premier : What I said was, all honour to my honourable friend for standing up and doing his duty.

Dr. Sir Gokul Chand Narang : What he meant to say was that I was not sincere and I was simply getting and talking to please the people outside this hall. My honourable friend does not know how keenly and deeply we feel over this Bill. He judges others by his own conduct.

Mr. Speaker : Will the honourable member please speak to the motion ?

Dr. Sir Gokul Chand Narang : The argument that I was submitting was this, that there might be any number of transfers after the original transaction which is dubbed as fraudulent and dishonest because it is benami and 11 persons who come after the first transferee may be absolutely innocent and honest and yet this explanation damns them and places them on the same level as the original transferee who *ex-hypothesi* was a party to the

original transaction but might or might not have been dishonest in spite of anything that the Honourable Premier might say. Is it not proper, is it not just, that those innocent persons might be saved? I make an addition to it which I did not say at the time when my honourable friend, Mr. Gurmani was speaking, that all these subsequent transferees are going to be zamindars and not non-agriculturists like us and if they could only follow my argument they would be grateful to me for moving this amendment, because it protects the zamindars themselves and will avoid complications which may be very serious. I can give one or two instances. Supposing the land has changed hands from the original transferee, let us say to X. That X happens to be a Sikh zamindar, while the original alienor was, let us say, a Muslim. The Sikh buying *bona fide*, without notice of the actual nature of the transaction, builds a gurdawara on it or a school or some religious institution. If this explanation stands as it is, the transaction is declared benami and automatically the whole of the land should pass from a *bona fide* innocent, honest, Sikh purchaser into the hands of the original, let us say, Muslim alienor. What will happen to the gurdawara? Now take the reverse case. A Sikh is the original alienor. The second transferee, a *bona fide* and honest transferee is a Muslim and as a pious Muslim he erects a mosque on a part of the land. This Bill comes into force and it is established in the office of the deputy commissioner that it is a benami transaction. The land must pass from the hands of the Muslim innocent purchaser to the redoubtable Akali. He wants the whole land and you have a series of Shahidganj again as a result of this explanation. These gentlemen have not realized the implication. My submission therefore is that if for nothing else, to avoid all these complications, to avoid penalizing innocent and honest purchasers after the first purchase, they should delete this explanation or amend it as I have suggested namely that all the transactions before 15th June 1938 shall not be affected if they have been made after the original transaction. It will avoid all complications to one or two of which I have referred and it will also save innocent and honest purchasers. I leave it to the Honourable Premier to see if it is just. If my amendment No. 13 is not acceptable I am quite willing to substitute the amendment a copy of which I have submitted to you. With respect to this new amendment you may see that it is on the lines of section 43 of the Transfer of Property Act. The words are these—

Where a person fraudulently or erroneously represented that he is authorized to transfer certain immovable property and professes to transfer such property for consideration, such transfer shall at the option of the transferee operate on any interest which the transferor may acquire in such property at any time during which the contract of transfer subsists.

Nothing in this section shall impair the rights of transferees in good faith for consideration without notice of the existence of the said option.

I have adopted this provision *mutatis mutandis* from section 43 of the Transfer of Property Act.

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

That in the Explanation to 13-A (1) for the words, "also be deemed void for all purposes" the words "not be affected by anything stated in this sub-section if made before the 15th June, 1938" be substituted.

Premier (The Honourable Major Sir Sikandar Hyat-Khan): I am afraid I have to say a few words because my honourable friend opposite again said several things with a view to confuse the issues, may be because he

(Premier).

has not himself studied the thing. The difficulty is, he should have also explained that even in urban areas where property is transferred from one party to another, if it is found that the total debt is not what it should be the property goes back to the original owner in whose favour the court decides that he is the original owner. He does not get the compensation from the original owner, he can sue the person who sold it to him under a false pretence. I found he brought in the instances of gurdwaras and buildings and other things. He seems not to have studied the definition of land in the Alienation of Land Act. It is defined that land meant land for agricultural purposes or sites for buildings subsidiary to agricultural purposes. He forgot all these things and harangued us as if everybody was a school child and knew nothing of the law which was being amended. He said that my expressions are childish; it is he who is in his dotage. He should have had the decency of telling the House that the property goes back to the original owner and the middleman does not get any compensation from the original owner. He can sue the middleman who has cheated him and similarly in this case he can get his money as I understand is happening in the courts now. All these things my honourable friend ignored and he gave us a long harangue and tried to pose as an innocent person oppressed by these benches. (*Hear, hear*).

Mr. Speaker : Question is—

That in the *Explanation* to 13-A (1) for the words "also be deemed void for all purposes", the words "not be affected by anything stated in this sub-section if made before the 15th June 1938" be substituted.

The motion was lost.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) :
I move—

That the following proviso be added at the end of clause 13-A :—

"Nothing in this section shall impair the rights of transferees in good faith for consideration without notice that the transaction in consequence of which the original transferor held was benami."

In moving this I would only say a few words. What I have proposed is from the Transfer of Property Act and that provision itself is a reply to the heated argument of my learned friend on this point. Whether I am in dotage or he is in his swaddling clothes will be obvious to those who understand anything.

Mr. Speaker : The question is—

That the following proviso be added at the end of clause 13-A (1) :—

"Nothing in this section shall impair the rights of transferees in good faith for consideration without notice that the transaction in consequence of which the original transferor held was benami."

The motion was lost.

Diwan Bahadur Raja Narendra Nath : Feeling the temper of the House I think it is waste of time of the House on my part to move any amendment.

Dr. Sir Gokul Chand Narang : I am not going to give it up. Raja Sahib may be frightened by the temper of the House, I am not. I do not care what happens. I want these things to be put on record (*hear, hear*), as I said about 12 years ago when I was speaking on a similar

measure. I know that this House is not in a mood to listen, but I am speaking for higher authorities who ultimately have to decide the fate of this Bill and I am providing them with some material to form their opinion. I succeeded on that occasion and let us hope that we succeed on this occasion also.

The motion that I want to move is—

That in the Explanation to 13-A (1) the following proviso be added :—

Provided that the alienor shall pay full compensation for any buildings, machinery and other improvements or additions as erected on or made to the land subsequent to the alienation.

This is on a par with a part of the amendment previously moved by me. I may say for the information of my honourable friend the Premier that transfers are not always set aside without compensation. Even in the case of declaratory suits or suits for possession brought by reversionary heirs governed by the customary law when a transfer is set aside compensation is given to the extent of the necessity proved in the transaction and if necessity can be proved in the present case for the original alienation by an agriculturist alienor there is nothing in law or equity which should debar the beneficiary from receipt of compensation and if the Government were more considerate than it is at present, it would certainly not have opposed the amendments regarding compensation. This compensation is for improvements. Thirty-seven years, as has been said again and again, have elapsed since the Land Alienation Act was passed and some *benami* transactions might have occurred in 1901 so that those transactions would now be about 37 years old and if those transactions were transactions of sale, they might have passed through several hands, gardens might have been planted on those lands, houses might have been built on those lands or wells might have been sunk on those lands—whether ordinary wells or tube-wells—and some other improvements might have been made costing thousands of rupees. There is no provision in the Bill for awarding any compensation and I leave it to the Government whether they would think it proper not to allow any compensation even for improvements in such cases.

Mr. Speaker : Clause under consideration amendment moved—

That in the Explanation to 13-A (1) the following proviso be added :—

Provided that the alienor shall pay full compensation for any buildings, machinery and other improvements or additions erected on or made to the land subsequent to the alienation.

Rai Bahadur Mr. Mukand Lal Pari : I have a similar amendment in my name which runs as follows :—

That at the end of 13-A (2), the following be added :—

In cases where any additions, improvements or structures or planting of trees, etc., which have enhanced the value of land, have been effected by any such transferee, the Collector shall assess the market value of the same and shall cause the same to be paid to the transferee or beneficiary as the case may be before ejection from the land.

This is one of the most serious omissions from the Act and I endorse the argument of Dr. Sir Gokul Chand Narang which he has advanced on this point. The improvements are very likely to have been effected in these cases as these transactions are old. As time passes, improvements are necessary and further as the property belonged to the alienees, they had no restriction in making improvements. The Act also applies to sales and a

(R. B. Mr. Mukand Lal Puri.)

person who has taken a sale considers it as his own property. If, as a result of those improvements the value of the land has increased, as it would increase for example by the sinking of a well, why should not the value of that well be given to the alienee? Even under usufructuary mortgages under the Land Alienation Act the principal and the interest is wiped out but if there are any improvements which really enhance the value of the land they are always open to the mortgagee and the mortgagor is made to pay them. In every mortgage, improvements which are permissible under the law—of course not improvements which improve the property out of wisdom—should be taken into account and paid off.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I merely wanted to say a word about these two amendments. I am at one with my honourable friends that it would be equitable to give some thing to the *bona fide* alienee. If they were to restrict their amendment to only those subsequent *bona fide* alienees or transferees then I am at one with them and they must have noticed that a notice of a motion has been given to meet that particular purpose. But my honourable friends' amendments go further. They want to give benefit to one of the persons who may have offended against the Act. We do not want to give relief whatever to the people who have been a party to that fraudulent transaction but beyond that if there are *bona fide* transferees, I think it is equitable that we should give them some benefit and in view of that fact we have given notice of an amendment which will come before the House in due course, I hope that my honourable friends will support that amendment.

Mr. Speaker: Question is—

That in the Explanation to 13-A (1) the following proviso be added:—

Provided that the alienor shall pay full compensation for any buildings, machinery and other improvements or additions erected on or made to the land subsequent to the alienation.

The motion was lost.

Mr. Speaker: The question is—

That the Explanation to 13-A (1) stand part of the Bill.

The motion was carried.

Rai Bahadur Mr. Mukand Lal Puri: I move—

That at the end of 13-A (2), the following be added:—

In cases where any additions, improvements or structures or planting of trees, etc., which have enhanced the value of land, have been affected by any such transferee, the Collector shall assess the market value of the same and shall cause the same to be paid to the transferor or beneficiary as the case may be before ejection from the land.

The motion was lost.

Rai Bahadur Mr. Mukand Lal Puri: Sir, I beg to move—

That for 13-A (2) the following be substituted:—

The question whether a transaction is *bewassi* or not within the meaning of Section 13-A (1) will be determined by the deputy commissioner acting as a revenue court.

Khan Bahadur Chaudhri Riasat Ali: Yesterday there was an amendment that in sub-clause (8), for the words 'revenue officer' the words 'revenue court' be substituted. That amendment fell through and was not carried out. We retained the words 'revenue officer.' Can the honourable member now move this amendment after that amendment was lost?

Mr. Speaker: That amendment related to a specific matter. This is a different matter altogether. The amendment is that the deputy commissioner should act as a revenue court.

Rai Bahadur Mr. Mukand Lal Puri: In this connection I wish to draw the attention of the House to the minute of dissent appended by three members of the House, Sardar Kapoor Singh, Sardar Partab Singh and Lala Duni Chand, which is to be found at page 4 of the report of the select committee. They observe:—

Under the existing law the civil courts have jurisdiction to decide whether a particular transaction is *bewarzi* or not. The proposed legislation takes away this right and confers upon the deputy commissioner exclusively the power and jurisdiction to decide such cases as a revenue officer. We are of opinion that the procedure of revenue court as prescribed in the Punjab Tenancy Act should be followed by the deputy commissioner in determining petitions under sub-clause 13 (a), (b) of clause (4) of this Bill, but such petitions should bear a court fee stamp of Rs. 1 only.

Sir, I press this amendment for the consideration of the House, not only on the ground that I am averse to any functions, which are now being performed by judicial tribunals being handed over to the sweet will of executive officers, but also on the ground that the particular matters which are now being proposed to be handed over to the collectors are of very complicated nature and for which an executive officer like deputy commissioner is not a proper deciding authority. If he is a court, whether civil or revenue, it is immaterial. If he acts as a court, he will be deciding that matter on judicial considerations. He will feel that he is sitting as an arbitrator between the two parties. He is not to allow the policy which under the instructions of the Government he may be asked to follow, but he has to discharge his duties in an impartial manner, regardless of any instructions, written, verbal or on the phone communicated by any of the Ministers or his parliamentary secretaries. Such matters, as has been pointed out, have been so far decided by civil courts. Is it proper again that matters of such magnitude should be left to these officers? It has been brought to your notice that transactions of this nature in the province will be worth crores of rupees and alienations may relate to lakhs of bighas of land. Is it proper that the rights of property of citizens in this province should be left to the sweet will of executive officers? It is said that after all we are amending the Land Alienation Act and we do not want to get out of the scheme of the Land Alienation Act. But if you definitely introduce into the Land Alienation Act, matters which were not so far included in it, you cannot take shelter behind that argument. Previously the deputy commissioners used to perform two executive functions. The first was that they had to sanction alienations in suitable cases by non-agriculturists in favour of agriculturists. The other function which the deputy commissioners had to perform was to prevent the evasion of the Land

[R. B. Mr. Mukand Lal Puri.]

Alienation Act. They were matters which did not require any judicial determinator or decision between two contending parties as to rights of property. Therefore, I strongly oppose the proposal that these questions should be decided by the discretion of deputy commissioners and not decided by judicial tribunals.

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

That for 13-A (2) the following be substituted :—

The question whether a transaction is *benami* or not within the meaning of section 13-A (1) will be determined by the deputy commissioner acting as a revenue court.

Dr. Sir Gokul Chand Marang : (West Lahore Division, General, Rural): Sir, I must support the amendment moved by my honourable friend Mr. Mukand Lal Puri. You know, Sir, that right from naib-tahsildar up to the Financial Commissioner, sometimes cases of mutation are considered by them where right of property is involved and even in all the revenue authorities from naib-tahsildar up to the Financial Commissioner give one unanimous decision, the aggrieved party has a right to go to a civil court and it is not in rare instances that unanimous decisions of all the revenue authorities right from naib-tahsildar up to the Financial Commissioner are set aside by a fourth class civil judge, or even by a revenue court acting as a civil court under special provisions of the Land Revenue Act. What does this show? The scheme of British legislation in this country is that where rights of property are involved, the proceedings should be as judicial as possible and the disposal of the rights in property should not be left entirely in the hands of executive officers. I do not mean to say that executive officers are not able. If we make them sit as a civil court, they may give different decisions because then they are guided by different rules of procedure and different rules of evidence and are not in a hurry to dispose of those cases. While sitting as executive officers they will dispose them of in a summary manner without taking full evidence and without giving full opportunities to the parties interested. Therefore, it is very necessary that when cases of such high value are concerned, the decision of the civil court should be taken on them and not the decision of revenue assistant who might under this section be given the powers of the collector. When even the Premier of the province can make a mistake about the definition of the land in the Land Alienation Act, forgetting that sites for buildings and structures are also involved in the definition of land and gurdwaras and mosques can be involved in that definition, what to say of deputy commissioners and revenue assistants? He is not here, otherwise he would have realised that his exposition of the law was entirely wrong. He was probably thinking of the condition of land at the time it was alienated and not at the time when it is to be restored.

Munshi Hari Lal : It will be observed that this measure when it comes into force will give enormous powers to deputy commissioners to determine the nature of the transaction, whether it is *benami* or genuine, it may be a transaction extending over a period of 88 years.

Mr. Speaker : Repetition should be avoided.

Munshi Hari Lal : I am not going to repeat any argument. Whatever I say now is only introductory to my speech. I submit that the deputy commissioners are given powers to determine matters of a vast magnitude and involving large sums of money and areas. It is, therefore, essential that when they determine whether a transaction is *benami* or not, they should call upon the beneficiaries and the alienees to put in their written statements, their pleas, strike issues and take evidence—both oral and documentary—in the manner prescribed in the Civil Procedure Code. They should not act in a summary way nor like small cause courts. My amendment is a very simple one and I, therefore, commend it to the House for its acceptance.

Lala Duni Chand (Ambala and Simla, General, Rural) : The object of my amendment is exactly the same as that of Munshi Hari Lal. We have accepted the principle that *benami* transactions being in contravention of the Punjab Alienation of Land Act may be set aside. We know that relief will be given to a number of deserving people. But at the same time a good many innocent people including widows, orphans and minors will be sacrificed. All that we want is that innocent persons may be heard before they are condemned. We know that a very large number of innocent persons are going to be condemned; still let them have at least this small mercy of being heard. If this mercy is shown the poor persons against whom the collector will decide will have at least the consolation that he placed his case before the collector and did everything to convince the collector that his case was just. It is a well known principle that no person should be condemned unheard; and there is no reason why this procedure suggested in the amendment should not be followed. After all it is a very simple procedure.

Pandit Muni Lal Kalja : Sir, I want to support the amendment moved by Munshi Hari Lal.

Mr. Speaker : Munshi Hari Lal has not moved his amendment nor has it been proposed from the Chair.

The question is—

That for 13-A (2) the following be substituted:—

The question whether a transaction is *benami* or not within the meaning of section 13-A (1) will be determined by the deputy commissioner acting as a revenue court.

The motion was lost.

Munshi Hari Lal : I formally move my amendment—

That in line 5 of 13-A (2), between the words "evidence" and "that," the words "following the procedure of a revenue court" be inserted.

Pandit Muni Lal Kalja : May I now speak on the amendment?

Mr. Speaker : The honourable member has no right to speak on any amendment now, as all of them are to be put to vote without any further discussion.

The question is—

That in line 5 of 13-A (2), between the words "evidence" and "that" the words "following the procedure of a revenue court" be inserted.

The Assembly divided: Ayes 85; Noes 81.

AYES.

Bhagat Ram Ghoda, Lala.
 Bhim Sen Sachar, Lala.
 Binda Saran, Rai Bahadur.
 Chanan Singh, Sardar.
 Deshbendhu Gupta, Lala.
 Dev Raj Sethi, Lala.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Sardar.

Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Muni Lal Kalia, Pandit.
 Narendra Nath, Diwan Bahadur
 Raja.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Aziz, Mian.
 Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan Daulatana,
 Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar-Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Chhoto Ram, The Honourable
 Chaudhri Sir.
 Daseundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar Major
 Raja.
 Fateh Jang Singh, 2nd.-Lieut. Bhai.
 Fateh Muhammad, Mian.

Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Maulvi.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Akram Khan, Khan
 Bahadur, Raja.
 Muhammad Ashraf, Chaudhri.

Muhammad Faiyaz Ali Khan,
Nawabzada.
Muhammad Hassan Khan Gurehani,
Khan Bahadur Sardar.
Muhammad Hayat Khan Noon,
Nawab Malik Sir.
Muhammad Hussain, Chaudhri.
Muhammad Nurullah, Mian.
Muhammad Qasim, Chaudhri.
Muhammad Raza Shah Jeelani,
Makhdumsada Haji Sayed.
Muhammad Sarfraz Khan, Chau-
dhri.
Muhammad Sarfraz Khan, Raja.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Muhammad Wilayat Hussain
Jeelani, Makhdumsada Haji
Sayed.
Muhammad Yasin Khan, Chaudhri.
Mushtaq Ahmad Gurmiani, Khan
Bahadur Mian.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Muzaffar Khan, Khan Bahadur
Nawab.
Nasir-ud-Din, Chaudhri.
Nasrullah Khan, Rana.

Naunihal Singh Mann, Lieutenant
Sardar.
Pir Muhammad, Khan Sahib
Chaudhri.
Pritam Singh Siddhu, Sardar.
Ram Sarup, Chaudhri.
Rashida Latif Baji, Begum.
Riasat Ali, Khan Bahadur
Chaudhri.
Ripudaman Singh, Thakur.
Sahib Dad Khan, Khan Sahib
Chaudhri.
Shahadat Khan, Khan Sahib Rai.
Shah Nawaz, Mrs. J. A.
Sham Lal, Bai Bahadur Chaudhri.
Sikander Hyat-Khan, The Honour-
able Major Sir.
Sohan Lal, Rai Sahib Lala.
Sumer Singh, Chaudhri.
Sundar Singh Majithia, The
Honourable Dr. Sir.
Suraj Mal, Chaudhri.
Talib Hussain Khan, Khan.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur, Sar-
dar.
Wali Muhammad Sayyal Hiraj,
Sardar.

Munshi Hari Lal (South Western Towns, General) (Urban): I
beg to move—

That in lines 1-2 of 13-A (2) the words "either of his own motion or" be deleted.

I submit that if the deputy commissioner moves on his own motion, he will be then a party. Supposing the alienor or his descendants or successors in interest do not at all care to contest the transaction and the deputy commissioner is empowered to act, then he will be placed in the position of a plaintiff and a judge at the same time. It will be creating anomalies. To give such a power to the deputy commissioner as to move the motion and to sit in judgment over his own motion would be to land him in an anomalous position. These words should not therefore remain. It should be alienor alone who should have the right to come and prefer his claims before the deputy commissioner. The matter would be then rightly adjudicated between the alienor and the beneficiary by the deputy commissioner and not between the deputy commissioner himself, and others concerned.

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

That in lines 1-2 of 13-A (2) the words, "either of his own motion or" be deleted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): The motion moved though simple is a very important one because it seeks to avoid a wrong principle that the plaintiff should be the judge himself. We have heard of such things in other connections, as a silent court of justice in himself—himself the judge and jury and himself the prisoner at the bar, and so on. That should not be the case when titles to properties worth thousands and may be worth lakhs have to be adjudicated upon. I think it is only right that the deputy commissioner who has been entrusted with the powers of a judge of some sort in these cases should not be given the position of a plaintiff. I am prepared to accept an amendment which the Government may move to this that where the deputy commissioner himself moves in the matter, the case may be made over to the district judge or to a sub-judge of the first class. But he should not take the initiative in the matter and himself sit in judgment and adjudicate upon his own claim as it were. It is a very sound and useful amendment.

Premier (The Honourable Major Sir Sikander Hyat-Khan): One sentence. The power which it is sought to be taken away from the deputy commissioner now is enjoyed by him at the present moment. The deputy commissioner can take action now under the present law to look into these *benami* transactions and order mutations and we are not going to alter that position. (Voices: There is nothing like that). My friend should see section 9 of the Land Revenue Act.

Munshi Hari Lal: Section 9 of the Land Revenue Act does not apply. It has been said that under section 9 of the Land Revenue Act, the deputy commissioner can act. I submit section 9 does not at all apply to the deputy commissioner because only that chapter of the Land Revenue Act applies that deals with appeals, references, and revisions and reviews.

Dr. Sir Gokul Chand Narang: And what is the value of the deputy commissioners' orders? A sub-judge can set it aside.

Mr. Speaker: Question is—

That in lines 1-2 of 13-A (2) the words "either of his own motion or" be deleted.

The motion was lost.

HOURS OF SITTING AND EXTENSION OF SESSION.

Dr. Gopi Chand Bhargava: Mr. Speaker, Sir, when you decided about the programme I had agreed to work as long as you ordered or Leader of the House wanted us to work. Yesterday you fixed the hours of business from 11 A.M. to 6-30 P.M. If we were to sit like this I do not think we will be able to finish the business of the House even if we work on the 9th. Therefore, the session shall have to be extended if the Government insists on finishing the business which they want to finish. I, therefore, submit that it would be much better if we now adjourn the meeting to 2 P.M. to-morrow and go on working till the work is finished. If the Government wants to finish the work, let us go on working, but let us work in a way that we do not break down and our judgment becomes marred. I propose that we adjourn to-day and I would request the Leader of the House to agree to the proposal.

Premier : So far as the suggestion of my honourable friend opposite regarding the time of the sitting is concerned, I entirely agree with him that it would be more convenient if we meet from 2 P.M. to 7 P.M. instead of sitting from 11 to 6-30 with a break of 1½ hours. That involves sheer waste of time and we do not get any time to do our own work. I am quite prepared to accept the proposal which my honourable friend has made. We should meet from 2 to 7 P.M.

With regard to his other suggestion regarding the extension of the session, I have already informed my honourable friends that perhaps I might be in a position to make a definite statement to the House some time to-morrow after seeing the progress made in this respect. But I think that it would be necessary for us to sit on Monday also but that is only tentative. Perhaps we may be in a position to state more definitely whether we extend it only up to Monday or whether we have to proceed beyond Monday. To-day everybody seems tired and I hope that you will allow the proceedings to terminate for the day as soon as possible.

Mr. Speaker : I accept the agreement arrived at between the Leader of the House and the Leader of the Opposition as to our sittings to be from 2 P.M. to 7 P.M. on the normal working days. We shall sit the day after to-morrow but not on 9th. Again, we shall sit on 11th and 12th, but not on 13th, again on 14th and 15th as usual. As regards the number of days required to finish the whole pending business, I may say that if we work for five hours a day as proposed, we may be able to finish it by the end of the current month.

Premier : In view of what you have now said I think that it would be premature to decide now that we should not sit on Saturday. We ought to see till to-morrow afternoon as to what progress we make and then decide about the sitting on Saturday. Normally we sit from 2 P.M. to 7 P.M.

The Assembly then adjourned till 2 p.m. on Thursday, 7th July, 1938.

PRINTED BY
THE SUPERINTENDENT, GOVERNMENT PRINTING, PUNJAB.
148 PLA-620-80-8-38-SGPP Lahore.

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, the 7th July, 1938.

*The Assembly met at the Assembly Chamber, Simla, at 2 p. m. of the clock.
Mr. Speaker in the chair.*

STARRED QUESTIONS AND ANSWERS.

DISTRICT BOARD ELECTIONS IN HISSAR DISTRICT.

*3081. **Sardar Hari Singh** : Will the Honourable Minister of Public Works be pleased to state the grounds on which District Board elections in Hissar District have been postponed for two months ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The elections have been postponed owing to the prevalence of cholera in the district.

Sardar Hari Singh : May I ask the Honourable Minister the extent of the area in which cholera was prevailing at the time the Government issued orders for postponing elections ?

Minister : It was supposed to be in the whole district. Eighteen deaths took place in the village Shahnpur and 8 in Adampur. There were 74 cases and 47 deaths prior to the postponement order.

Sardar Hari Singh : May I ask the Honourable Minister to inform me of the number of villages in which cholera was prevailing ?

Minister : Important villages I have named. It was said to be spreading and it was necessary to take steps to check it.

Dr. Gopi Chand Bhargava : May I know if cholera was prevailing when the nomination papers were filed ?

Minister : When the matter was brought to my notice I issued the necessary orders.

Dr. Gopi Chand Bhargava : I want to know whether it is a fact that cholera was prevailing at the time the nomination papers were filed.

Minister : I am not sure of the dates for the filing of the nomination papers, but it was certainly prevailing at the time the elections were postponed and that necessitated the Government order.

Sardar Hari Singh : May I ask the Honourable Minister whether he issued these orders at the suggestion and recommendation of the district authorities or of his own motion ?

Minister : The initiative was taken by the District Medical Officer of Health and then the local officers supported the recommendation for postponement. Am I to understand that the honourable member wanted cholera to spread ?

Dr. Gopi Chand Bhargava : Is it not a fact that elections were postponed because the nomination papers of a large majority of Congress nominees were accepted ?

Minister: I strongly repudiate the insinuation. The honourable member is a doctor and he must have consideration for checking the spread of epidemics.

TOUR BY DIRECTOR OF AGRICULTURE, PUNJAB.

***3082. Tikka Jagjit Singh Bedi:** Will the Honourable Minister of Development be pleased to state the number of days for which the Director of Agriculture, Punjab, toured during the anti-Pohli operations during the last three years, and the districts in which he toured?

The Honourable Chaudhri Sir Chhotu Ram: The campaign for destruction of Pohli weed is carried on by Deputy Directors of Agriculture in collaboration with revenue authorities. In some places the canal authorities have rendered very great assistance. The Director of Agriculture supervises these campaigns generally but does not do any special touring for the purpose. He visited Campbellpur district for one day in 1935, and Gurdaspur district for five days in 1936, during the campaign. No touring was done by him for the purpose in 1937.

REMOVAL OF DISTRICT JAIL, HISSAR, FROM ITS PRESENT LOCATION.

***3083. Chaudhri Suraj Mal:** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the District Jail, Hissar, has come within the 'abadi' of the Hissar town;
- (b) whether it is also a fact that the Hissar town, which is encircled on all sides by the Government Cattle Farm, Hissar, has no scope for extension except on the side of District Jail, Hissar;
- (c) whether there is any scheme under the contemplation of the Government for removing the District Jail, Hissar, from its present site to a place near the police lines where about 100 acres of crown land are lying vacant; if so, the stage at which the scheme has reached;
- (d) whether the Municipal Committee, Hissar, has recently passed any resolution urging the authorities to remove the District Jail, Hissar, from its present site to leave some scope for the extension of the Hissar town and if so, the action taken thereon?

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

(b) Yes.

(c) A scheme of this nature was considered by Government but was dropped for financial reasons.

(d) Yes. The proposal when received through the local officers will be examined.

DRINKING WATER SUPPLY SCHEME FOR BARANI TRACTS OF
HISSAR DISTRICT.

*3084. **Chaudhri Suraj Mal:** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that serious water drinking difficulties are being experienced by the rural people in the barani tracts of the Hissar district;
- (b) whether the Government has under contemplation any drinking water supply scheme to remove these difficulties permanently;
- (c) the amount that the Government actually spent for providing drinking water supply facilities in the Hissar district during the last year and the amount that the Government has provided in the current year's budget for this purpose?

The Honourable Mian Abdul Haya: (a) and (b) Yes.

(c) No amount was spent for providing drinking water supply facilities in the Hissar district during the last year. But a supplementary demand for Rs. 98,910 has been presented to the Legislative Assembly during the current session.

SUPPLY OF DRINKING WATER TO VILLAGES WITHIN 4 MILES RADIUS
OF CANALS.

*3085. **Chaudhri Suraj Mal:** Will the Honourable Minister of Education be pleased to state whether, as contemplated, Government has issued instructions to the officers concerned that water for drinking purposes be supplied to all those villages which are within the reach of four miles from the canal irrigated areas; if so, when these instructions were issued and the number of villages in the Hansi tahsil of the Hissar district covered in these instructions?

The Honourable Mian Abdul Haya: An investigation is in hand for supplying water from the Sirhind and Western Jumna Canals to a large number of villages in the Rohtak and Hissar districts as given in the margin. Out of these there are three villages in the

	Villages.	
Rohtak district	24	Hansi tahsil.
Hissar district	84	

2. The list of villages has been examined by the Superintending Engineer, Public Health Circle, and the Superintending Engineer, Western Jumna Canal, and it has been found that some of the villages lie above the command of the canal and nearly all of the remainder lie outside the irrigation boundary and many of them are many miles distant from the canal (up to thirty miles distance).

3. The available canal supplies are already utilized and there is no water available for extensions, while the construction of long watercourses for small supplies is impracticable as the absorption losses will be too great.

4. The Irrigation Department is investigating the question of putting down tube-wells in the upper reaches of the Western Jumna Canal and is now making trial tube-wells and if the supply of the canal can be increased

[Education Minister.]

in this way, a certain number of the villages within command of the canal could be fed by watercourses, but so far as the bulk of the villages are concerned many miles distant from the canal, large and very expensive independent water supply schemes based either on the canal or possibly on tube-wells sunk in the vicinity of the Hissar Branch, Western Jumna Canal, will be required. A successful tube-well has been put down near Hissar.

5. The report of the Superintending Engineer, Public Health Circle, is under preparation.

APPOINTMENT OF SPECIAL OFFICERS TO INVESTIGATE SCHEME TO IRRIGATE HISSAR, ROHTAK AND GURGAON DISTRICTS.

*3086. **Chaudhri Suraj Mal**: Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Government has recently appointed a special officer to explore ways and means for supplying water for irrigation purposes to the South Eastern Districts of the Punjab, especially Hissar, Rohtak and Gurgaon; if so, whether he has submitted any report to the Government so far and if not, when he is likely to submit his report?

The Honourable Dr. Sir Sundar Singh Majithia: An officer has been placed on special duty for tube-well investigation in the Punjab, and in the course of his investigation he is carrying out a special enquiry as to the possibility of applying tube-wells for the relief of the south-east Punjab.

He has also examined the possibilities of obtaining water from lining the Western Jumna Canal and from a dam site and has submitted a preliminary departmental report. The investigation is proceeding.

Sardar Kapoor Singh: May I know whether Ludhiana is also included in the south-east Punjab?

Minister: That does not arise out of this question.

Sardar Kapoor Singh: Why not? When an officer is appointed for south-east Punjab, as has been pointed out in the Minister's reply, I would like to know whether Ludhiana is included in this area?

Minister: It is not necessary because all schemes are under investigation.

Sardar Kapoor Singh: Then say so.

CORRESPONDENCE WITH BILASPUR RN: BHAKRA DAM PROJECT.

*3087. **Chaudhri Suraj Mal**: Will the Honourable Minister of Revenue be pleased to state—

(a) whether and when the Bhakra Dam Scheme is expected to mature;

(b) whether the Punjab Government is having any correspondence with the Maharaja of Bilaspur in connection with the Bhakra Dam Scheme these days; if so, whether the Government is prepared to lay that correspondence on the table of the House?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The extent of possible damage to Bilaspur is under examination at present and will be considered by Government in the very near future. An attempt is being made to find a solution that will be satisfactory to Bilaspur and the Punjab, but negotiations with Bilaspur have not actually started as yet.

It should be possible to start work within two years of these negotiations reaching a happy issue. These two years will be spent in making the project and studying the technique of high dam construction. Such a dam has not been constructed in the Punjab in the past.

(b) There is no recent correspondence to lay on the table.

CULVERTS OR BRIDGES ACROSS THE HISSAR MAJOR.

*3082. **Chandhri Suraj Mal :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that there are no culverts or bridges for going across the Hissar Major in the Hansi Sub-Division of the Rohtak Division from the town of Hansi up to village Kharar, a distance of ten miles ;

(b) whether it is a fact that several villages lie on the way with their lands on both sides of the said Major ;

(c) whether it is a fact that the people of Dhani Kutabpur whose lands are stretched on both sides of the said Major and who experience great difficulties in carting their crops from fields lying on the other side of the canal applied several times to the canal authorities for the construction of a bridge over the canal at a suitable place ;

(d) whether it is a fact that there is a small village Lallpur near Dhani Kutabpur which lies on the other side of the canal and that small children from this village come to read daily in Dhani Kutabpur school and have to pass through the canal ;

(e) if the answer to the above be in the affirmative, whether and when it is intended to construct the required bridge ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes : There are bridges opposite villages Hansi and Kharar on Hissar Distributary the distance between Hansi and Kharar is 5.4 miles.

(b) No. Only one village has land on both sides of the distributary.

(c) Previous to 17th December, 1937, when some people of village Dhani Kutabpur applied for the facility the question was not brought to the notice of Government. The matter is under investigation.

(d) Yes.

(e) The matter is under consideration and will receive due consideration.

*3083. *Cancelled.*

CONSTRUCTION OF METALLED ROADS BETWEEN HANSI, JIND AND
BHIWANI.

*3890. **Chaudhri Suraj Mal**: Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that there is great traffic between the important commercial towns of Hansi, Jind and Bhiwani and that there are no metalled roads to connect these towns;

(b) whether it is a fact that attention of the Government has been invited several times by resolutions passed by the District Board, Hissar, and by addresses presented to Governor and Government members to the need for metalling the Hansi-Jind and Hansi-Bhiwani roads;

(c) whether and when these roads may be expected to be metalled?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) The traffic on the roads between Hansi, Jind and Bhiwani is not so heavy at present as to demand any special consideration. The existing roads though *katcha* are in a motorable condition.

(b) Yes.

(c) The road between Hansi and Bhiwani is competitive with North-Western Railway. Therefore, its metalling cannot be undertaken. The road between Jind and Hansi is not considered to be of sufficient provincial importance as compared with many other roads in the province.

SCHEME OF TUBE-WELL IRRIGATION BY BAWA NATHA SINGH.

*3891. **Lieutenant Sardar Nannihal Singh Mann**: Will the Honourable Minister of Revenue be pleased to state whether it is a fact that Bawa Natha Singh, retired Superintending Engineer, sometime ago prepared a scheme of irrigation by tube-wells for serving the area which is now served by Jumna Canal; if so, whether he will be pleased to lay it on the table of the House?

The Honourable Dr. Sir Sundar Singh Majithia: Bawa Natha Singh, Chief Engineer (retired) wrote a note about tube-well irrigation. It is regretted that official notes of this description which are more or less of a confidential nature are not placed on the table of the House.

SWEEPERS WORK TAKEN BY SCHEDULED CASTES IN JAILS.

*3892. **Chaudhri Faqir Chand**: Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that the prisoners belonging to scheduled castes are forced to do sweepers work in the jails;

(b) whether there are any rules that require such prisoners to do this work; if so, the reasons for the same and if not the action Government propose to take in the matter?

The Honourable Mr. Manshar Lal: (a) Only those who are classified as sweepers by the convicting courts.

(b) The honourable member's attention is invited to paragraph 701 of the Punjab Jail Manual. The remaining portion of the question does not arise.

RECEPTION OF HIS EXCELLENCY THE GOVERNOR BY THE DISTRICT BOARD, HOSHIARPUR.

*3093. **Dr. Sant Ram Seth**: Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the District Board, Hoshiarpur, decided to accord a reception to His Excellency the Governor of the Punjab on the eve of his official visit to that place in the month of March last;

(b) if so, what amount was spent for the occasion?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) His Excellency the Governor of the Punjab did not pay a visit to Hoshiarpur in March, 1938.

(b) Does not arise.

Sardar Hari Singh: May I ask the Honourable Minister whether the District Board of Hoshiarpur budgetted any amount for expenditure in connection with the visit of His Excellency the Governor?

Minister: It does not arise out of this question. I have replied the question tabled.

ACCOMMODATION FOR THE UNDER-TRIAL PRISONERS IN THE AMRITSAR SUB-JAIL.

*3094. **Dr. Sant Ram Seth**: Will the Honourable Minister of Finance be pleased to state—

(a) the total accommodation for the under-trial prisoners in the Amritsar sub-jail;

(b) the number, at present, of the prisoners in the said sub-jail;

(c) whether the arrangements for water supply in the said jail exist?

The Honourable Mr. Manohar Lal: (a) 264 including convicts.

(b) 482.

(c) Yes.

Dr. Sant Ram Seth: May I know whether it is a fact that in the Amritsar jail sufficient water (water in *kafi miqdār*) is not available for the prisoners for washing and drinking purposes?

Minister: I may say that arrangements for water supply do exist there. As to '*kafi miqdār*', that is a matter of opinion.

Dr. Sant Ram Seth: How many water taps are there for providing water to the prisoners?

Minister: I cannot give the exact number, but the arrangements for water supply are by means of municipal taps and hand pumps.

FATEHWAL CASE UNDER-TRIAL PRISONERS.

*3095. **Dr. Sant Ram Seth** : Will the Honourable Minister for Finance be pleased to state—

- (a) the total accommodation in the barrack in which Fatehwal case under-trial prisoners are kept ;
- (b) whether it is a fact that in front of the ventilators of the hind wall of the barrack wooden planks have been fixed which check the free passage of the fresh air and cause suffocation to the prisoners in this hot weather ; if so, the action proposed to be taken in the matter ?

The Honourable Mr. Manohar Lal : (a) 30.

(b) The wooden planks which have been fixed to the outer side of the verandah do not check the free passage of fresh air.

Dr. Sant Ram Seth : May I know whether it is a fact that many prisoners have fallen ill owing to congestion ?

Minister : What does the honourable member mean by 'congestion' ?

Dr. Sant Ram Seth : Over population.

Minister : Not to my knowledge.

Sardar Hari Singh : Will the Honourable Minister please enquire ?

Minister : I will enquire into anything an honourable member may wish.

BEDS IN LADY EMERSON SETH CHATUR BHUJ MATERNITY HOME, AMRITSAR.

*3096. **Dr. Sant Ram Seth** : Will the Honourable Minister of Education be pleased to state the number of beds in Lady Emerson Seth Chatur Bhuji Maternity Home, Amritsar ?

The Honourable Mian Abdul Haye : Fifteen. (Twelve in General wards and 3 in Private wards).

Dr. Sant Ram Seth : May I know whether any fee is charged from them ?

Minister : I am not aware of that. If the honourable member gives me notice, I will make enquiries.

MATERNITY HOME NEAR HINDU SABHA COLLEGE, AMRITSAR.

*3097. **Dr. Sant Ram Seth** : Will the Honourable Minister for Education be pleased to state whether the Maternity Home near Hindu Sabha College, Amritsar, the foundation of which was laid by Lady Chelmsford in 1918 is now ready ; if so, the number of beds therein ?

The Honourable Mian Abdul Haye : The institution to which the honourable member refers is not a Maternity Home, but new premises for the Municipal Committee's Women's Hospital. The construction work of the building was started two months ago and it will not be finished for some time. It will, to start with, have 25 beds.

CASES UNDER MOTOR VEHICLES ACT AT AMRITSAR.

*3088. **Dr. Sant Ram Seth** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number of cases tried under Motor Vehicles Act at Amritsar up to 15th June, 1938 ;
- (b) the number of acquittals and convictions in such cases ;
- (c) the total amount of fine imposed on convictions and the amount of the fine realized in this respect ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The question is an ambiguous one as it does not state from what date the information is needed but it is presumed that information needed is from 1st January, 1938.

The total number of cases tried under the Motor Vehicles Act at Amritsar from the 1st January, 1938, to the 15th June, 1938, is—872.

- (b) Acquittals—19.
Convictions—267.
- (c) Fine imposed—Rs. 8,068-8-0.
Realized—Rs. 7,795.

Dr. Sant Ram Seth : Is it a fact that the motor drivers are punished on the evidence of constables alone ?

Minister : The evidence is placed before the court who have to decide whether that evidence is suspicious or not.

Lala Bhagat Ram Cheda : May I know whether motor drivers are allowed to give evidence ?

Mr. Speaker : Disallowed.

EX-MILITARY MEN AS TAHSIL PEONS.

*3099. **Rai Hari Chand** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Government had sometime ago issued instructions that in future recruitment for tahsil peons, ex-Military men should be preferred ;
- (b) whether these instructions have been carried out in the four tahsils of Hoshiarpur district regarding recruitment of tahsil peons ?

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

(b) Yes.

SLAUGHTER HOUSE SITUATED IN KRISHAN NAGAR.

*3100. **Sardar Hari Singh** : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Lahore Municipality had passed a resolution for the removal of the slaughter house situated in the locality of Krishan Nagar, Ram Nagar and Sant Nagar ;

[S. Hari Singh.]

- (b) whether further it is a fact that the Punjab Government had already issued order for the removal of the said slaughter house from its present site;
- (c) whether he is further aware of the agitation among the residents of the locality against the continuance of the slaughter house on its present site;
- (d) action proposed to be taken by the Government in the matter?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The honourable member is referred to the reply given to question No. *8001¹.

Sardar Hari Singh : May I, Sir, draw your attention to the fact that the answer, to which the Honourable Minister has referred, is not an answer to parts (a) and (b) of this question. In answer to a supplementary question on that occasion he said, "Give notice of the question and I shall answer that." Now, this is the very supplementary question of which he wanted notice. But now he says that he has already answered that question.

Minister : The reply is contained therein. I may add for the information of the honourable member that I am in a position to give a reply to that question also to which he has referred and which is totally different. It is not contained in this question, but the reply is there.

Sardar Hari Singh : May I know whether the reply to this question is that the Punjab Government had issued orders?

Minister : Has the honourable member read that reply?

Mr. Speaker : Is that reply now with the honourable member?

Sardar Hari Singh : No, but I remember it.

Minister : I will read the reply to part (b) of that question for the information of the honourable member. This is what I said—

"(b) Yes, on 2nd December, 1936. This decision had no result, because 32 members of the Municipal Committee sent to the President a requisition on 12th June, 1936, asking for a reconsideration of the previous decision of the Committee."

Sardar Hari Singh : I want the Honourable Minister to read out that portion of the answer which refers to the answer to the supplementary question to the effect whether the previous Government or the present Government had issued orders which were not availed of by the Committee.

Minister : The reply is clear. The present Government has not come to any such decision on the subject. As far as the last Government was concerned, it considered the matter on 2nd December, 1936, but that had no result because 32 members applied to the contrary for a reconsideration of the matter by the Government.

Sardar Hari Singh : May I ask the Honourable Minister whether he is aware of the fact that since the answer to the question on the same subject last time, there has been a keener resentment and agitation against keeping the slaughter house on the present land?

Minister : I am not aware of that. There are usual representations from interested quarters.

Sardar Hari Singh : May I know the result of those representations?

Minister : My reply was clear. When we find some other suitable site suggested, I will consider the matter.

Mr. Dev Raj Sethi : May I ask the Honourable Minister to appoint an inquiry committee?

Minister : It would serve no useful purpose.

COMPLAINT FROM PATWARI OF MANSIAN.

***3101. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Deputy Commissioner, Jullundur, has recently received a written complaint from the patwari of Mansian, district Jullundur, of his having been beaten by the Revenue Officer of Jullundur on tour in the *ilaga*; if so, action taken by the authorities in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : No such complaint has been received by the Deputy Commissioner—the question of action having been taken therefore does not arise.

SUSPENSION OF RESOLUTIONS OF THE MUNICIPAL COMMITTEE, AMRITSAR.

***3102. Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Deputy Commissioner, Amritsar, has recently suspended two resolutions of the Municipal Committee, Amritsar, one regarding payment of temporary allowances to some of the Municipal employees, who had established their right in a civil suit, and the other passed in 1934 regarding sanction accorded to a lay-out plan on the Lawrence road, major portion of which had been built upon; if so, the grounds for suspension?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The Deputy Commissioner, Amritsar, has suspended two resolutions passed by the Municipal Committee, Amritsar, one relating to the grant of temporary allowances to the Municipal employees and the other relating to the so-called lay-out plan of the land owned by Sardar Gurdial Singh on Lawrence road. In regard to the former the civil court judgment had made it clear that the Municipal Committee was quite competent to discontinue the allowances for the future and as the action of the Committee in continuing the grant of allowances for the future involved scandalous waste of money the resolution was suspended. The latter was suspended as the lay-out plan in question was in fact a building scheme and as such the resolution was in excess of the Committee's powers.

Sardar Hari Singh : Is it a fact that the second resolution suspended by the Deputy Commissioner was passed in 1934?

Minister : Might have been passed in 1934, but inasmuch as the Committee exceeded its powers the Deputy Commissioner was within his legal powers to suspend that resolution.

Sardar Hari Singh : What I want to know is whether the resolution was passed in 1984. If it was passed in 1984, why was there such a long delay on the part of the Deputy Commissioner in suspending it ?

Minister : Any delay does not affect the legality of the order of the Deputy Commissioner.

Sardar Hari Singh : Is it at all desirable that the Deputy Commissioner should interfere with the resolution of the Committee after such a long time ?

Minister : Certainly, if the resolution was illegal and beyond the power of the body concerned.

Sardar Hari Singh : What was the cause of delay on the part of the Deputy Commissioner in suspending the resolution ?

Minister : He passed orders when the matter came to his notice.

Sardar Hari Singh : Does the Honourable Minister intend to call for an explanation for the delay from the Deputy Commissioner.

Minister : No. There was no delay of the type which may warrant an explanation.

Sardar Hari Singh : Does the Honourable Minister think that a delay of four years is no delay ? Does he know that the resolution was passed in 1984 ?

Minister : Why is the honourable member emphasising the year ? What is the information he wants ?

Sardar Hari Singh : Has not the Honourable Minister read this part of the question which relates to the date of passing of the resolution ? I have been repeatedly asking whether it was not a fact that the resolution was passed in 1984.

Minister : I am not sure of the date. If the honourable member will give notice I shall look into the matter.

Sardar Hari Singh : I have already given notice.

Minister : I assume that his date is correct.

Sardar Hari Singh : It is not a question of assumption. I want to know definitely whether the date is correct or not ?

Dr. Gopi Chand Bhargava : Does not the reply of the Honourable Minister to the question imply that the resolution was passed in 1984 ?

Minister : I am not sure about the date, but when the matter came to the notice of the Deputy Commissioner he suspended it, because it was illegal. As to the exact date of the resolution if the honourable member will give notice I shall supply the information.

Dr. Gopi Chand Bhargava : About the year of passing the resolution ?

Minister : No, about the date.

Dr. Gopi Chand Bhargava : The year is mentioned in the question itself.

Sardar Hari Singh : May I know from the Honourable Premier whether an answer like this by his colleague is at all satisfactory and parliamentary ?

Minister : I strongly take objection to that language. I already said that I am not sure of the date and I asked for notice.

Sardar Hari Singh : The notice is already there.

Mr. Speaker : If the Honourable Minister does not answer that part of the question, it may be taken that he declines to answer it. The next question.

POLICE SERGEANTS IN THE PUNJAB.

*3103. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the number of posts of Police Sergeants in the Punjab ;
- (b) duties assigned to the sergeants ;
- (c) whether it is a fact that all the posts of sergeants are held by Europeans and Anglo-Indians ;
- (d) special privileges, if any, attaching to these posts ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) 42.

(b) The duties of sergeants include amongst other things—

- (1) The regulation and control of traffic in cantonments and important civil stations.
- (2) General duty in cantonments under the supervision of Cantonment Inspectors.
- (3) The serving of processes on Europeans.
- (4) The escorting of European prisoners.
- (5) The inspection of motor vehicles and testing applicants for motor driving licences.
- (6) The regulation and control of passenger traffic at important railway stations.

(c) Yes.

(d) There are none.

Sardar Hari Singh : May I ask the Parliamentary Secretary to state how the pay of sergeants compare with that of the sub-inspectors ?

Parliamentary Secretary : That does not arise out of the question.

Sardar Hari Singh : May I know whether there is any difference as a matter of privilege ? Has the sub-inspector to salute the sergeant ?

Parliamentary Secretary : There is no privilege attached to the post. The second part does not arise out of the question.

Munshi Hari Lal : May I know why the posts of sergeants are reserved for Europeans and Anglo-Indians ?

Parliamentary Secretary : For the reason I have already stated in the answer.

Lala Duni Chand : Does Government intend to give some of these posts to Indians ?

Sardar Hari Singh : I want to know the Parliamentary practice in regard to this point, whether a Parliamentary Secretary can have promptings for answering questions.

Parliamentary Secretary : There has been no prompting.

Munshi Hari Lal : Have Indians been tried in these posts which are reserved for Europeans and Anglo-Indians ?

Premier : It is only a difference in designation. Really there is no other difference.

Lala Doshbandhu Gupta : Does the Honourable Premier think that the Government cannot go on without these European and Anglo-Indian Sergeants ?

Mr. Speaker : That asks for an expression of opinion and is, therefore, disallowed.

Lala Bhim Sen Sachar : Is the Honourable Premier quite sure that grade for grade the salaries of these Europeans are not greater than those of the Indian employees ?

Premier : I do not understand what the honourable member means by "grade for grade" ? There is only one grade of Indian sub-inspectors and European sergeants.

Lala Bhim Sen Sachar : Do the posts of sergeants and sub-inspectors carry the same pay ?

Premier : There is no difference in grade. There is only one grade.

Lala Bhim Sen Sachar : If the sergeant corresponds to sub-inspector, then are the salaries of both the same ?

Parliamentary Secretary : That question does not arise. The honourable member should give notice if he wants information on that point.

Lala Bhim Sen Sachar : Is the Government satisfied that the duties entrusted to these sergeants cannot be properly handed over to Indian sub-inspectors ?

Parliamentary Secretary : That is so. The duties entrusted to sergeants cannot be properly performed by Indians.

Lala Bhim Sen Sachar : Have the Government looked into this question and satisfied themselves ?

Parliamentary Secretary : It is true that some of the duties can more appropriately be performed by European sergeants than by Indian sub-inspectors.

Lala Bhim Sen Sachar : If some of the duties can be equally efficiently discharged by Indians why is it that Government does not make over those duties to them ?

Premier : It would be uneconomical. The sergeants must have their full day's work. It would not be economical if they have got to do only half-day's work.

Lala Bhim Sen Sachar : Does the Premier find himself absolutely helpless in retrenching these officers?

Premier : That is an insinuation which I am not prepared to accept.

Munshi Hari Lal : What are the duties which are more appropriately performed by the sergeants which cannot be performed by Indians?

Premier : The honourable member has not followed the answer; otherwise he would not have put the supplementary question.

Munshi Hari Lal : In answer to a supplementary question the answer given was that certain duties were more properly performed by sergeants than by sub-inspectors. I want to know what those duties are.

Premier : My honourable friend evidently did not intelligently follow the answer. The answer gives the details of the various duties which the sergeant has got to do.

Lala Deshbandhu Gupta : Has the Honourable Premier considered the possibility of replacing these British sergeants with Indians?

Premier : That does not arise out of this question. But there are some duties which are more properly carried out by European sergeants, for instance, if my honourable friend was a sub-inspector, he would hesitate to go and arrest some one in a British regiment.

Lala Deshbandhu Gupta : Why?

Premier : In the same way as an European sergeant finds it difficult to arrest some one in an Indian regiment.

Lala Deshbandhu Gupta : Does the Honourable Premier think that this element of Europeans in the police is unavoidable for all time to come?

Mr. Speaker : That is a matter of opinion.

Lala Duni Chand : Does not the responsible Government of the Punjab admit that it is a sad state of affairs that Indians should not be found fit to fill in posts like this?

Mr. Speaker : Disallowed.

Lala Deshbandhu Gupta : How long will the Honourable Premier take to replace these Europeans if at all by Indians?

Premier : This question does not arise. But as a matter of fact the question is so wide and of such universal application then I should like to wait and see what other provinces do in the matter.

DEPUTY SUPERINTENDENT OF POLICE HEADQUARTERS.

*3104. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether the posts of Deputy Superintendent of Police Headquarters with allowance are reserved for Europeans;

[B. Hari Singh.]

(b) if answer to (a) above be in the affirmative, reasons for this reservation ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No.

(b) Does not arise.

SELECTION GRADE POSTS OF SENIOR SUPERINTENDENTS OF POLICE.

***3105. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) the number of selection grade posts of Senior Superintendents of Police ;

(b) whether officiating appointments are not usually made to posts of Superintendents of Police rendered vacant by leave ?

The Honourable Major Sir Sikander Hyat-Khan : (a) There are 5 selection grade posts in the rank of Superintendent of Police for the Joint Indian Police cadre of the Punjab, North West Frontier Provinces, Baluchistan and Delhi.

(b) Officiating appointments are made in the rank of Superintendent of Police when vacancies occur through officers proceeding on leave.

MODIFICATIONS IN THE FEDERAL SCHEME.

***3106. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether the Punjab Government has been asked by the Central Government to suggest modifications in the Federal Scheme in response to the Resolution passed by the Punjab Assembly on the subject last session, if so, modifications suggested by the Punjab Government ;

(b) whether the Punjab Government has on its own initiative, suggested changes in the said scheme in the light of the resolution passed by the Assembly, if so, the changes suggested.

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) No.

(b) No.

Sardar Hari Singh : May I know whether the Punjab Government has forwarded the resolution passed by this Assembly in the last session on the question of federation, to the Secretary of State for India ?

Parliamentary Secretary : I want notice of that question.

Sardar Hari Singh : May I ask whether they have sent the resolution to the Government of India ?

Premier : We want notice of that question.

Sardar Hari Singh : May I enquire whether the Honourable Premier is aware of the fact that a resolution asking the Punjab Government to convey the feeling of this House on the question of Federation to the Central Government and to the British Government was passed ?

Premier : It will take your time and also the time of the House if I were to attempt to answer the question, because his next question will be when it was sent, whether we received any reply, if so what it was and so on and so forth. He might, therefore, give a regular notice of his questions.

Sardar Hari Singh : May I know whether the orders of this House have been obeyed by the Punjab Government in the matter of conveying the recommendation of this Assembly ?

Mr. Speaker : That is covered by the previous question.

Premier : No, Sir. The question is quite clear, whether the Government has done anything. It is quite a separate question and I should like to have notice of this question.

Lala Deshbandhu Gupta : I wish to know from the Honourable Premier whether he knows that the resolution which was passed by the Assembly has been forwarded or not with or without any recommendations of the Punjab Government. If nothing is done what has been the result ? What has been the fate of that resolution ?

Mr. Speaker : This question has been answered already.

Premier : What is the difference ?

Lala Deshbandhu Gupta : The difference is apparent.

Mr. Speaker : I cannot allow arguments.

Lala Deshbandhu Gupta : Are we not entitled to know whether the resolution has been forwarded ?

Mr. Speaker : It is not for me to answer the question.

Sardar Hari Singh : Will he answer it at short notice ?

Mr. Speaker : That is a different matter altogether.

MODIFICATION IN THE EXCHANGE RATIO.

***3107. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the Punjab Government has made any representation to the Central Government suggesting modification in the Exchange Ratio with a view to improve the marketing prospects of agricultural commodities ;
- (b) whether he is or he is not aware that certain other Provincial Governments have made representations of this nature to the Central Government.

The Honourable Mr. Manohar Lal : (a) No.

(b) Yes.

PATIENTS ADMITTED INTO PRIVATE WARDS OF MAYO HOSPITAL.

***3108. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Education be pleased to state whether it is a fact that the patients admitted in Private Wards of the Mayo Hospital are debarred from getting

[Dr. Gopi Chand Bhargava.]

themselves treated by Medical Practitioners other than the Physicians or Surgeons attached to the Mayo Hospital; if so, the action Government proposes to take in the matter?

The Honourable Mian Abdul Haye: Yes. The matter was considered in all its bearings on several previous occasions but the proposal was not accepted by Government. No useful purpose is likely to be served in re-opening the question again.

Dr. Gopi Chand Bhargava: May I know the reasons why the Government do not think it desirable to allow private practitioners to see the patients in these wards?

Minister: It must be assumed that when patients come to the Mayo Hospital they need the assistance of the physicians and surgeons attached to that hospital and if they want the assistance of any other medical practitioner they need not come to the Mayo Hospital.

Dr. Gopi Chand Bhargava: May I know if the Government has provided these private wards for the private practice of medical men who are in Government service?

Minister: It is for the convenience of the public and service is provided by the staff of the Mayo Hospital, not by every Tom, Dick and Harry.

Dr. Gopi Chand Bhargava: I am very grateful to the Honourable Minister for Education for the language and for the ideas he possesses of private practitioners. But may I ask him how the convenience of the public is served by allowing treatment by those Government servants who get a salary and who are not necessarily very qualified people?

Minister: It is not a private nursing home and it must be assumed that the arrangements made by the Government are satisfactory.

Dr. Gopi Chand Bhargava: My question is how does the Honourable Minister for Education think that it serves the public and it is for the service of the patients who come to the Hospital and not for providing private practice for those whom they pay and who should not be paid anything for this service?

Minister: It is not providing for the benefit of the surgeons. They are called upon to serve the people that come there.

Dr. Gopi Chand Bhargava: Then why are not other doctors allowed to come there?

Minister: Because they do not belong to the Hospital.

Dr. Gopi Chand Bhargava: When it is a nursing home....

Minister: It is not a nursing home.

Dr. Gopi Chand Bhargava: Then why provide practice for Government servants?

Minister: There is an additional ground for not allowing people not connected with the Hospital, because Government can have no administrative control over them.

Maulvi Ghulam Mohy-ud-Din: Is it not a fact that these private wards form a part of the Mayo Hospital?

Minister : Yes.

Rai Bahadur Mr. Mukand Lal Puri : If they form part of the Hospital, how can the Government servants charge extra fees for giving their service ?

Minister : This question is now being examined.

Pandit Muni Lal Kalia : May I ask whether the Honourable Minister means by 'Tom, Dick and Harry' all doctors who are not in Government service ?

Mr. Speaker : Disallowed.

Lala Deshbandhu Gupta : May I know if the Honourable Minister knows that even in England private practitioners are invited by Government to serve in hospitals and Government feel obliged to them for their service ?

Minister : Then it is for me to invite and not for others.

Rai Bahadur Mr. Mukand Lal Puri : Will the Government consider the advisability of appointing honorary surgeons and physicians in this connection ?

Minister : All these questions are now under the consideration of the Government.

Lala Duni Chand : What objection has the Government if in such cases patients desire to bring any outside help ?

Minister : They can get it but at their own homes.

—

FEES CHARGED FROM ANGLO-INDIAN AND INDIAN PATIENTS ADMITTED
INTO PRIVATE WARDS OF LADY WILLINGDON HOSPITAL.

***3109. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that Anglo-Indian patients can be admitted in the Lady Willingdon Hospital Private Wards on payment of Rs. 2 per diem only, and they have not to pay any fees to Medical Officers ;

(b) whether it is a fact that the Indians have to pay Rs. 5 a day and fees for Medical Officers in Private rooms, if so, the reasons therefor ?

The Honourable Mian Abdul Hays : (a) In accordance with the rules contained in Appendix LIII of the Punjab Medical Manual, patients whether European, Anglo-Indian or Indian, admitted in the Private Wards of the Lady Willingdon Hospital, Lahore, whose income is not over Rs. 150 per mensem, are charged Rs. 2 per day. They are exempt from paying fees to the Medical Officer.

(b) There is no rate of Rs. 5 per day prescribed in the rules referred to above.

Dr. Gopi Chand Bhargava : What is the amount charged from patients who get themselves treated in the private rooms of the Lady Willingdon Hospital ?

Minister : No fees are charged by the Medical Officers.

Dr. Gopi Chand Bhargava : No fees are charged from the patients under part (a) but I am asking about part (b).

Minister : I think there are uniform rules for every body.

Dr. Gopi Chand Bhargava : Am I to understand that Indian patients are admitted even now to the wards which I have mentioned in part (a) ?

Minister : Yes, they are eligible.

Dr. Gopi Chand Bhargava : Are they admitted ?

Minister : I must assume that unless the honourable member brings any complaint to my notice. If he does so, I shall enquire.

Dr. Gopi Chand Bhargava : They are not admitted.

Minister : Then bring such cases to my notice.

Dr. Gopi Chand Bhargava : If I think you can get a redress I shall bring them to your notice.

RETIREMENT OF PRINCIPAL, ORIENTAL COLLEGE.

***3110. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Education be pleased to state when the Principal of the Oriental College is due to retire and whether it is proposed to give him extension ; if so, the reasons therefor ?

The Honourable Mian Abdul Haye : The present Principal of the Oriental College, Lahore, who is also the University Professor of Arabic was due to retire on the 30th September, 1938. The Senate, on the unanimous recommendation of the Syndicate, has unanimously decided that he be re-appointed for one more year on his present emoluments. The reasons which led to the grant of extension were that the Principal's services to Arabic scholarships are of outstanding value and it was not considered easy to find the best possible successor to him as Professor of Arabic by next October.

CERTIFICATES GRANTED BY REGISTERED MEDICAL PRACTITIONERS.

***3111. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Education be pleased to state whether it is a fact that certificates granted by medical practitioners registered under the Medical Registration Act have to be countersigned by civil surgeons ; if so, why ?

The Honourable Mian Abdul Haye : No. All heads of offices are authorised to accept without countersignature medical certificates granted by medical practitioners whose names appear in the Annual Medical List. In fact heads of offices are required as a matter of practice to accept uncounter-signed certificates of registered medical practitioners unless there are special grounds for not doing so.

CULTIVABLE AREA AND AVERAGE OF WHEAT PRODUCTION IN JHELUM DISTRICT.

***3112. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total area hilly and plain in the district of Jhelum, fit for cultivation in the year 1900 (time of the previous settlement) and in 1938 ;

(b) the total area cultivated in the years 1900 and 1988 in the tahsil Pind Dadan Khan and the area covered by *kallar*, in year 1900 and 1988 in the said tahsil and *banjar gadim* in 1900 and 1988 in the same tahsil ;

(c) the average production of wheat per acre in the years 1900 and 1988 in the district of Jhelum ?

The Honourable Dr. Sir Sundar Singh Majithia : (a), (b) and (c) A statement showing the figures for the year 1900 is laid on the table. Figures for 1988 are not available.

Statement.

	<i>Acres.</i>
(a) Total area hilly and plain fit for cultivation in 1900 in the Jhelum district	1,211,793
(b) (i) Total area cultivated in Pind Dadan Khan tahsil in 1900.	202,423
(ii) The figures of area covered by <i>kallar</i> in Pind Dadan Khan tahsil in 1900 are not available but such area recorded in 1901 in this tahsil is	23,676
(iii) <i>Banjar gadim</i> area recorded in 1900 in Pind Dadan Khan tahsil	40,023
(c) Average outturn of wheat per acre in seers in all the assessment circles of the Jhelum district assumed at last settlement is as under:—	

	JHELUM.				PIND DADAN KHAN.				CHAKRAL.	
	River Bank.	Maidan.	Khandar.	Pabbli.	Hills.	Phaphra.	Thal.	River Bank.	Lundi Patti.	Dhani.
1	2	3	4	5	6	7	8	9	10	11
Irrigated ..	480	440	480	360	500	360	500	400	440	480
Sailab ..	320	320	300	..	..	..	380	320	..	..
Hail ..	400	420	330	380	400	320	340	300	320	340
Bhrani I ..	380	400	340	340	360	320	240	260	320	340
Matta ..	260	280	240	260	240	200	160	200	240	240
Rakkar ..	200	160	120	120	200	160	100	160	120	120

IRRIGATION OF LAND IN PIND DADAN KHAN TAHSIL FROM THE
INUNDATION CANAL.

***3113. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that the land in Tahsil Pind Dadan Khan, district Jhelum, is intended to be irrigated from the inundation canal in future, if so, when it will be done and how much area of land will be so irrigated ?

The Honourable Dr. Sir Sundar Singh Majithia : A scheme is under investigation to resuscitate—extend and improve—an abandoned inundation canal near Pind Dadan Khan but as the investigation has started recently and is not yet complete particulars therefore could not be given at present.

Mian Abdul Rab : May I know as to whether the Government have any scheme under consideration known as Jalalpur Hydro Scheme to give relief to the zamindars of the *ilaga* ?

Minister : The question has been considered and is still under investigation.

Mian Abdul Rab : May I know as to whether the Punjab Government has received a sum of Rs. 50,000 from the Government of India to be spent on a scheme to give relief to the poor zamindars of that *ilaga* whose lands have been damaged by the Khewra mines ?

Minister : Yes.

Mian Abdul Rab : In what way does the Government propose to spend the amount ?

Minister : I have said that the scheme is under consideration and this particular question also relates to the same thing.

FLUCTUATING ASSESSMENT OF LAND REVENUE IN TAHSIL PIND
DADAN KHAN.

***3114. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether the Government has a proposal to introduce the system of fluctuating assessment of land revenue in tahsil Pind Dadan Khan, district Jhelum, if so, why ?

The Honourable Dr. Sir Sundar Singh Majithia : No.

SUSPENSION OR REMISSION OF LAND REVENUE FROM VILLAGES OF
PIND DADAN KHAN.

***3115. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state the number of villages in tahsil Pind Dadan Khan, district Jhelum, where land revenue has been suspended or remitted from the years 1900 to 1938 ?

The Honourable Dr. Sir Sunder Singh Majithia : A statement is laid on the table.

Statement showing number of villages in which land revenue was suspended or remitted in Pind Dadan Khan tahsil, district Jhelum, from 1899-1900 to 1937-38.

Name of year.	Number of villages.	Name of year.	Number of villages.
1	2	3	4
1899-1900	179	1919-1920	37
1900-1901	169	1920-1921	158
1901-1902	162	1921-1922	3
1902-1903 .. ..	..	1922-1923	12
1903-1904 .. ..	..	1923-1924	12
1904-1905	33	1924-1925	37
1905-1906	72	1925-1926	15
1906-1907	30	1926-1927	2
1907-1908	115	1927-1928	5
1908-1909	3	1928-1929	75
1909-1910	40	1929-1930	45
1910-1911	18	1930-1931	68
1911-1912	129	1931-1932	9
1912-1913	45	1932-1933	59
1913-1914	24	1933-1934	37
1914-1915	36	1934-1935	59
1915-1916	92	1935-1936	40
1916-1917	40	1936-1937	53
1917-1918	3	1937-1938	72
1918-1919	115	.. ..	..

DHARMAJYI JAGIRDARS IN JHELUM DISTRICT.

*3116. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether the *dharmajy* jagirdars fulfil the conditions every year on which the jagirs have been bestowed on them in district Jhelum, their number and total value of land revenue realized by them?

The Honourable Dr. Sir Sunder Singh Majithia : Yes. The number of these jagirs is eleven and the annual value Rs. 5,768.

GHORIPAL GRANTEES OF LAND.

*3117. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to lay on the table of the House the rules governing the conduct of the trial of *Ghoripal* grantees of land for non-compliance of terms and state the law under which the rules were framed ?

The Honourable Dr. Sir Sundar Singh Majithia : The rules are printed at pages 147—151 of the Punjab Colony Manual, 1933 edition, Supplement No. III, which is in the library. They are styled rules : but are more exactly instructions.

PRIVATE CANALS.

*3118. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of private canals in the province ;
- (b) the names of their proprietors ;
- (c) the area irrigated by them ;
- (d) the rate of *abiana* they realize from cultivators ;
- (e) the tax the proprietors of private canals pay to the Government for taking water from the river ?

The Honourable Dr. Sir Sundar Singh Majithia : The preparation of these statistics would require an amount of time and labour out of all proportion to the results obtainable. I regret that Government does not feel justified in calling for them.

SHAHPUR BRANCH OF LOWER JHELUM CANAL.

*3119. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Shahpur Branch of Lower Jhelum Canal has been dug ;
- (b) whether it irrigates any land, if so, how much, if not, why not ;
- (c) the total amount of money spent on it ;
- (d) whether it is a fact that the canal was meant to irrigate land for both crops in a year ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (c) The honourable member is referred to part (a) of reply given to a somewhat similar starred question No. 183 by Diwan Chaman Lall, put and answered on 29th June, 1937.

- (b) No. Because of the danger of waterlogging land in its vicinity.
- (d) Yes.

NON-GHORIPAL GRANTEES OF LAND IN LOWER JHELUM COLONY.

*3120. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that non-ghoripal grantees of land in Lower Jhelum Colony sell their occupancy rights, if so, whether it is a fact that they buy their proprietary rights before selling their occupancy rights, if so, why ?

The Honourable Dr. Sir Sundar Singh Majithia : *First part.*—Not without the consent of the Commissioner.

Second part.—Yes.

Third part.—To avoid the obligations laid on them by section 19 of the Colonization of Government Lands Act.

GHORIPAL GRANTEES.

*3121. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state the number of Ghoripal grantees sanctioned during 1901 and 1902 by the Financial Commissioner, Punjab, and the conditions on which they were made ghoripals ?

The Honourable Dr. Sir Sundar Singh Majithia : These enquiries into the history of a generation ago require considerable research ; and this will involve time and labour not commensurate with the value of information to be gained.

NAZRANA PAYING SUFEDPOSH GHORIPAL GRANTEES.

*3122. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that the nazrana paying sufedposh ghoripal grantees were given occupancy rights on the very first day that they were given possession of land without their having subscribed to any conditions laid down in sections 6 and 7 of the Tenancy of Act of 1890, if so, the number of such people before 1904 ?

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

SUFEDPOSH GHORIPAL GRANTEES.

*3123. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to lay on the table of the House the rules governing those sufedposh ghoripal grantees who were given occupancy rights before subscribing to any conditions and the date when those rules were formulated ?

The Honourable Dr. Sir Sundar Singh Majithia : Government is not aware that any allotments were made in the manner indicated by the honourable member. Enquiries are being made from the Deputy Commissioner. The various rules and conditions applicable to various classes of horse-breeders will be found in Colony Manual, Supplement III, pages 2—16, 66—71 and 148—151.

Dr. Gopi Chand Bhargava : My question is whether there are any persons to whom these rights were given before they subscribed to any conditions ?

Minister : The first part of the answer to my honourable friend's question covers this.

POWERS OF REMOUNT OFFICER, SARGODHA CIRCLE.

*3124. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the Remount Officer, Sargodha Circle, inflicts fines on the ghoripals if so, under what law and by whom

[Dr. Gopi Chand Bhargava.]

these powers have been conferred upon him ; if not, whether the aforesaid Remount Officer has ever exercised such powers during the last five years ;

- (b) whether it is a fact that these powers have now been withdrawn ; if so, from which date ;
- (c) the amount of fine inflicted by the Army Remount Department during the last fifteen years ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The powers of a Collector were conferred upon the District Remount Officer, Sargodha Circle under the authority conferred on Government by section 3 of the Colonization of Government Lands (Punjab) Act V of 1912 in 1928 but were withdrawn in 1929. No Remount Officer has therefore exercised these powers during the last five years.

(b) As indicated above, since 1929.

(c) During 1928-29 when the District Remount Officer was so empowered fines amounting to Rs. 9,300 were imposed by him.

RULES FRAMED FOR THE PUNISHMENT OF GHORIPALS.

*3125. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that some rules for the punishment of ghoripals have been framed ; if so, by whom and under what authority ;
- (b) whether he would be pleased to lay a copy of the rules as framed on the table of the House ;
- (c) who were the members of the sub-committee which framed these rules ;
- (d) whether the Punjab Legislative Council or Legislative Assembly was consulted in the matter ;
- (e) whether the ghoripals were given any chance of sending their representative before the framing of the rules ; if so, the name of that representative ; and if no opportunity was given to them to voice their feelings on the subject the reasons therefor ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes, the rules were drafted by a Committee appointed by the Punjab Government in 1929 and approved with small modifications by Government.

(b) The honourable member's attention is invited to the rules printed on pages 147 to 151 of supplement No. III, Punjab Colony Manual, 1933 edition.

(c) The Commissioner of the Rawalpindi division, the Deputy Commissioner, Shahpur, the District Remount Officer, Shahpur Area and Mian (now Nawab) Muhammad Hayat Qureshi (then M. L. C.) : himself a breeder.

(d) No, but as noted one of the local members was a member of the Committee which framed the rules.

(e) Yes, through their association called the "Zamindar Ghoripal Association, Sargodha".

**FINES ON THE GHORIPALS IMPOSED BY THE DEPUTY COMMISSIONER
ON THE COMPLAINT OF THE REMOUNT OFFICER.**

***3126. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Deputy Commissioner of Sargodha inflicts fines on the ghoripals on the complaint of the Remount Officer ;
- (b) the number of cases that were sent up by the Remount Officer to the Deputy Commissioner for punishment during the last ten years ;
- (c) in how many cases punishment was inflicted and in how many cases the ghoripals were let off ;
- (d) whether it is a fact that ghoripals produced defence in these cases ;
- (e) in how many cases these defences were accepted ;
- (f) the total amount of the fine thus realized annually during the last ten years ;
- (g) the action Government proposes to take to redress the grievances of the ghoripals ?

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

(b) 970 cases.

(c) Punishment was inflicted in 291 cases and in 679 cases horse-breeders were let off with a warning or with no action.

(d) Owing to the files having been destroyed under the rules in most of the cases this part cannot be answered in detail ; but there is no reason to suppose that in any case the Collector did not comply with the provisions of section 24 of the Colonization of Government Lands (Punjab) Act which require the tenant complained against to be given an opportunity to appear and state his objections.

(e) For the reasons given above exact numbers cannot now be ascertained ; but, as already stated in the answer to part (c) of this question, in 679 cases no punishment was inflicted upon the horse-breeders.

(f) The total amount of fine imposed during the last ten years annually is detailed below :—

Year.	Amount.
	Rs.
1928	7,250
1929	5,520
1930	200
1931	1,540
1932	115
1933	75
1934	96
1935	85
1936	380
1937	115
Total	15,975

[Revenue Minister.]

(g) Government is always prepared to investigate and consider sympathetically any alleged grievances.

LITERATE PERSONS AND INCOME PER CAPITA IN BACKWARD AREAS.

*3127. **Sardar Kapoor Singh**: Will the Honourable Minister of Education be pleased to state—

- (a) the percentage of literate persons and income per capita tahsil-wise in the areas, which have been notified poor and backward according to the amended article 121, paragraph 1 of the Education Code ;
- (b) the percentage of literate persons and income per capital tahsil-wise in areas which have not been declared such.

The Honourable Mian Abdul Haya: The required information is not available.

*3128. *Cancelled.*

"ELECTED MEMBERS WALK OUT" AND "DALHOUSIE MUNICIPAL SANSATION".

*3129. **Dr. Gopi Chand Bhargava**: Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the protest of the four elected members of the Dalhousie Municipal Committee present at its meeting held on the 26th of May, 1988, against the appointment of a Sub-Divisional Officer as its *ex-officio* President and against the continuance of a majority of the nominated members on the said committee ;
- (b) whether it is a fact that the Honourable Premier on whom the Senior Vice-President of the Dalhousie Municipal Committee waited on behalf of the elected members of the Committee, promised to give a majority of the elected members to the said Committee ;
- (c) whether any correspondence concerning the number of nominated members in the Committee took place between any Minister of the Punjab Government on the one hand and the Deputy Commissioner on the Gurdaspur and the Commissioner of Lahore Division on the other ;
- (d) if so, whether the Honourable Minister would be pleased to lay that correspondence on the table of the House ;
- (e) the reasons for the delay of seven months in gazetting the names of the members after the elections to the Committee ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) Four elected members who were present at the meeting on the 26th of May 1988 signed a document protesting against the continuance of a Municipal Majority on the Committee (but not against the appointment

of the Sub-Divisional Officer as President). Two of them resiled from the protest in the meeting and refused to participate in the walk out staged by the remaining two elected members during the election of the Vice-Presidents. After the meeting these two elected members sent a written communication to the President disapproving of the protest.

(b) No. The Honourable Premier did not make any such promise. He only promised that he would ask the Minister-in-Charge to consider the request.

(c) Yes.

(d) The correspondence is confidential and it is not in the Public interest to disclose it.

(e) The delay is due to the fact that Government had to consider several points which involved correspondence with the local officers.

Lala Deshbandhu Gupta : May I know from the Minister of Public Works in regard to his reply to part (a) if the Government has taken any recent decision to discourage the election of Government officers or nominated members as Chairmen of local bodies ?

Minister : Too vague and too general a question to reply.

Mr. Speaker : The question relates to the Dalhousie Municipality only. Therefore, no other municipalities should be brought in.

Lala Deshbandhu Gupta : I will make myself clear. Has the Government issued any circular recently asking the local bodies not to allow official members and nominated members to be present in the meetings in which election of the Chairman takes place ?

Minister : The question asked is a question of policy and does not relate to Dalhousie Municipality in any way.

Lala Deshbandhu Gupta : I do not want to know the policy. I want to know whether a circular has been issued.

Minister : I would like to know whether this is relevant.

DEPRESSED CLASSES AND ADMISSIONS TO THE J. V. AND
S. V. CLASSES.

*3130. **Chaudhri Jugal Kishore :** Will the Honourable Minister of Education be pleased to state—

- (a) what has been the total number of admissions to the Junior Vernacular and Senior Vernacular Classes in the various normal schools of the province this year ;
- (b) how many of those admitted are matriculates and how many of those had passed the vernacular middle examination ;
- (c) how many of such students belong to the depressed classes ;
- (d) what is the total number of candidates belonging to the depressed classes who applied to be admitted to these classes.
- (e) whether it is a fact that an inadequate number of depressed classes candidates was admitted to J. V. and S. V. classes and if so, the steps proposed to be taken to encourage their admission.

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

DEPRESSED CLASS MEN AS POLICE CONSTABLES.

***3131. Chaudhri Jugal Kishore :** Will the Honourable Premier be pleased to state how many police constables have been recruited since 1st April, 1937, when the present Government came into power, up till now, and how many of them belong to the scheduled depressed classes ?

The Honourable Major Sir Sikander Hyat-Khan : If the honourable member will give notice of an unstarred question he will get the information.

REMODELLING OF IRRIGATION MINORS.

***3132. Sardar Muhammad Husain :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that remodelling of a number of minors irrigating a vast area of land on the Upper Bari Doab Canal has been completed and that remodelling of the Kala Minor on this canal has not been taken in hand so far ;

(b) whether it is a fact that a large area of land in Mauzias Juba, Olakh, Dingreewalla situated at the tail of the said canal which can be easily commanded by the Kala Minor is lying waste due to the shortage of water supply ; if so, whether and when it is intended to remodel this minor and thereby to remove the hardships from which the zamindars of the aforesaid villages are suffering ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Some channels have been remodelled. Kala Minor was remodelled in 1933.

(b) No. The land in question is too high and cannot be commanded from the minor nor it is possible for technical reasons to raise the water level in the minor to command this area.

IRRIGATION OF WASTE LAND IN JOUR KOT, TAHSIL CHUNIAN.

***3133. Sardar Muhammad Husain :** Will the Honourable Minister of Revenue be pleased to state whether Government is aware of the fact that no arrangement has so far been made for the irrigation of the waste land lying in the north of Mauzia Jour Kot, tahsil Chunian, district Lahore, if so, whether and when it is intended to do the needful in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : Government does not take the responsibility of irrigating all villages in the Punjab.

Irrigation is supplied to areas lying within irrigation boundaries provided levels of the land are suitable.

If the honourable member will supply Irrigation Branch with a plan of the area to which he refers the matter will be investigated.

FINE REALISED UNDER VILLAGE PATROL ACT AT HOSHIARPUR.

***3134. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether the Deputy Commissioner, Hoshiarpur, has received a representation, dated 21st May, 1938, from the people of Mahipur, district

Hoshiarpur, requesting that the sum of money realised from the villagers by way of fine under the village Patrol Act be refunded to a Panchayat elected by the villagers to be spent in the village for the common good; if so, action taken by the authorities in the matter?

The Honourable Major Sir Sikander Hyat-Khan: No such representation has been received by the Deputy Commissioner, Hoshiarpur.

RELIGIOUS INSTITUTIONS AIDED BY LOCAL BODIES.

***3135. Mian Badar Mohy-ud-Din Qadri:** Will the Honourable Minister of Public Works be pleased to state the number district-wise of those religious institutions in the Punjab which are financially aided by the local bodies in the Punjab?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: Doubts have been expressed as to what is exactly intended by the term "religious institutions" and I shall be grateful if the honourable member clearly defines the institutions in respect of which information is required.

PROMOTION OF B CLASS AGRICULTURAL ASSISTANTS TO A CLASS.

***3136. Chaudhri Ranpat Singh:** Will the Honourable Minister of Development be pleased to state—

(a) whether he is aware of the fact that some junior B class agricultural assistants have recently been promoted to A class assistants leaving behind the senior assistants and if so, the reasons therefor;

(b) whether any senior B class agricultural assistant belonging to Statutory Agriculturists Tribes of Ambala Division also has by this time been promoted from B to A Class, if not, why not?

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

Part (ii) Three men, standing 1st, 3rd and 5th on the seniority list of B Class Agricultural Assistants have been superseded in the matter of promotion to A Class. Their records were carefully considered at the time of making promotions.

(b) part (i) Yes.

Part (ii) Does not arise.

WATER-CARRIERS IN GOVERNMENT HIGH SCHOOLS OF AMBALA DIVISION.

***3137. Chaudhri Ranpat Singh:** Will the Honourable Minister of Education be pleased to state—

(a) the amount of monthly salary paid to water-carriers appointed for Hindu students in Government High Schools of Ambala Division;

(b) if the amount is lower than that paid to the water-carriers in Government Schools of other divisions, the reasons therefor;

The Honourable Mian Abdul Haya : Water-carriers are menials and therefore like other menials can be paid up to a maximum of Rs. 18 per mensem. The actual rate, however, differs from district to district as it is fixed by each Deputy Commissioner according to local conditions.

Part-time water-carriers, where sanctioned, are paid at a lower rate than whole-time menials while whole-time-menials, who do the work of supplying water in addition to their ordinary duties, are paid an allowance of Re. 1 or 2 per mensem.

ROADS FROM KAITHAL TO GUHLA AND KAITHAL TO NAGURAN.

***3138. Chaudhri Ranpat Singh :** Will the Honourable Minister of Public Works be pleased to state whether or not in the programme for metalling the roads in the province the Kucha roads from Kaithal to Guhla and Kaithal to Naguran in the Ambala Division are included?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : No. The Public Works Department have recently taken over the metalled roads from Pipli to Pehowa and from Karnal to Indri from the District Board, Karnal; the latter should, therefore, be in a position to metal those out of their own funds.

BATALA-SRIGOBINDPUR ROAD.

***3139. Mian Badar Mohy-ud-Din Qadri :** Will the Honourable Minister of Public Works be pleased to state whether or not the Government intends to take over Batala-Srigobindpur Road in the year 1938 for metalling?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : No, as there are many other roads in the province of greater importance.

INDUSTRIAL SCHOOL AT BATALA.

***3140. Mian Badar Mohy-ud-Din Qadri :** Will the Honourable Minister of Development be pleased to state whether there is a proposal to open an industrial school at Batala; and if so, when?

The Honourable Chaudhri Sir Chhotu Ram : There is no such proposal. Claims of Batala will be carefully considered when proposals for opening new industrial schools are next under consideration.

CONSOLIDATION OF HOLDINGS.

***3141. Mian Badar Mohy-ud-Din Qadri :** Will the Honourable Minister of Development be pleased to state the progress so far made since April, 1937, in the matter of consolidation of holdings in the Punjab, and the steps that the Government proposes to take to accelerate the rate of that progress.

The Honourable Chaudhri Sir Chhotu Ram : The total area consolidated through the Co-operative Department in the year ending 31st July, 1937, was 120,295 acres as against 92,689 acres in the previous year,

and 65,694 acres in the year ending 31st July, 1935. The area consolidated through the Revenue Department so far is 17,614 acres and that under consolidation is 25,003 acres. Specific information regarding progress made since April, 1937, is not readily available. Steps are being taken by Government to accelerate this progress, e.g.—

- (1) The staff of the Co-operative Department is proposed to be augmented by appointing one Assistant Registrar and additional inspectors and sub-inspectors for the purpose.
- (2) As regards the work of consolidation of holdings by the Revenue Department, the Punjab Consolidation of Holdings Act, 1936, and the rules framed under section 26 of that Act have been enforced in four districts, and it is proposed to extend the operations to the other districts of the province as opportunity offers.

GIRLS' SCHOOLS.

***3142. Pir Akbar Ali:** Will the Honourable Minister of Education be pleased to state the number of local bodies in the province if any, which maintain girls' schools for the benefit of all the communities irrespective of caste and creed and also the number of Government Girls' Secondary Schools in the Province?

The Honourable Mian Abdul Hays: I regret that the answer to the questions is not ready.

CANCELLATION OF REVENUE RULES No. 100-101.

***3143. Pir Akbar Ali:** Will the Honourable Minister of Revenue be pleased to state the reasons for cancelling by notification No. 3400, the Revenue Rules Nos. 100-101 of the Rules applicable to certain canals in the Punjab?

The Honourable Dr. Sir Sundar Singh Majithia: Powers given by rules 100 and 101 could be given under section 75 (2) of the Canal Act only and in only those cases for which appeal is not already provided in the Act. In all cases which could be dealt with under rules 100 and 101 appeal is already expressly provided in the Act. These rules were, therefore, *ultra vires*, and were consequently withdrawn.

APPOINTMENT OF DR. ROSENBERG.

***3144. Dr. Gopi Chand Bhargava:** Will the Honourable Minister of Education be pleased to state whether it is a fact that previous sanction was taken by the Managing Committee of Ludhiana Medical School for Women from the Government for the appointment of Dr. Rosenberg who has been refused registration; if so, whether or not the appointment was recommended by the Inspector-General of Civil Hospitals?

The Honourable Mian Abdul Hays: *First part:* No previous sanction of Government was sought to the appointment of Dr. Rosenberg on this institution nor was it necessary.

Second part: Does not arise.

SURVEILLANCE BY POLICE OF ONE S. JASWANT SINGH.

*3145. **Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that S. Jaswant Singh, an *ex*-Ahmadgarh Dacoity Case prisoner who was released on 20th March, 1936, has been kept under police surveillance since his release ; if so, why ;
- (b) whether he submitted any complaint at any time about this matter and other objectionable treatment meted out to him by the Police ; if so, the action he proposes to take in the matter ?

The Honourable Major Sir Sikander Hyat-Khan : (a) It is not in the public interest to answer such questions.

(b) *First part*—No.

Second part—Does not arise.

VOTING BY NOMINATED MEMBERS OF LOCAL BODIES IN PRESIDENTIAL ELECTIONS.

*3146. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Punjab Government has published a press *communiqué* to the fact that nominated members of the local bodies would not be allowed to vote in the presidential election of a nominated official candidate and whether the official nominated members are allowed to contest presidential election.

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : No such *communiqué* has been issued.

REPRESENTATION FROM THE REVENUE PATWARIS.

*3147. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government has received a number of representations from the Revenue Patwaris through their Collectors with reference to letter No. 385, dated 1st January, 1938, from the Director of Land Records, Punjab ; if so, whether a copy of the representation would be placed on the table of the House ;
- (b) what action the Government has taken or proposes to take in this matter ?

The Honourable Dr. Sir Sunder Singh Majithia : (a) No.

(b) Does not arise.

ARREST OF MOTOR UNION WORKERS AND VOLUNTEERS AT KOHALA, SIALKOT.

*3148. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state the number of arrests of Motor Union workers and volunteers at Kohala, Sialkot and other places in connection with the general motor strike and the actual state of affairs arising out of the strike.

The Honourable Major Sir Sikander Hyat-Khan: Thirty-five arrests were made by the Punjab Police at Kohala up to the 21st June. Government have no information of any subsequent arrests at Kohala or of any arrests elsewhere. As regards the present state of affairs, the Deputy Commissioner of Rawalpindi reported on the 27th June, that very few strikers are now left at Kohala. Government have seen press reports regarding a proposal that a deputation of the strikers should interview the Kashmir authorities.

CASUALTIES FROM CHOLERA.

***3149. Sardar Hari Singh:** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of casualties from cholera in the district of Karnal up-to-date since the spread of the epidemic this year ;
- (b) the present state of the epidemic in the district ?

The Honourable Mian Abdul Haye: (a) 647 up to 22nd June, 1938.

(b) Out of 192 localities infected in the Karnal district since the commencement of the disease, 112 have been declared free. Of the remaining 20, 11 are such in which no fresh cases have happened since the 16th June nor there are any old cases remaining there. Out of the other 9, 7 are such in which there are old cases lying but no fresh cases have happened since the 18th June. In the remaining 2 places the last case happened on the 21st June.

There are two localities in the district from which reports of fresh infection were received on the 22nd where staff has been sent but details of cases has not yet reached. The disease is under control.

MACLAGAN ENGINEERING COLLEGE AND RAILWAY SERVICE.

***3150. Sardar Hari Singh:** Will the Honourable Minister of Public Works be pleased to state whether a communication under the heading 'Maclagan Engineering College and Railway Service' published in a newspaper has been brought to him notice ; if so, whether the Government intends making a representation to the Railway authorities on the subject with a view to improving the prospects of the students passing out of Maclagan College at Lahore ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: The communication referred to has only just been brought to notice and the matter is being taken up with the North-Western Railway authorities.

SARDAR GURMUKH SINGH, A POLITICAL PRISONER.

***3151. Sardar Hari Singh:** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that Sardar Gurmukh Singh, a political prisoner in the Old Central Jail, Multan, is kept confined in a cell in which previously a T.B. patient was kept ;

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- (b) whether it is a fact that he is given 'C' class food ;
- (c) his present state of health ;
- (d) his present weight and weight on admission.

The Honourable Mr. Manohar Lal : (a) No.

- (b) Yes, normally. At present he is receiving extra milk daily.
- (c) Fairly satisfactory.
- (d) His weight on admission was 188 lbs. His present weight is 123 lbs.

ZAILDARS AND SUFIDPOSHES.

***3152. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of zaildars in the Punjab district-wise and the total of emoluments paid to them ;
- (b) the number of sufsidposhes in the Punjab district-wise and the total of emoluments paid to them ;
- (c) the number of lambardars in the Punjab district-wise and the total of panchotra paid to them ?

The Honourable Dr. Sir Sundar Singh Majithia : The preparation of these statistics would require an amount of time and labour out of all proportion to the results obtainable. Government does not feel justified in collecting them.

TOTAL DEBTS AND LANDS ALIENATED.

***3153. Sardar Hari Singh :** Will the Honourable Minister for Development be pleased to state according to official statistics—

- (a) the total debt of the Punjab people ;
- (b) the debt due to the agriculturist money-lenders and to the others ;
- (c) the debt due to the co-operative societies ;
- (d) the land alienated so far in favour of the agriculturist money-lenders in the province by sale or mortgage and that in favour of non-agriculturist money-lenders in consideration of debts ?

The Honourable Chaudhri Sir Chhotu Ram : (a), (b) and (d) No statistics are available.

(c) Rupees 6,88,64,272 according to the report for the year ending 31st July, 1936.

LAND UNDER CULTIVATION IN HOSHIARPUR DISTRICT.

***3154. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state the total area of land under cultivation in Hoshiarpur district and the area of land under the Chos ?

The Honourable Dr. Sir Sundar Singh Majithia : First part—8,50,266 acres.

Second part. Figures are being collected and will be supplied to the honourable member, when ready.

—

STOPPING OF THE MOTOR TRAFFIC FROM SIMLA TO KALKA.

***3155. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that on 26th May last the down motor traffic from Simla to Kalka was stopped from 12-40 P.M. till after 4 P.M. in connexion with the journey of His Excellency the Viceroy from Simla to Salogra ;
- (b) whether it is a fact that suspension was ordered without previous notice by the district authorities ;
- (c) whether his attention has been drawn in this connexion to a communication headed ' Stoppage of Traffic without previous notice ' published in a newspaper, dated June 17 ;
- (d) whether he is aware that the period of suspension of traffic was unduly long and the travelling public was put to great inconvenience ;
- (e) whether he has issued or proposes to issue any instructions in connexion with suspension of traffic in such cases in future ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) This occurred on the 26th May not the 26th.

(b) Owing to the short notice received it was not possible to notify the closure in the press. The police at the Kalka and Simla barriers were, however, asked on the 25th to warn all motor drivers of the following day's closure.

- (c) No.
- (d) The closure was according to the usual timings.
- (e) No instructions appear to be called for.

—

SHORT NOTICE QUESTION AND ANSWER.

LIQUOR LICENCE TO RESTAURANTS IN SIMLA.

Sardar Hari Singh : Will the Honourable Minister for Revenue be pleased to state whether the Government has recently sanctioned the application of four Simla restaurants for L-5 licence which permits serving drinks to non-residents even without meals ; if so, why and upon what terms and under what conditions ?

The Honourable Dr. Sir Sundar Singh Majithia : The Cecil Hotel and Davico's and Wenger's restaurants who had L-3 and L-4 licences were given L-5 licences recently in Simla in order to control the practice of serving

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of foreign liquor in bars attached to restaurants and hotels which was previously being done at irregular hours and places. The fees for the licences are :—

	Rs.
Cecil Hotel	200
Davico's restaurant	100
Wenger's restaurant	60

The conditions forbid the consumption of liquor after 10-0 P.M. and are subject to all the Punjab Liquor Licence Rules.

Lala Deshbandhu Gupta : Was it done for the convenience of some of the honourable members of this Assembly ? (*Interruption*).

Minister : If the members sitting on the opposite side want to take advantage of it, I say, yes. (*Laughter*).

Sardar Hari Singh : May I ask the Honourable Minister whether this is not an evasion and a departure from the old practice ?

Minister : No, it is a matter of restriction. (*Loud applause*).

Sardar Hari Singh : May I know whether the Government has taken decision in this respect only this year ?

Lala Duni Chand : Is it done to promote the cause of temperance ?

Minister : Yes, by restricting the hours, I think I am promoting the cause of temperance.

Sardar Hari Singh : In what respect is it an improvement on the old system ?

Minister : Liquor was being consumed without restriction day and night and not up to 10 o'clock as is the case now.

Lala Bhagat Ram Choda : What fee does the licence holder for foreign liquor pay annually ? What is the offer of the second man ?

Minister : Does the honourable member wish that I should raise more money from the sale of liquor licences ?

Dr. Gopi Chand Bhargava : Is it not the policy of the Government to levy more taxes and reduce the consumption of liquor ?

Minister : Not necessarily : this was one of the reasons.

Lala Bhim San Sachar : Has it resulted in the reduction of consumption of liquor ?

Minister : I have not yet had figures but if the honourable member gives notice from time to time, I will collect the information for him.

Lala Bhagat Ram Choda : Is it not because high officials come to have a drink there. Has not the sale increased ?

Minister : If my friend wishes also to do it he is welcome.

Lala Duni Chand : Has this been done with a view to patronising the restaurants ?

THE PUNJAB AGRICULTURAL PRODUCE MARKETS BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): I beg to introduce the Punjab Agricultural Produce Markets Bill.

3 P.M.

I beg to move—

That the Punjab Agricultural Produce Markets Bill be referred to a select committee consisting of the following members:—

Khan Sahib Chaudhri Pir Muhammed,
 Sheikh Karamat Ali,
 Maulvi Ghulam Mohy-ud Din Khan,
 Khan Sahib Chaudhri Muhammad Shaf Ali Khan,
 Rana Nasrullah Khan,
 Chaudhri Muhammad Hussain,
 Khan Bahadur Captain Malik Musaffar Khan,
 Rai Bahadur Lala Gopal Das,
 Sardar Joginder Singh Man,
 Captain Dina Nath,
 Rai Bahadur Binda Saran,
 Sardar Kartar Singh,
 Lala Dev Raj Sethi,
 Pandit Muni Lal Kalis,
 Advocate-General,
 Speaker's nominee (Mr. S. P. Singha),
 The mover, and
 Chaudhri Ram Sarup.

Sir, this Bill has been looked forward to by the agricultural classes with very keen interest and the advent of this Bill has been apprehended by the trading classes with equally keen interest but with unnecessary concern. The objects of this Bill have been set forth at length in the Statement of Objects and Reasons attached to this Bill; but I may be allowed to make a few brief observations with regard to the need and the general scope of this Bill. All members of this honourable House are fully convinced that the prosperity of the agricultural classes is of the utmost importance to the province because it is on the prosperity of these classes that the general prosperity of the province itself depends. Therefore, it is of great importance that we should try our best to improve the economic condition of the agricultural classes. We are all aware that the present economic condition of the agricultural classes is far from satisfactory. Some of the main causes which have contributed to this poor economic condition of the agricultural classes are:—

- (i) their indebtedness;
- (ii) the fact that they have to bear more than their fair share of the burden of provincial taxation, and
- (iii) that these classes are unable to secure a fair price for their produce.

Now, so far as the question of indebtedness is concerned the Punjab Council has already placed some very useful measures on the Statute Book, and another measure is at present engaging the attention of the Assembly. When this last measure is placed on the Statute Book I feel confident that

[Minister for Development.]

indebtedness will be relieved to a very large extent, and the malpractices to which the agricultural classes were in the habit of being subjected will disappear. With regard to the second factor which accounts for the poor economic condition of the agricultural classes, I may be allowed to say that the present Government, immediately on assuming office, announced that in order to explore means of fresh revenue and in order to suggest retrenchment and to ascertain the lines along which relief could be given, two committees would be appointed. The first committee was to find out means of affecting economy and find out fresh sources of revenue. The second committee was to make enquiries and suggest the methods by which relief could be given to agricultural classes in taxation which they at present have to bear. One of these committees has concluded its labours and the other committee is still engaged upon its labours. The extent to which and the manner in which the relief in the matter of taxation can be given to agricultural classes, will depend upon the results of the labours of these two committees.

Now, the third factor, which accounts, in some measure, for the poor economic condition of agricultural classes, is their inability to secure a fair price for their produce. The Bill which I have introduced to day and now moved to be referred to a select committee, is intended to secure a fair price for agricultural classes for their produce.

I may now draw the attention of the House to some of the important matters which are covered by the present Bill. This Bill empowers the provincial Government to declare, by notification, the areas in which and the agricultural produce in respect of which they propose to exercise control in the matter of sale and purchase of agricultural commodities. After the issue of such notification, the purchase and sale of the particular agricultural produce, specified in the notification, can only be carried on by business men under licences in areas to which that notification applies.

Then, under this Bill, provision has been made for the establishment of market committees with certain powers and duties. One of the powers of these market committees will be to regulate business and to levy certain fees in respect of transactions of sale and purchase that take place in the notified area. The proceeds of these fees will be put into a fund which will be known as the Market Committee Fund. The Bill further provides for what particular purpose the money in the fund can be expended. Apart from salaries paid to officers, who may be appointed by the market committees, the following are the objects on which this fund can be expended :—

- (1) the maintenance and improvement of the market ;
- (2) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it ;
- (3) the provision and maintenance of standard weights and measures ;
- (4) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural produce concerned ;

- (5) providing comforts and facilities, such as shelter, shade, parking accommodation and water for the persons, draught cattle and pack animals coming to the market, and similar other purposes.

There is a further provision in the Bill which seeks to regulate the levying of charges or receipt of allowances. Only those allowances will be received or made and only those fees will be charged which are prescribed or sanctioned under the rules framed under this measure. The maximum scale of those fees will be fixed and the money would be put into the market fund which will be administered by the market committee concerned.

Lastly, clauses 18 and 19 of the Bill provide certain penalties for those who contravene the provisions of this Bill or are found to be guilty of breach of rules made under this Act.

I may also inform the House that almost all the provisions contained in this Bill have been modelled on Marketing Acts which have been in force for some time in Bombay, Madras, Central Provinces and Hyderabad (Deccan). With these few remarks I resume my seat. I feel confident that either no dilatory motion will be moved or if it is moved, it will receive little or no support.

Mr. Speaker : Motion moved is that—

The Punjab Agricultural Produce Markets Bill be referred to a select committee consisting of—

Khan Sahib Chandhri Pir Muhammad,
 Sheikh Karamat Ali,
 Maulvi Ghulam Mohy-ud-Din Khan,
 Khan Sahib Chandhri Muhammad Shafi Ali Khan,
 Rana Nasrullah Khan,
 Chaudhri Muhammad Husein,
 Khan Bahadur Captain Malik Muzaffar Khan,
 Rai Bahadur Lala Gopal Das,
 Sardar Joginder Singh Man,
 Captain Dina Nath,
 Rai Bahadur Binda Saran,
 Sardar Kartar Singh,
 Lala Dev Raj Sethi,
 Pandit Muni Lal Kalia,
 Advocate-General,
 Speaker's nominee (Mr. S. P. Singha),
 The mover and
 Chaudhri Ram Sarop.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) (*Urdu*): Sir, I beg to move—

“That the Punjab Agricultural Produce Markets Bill be circulated for eliciting public opinion thereon by the 31st October, 1938.”

Sir, I have listened with rapt attention to the speech of the Honourable Minister for Development while introducing this Bill. I thought he would introduce his Bill with only a formal speech and would not go to the length of indulging in tall talk at this stage. But when he did so I hoped that he would advance weighty arguments in support of his measure. What has

[Ch. Krishna Gopal Dutt.]

led him to draft this Bill? Why has he thought it fit to introduce it? What are those circumstances which have compelled him to sponsor the cause of this measure? These were some of the questions to which I expected a reply, but, I am disappointed to note that he has done nothing of the kind. However, let us bury the past and think of the future and hope that after he has listened to me, he will reply to the objections which I propose to raise now.

In addition to the fact that his speech has proved hopelessly disappointing, it also suffers from another very serious defect. I cannot help remarking that there appear to be some sinister motives behind this move. But unless I hear more from him in this connection I would not be justified in labouring this point beyond saying that judging from what the Honourable Minister for Development has stated in support of his Bill, it appears that the motives which have goaded him on to introduce it are not above suspicion. (*Ironic cheers from the Unionists*). Kindly hold your patience. I am presently going to explain my remark and then you will realise the true significance of what I am saying. I have moved this motion on behalf of the Congress party. I wish to make it clear, through you, Sir, to the honourable members sitting on the opposite benches that the Congress is out to expose their real sinister motives in bringing forward this Bill. The whole of the province, nay, the whole of India will come to see the Unionists in their true colours. Before exposing the flimsy arguments on the basis of which this Bill has been introduced in this House, I may remark in passing that I have been a student of economics and the Marketing Bill is not a new subject for me. I can claim to have studied this problem with a certain amount of care and for a number of years. I am not unaware of the fact that the Royal Commission of Agriculture suggested the idea of Regulated Agricultural Produce Markets and made a definite recommendation to that effect. Then there is the Central Banking Enquiry Committee which also made a similar recommendation. I fully realize the heart-rending and abject poverty of the poor peasant and also the fact that the poor grower does not get a fair price for his produce. I am definitely in favour of regulating the agricultural produce markets in a particular manner. My party is prepared to go further than the Unionists are ready to go. But the difference is that whereas the Unionists are proceeding with this measure without first having thoroughly studied the various factors which govern the affairs in the markets, the Congress would like to prepare the ground for such legislation. The Unionists are ignoring the systematic method of dealing with such questions. I am greatly disappointed to miss the very thing which this Bill should have in it. In fact it is not calculated to benefit the poor peasantry of this province. I find that some honourable members do not seem to subscribe to this view. I will convince them presently about my remarks by asking one simple question. Have the framers of this Bill studied the various factors which govern the rise and fall of prices? One important point that must be borne in mind is that when a producer brings a commodity into the market, it is not only the producer who can decide the price, but a number of other factors go to determine it, that is the buyer, the middlemen, the demand and supply and various other things count in this connection. I feel little hesitation in admitting that the

producer in the Punjab does not get proper price for his produce but the proper way to improve the prices of the agricultural commodities is not the one that the Unionists are following. They are rushing up with a Bill without having ascertained the necessary data. The Government has so many departments under it in which high officers drawing fat salaries are supposed to be serving the teeming millions of this country day and night. Could they not collect the necessary facts and figures, and supply these to the Government? If that is not done, I wonder what is the use of keeping these fat salaried officers and the bright looking Parliamentary Secretaries and Private Secretaries?

It is stated in the Statement of Objects and Reasons of this Bill that only a small fraction of the final price of agricultural produce goes to the producer and the lion's share of these prices is taken away by the middlemen. But in support of this contention, examples are not quoted from the Punjab but have been taken from the mandis of other provinces. The Honourable Minister for Development should have given statistics relating to the Punjab, instead of looking to Guntur in search of them. It was hoped that conditions prevalent in the markets of this province would be described and some weighty arguments would be given. But the Government has freely drawn upon the material obtainable in other provinces as if the conditions prevailing in this province were no whit different from those prevalent in other provinces. Let me inform the learned Honourable Minister that social and economic conditions of this province are in some respects totally different from other provinces, and it would be a mistake of the greatest magnitude to hold that the same factors govern the rise and fall of prices in the Punjab that count in other provinces. If the Unionist Government really wants to help the agriculturists of the Punjab, they should institute a searching inquiry into the marketing conditions of this province, otherwise let them remember that mere lip sympathy will no longer prove of any avail. Unless we know the percentage of disparity in prices paid by the consumer and those obtained by the producer, it is impossible to decide upon the manner in which and the extent to which markets should be regulated. Solid work alone can count and not the artificial distinctions between the Urban and the Rural. It is my misfortune that I was born in a town. (*An honourable member*: Why do you call it a misfortune?) I call it a misfortune because the Ministerialists that any person who is born in a city is incapable of having any sympathy for the poor masses although in reality he may be more sympathetic towards the poverty-stricken agriculturists than some of those who are born in a village.

I think this artificial distinction between an agriculturist and non-agriculturist is the cause of much mischief in the Province. I say that it was by chance that I have been born in the house of an urban gentleman but I can say with all the emphasis at my command that I do not possess in the least any fanatic urban prejudices and propensities. If my friends will give me a patient hearing, I will tell them the structure of society which I have framed in my mind. The goal which I have set before me does not in any way differentiate between a rural and an urban person. I may also submit that it was also by chance that the Honourable Sir Sikander Hyat-Khan was born in the house of a rural

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gentleman. May I question from my honourable friends opposite why this difference between me and the Honourable Sir Sikander Hyat-Khan? (*Interruption*). Sir, through you, I draw the attention of my honourable friend Rai Bahadur Mr. Mukand Lal Puri that I am saying these things in support of his views.

Rai Bahadur Mr. Mukand Lal Puri: I am hearing your remarks.

Chaudhri Krishna Gopal Dutt: May I inquire from my friends opposite why this difference between me and the Honourable Sir Sikander Hyat-Khan, when only chance has placed us in different houses? It is a strange thing that the Honourable Sir Sikander Hyat-Khan should be called a zamindar and myself as otherwise. I refuse to acknowledge this difference that any one who is born in the house of a Brahmin should be called a Brahmin and anybody who is born in the house of zamindar should be called a zamindar. (*Cheers*). I would like to further elucidate the point. There is no denying the fact that my honourable friend Sir Sikander Hyat-Khan, and my honourable friend Dr. Sir Gokul Chand Narang, both live in towns and live a luxurious life. But, may I inquire why one of them is called a zamindar and the other as a non-agriculturist? (*Cheers*).

Dr. Sir Gokul Chand Narang: I am one of the rural people and I have been born in the house of a villager. (*Loud laughter*).

Chaudhri Krishna Gopal Dutt: I was making it clear to the honourable members opposite that the so-called rural members who are called agriculturists are in no way different from the non-agriculturists. According to my own ideas an agriculturist is one who ploughs with his own hands and not that person who employs others to till his lands. My friends over there pass their lives in cities and live in hotels, but in spite of all this they remain agriculturist people, and we, on this side of the House, become urban simply because we happen to have been born in the houses of urban people. It is a strange thing and it is beyond my comprehension. I may submit that the manner of living of my friends opposite is urban, and they live in cities and lead a luxurious life, still they remain rural people to the backbone and we become urbanites because we happen to have been born in the houses of urban people. I fail to understand all this.

Besides, I may submit that I suspect the intentions of the Government. But may I ask what is the reason of moving this Bill in its present form? I can plainly tell you that I am fully conversant with all the arguments that are usually advanced in support of Regulation of Agricultural Produce Markets. Long long ago I studied this interesting subject. I have studied all those Bills that have been placed on the statute book in Bombay, Madras and Hyderabad and that has just now been introduced in the United Provinces. With your permission I repeat this thing that whether in the Punjab or any other province, the urban people should realise that all their progress whether in the field of industry or in trade depends on the prosperity of the kisans. The kisan is the pivot round which all the trades and economic condition revolve. If the purchasing power of the kisan is not improved, no real progress can be made in the economic life of the Province. This can only be achieved when my honourable friends opposite have real

feelings in them for the welfare of the poor peasant. May I ask the Government why they are silent about that all important matter, which if carried through can give great lift to all other trades and industries of the province and also increase the purchasing power of the kisan. I mean the rupee ratio? Leaving aside a few big people of the Punjab, the rest of the people are at one on this point that some modifications should be made in the exchange ratio in order to increase the purchasing power of the kisan. But my friends opposite do not realise it and if they study this point at length they will find out that it is that important matter on which the prosperity of trade and the welfare of the kisan depend. The progress of industry depends on the produce of the kisan and the produce of the kisan depends on prices and prices depend on the ratio of exchange. The Government have done nothing in this respect and they have assumed complete silence as regards this matter. As Ghalib has said,—

یہ لاکھ لاکھ لب پہ سخن اضطراب مہن
 ان ایک خاصہ شی ترمی سب کے جواب مہن

The Honourable Premier remarked the other day that the reduction in land revenue would not go a long way to improve their lot and that it was their purchasing power that must be increased before we could reasonably hope to ameliorate the conditions of the debt-ridden peasants of this province. May I ask, in this connection, if the Unionists' Government have ever tried to move the Government of India to get necessary changes effected in the exchange ratio? It is a thousand pities that our fiscal policy is controlled by England and our provincial Government does not protest against it. Let the Unionists take a leaf out of the currency and exchange policy followed by Australia, New Zealand and other agriculturist countries who saved their peasants from economic ruin by devaluing their currencies to the extent of 25 per cent. But here you sit tongue-tied and do not move even your little finger against this foreign domination. It is highly detrimental to the interests of the people to neglect this matter of great public importance. If you really want to improve the prices of agricultural commodities, you would do well to exert your pressure upon the Government of India to lower the present rupee ratio. Unless and until that is done, the people of the Punjab can never prosper.

Sir, my Unionist friends seem to think that by introducing this Bill they are going to create a new heaven and a new earth for the agriculturists in this province. But I may remind them that the Congress is doing much more in other provinces than the Unionists can even dream of.

Besides, we are deeply concerned to mark the break-neck speed at which our Government is rushing through these measures. This hot haste may bring about a revolution in the province and lead to a catastrophe. The Government had better study the economic and social conditions of the province, take the public into their confidence and then consider this Bill. If they fail to do that, they will be heading for disaster. If you have taken a fancy to the Russian methods, please announce to the public that you have done so. But I remember that Honourable the Premier stated the other day that his face was towards England and not

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towards Russia. If that is so, need I remind him that in England no Government can dare embark on a controversial legislation without eliciting public opinion thereon and without taking the public into their confidence? Why does our Government hesitate to circulate this Bill to elicit public opinion on it? If you are not prepared to take our word, listen to the people outside. I daily receive a number of telegrams from the various markets protesting against the proposed measure. Had you listened to us, you would not have roused a storm of public opinion against your attitude. May be, you too receive such telegrams but it does not suit your purpose to disclose their contents. Please remember that those who really wish to reform their countries, do not hurry like this. It may be due to this indecent haste that some people regard this Bill to be a communal move. Why not dispel all such doubts? I want to recall a statement made sometime ago by the Honourable the Premier to the effect that he could not and would not govern without the consent and goodwill of the minorities. Can he lay his hand to his heart and say that today he enjoys the confidence of the minorities in the province? (Voices: Yes, yes.)

All that I can say is that you are deceiving yourself. Let me remove a misunderstanding that might creep into the minds of some Unionists. I am not against the principle underlying this Bill. There is a great need for regulating markets in a particular manner. It is the duty of the Government to ensure better prices to the agriculturists. Moreover, I admit that wrong weights and measures are sometimes used in the markets and the poor agriculturists are in this way defrauded of their hard-earned money. Let the Government regulate weights and measures. I have no objection to that. My objection is to the Government refusing to take the public into their confidence. In this connection I would like to place before the Minister for Development a copy of the Bill that was introduced in the United Provinces legislature in April last. I hope the Honourable Minister has already seen it. What I wish him to note is this, that the Congress Government of the United Provinces did not hesitate to consult those people whose interests were going to be affected by it. We want our Government to follow that example. It is not any dilatory tactics that prompt us to make a motion for the circulation of this Bill. We really want them to clear their position before the public who regard it as a move to strengthen the hold of the Unionists on the masses. The Bill in its present form, is most objectionable. The greatest objection will be taken against the constitution of the Market Committees which is undemocratic and reactionary. The entire personnel is proposed to be nominated by the Government thus debarring the growers and consumers and traders to have any effective say in the Market Committees. The Government seems to fight shy of including an elective element in the Committees. The Government seems to desire that the entire Agricultural Produce Marketing should be at the mercy of the Government. The Bill savours of a political measure. The Government wants to strengthen its roots.

The Government will only nominate some of its favourites and that is all. If the Government by over-riding the wishes of the public constitute such a committee that may work under its thumb, this mode of operation may find favour with the present government but not with any

just Government. The Government proposes to give 3rd representation to the growers, in the Market Committees. In my opinion that is excessive. But why not ask the growers to elect their own representatives rather than leave it to the Government to nominate its own henchmen. If the Government desires to obtain the co-operation of the Congress or wishes to come into contact with the Congress, I would request the Government to abandon its crooked ways which they want to try at the expense of the zamindars. The Congress Party would be the last party to agree to arming the Government with such powers. I may submit that when the Government takes steps in the right direction we do not hesitate to support them. As every honourable member knows we supported the Government in establishing the debt conciliation boards. It is a pity that the Government is appointing such persons to these boards who are uneducated, unfit for their job and sycophants of the Government. I would ask the Government to state honestly whether a straightforward policy is being followed in the debt conciliation boards. After having had bitter experience as regards the working of the debt conciliation boards, we cannot entrust the Government with powers of nomination for the Market Committees. I assure the members sitting on the Government benches that whatever we say is based upon hard facts and there is not a shadow of untruth in it. Let me assure the Minister in charge and the Honourable Premier that the Congress cannot agree to the principle that there should be a preponderance of nominated members on the Market Committee. (*Interruption*).

I do not want to take much time of the House. Now I want to listen to the answers to my objections with the sincerity with which I have moved this motion. Let me tell the Honourable Premier who has decided not to agree to any motion or proposal or amendment made by us that the hot haste with which he is rushing through these measures may create a situation akin to that which in Afghanistan faced Amir Aman Ullah Khan. (*Cheers*). Through this Bill, the Government concedes the principle that the markets should be regulated so that the grower may be able to obtain a fair price for his produce. Why should this principle not apply to the workers and labourers who are the largest factors in production? Quite a number of big landlords and agriculturists have invested money in industrial concerns and thereby draw fat dividends without putting in any work, while the labourer in the concern who produces the article which fetches profit, gets merely wages which do not make his both ends meet. It is very regrettable that every Bill or motion or amendment moved by us is being contemptuously treated by the Government why does the Government fight shy of consulting public opinion? I would like to quote a verse of Iqbal which runs as follows:—

یہ دستور زبان ہندی ہے کوسا تیری معقل میں

یہاں تو بات کرے کو توستی ہے زبان میری

With these words I move my amendment (*Cheers*).

Mr. Speaker : Motion under consideration. Amendment moved—

That the Punjab Agricultural Produce Markets Bill be circulated for eliciting public opinion thereon by the 31st August, 1933.

Khan Bahadur Sardar Muhammad Hassan Khan Gurchani (Dera Ghazi Khan, South, Muhammadan, Rural), (*Urdu*): Sir, it is a great pleasure that today you have given me—a simple Baloch, an opportunity to speak on the floor of this House. Now with your permission I would like to speak a few words with regard to the Bill under consideration. After having read the Bill carefully I can say that it aims at giving favours and facilities to the zamindar who carries his commodity—the result of his one year or six months' hard labour—to the market for sale. This Bill further seeks to prevent him from the irregularities to which the poor fellow falls an easy prey and is constrained to accept a meagre price offered by cunning and mischievous market people.

Pandit Muni Lal Kalia: On a point of order. The honourable member is reading his speech. (*Interruptions*).

Mr. Speaker: If he again reads his notes, I will ask him not to do so.

Khan Bahadur Sardar Muhammad Hassan Khan Gurchani: I hoped that the proposed Bill would not have been opposed. But I am very sorry to find that even those members have opposed the Bill whom we could not expect to do so, because they profess to be the friends of the zamindars and, therefore, they should have received the Bill with open-heartedness. But it is very regrettable that some honourable members have kept silent in this matter and the rest have opposed it.

I am surprised to note that the speech of my honourable friend Chaudhri Krishna Gopal Dutt was neither here nor there. Sometimes he appeared to be supporting the Congress and sometimes he seemed to be advocating the cause of the poverty-stricken peasantry of the province.

Coming to the subject matter of the debate I may submit that it is an open secret that when a poor kisan carries his agricultural produce to a mandi in the hope that after a full year's labour he might be able to obtain enough money to make his both ends meet, the malpractices in the mandis do not allow him to receive his grain's worth. If he brings a commodity which is worth a hundred rupees the innocent agriculturist gets Rs. 60 only. To start with, he is not told the correct rates in the markets. Then he is required to pay a number of customary dues some of which are highly objectionable. For example, he is charged dues on account of dharamshala and patshala with which a Muslim has nothing to do. As this line of argument is sure to lead one to communal considerations, I will leave it here without saying that no facilities are provided to the poor agriculturists out of these funds. On the other hand these funds are sometimes used against their interests.

I may be allowed to describe the condition of my district Dera Ghazi Khan. It is well known to all and sundry that this district is situated in a remote corner of the province. Its inhabitants are very backward in education and in all other modern equipments. There are absolutely no good roads for the agriculturists to carry their produce to the markets. If, however, an agriculturist manages to reach a market, he is not given full price of his grain by the middlemen in the markets. In view of these hard facts, Sir, I strongly support the Government motion on this Bill.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, I rise to give my wholehearted support to the motion which has been moved by the honourable member from North-East towns. The importance of this measure cannot be denied and its magnitude is apparent. It applies to markets situated in the extreme South of the Punjab, in Gurgaon district, as it applies to markets in Campbellpore or again to markets in Kangra on the one side and to Multan and Jhang on the other. Customs of trade differ from locality to locality. Similarly this Bill is not confined to marketing of one local produce. It is well known that the various incidences of marketing differ from trade to trade. Therefore, it is necessary that before Government embarks on a legislation of such a universal character, apart from the merits of the legislation, every trade and every locality should have an opportunity of putting forward their views before the Government. No doubt a certain amount of information can be gleaned from the joint committee of experts but they can only give information as to the standardised usages. I respectfully submit that the usages of central Punjab differ in some respects from the usages which may prevail in the mandis in the remote corners of Kangra or in Muzaffargarh. Therefore, it is necessary that Government should not lose the opportunity of obtaining information which would necessarily help them in this legislation.

With respect to the merits of the legislation I do not wish to enter into a controversy, but there is just one point which I wish to emphasise and which unnecessarily creates a sting in the legislation which otherwise perhaps might be welcome. There is a provision for licensing shopkeepers. Now if you want to regulate weights and measures, by all means do it. If you want certain regulation with respect to markets, have them enforced. If you insist on licensing all persons who wish to engage in a particular trade you introduce a kind of rule which would be unacceptable to any democratically minded person. It should not be left to the will of the executive or even to the will of any committee to determine who will follow and who shall not follow a particular profession. If you omit this provision the object of the Bill, unless it is vexatious of a class whom you do not like, will not be frustrated and at the same time, you will take away the sting out of the legislation. I am told that the two existing legislations on which the Honourable Minister relied are those of the Central Provinces and Madras but if you go through them, you will notice that they do not contain any provision with respect to licensing which the honourable Minister has unfortunately included in this Bill. I submit that when you want to introduce a legislation in this province on the ground that the other provinces have also similar legislation you should at least introduce a similar legislation. Do not merely borrow the name and put in different and irksome provisions. Unfortunately I have seen it done in a number of enactments of the Punjab Legislature which have been introduced under the influence of Sir Chhotu Ram.

Just one more point and I have finished, and that is with respect to the constitution of marketing committees. My view is that the constitution should be democratic and not autocratic. As to how that result is to be arrived at is a matter for the Government and the House to decide.

[R. B. Mr. Mukand Lal Pur]

One final warning on the subject I should like to give. It is so easy to destroy an old system: it is very difficult to find a proper and satisfactory substitute. The marketing of agricultural produce is as necessary for the benefit of the agriculturists as growing of it. The produce would be valueless without proper arrangements for marketing. By tradition and long usage of centuries, and system of marketing has been developed suitable to local conditions, a system which may have its defects but which in the words of Mr. Darling is about as cheap as can be devised under the present circumstances. It may be necessary to regulate the system and remove certain defects: remove them by all means. If there are any difficulties, get over them, but do not for God's sake take any action which would destroy this system. In unsympathetic hands, I am afraid, irreparable damage may be done to the very cause which you wish to protect. Therefore, proceed with caution. Sir, I whole-heartedly support the motion for circulation (*Voices: Question be now put.*)

Chaudhri Muhammad Abdul Rahman Khan (Jullundur North, Muhammadan, Rural). (*Urdu*): Sir, I submit that if this Bill has really been framed for the welfare of the zamindars, then it is well and good. But I am inclined to think that it is not so. The committee that is proposed to be set up under the provisions of this Bill will consist of official members only and that the Government officials will determine its composition as well. Every committee that is set up by the Government contains and will contain official members in its personnel. It is the old custom that whenever the Government appoint any committee they appoint only official members on its personnel.

Then Sir, the members who are included in the committees adopt a very stiff attitude towards the propositions brought before them, so much so that if they come to know of the fact that Government have adopted an unfavourable attitude towards the matter under discussion, they in their turn adopt a hostile attitude and try their level best to go a step further than the Government desires. I am inclined to think that if official members are nominated on the personnel of these committees, no greater harm can be done to the Punjab than this. If there is anything which can harm the interests of the zamindars that will be these nominated committees. In fact they will be a great source of danger.

Besides, my honourable friend Dr. Sir Gokul Chand Narang, who preceded me, said that the honourable members opposite that they should go out and see, what is going on in the province. The Honourable Premier, however, retorted, "what should they see?" Nothing is going on in the Punjab except that all is well and good. I regret to say that the Honourable Premier has not been able to feel the pulse of the country. He does not know what the people want and what they do not want. Two or three years back when my honourable friend, Dr. Sir Gokul Chand Narang, used to sit on the Treasury Benches he was also in the habit of giving the same answer as has been given by the Honourable Premier. I am inclined to think that it is the characteristic of the members who sit on these benches that they do not hear the voice of public and that is why we hear such answers from them.

I may further submit that sometime ago the zamindara banks were formed, the object of which was to rid the people from the iron grip of the *sahukars*.

Parliamentary Secretary (Mir Musabool Mahmood) : I rise to a point of order Sir. The honourable member is not speaking to the motion under consideration.

Chaudhri Muhammad Abdul Rahman Khan : I was submitting that the zamindara banks were set up with a view to rid the zamindars from the clutches of the *sahukars*, and thus save them from their precarious position. But experience shows that exactly the reverse of it had taken place. One of the objects of these banks was to lend money to the zamindars at the time of their need, so as to enable them to pay up their land revenue in time. I will cite an example in order to illustrate my point. In a certain tahsil only Rs. 27,000 were lent to the zamindars, while on the other hand their land revenue amounted to near about 2 lakhs of rupees. This clearly shows that these banks have not been able to fulfil the object for which they were set up.

Mr. Speaker : The honourable member is irrelevant. So, I request him to speak to the motion.

Chaudhri Muhammad Abdul Rahman Khan : Again Sir, when the tahsildars tour in their circles, they put the zamindars to unnecessary troubles, and force them to pay land revenue.

Mr. Speaker : If the honourable member is again irrelevant I shall have to ask him to resume his seat.

Chaudhri Muhammad Abdul Rahman Khan : Sir, I am not irrelevant. The truth is always bitter. (*Laughter*). I suggest that if the provision of nomination of the members of the committee is deleted I will be only too glad to support this Bill. Instead of nomination I suggest that they should be elected by the people. If this is done I think the traders as well as the zamindars would whole-heartedly support it, and they would congratulate my friends opposite. If, however, this suggestion is not adopted, I would submit that it would be better if we say good bye to business for all time instead of giving the Government the right of nominating members on the personnel of these committees. In fact this provision of nomination will not serve any useful purpose at all, and everywhere corruption will prevail. Therefore, as far as the question of nomination of the members of the committee is concerned I oppose it and if this provision is deleted I will not only whole-heartedly support the Bill but I would also congratulate my honourable friends for bringing forward such a humane Bill.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Bural) (Punjabi) : Sir, before I begin my speech I would like to recite a verse :

ہے شور سنتے تھے یہاں، وہن دل کا
جو چہرا تو اک قطرہ خون نکلا

Since many months back it was published in the newspapers that a Marketing Bill would be introduced in the Punjab Legislative Assembly. The newspapers knew nothing of the subject matter of the Bill and so they

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made many conjectures about the subject matter of the Bill. The people in the markets were also anxious to know about the contents of that Bill. Now when it has been presented to this House, we have come to know that practically it contains nothing very useful. I admit that in the beginning this Bill did create an interest in the markets and the people residing in the rural areas began to think that this Bill would benefit the zamindars a lot, and that the various fees charged from the zamindars would be put an end to. But we find that this Bill has not tried to lighten the burden of the Kisans. In fact these burdens are there.

Then, there are many more deductions made, namely, *arhat*, *dhulai talai*, *lai*, *iharai*, *udai*, and *munimi*, etc. In short, there is no limit to these deductions. Everything is so topsy-turvy that no regular account is kept. Furthermore, there are various funds to which the poor zamindar is made to subscribe, namely *dharamsala* fund, *gan shala* fund and *pat shala* fund. The zamindar is therefore in a great fix on account of these exactions made from him. But unfortunately the present Bill will not be able to help him out of his difficulty. We were hearing a lot about the usefulness of this measure but on seeing it we have come to this conclusion that a mole-hill was being represented to be a mountain. Its importance was being over-emphasised. One can never understand from a perusal of this Bill if the intention of the Government is to tax the sellers or buyers. This point will remain unexplained till the rules are made. Till then one can never say whether this is going to be a useful measure or a harmful one. In fact this Bill seems to have been drafted with a view to benefit the richer sections of the people. We have grave fears that this Bill will not prove to be a Marketing Bill but *Mar Kutting* Bill, that is, those people will come to grief on its account whom it is intended to benefit. We do not know how the money is going to be spent which will be collected in the markets. Will it be spent for the good of the zamindar or only to his detriment?

Mr. Speaker : Repetition should be avoided.

Sardar Sohan Singh Josh : When the rules come before us, we will be able to tell whether this Bill is going to benefit the people or is going only to add to their burdens. Moreover, we fear that the marketing committees will become the strong-holds of the Unionists. There, voters will be trained to vote for the party at the next general election. This is why a provision has been made in the Bill that the members of these committees will not be elected like those of district boards and municipal committees but will be nominated. Thus a way seems to have been found to oblige some people. Uptil now only the villages were the stage for the favouritism of the Unionist party to flourish, but now even the towns are going to be included. All this is being done to prepare the ground for the next general election.

Mr. Speaker : The honourable member should not repeat his arguments.

Sardar Sohan Singh Josh : A great defect in this Bill is this that the zamindar will not save anything on account of the enforcement of its provisions. So long as the prices are not brought under control with reference

to the international situation, no way can be found to benefit the zamindars. We have been passing through a period of depression since 1929 and the zamindar has been suffering since then. I would submit, so long as the minimum prices of commodities are not fixed in all markets the condition of the zamindars cannot be improved. I regret to have to remark that these important things were not kept in mind at the time of drafting this Bill.

Mr. Speaker : The honourable member should not repeat other members' arguments.

Sardar Sohan Singh Josh : Sir, I am not repeating. I do not wish to take up much of the time of the House. I strongly support the circulation motion not because I want this measure to be shelved but because I am desirous of consulting those people for whose benefit this Bill has been conceived. I want to know if they will like to have some changes made in the Bill or will like to get it passed in its present form. It is idle to oppose a move to control markets in the twentieth century as certainly these markets are the scenes of untold irregularities which must be brought to an end. In view of these considerations I support the motion for circulating this Bill for eliciting public opinion.

Sheikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban (Urdu) : Sir, it is an open secret that the conditions prevailing in the markets of this province are simply appalling. The agriculturists who go there are defrauded of their hard-earned money in the markets right and left. The malpractices of the middlemen are too numerous to mention here. The buyers of agricultural produce in the markets are more often than not dishonest. I do not mean to say that there are no honest dealers at all. Far from it. But the fact remains that most of them indulge in dishonest practices and thus bring shame to the fair name of this province. I remarked just now that the people in the markets loot the agriculturists right and left. There is no exaggeration in that. They keep such balances as are not proper. The weight used by them, again, are incorrect. Some shopkeepers keep two sets of weights. When they buy things they use one set of weights and when they sell certain commodities they weigh out with the other set. What aggravates the position is the fact that they do not tell the correct rates at which commodities are sold or bought. They always offer lower prices to the agriculturists when the latter comes to sell something. If on the other hand the agriculturists go to them for buying something they quote higher rates than the real ones. All these evils call for a strict remedy. Some one must rise to rectify the whole position. I am, therefore, very much pleased to note that the Government have realised the dire necessity of the agriculturists in this connection and brought forward this measure.

Some of my honourable friends sitting on the opposition benches have stated that it is not fair on the part of the Unionists to lay down in the Bill that the members of the marketing committees will be nominated by the Government. They object to the Unionist Government nominating members to these committees, but they have absolutely no objection to the Congress nominating members to various committees. Even Dr. Satyapal resorts to the method of nomination within his jurisdiction. But if the Unionists

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nominate some members for certain committees, the Congressites come down upon them and raise a hue and cry over it. That attitude of the Congress is beyond my comprehension.

I do not know why my honourable friends become so impatient and restive on ordinary things. They want that the Bill be circulated for eliciting public opinion thereon by 31st October 1938. When this Bill would be considered in the next session, i.e., in October or November, I do not think there is any need for its being circulated. The public could easily decide about it by that time and we would get public opinion without circulating the Bill for the purpose. I would submit that the motion moved by my honourable friend opposite is nothing more than a dilatory motion. It is quite obvious that everybody seems to have liked the Bill under consideration. Now my submission is that the Bill should be referred to a select committee and every sort of criticism and comments which the opposition wants to make be sent to the select committee in due course. It would be quite useless to pick holes in the bill again in October or November when the next session is likely to be held.

Chaudhri Krishna Gopal Dutt : How do you assume it ?

Shaikh Muhammad Sadiq : I can smell it.

Mr. Speaker : The honourable member need not answer the question.

Shaikh Muhammad Sadiq : I will ignore him in future. (*Laughter*). As my honourable friend Mr. Mukand Lal Puri has stated, there are usages in the Bill, but the methods adopted for those usages are incorrect. The Bill aims that dishonesty prevailing in the markets be totally removed and wiped away. We want to over-haul the balances in order to make them the balances of justice and balances of Dharam (*Cheers*). How strange it is that the Opposition does not believe in any Government except the Congress Government. If our Government fixes weights, the Congress would not help objecting to it for mere objections sake. But the question is wherefrom the weights should be brought ? If the Opposition does not take the present Government in its confidence then would it like to send for weights from England or some other country ? I think the weights should be fixed by the Government. I remember that silk was very dear some 20 years ago and it was sold at the rate of Rs. 25 a seer and there were some shopkeepers dealing with silk who kept $5\frac{1}{2}$ seers weight instead of 5 seers for purchasing and *vice versa*. It has come to light by holding inquiries by the Government that almost all shop-keepers keep false weights. It is our duty to reform all these defective practices that are being adopted in the produce markets. My honourable friend Sardar Sohan Singh Josh has stated that the Bill is not complete in some respects. I submit, if the Government has not drafted the Bill perfectly and there is some flaw left in it, it is to be excused, as, to err is human. The question is this that nobody from the Opposition benches has found fault with the principle of the Bill. It means that so far as the principle of the Bill is concerned they have got nothing to say against it. But what has been emphasised by the Opposition is that the Bill be circulated for eliciting public opinion. I submit that by the public opinion the Opposition might mean the opinion of the shop-keepers.

who would come in the jurisdiction and purview of the Bill or would be affected by the said Bill when it would be enacted. I have already stated that opinions could be obtained by the end of October next even without circulating the Bill. An honourable member has advanced a novel argument, he has stated that it does not look justifiable to abolish an old system whose roots have gone deep into the soil. I admit. But the honourable member seems to have ignored the fact that after thousands of years the system gets itself covered with hundred and one evils. As far as granting of licences is concerned, the Opposition has also opposed this measure inspite of the fact that all of us, I mean the lawyers, cannot practice unless they get licence for that purpose. This is not the case with lawyers only, see tonga-walas, kerosine oil sellers, coolies etc. These people get licenses before they begin their business. So it is very ridiculous to say that irregularities would spring up at the time of granting the licences to the people concerned. Not even this, but my learned friend Sardar Sohan Singh Josh has stated that rules have not yet been made, I may submit for his information that the rules cannot be made unless the Bill is passed. This is just like putting the cart before the horse. Let the Bill be passed first then the rules would be framed in accordance with the sections of the Bill. We have got to pass through all the stages one by one. This is not "Sikha Shahi" that we may do what we wish.

Lala Deshbandhu Gupta : The honourable member has used the word "Sikha Shahi".

Mr. Speaker : I don't think the expression is unparliamentary.

Shaikh Muhammad Sadiq : I say Nadir Shahi, Tamur Shahi and any other Shahi. My friend sitting here by my side suggests me to add "Gora Shahi" to other Shahis. I did not mean ill to anybody. I may say Sikandar Shahi or Tamur Shahi. I would like to submit that the honourable members of the House should have at least some sense of humour. I am accustomed to deliver speeches on the floor of this House because I have been a member of this Assembly for the last seven years and you know that I have never taken such a liberty as to attack any honourable member. The phrase "Sikha Shahi" is a well known in phrase in Punjabi. By using this phrase I did not mean to insult any of my honourable friends sitting on the opposite benches. I was submitting that my honourable friends sitting on the opposite benches have raised these flimsy objections because they have received many a telegram from their electorates asking them to oppose the Bill as far as possible. This is the main reason of objecting to the Bill. I would request them that they should not be afraid of their electorates who have sent them dozens of telegrams but they should express their opinions honestly in the interests of the general public. I can read from their faces that they have got no solemn ground to oppose the Bill and they at heart are one with us in supporting the Bill. So far as I know they differ only on one clause and I would request the Government to accept their objection. (*Interruptions.*) If the honourable members opposite want that the market Committees should consist of some members of district boards or the select committee may have some elected members on its personnel, it could have been done, but my honourable friends should not ignore the fact that by

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holding elections, everything would be spoiled altogether, and not only make elections expensive, but people may be returned who know nothing about trade and commerce.

I would like to submit in the end of my speech that the Opposition should not merely oppose reference of the Bill to a select committee, but they should bring forward some weighty objections to the principles of the Bill on which it has been based.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) (*Punjab*): Sir, ever since this rumour was set afloat that Government have had under consideration the Marketing Bill or *Mar Kuti* Bill, *viz.*, the Murdering Bill as the people call it, the public has been carrying on a vigorous propaganda against it both in the Press as well as on the platform. A number of Anti-Marketing Bill Committees have been set up in almost all quarters of the province, and, at Lyallpur, in particular where a regular office has been established for this purpose. Moreover, various conferences have been held to protest against this most undesirable measure. In fact the public of this province has been very anxious to nip it in the bud. A year or so ago this Bill was perhaps drafted by the Joint Development Board and since then several conferences including one over which I have had the honour to preside, have been held but the Government has had little hesitation in bringing it forward in spite of the opposition of the public. The sole reason why the Government is turning a deaf ear to the voice of the public is that, the Council of Ministers in the province is not fully representative of all sections of people. It is a Jat Ministry that is ruling in the Punjab and I include the Awans and Rajputs in the word Jat. I make no distinction between them. There is among these Jats only one representative of the people whom this Bill is going to hit hard. But one man however strong he may be, can wield no authority against the majority of 5 Jat Ministers. The public is justified, therefore, in apprehending high-handedness on the part of this Ministry. A very large section of population in the province is afraid that there is no one to advocate and sponsor its cause before the Government which can easily afford to ignore this section. What aggravates the whole position, is the fact that there is, in the Cabinet, a man who far all intents and purposes over-shadows the Cabinet and does not allow the Government to consider these measures dispassionately. There are others in this Cabinet who have no knowledge of the conditions which are prevailing in the province and their experience is confined only to a few years' service in some military regiment or honorary ranks or there may be some who only know how to receive fat salaries. One cannot be sure whether the things which these Ministers say they know, are based on hearsay, or first hand knowledge. I do not know how far their motives are genuine or whether they are trying to wreak their own vengeance. How can they claim to be in sympathy with the poor masses of the province and how can they claim to be agriculturists when they have never touched the plough all their lives? It is stated in the statement of objects and reasons that in the mandis of the province there is no arrangement for the agriculturists who carry their produce for sale. Let me inform them that in almost all the markets save perhaps, a few in the remote corners of the province, all comforts are provided for their clients. They are for instance, given

charpoys, beddings, residence, room for their bullocks and carts and various other facilities are provided for them. The general belief is that Government wants to put the markets in the hands of zamindars and thus interfere with their liberty. If they really want to help the agriculturists they should ascertain whether the agriculturists want this help. It is necessary to circulate this Bill for eliciting public opinion thereon, so that we may know exactly what the country wants.

Coming to the speech which has been delivered by my honourable friend Shaikh Muhammad Sadiq, I may point out that he has in a way supported the contentions of my honourable friend Chaudhri Krishna Gopal Dutt. Besides, I am very much surprised to learn that he has changed his creed in as much as he has supported to-day the principle of nomination against open elections while in the past so many years he has been criticising me simply because I favoured nomination in certain cases. It is very strange indeed that he should have taken this somersault. During my regime he would ask me to rob the deputy commissioners and the commissioners of of all the powers of nomination they enjoyed but now he does not hesitate to support the Unionist Government who have proposed nomination in the markets.

Shaikh Muhammad Sadiq : I do not support the principle of nomination even now.

Dr. Sir Gokul Chand Narang : I am glad he has turned round to his old position after a moment's setback but my honourable friend did remark that if Dr. Satya Pal has formed his own committee, Mahatma Gandhi has formed his own committee, why should not the Honourable Chaudhri Sir Chhotu Ram be allowed to form his own committee? Where is the harm if he does so? Further my honourable friend opposite has cited the example of Madras. May I suggest that the condition of Madras is quite different from that of the Punjab. There is no Alienation of Land Act in force in Madras as it is in force here in the Punjab. The net result of this Act is this that the whole of the Punjab is divided into two camps. On the one hand there are big land-holders, who call themselves zamindars. These people as a matter of fact never even touched the handle of a plough and never worked the well and yet they call themselves the tillers of the soil. On the other hand there are people who have been following the profession of agriculture for ages, but are termed as non-agriculturists.

The legislation now before the House has exacerbated the feelings to such an extent that serious suspicions have arisen in the minds of the people. They feel that the Government is out to ruin them by stopping all kinds of money lending, by invalidating all benamis and by robbing them of their mortgages. Further, the Government by registering the money-lenders and by introducing the Marketing Bill is going to ruin all kinds of business.

The Bill which is now before the House has been copied from the Madras Act in toto. But my friends have left out the thing that was best in it.

An honourable member : What is that?

Dr. Sir Gokul Chand Narang : The provision of elections. In the Madras Act there is a provision for electing the members of the committees and the same has been done in the Central Provinces. But in the Punjab what could have been expected from my honourable friend Chaudhri Sir

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Chhotu Ram, whose very name makes the people tremble. They may say that these fears are not well founded. But the fact is that they are there and it is the duty of my friends opposite to remove them. One word more and I have done. What harm would accrue if my friends over there agree to the circulation of this Bill up to the 31st October, 1938 for eliciting public opinion thereon? It is a fact that the Bill cannot be discussed in the House before November, 1938. It will do my friends no harm if they allow the general public to study the Bill. I think the Government can have no genuine objection to this proposal and I hope that they would not commit an unnecessary sin by opposing the amendment.

(Voices : Question be now put.)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*) : Sir, when I first saw the notice of the amendment by which the consideration of this Bill was sought to be postponed, I was both pleased and grieved by it. I was pleased because I thought that the Congress party having opposed this motion I would get an opportunity of exposing the Party before this Honourable House as well as before the outside public. On the other hand, I was grieved to find that these adherents of the Congress, which is the greatest political organization of the country should go to such a length as to adopt dilatory tactics in connection with a Bill the object of which is to secure the welfare of the poor cultivators.

(*Interruptions*). Sir, it seems to me that my thrusts have gone home and my honourable friends on the opposite benches have become painfully conscious of the truth of my remarks. But let me inform them that the time is not far off when they would feel them

with greater intensity. It is gratifying to note that by the introduction of the Bill in question the Government has made the Congress party expose its inner feelings. The Congress party which was wont to sing praises of its being the only and chief supporter and defender of the down-trodden rural community has exhibited itself in its true colours by opposing this highly useful Bill which aims at the amelioration of the conditions of the major portion of the population of our provinces. It really gives me pain to see that the Congress party tries to obstruct the business of the House by resorting to dilatory tactics even in cases where such beneficial measures as the one under consideration are brought forward by the Government.

(*Interruptions*).

اب جگر تھام کے بیٹھو کہ میری باری آئی

Sir, when I came to know that the Leader of the Opposition party and the "Senapati" of the Congress rank and file was not present in his seat I thought he must have felt 'lajjia' in moving his amendment.

Chaudhri Krishna Gopal Dutt : Is it parliamentary, is it fair, is it gentlemanly?

Lala Bhim Sen Sachar : The Honourable Minister is insinuating against the Leader of the Opposition. (*Uproar*).

Mr. Speaker : If I understand him aright, what he said was that for certain reasons he did not wish to move the motion.

Dr. Satya Pal : The word 'lajjia' is disgraceful. It is a Hindi word and perhaps you do not follow it. I object to the word 'lajjia' being used while referring to the Leader of the Opposition. (*Uproar*).

Mr. Speaker : I am not going to allow any further discussion. In my opinion the words were not in any way offensive.

Dr. Gopi Chand Bhargava : I rise for a personal explanation. I am told that motives have been imputed to me. (*Voices from Treasury benches : No, no.*) (*Voices from Opposition benches : Yes.*) I think I am entitled to have my say and if it is not approved by the members on the other side I am afraid I cannot help it. My submission is that the words which have been used by my honourable friend over there against me saying that I was out because I was ashamed of moving this thing are unparliamentary. That is an insinuation.

Mr. Speaker : What word has the Honourable Minister used and in what sense ?

Minister for Development : Sir, I have only used the words 'lajjia bhao.' I know Sanskrit and Hindi better than many honourable members sitting on the opposite benches. I have used this word with the greatest possible care. I meant no disrespect to the Honourable Leader of the Opposition. Before commenting on the absence of the Leader of the Opposition I had decided to resort to Sanskrit, because I felt that the only Urdu word which had occurred to me might cause him greater embarrassment than what I intended.

Mr. Speaker : What is its translation ?

Dr. Satya Pal : The word 'remorso' is the translation.

Mr. Speaker : What is the meaning of 'Lajjia-bhao'.

Minister for Development : 'Lajjia-bhao' means a sense of shame. My learned friends neither know Sanskrit, nor Hindi, nor even Urdu.

Mr. Speaker : As the words used by the Honourable Minister have been taken exception to by many honourable members, although he has expressly stated that he did not mean any disrespect to anyone, I request him to withdraw them.

Minister for Development : Sir, I did not make any insinuation against any person. I meant no disrespect to the Honourable Leader of the Opposition. But if any person has understood these words as implying disrespect I gladly withdraw them.

Dr. Gopi Chand Bhargava : Sir, I rise to give a personal explanation. I am very grateful to the Honourable Minister of Development that he has had the moral courage to withdraw the words used against me. I may assure my Honourable friend Chaudhri Sir Chhotu Ram that I have not changed my views. Since Chaudhri Krishna Gopal Dutt had given notice of a similar amendment I did not want to waste the precious time of the House by moving the amendment standing against my name. My ideas and views do not differ from those of my party.

Minister for Development : In the absence of the Leader his lieutenant seems to have got necessary instructions. He rose and remarked that he wanted to clarify the position of his party by saying that they did not oppose the principle of the Bill, and that they had every desire that the conditions of the poor destitute and poverty-stricken zamindars should be ameliorated. He also complained that I, in the course of my opening speech, did not express the underlying idea as to why it was found necessary to introduce this Bill in the House.

Chaudhri Krishna Gopal Dutt : I did not say that.

Mr. Speaker : The honourable member is still interrupting. In exceptional cases he can be allowed to correct facts and figures, but he cannot be allowed to make comments and criticism on every word of sentence.

(Chaudhri Krishna Gopal Dutt again stood up.)

Mr. Speaker : The honourable member cannot be allowed to make comments. This is the last time that I request him not to interrupt the Honourable Minister.

Minister for Development : Sir, my submission is that had he carefully gone through the statement of objects and reasons attached to the proposed Bill he would have refrained from making this complaint. I do not want to waste the time of the House. We have to do a lot of important work. Our intention is to expedite the business of the House, whereas the Opposition wants to obstruct it. If I did not mention in my opening speech the reasons for introducing such a measure, it was simply because I wanted to save the time of the House. If he is prepared to hear my argument in favour of the introduction of this Bill I am quite willing to repeat them for his benefit. Sir, I have a woeful tale to tell about the miserable plight of the poor zamindars. It will not take hours but weeks and months to explain fully a complete catalogue of the woes of the poor peasants. I have not sufficient time at my disposal to lay further stress on the point, so I would content myself with only passing remarks about the reasons for introducing this Bill. My friends are aware of the fact when a zamindar tills his land he is the owner of what he sows. When he reaps his crop he is the owner of his produce, but when he brings his produce into the neighbouring market he ceases to be the owner of his produce. The brokers, weighmen, measurers, and several other persons all combine to exploit this village simpleton.

My honourable friend had complained that while in the statement of objects and reasons mention had been made of Madras and Bombay nothing had been said about the conditions prevailing in the Punjab. It is a pity that my friend has not carefully gone through the statement. It has been definitely and clearly stated therein that careful enquiries have brought to light the startling fact that out of a rupee which the consumer pays for his wheat or rice the producer gets only $9\frac{1}{2}$ annas. This is true of the Punjab along with all other provinces of India.

Lala Bhim Sen Sachar : Is the honourable member relevant? Is he not going beyond the scope of the motion?

Mr. Speaker : He is replying to the arguments advanced by the honourable mover of the motion.

Minister for Development : I can very well understand the reason why my friends are nervous; and why they are feeling uneasy at heart. (*Cheers*). But I would ask the honourable members sitting on the opposite benches whether they have ever cared to inquire about weights and balances used by dealers. If they have not done so I would suggest to them to consult the Report of the Banking Committee. They would find in that Report how ruthlessly these dealers exploit simple-hearted zamindars by using false weights and tricky balances. I may submit for their information that an inquiry was made into this matter from one corner of the province to the other. The result of the enquiry is stated in the Punjab Banking Enquiry Report, and what is this result? On an average, as many as 41 weights out of 100 were found to be false. I am not talking here of C. P. or Bengal or Madras; I am talking of my own province. It is further apparent from the summary contained in this report that 59 per cent. of the scales tested were found to be incorrect. Further, some of the shop-keepers were found to be keeping two sets of weights, one for buying and the other for selling. Our honourable friends who have objected to the Bill do not know or do not care to admit that out of a rupee which the consumers pays for his wheat the producer gets 9½ annas. But he suffers another loss in an invisible way. When his produce is weighed it loses a considerable weight in the process. It is difficult to calculate the loss caused to the zamindars in this way. In villages things are even worse. There things are generally weighed by katcha weights and with the hand scales. There is a well-known phrase in Punjabi "Ponche-ki-Maror." I may submit, Sir, that by "Ponche-ki-Maror", i.e. by a simple twist of the wrist for a moment or so when weighing the commodity brought by the zamindars, the dealers manage to defraud the zamindars and do him an amount of harm that is incalculable. Under these circumstances the Government could not help introducing this Bill in the House.

The mover of the dilatory motion also complains as to why this step was not taken earlier. In the same breath my learned friend Chaudhri Krishna Gopal Dutt has the audacity to suggest that the Bill be circulated for eliciting public opinion thereon. I would submit that barely 16 months have elapsed since we came into power. If the last government did not bring forward such a useful measure neither I nor the present government can be held to blame for the omission, and it is no part of my business to assess the merits or demerits of the past government. When the present government came into power and noticed the miserable plight of the zamindars of the province, they felt that something must be done to save the poor peasants from the clutches of the clever market people. We took stock of the situation and came to a definite conclusion that this Bill is indispensable for the well-being of the people of this province. In pursuance of this conclusion we have introduced it during the present session. My learned friend has raised a number of objections against the introduction of this Bill. One sample of his objections is "why did Government not take up such a Bill earlier"; "why is government proceeding with this Bill in such hot haste?" Such conflicting objections are ridiculous in the extreme. The real truth is that while professing lip sympathy these gentlemen are opposing us for the sake of opposition. The same honourable member further enquired "do the government know that there is serious resentment prevailing amongst

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the outside public against this Bill and that it is causing his party no end of worry that they did not know whether they would be able to weather this storm of agitation for they do not know how to cope with it?"

Chaudhri Krishna Gopal Dutt : That is wrong.

Minister for Development : The honourable member did utter those words and moreover he stated that the storm of agitation raging outside the Assembly would sound the death-knell of the present government. Let me assure the honourable member who uttered this threat that the fate predicted for us will not overtake us but surely awaits those who dare to oppose this Bill. (*Cheers and interruptions*). I want to tell my interruptors that I noted the exact words used by the mover while he was making his speech. They are—

“ اس طوفان میں حکومت کی موت ہے ”

I remember that he mentioned a number of other irrelevant points which should not have been mentioned.

Chaudhri Krishna Gopal Dutt : What about the ratio?

Minister for Development : Some honourable members spoke about international situation while the mover grumbled: “ This Government professes to be the friend of the zamindars but it has not taken any steps so far to control the exchange ratio.” I would quote a well-known saying which would suit this multitude of irrelevancies :—

“ ماروں گھٹنا پھوٹے آنکھ ”

(*Laughter*). I do not understand why the honourable members sitting opposite have lost sight of the fact of which we have reminded them so often, that this Bill seeks to regulate the methods and practices obtaining in the markets and is intended to overhaul the marketing system. It has got nothing to do with exchange ratio. That is a matter beyond our control. So far as that matter is concerned, I would like to submit that if my friends sitting on the opposite benches want me to regulate exchange ratio I would request them to invest me with the powers of dictatorship like those of Hitler. It is only then that I would be in a position to meet their demands. (*Cheers*). If we indulge in talk of regulating exchange ratio it would simply be an attempt to delude the public because we all know that the subject does not fall within the purview of a Provincial Government. It is a subject which can be dealt with only by the Central Government. So I would refrain from wasting the time of the House over a matter which is beyond our reach.

It appears from most of the speeches that have been made against my motion that some of my honourable friends have either not been able to understand the full implications of the motion or they have conveniently omitted to refer to them. The motion is one which seeks a bare reference to a select committee. I may add here that whenever a measure is referred to a select committee without specifying any date for the submission of the report, it invariably means that the report cannot be submitted earlier than two months from the date of the publication of a Bill in the official Gazette, and unless the report is available, the Bill cannot be considered by the House.

That is well known rule and I hope that almost all the honourable members know it. However, if any one had any doubt with regard to this matter he may now note, that the Bill will not be considered by this House earlier than the next of October session. This fact will also explain why it is no longer necessary to circulate the Bill for eliciting public opinion thereon. It is evident that public opinion will have full three months to express itself. Besides, the select committee will be in a position to consider all suggestions for amendment that may be sent to it by the public. I assure the House, once again, that no further motion will be made during this session with regard to this Bill.

Adverting to some of the individual objections raised against this Bill, I would first try to meet what my learned and honourable friend Dr. Sir Gokul Chand Narang, observed in this connection. He desires to know what harm there will be if this Bill is circulated to elicit public opinion thereon by the 31st October, 1938? That sounds very well. But the question is whether the acceptance of the suggestion would not cause avoidable delay. I need not inform the learned Doctor that if the Bill is circulated as desired by him, I shall have to come up again before this House with a proposal to refer the Bill to a select committee and the House will again spend as much time in discussing that motion as it has done to-day. We know that time is money, and it is doubly so in the case of the Assembly. I for one will not be a party to a proposal which involves a waste of the valuable time of the House and public money, particularly when I know that during the coming three months public will have the fullest possible opportunity of expressing their opinion. But I desire to make it perfectly clear that while I am not going to make any further motion concerning this Bill during the present session, I will not allow the consideration stage to be postponed beyond the next October session. I hope that the House will pass the Bill in that session and win the gratitude of the poverty-stricken agriculturists whom it is intended to help and benefit.

Allow me, Sir, to state a few concrete facts to explain why it is no longer necessary to circulate the Bill. There is, as I am sure you know, a joint Development Board in the Punjab and a Marketing Sub-Committee under it. A draft of a Marketing Bill was placed before this Sub Committee at a meeting held on the 25th November, 1937. At this meeting a resolution was passed unanimously that a Marketing Bill should be passed for the province and that time should be given to members for a detailed examination of the draft and for expression of opinion thereon. The Bill was again to be considered at a meeting of that sub-committee which was proposed to be held in January, 1938. At this meeting it was to be decided, in the light of the individual opinions of members, whether any changes were to be made in the draft. But, fortunately or unfortunately some one or more of the members to whom copies of the Bill were supplied, rushed to the press for publishing it instead of keeping it confidential. The result was that an intensive propaganda was carried on against it throughout the province, and the Bill was hotly discussed in all its details. In fact I did not know in the beginning what exactly had happened. I enquired from the secretariat from the Financial Commissioners and even from the Honourable the Premier whether they knew

[Minister for Development.]

anything of the Bill. I was told that they were not aware of the existence of such a Bill. In order, therefore, to allay the initial vague rumours, I issued to the Press a statement to the effect that there was no Marketing Bill under consideration with Government. But hardly had the ink of my statement dried up when the Press published all the provisions of the Bill *in extenso*. Now it puzzled me very much and my astonishment knew no bounds. In fact, I felt considerably humiliated at the thought that the public would consider me either an ignorant or one who was prepared to conceal an obvious truth. So I made further inquiries and found that the Marketing Sub-Committee had prepared a draft of the Bill and had supplied its members with copies. It was thus that I had to issue another statement to the Press in which I explained in detail the history of this incident. The meeting which was to have been held in January, 1938, was cancelled as there seemed to be no longer any need of holding it now when a much wider public was engaged in expressing its views. It was, however, decided that the present Marketing Bill should be brought up before this House for consideration.

Coming to the objection that those affected do not know the contents of the Bill or that the Government is not sufficiently acquainted with the trend of public feeling in the matter, I may submit that this charge is wholly unfounded. The Bill has been before the public since December, 1937, its provisions have been freely and continuously discussed since then, and now it is before this House too. Everybody is welcome to suggest whatever changes he may think fit to make in it. Let those who claim to have more intimate knowledge of the marketing affairs of the province than the Government, come forward and point out defects and deficiencies in the Bill. It has already been profusely commented upon and much has been said for and against it. Public opinion had begun to express itself on it by the Christmas of 1937. Several conferences have been held to protest against its introduction. One of these conferences was presided over by Dr. Sir Gokul Chand Narang himself. Another conference was held at Sargodha and Diwan Chaman Lal gave his consent to preside at it. But on account of some unforeseen circumstances, he could not actually attend it. His presidential address was, however, read at that conference. Then another conference was held at Sonapat some time in March. The Leader of the Opposition was present at that conference. As far as my memory helps me another large meeting was held towards the end of April at Samalkha. The Leader of the Opposition was not only present at that meeting but also delivered a speech against this Bill. He did this without waiting for or caring to know the decision of the Congress Party as to the attitude they should take up with regard to this Bill. After these conferences agitation has been continuously carried on in the Press, the business community and many other people closely associated with business have expressed their opinions regarding this Bill. Some of them have sent in their opinions in writing to the Secretary of the Marketing Sub-committee. I will read to the House very brief extracts from some of them. I would like to mention a few of the names of the individual gentlemen who were either on the Marketing Sub-committee, or who formally expressed their opinion with regard to this

Bill, so that my honourable friends may have no excuse to say that responsible people or trading associations know nothing about the subject-matter of this Bill.

The first opinion was sent by Chuharmal & Co., which reached us on the 11th December, 1937. The Secretary says that he had consulted his association and that he was submitting their unanimous opinion which was opposed to the Bill. Well, Sir, that opinion is a lengthy one, I will pick up just one pregnant sentence which says that the Punjab Agricultural Produce Markets Bill bears a strong family resemblance to the Rowlett Act. The second opinion was submitted by Colonel Bruce who says that generally speaking he agrees with the provisions of this Bill. One Sardar Balwant Singh Sham says that his association has fully considered the Bill and they are of the opinion that there is no justification for it. Sardar Santokh Singh, Member, Legislative Assembly, also another well known representative of business interest, also sent in his opinion. It was received on 3rd January, 1938. He says that he is entirely against the Bill. Owen Roberts & Co. have stated that the Government should wait for public opinion, and that they were not yet prepared to express their opinion on the Bill one way or the other.

An Honourable Member : Did Sardar Santokh Singh, Member, Legislative Assembly, express his opinion independently without caring to know the opinion of his party?

Minister for Development : Let me satisfy the curiosity of the honourable member. All of us have our own individual types of mentality. Traders have a trader's mentality and zamindars have a zamindar's mentality. Sardar Santokh Singh is not to blame. He is a trader and was unable to resist his class instincts and traders' mentality. I remember quite well the day when there was confusion and chaos in the ranks of my Congress friends on the opposite benches. The zamindar members of the Congress Party voted with us, while non-agriculturists, considering discretion to be the better part of valour, quietly left the House. I may submit that Sardar Santokh Singh did no more than obey his class instincts like my friends of the Congress Party, and we need not take an unnecessarily severe view of his attitude.

Sardar Sampuran Singh : On a point of order, Sir. Is the Honourable Minister referring to the Bill now before the House?

Minister for Development : Again, the Premier Cotton Factory has sent in its opinion....

Lala Duni Chand : Is the expression *دہا کر بھاگ گئے* parliamentary?

Mr. Speaker : About whom has the expression been used?

Lala Duni Chand : About us.

Mr. Speaker : Has he so used the words?

Minister for Development : I will not deny that I have used these words. But I maintain that these words are not unparliamentary. If, however, you ask me to withdraw them, I will certainly comply with your orders. (A voice : This is the standard of your decency).

Lala Deshbandhu Gupta : Do you rule that the expression used by the Honourable Minister for Development is parliamentary? He is under the impression that the expression used by him is not unparliamentary and he proceeds on that basis. I want your ruling.

Mr. Speaker : I wish to know all that was said by the Honourable Minister.

Lala Deshbandhu Gupta : He said that at the time of a particular voting members of the Congress Party voted in a certain way and the urbanite members left the hall "with their tails lower down."

Mr. Speaker : What does the honourable member understand by that expression?

Lala Deshbandhu Gupta : He said that it was a cowardly act on the part of some members.

Minister for Development : The plain rendering of these words is "discretion is the better part of valour."

The exact words that I used are as follows :— "The zamindar members of the Congress Party voted with us while the non-agriculturist members of the Party considering discretion to be the better part of valour quietly left the House."

Mr. Speaker : What has the Leader of the House to say on the point?

Premier : I think that it means that discretion is the better part of valour.

Mr. Speaker : According to my lights, the expression means to leave the field without resisting or doing something which a person should have done or was expected to do but he did not do. (*Ministerial cheers.*)

Sardar Sampuran Singh : My point of order was that all the documents do not relate to this Bill.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. You have been ruling during the last 15 years or so that when an honourable member of this House reads out a portion of a document that document must be placed on the record and I would request you to have these documents put on the record for the benefit of the members.

Mr. Speaker : According to the parliamentary practice when a member of Government reads any extract from an official document, he is expected to place it on the table of the House, unless he considers it in public interest not to do so. If the House desires to have these documents placed on its table, I don't think the Honourable Minister shall have any objection to do so.

Minister for Development : Sir, I have no mind to conceal anything. I am not one of those who would like to strike below the belt. Just wait and see. Every relevant paper will be laid before the select committee and nothing will be kept secret from any member of the said committee.

Mr. Speaker : Is the honourable member satisfied now?

Dr. Sir Gukul Chand Narang : Yes, Sir. I raised this objection not from a purely technical point of view, but because I think it would be to the advantage of the members as they will be able to look at these opinions and it will be some though poor substitute for circulation.

Mr. Speaker : They will not be kept secret or confidential.

Minister for Development : I notice that an honourable member goes on raising points of order one after the other. May be, he is feeling very uneasy to-day. But I may assure him that there is nothing desperate in this Bill. I may further add with all the emphasis at my command that the measure in hand is calculated to ameliorate the condition of the impoverished and the down-trodden agriculturists. Sir, let me put at ease my honourable friends on the benches opposite. I have well nigh finished my speech, and they will soon be able to heave a sigh of relief. The only question that I have yet to deal with is the one relating to their repeated points of order and this need not detain me long. The fact of the matter is that this Bill has given them a very uncomfortable day. But let them recognise that neither noisy conduct in this House nor the storm of agitation outside will deflect me from my purpose or arrest the progress of this Bill. The mighty march of the Ganges, after it has left the hills, cannot be blocked by dams of sand.

Sir, the Almighty God, Father of us all, was moved to pity and brought about the enfranchisement of the long-oppressed agriculturists in order to deliver them of their incessant sufferings. As a result of popular franchise there have come to this House their representatives who understand their sufferings and misfortunes, and are out to put a stop to them. Not only this they have come in an overwhelming majority to the great discomfiture and chagrin of vested interests, and a heartening dawn after the deep darkness of a long-drawn night of misery and distress is in sight.

Sir, one sentence more and I have done. I hope this will also end the uneasiness of my friends of the Opposition. One of them went to the length of sounding a note of warning to us saying: "What is it that is weighing upon the minds of the Unionists? They should not exhibit such hot haste. Have they forgotten the fate of Amanullah Khan, who, as a result of his haste to reform his country, lost his throne?" Let me, Sir, inform my friends that the Amanullah Khan of the Punjab will prove much stronger than the Amanullah Khan of Afghanistan. At all events, I should advise my friends to pray that the Amanullah Khan of the Punjab will not disappear and make room for a Bachcha Sqa.

Dr. Gopi Chand Bhargava (Urdu) : I did not oppose the Bill. If the Honourable Minister has stated so in his speech it is incorrect.

Lala Duni Chand : On a point of information. I want to know from you or through you whether the concluding part of his speech was worthy of a responsible Minister who represents all classes of the Punjab? (Voices : Shame). (Voices : Worthy of a king).

Mr. Speaker : Does the honourable member wish to raise a point of order or object to the language used by the Honourable Minister? (Interjection).

Minister for Development : Why should he be allowed to offer comments on the conduct of a Minister. Let him bring a vote of censure if he likes.

Dr. Gopi Chand Bhargava : Is it not questioning the authority of the Speaker? The Honourable Minister of Development has no right to question the authority like that.

Dr. Sir Gokul Chand Narang : One word about myself. He made reference to my having presided over a meeting. Then this Bill was not in existence and therefore no opinions were expressed on this Bill.

Mr. Speaker : A personal explanation on that ground is unnecessary.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu) : Sir, the Honourable Minister of Development has remarked during his speech that I opposed this Bill in a meeting held at Sonapat. I may submit that I had the honour and the privilege of presiding over a meeting at Samalke, and when the Parliamentary Secretary of the Minister of Development came to see Diwan Chaman Lal and myself, we inquired from him if he had the copy of the Marketing Bill with him but he replied that the Bill was not ready. They were thinking to prepare one. What I said in the meeting was only this, that the prices of agricultural commodities should be improved and brought under control because the innocent agriculturists are not generally offered the right prices in the markets. It is not, therefore, correct to say that I protested against the principle of establishing regulated markets in the province. On the other hand I welcome such an idea, provided it is based on sound principles.

Mr. Speaker : Question is—

That the Punjab Agricultural Produce Markets Bill be circulated for eliciting public opinion thereon by the 31st October, 1938.

The Assembly divided Ayes 86 ; Noes 102.

AYES.

Bhagat Ram Choda, Lala.
Bhim Sen Sachar, Lala.
Binda Saran, Rai Bahadur.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Lala.
Duni Chand, Lala.
Duni Chand, Mrs.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjib Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Kishan Singh, Sardar.

Krishna Gopal Dutt, Chaudhri.
Muhammed Hassan, Chaudhri.
Mukand Lal Puri, Rai Bahadur
Mr.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Narendra Nath, Diwan Bahadur
Raja.
Partab Singh, Sardar.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

- Abdul Aziz, Mian.
 Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Atsaalali Hasnie, Sayed.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar-Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieutenant Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazl Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhs, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Hussain, Khawaja.
 Ghulam Mohy-ud-Din, Maulvi.
 Ghulam Rasool, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai.
 Harnam Das, Lala.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Joginder Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan, Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir.
 Mashar Ali Azhar, Maulvi.
 Mubarik Ali Shah, Sayed.
 Muhammad Abdul Rahman Khan, Chaudhri.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Nurullah, Mian.
 Muhammad Qasim, Qureshi.
 Muhammad Saadat Ali Khan, Khan Sahib Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shaif Ali Khan, Khan Sahib Chaudhri.
 Muhammad Wilayat Hussain Jee-lani, Mahdumzada Haji Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan, Qasilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant, Sardar.

Nur Ahmad Khan, Khan Sahib Mian.	Sikander Hyat-Khan, The Honourable Major, Sir.
Pir Muhammad, Khan Sahib Chaudhri.	Sohan Lal, Rai Sahib Lala.
Pritam Singh Siddhu, Sardar.	Sultan Mahmood Hotiana, Mian.
Ram Sarup, Chaudhri.	Sumer Singh, Chaudhri.
Ranpat Singh, Chaudhri.	Sundar Singh Majithia, The Honourable Dr. Sir.
Rashida Latif Baji, Begum.	Suraj Mal, Chaudhri.
Riasat Ali, Khan Bahadur Chaudhri.	Talib Hussain Khan, Khan.
Ripudaman Singh, Thakur.	Tara Singh, Sardar.
Sahib Dad Khan, Khan Sahib Chaudhri.	Tikka Ram, Chaudhri.
Shahadat Khan, Khan Sahib Rai.	Ujjal Singh, Sardar Bahadur Sardar.
Shah Nawaz, Mrs. J. A.	Wali Muhammad, Sayyal Hiraj, Sardar.
Sham Lal, Rai Bahadur Chaudhri.	

Mr. Speaker : The question is—

That the Punjab Agricultural Produce Markets Bill be referred to a Select Committee consisting of—

Chaudhri Pir Muhammad.
 Shaikh Karamat Ali.
 Maulvi Ghulam Mohy-ud-Din Khan.
 Khan Sahib Chaudhri Shaf Ali Khan.
 Rana Nusrullah Khan.
 Chaudhri Muhammad Husain.
 Khan Bahadur Captain Malik Musaffar Khan.
 Rai Bahadur Lala Gopal Das.
 Sardar Jogindar Singh Man.
 Captain Dina Nath.
 Rai Bahadur Lala Binda Secan.
 Sardar Kartar Singh.
 Lala Dev Raj Sethi.
 Pandit Muni Lal Kalia.
 Advocate-General.
 Speaker's nominee (Mr. S. P. Singha),
 The mover, and
 Chaudhri Ram Sarup.

The motion was carried.

With the consent of the House the quorum of the committee was fixed at 7.

THE PUNJAB ALIENATION OF LAND (SECOND AMENDMENT) BILL.

CLAUSE 5.

Mr. Speaker : The House will now proceed to consider the remaining amendments to the clauses of the Punjab Alienation of Land (Second Amendment) Bill.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, I beg to move—

That at the end of 13-A (2), the following proviso be added:—

“Provided that the Deputy Commissioner may, in ordering the ejection of a person who is a *bona fide* transferee before the 20th June, 1938, and is in occupation of such land, allow to any such person, other than the original transferee, compensation for improvements (as defined in section 4 of the Punjab Tenancy Act, 1887), effected by him while in occupation, up to a sum not exceeding in value the consideration for the original transaction. Such compensation shall be assessed by the Deputy Commissioner on such principles as may be prescribed, and shall be deposited by the alienor, and paid to the persons so ejected, in such manner as may be prescribed.”

(Urdu): The amendment that I have moved is a clear proof of the good faith of the party in power. The various amendments moved by my friends on the opposition were opposed by us mainly on two grounds. In the first place their object was to protect the interests of the dishonest people and not of *bona fide* transferees. Secondly, most of the amendments were such, that if accepted they would have killed the very object of the Bill now before the House. The amendment now moved is free from both these objections. I, therefore, make bold to move this amendment on behalf of my party. The object of this amendment is that if a person had purchased lands from a *benami* owner without the knowledge that the latter possessed it under a *benami* transaction and had improved the land, he would be entitled to certain compensation under certain conditions.

Sir, there appear to be some misunderstandings about this amendment. I may make it clear that under this amendment an original *benamidar* if he has made improvements costing lakhs shall not be entitled to have any compensation because under the provisions of this Bill *benamis* have been declared null and void and his hands are soiled. The same applies to the beneficiary *sahidkar*. The protection under the amendment will only extend to *bona fide* transferees. Then, though it is admitted that the honest third parties who have made improvements on the land should be given some compensation, it is suggested that the result would probably be that all fraudulent *benamidars* will now transfer their interests to third parties who will build expensive improvements and the poor and down-trodden alienor would, thereafter, not be in a position to get back his lands. I may submit that in this amendment four safeguards have been provided against such trickeries. In the first place the transferee must be *bona fide* and he must prove that at the time of taking over the lands he did not know and with ordinary prudence could not know that the seller possessed it under a *benami*. Secondly, he must be a *bona fide* transferee before the 20th June, 1938. Thirdly, he must be in occupation of that land. Fourthly, it has been contended that it is just possible that a certain transferee may say that his forefathers made many improvements on the land, and, therefore, he should be given compensation. He cannot have any compensation on that score under the amendment. He shall be entitled to compensation only for the improvements which he himself had effected on the land in his possession.

It has further been contended that the amendment may be abused and compensation claimed for every improvement that has been made on the lands. The *bona fide* transferee may claim compensation even for ordinary acts necessary in husbandry such as manures, drainage, etc. That also has been sufficiently safeguarded in the amendment. I would like to make it

[Mir Maqbool Mahmood.]

clear that only such improvements which fall under section 4 of the Punjab Tenancy Act can be compensated for. A perusal of section 4 (19) of the Tenancy Act will show that the improvements must be *sustable*, and in accordance with the conditions on which the land is held, and must permanently increase the value of the land. If all these conditions are satisfied then the holder of such lands shall be entitled to compensation.

Further it has been contended that a person may have been holding *benami* lands say, for a period of 20, 40, or 50 years, and if he made any improvements he got benefit thereof. As such if he goes to a deputy commissioner for compensation, the deputy commissioner accepting his contention may fix a very high compensation which the alienor is not able to pay and which does not take into account the benefits enjoyed by the transferee. I may submit that the amendment specifically provides that the amount of compensation shall in no case exceed the amount of consideration for the original transaction. Moreover, under this amendment Government is going to frame rules regarding principles under which such compensation shall be assessed by a deputy commissioner. And we may rest assured that the Honourable Chaudhri Sir Chhotu Ram while framing such principles will take all past benefits into consideration and will see that no one gets more from the poor zamindar than what he absolutely deserves.

This is the object of my amendment. I once more say that if the *bona fide* transferee can fulfil all these conditions then he deserves to get compensation due and it is, in the long view of the case, necessary in the interests of the zamindars themselves that this amendment be adopted.

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

That at the end of 13-A (2), the following proviso be added :—

“ Provided that the Deputy Commissioner may, in ordering the ejection of a person who is a *bona fide* transferee before the 30th June, 1938, and is in occupation of such land, allow to any such person, other than the original transferee, compensation for improvements (as defined in section 4 of the Punjab Tenancy Act, 1887), effected by him while in occupation, up to a sum not exceeding in value the consideration for the original transaction. Such compensation shall be assessed by the Deputy Commissioner on such principles, as may be prescribed; and shall be deposited by the alienor, and paid to the persons so ejected, in such manner as may be prescribed.”

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, I fully appreciate the spirit behind the amendment moved by my honourable friend, Mir Maqbool Mahmood. It appears to me that the amendment is calculated to throw the whole matter into great confusion and really to defeat the very purpose for which section 18-A of the present Bill is being enacted. As I understand section 18-A, the legislature has clearly laid down that a *benami* transaction shall be void for all purposes and that the real owner, the alienor, shall be entitled to get back his property without any obligation to pay any moneys in respect of that *benami* transaction. If that is so, all *benami* transactions stand completely prohibited and in future a person purchasing *benami* is to be penalised by being deprived of the moneys he has passed and also of the land that he has tried to secure. This being so, I fail to understand how any transferee can be called or considered a *bona fide* transferee under a transaction of this kind. Let me examine the position further. It is, I believe, either the beneficial owner or the nominal owner who would be transferring the property.

If it is the secret or beneficial owner who is transferring the property, then obviously a transfer from him cannot be a *bona fide* transfer. A *bona fide* transferee in the eyes of the law is a transferee, who has observed due care and caution in a transaction between a member of an agricultural tribe and a person who is not a member of an agricultural tribe. People are presumed to know the law. Therefore, whoever the so-called *bona fide* transferee may be, he must be presumed to know the law that a *benami* transaction is void for all purposes and that as a secret owner has neither the deed in his name nor any kind of interest under the law in the property, the transaction can never be *bona fide*. I fail to see how any person can take up or assume to himself the role of a *bona fide* transferee. I should like to have from my learned friend an instance in which any case of a *bona fide* transfer can really arise.

Now, it may be said that although the secret owner is not the legal owner of the land transferred by a member of an agricultural tribe ostensibly in favour of another nominal member of an agricultural tribe and a transfer by him can never be *bona fide*, yet the transfer may be from the member of the agricultural tribe who is ostensibly the alienee. In the case of such a transfer by the nominal alienee even the plea of *bona fide* cannot arise, because *ex-necessitate* the possession is of the secret owner and possession is notice to the whole world. I submit that no court of law will hold that the transaction is of the nature of a *bona fide* transaction. To sum up therefore if the transfer is by the secret owner himself, there cannot be any question of the transfer being a *bona fide* one, because the secret owner is not supported by a title deed; further the transferee from the secret owner must know that section 13 says that a *benami* transaction is void for all purposes. If the transfer is from the nominal transferee and if the Deputy Commissioner holds the transaction to be a *benami* transaction, it follows that the nominal holder or the nominal alienee has no sort of beneficiary interest in the property and therefore cannot pass on any beneficiary interest in that property. Therefore, my respectful submission is that I cannot conceive of a *bona fide* transferee in the circumstances. So, if this amendment is allowed to remain as a substantive provision in this measure, the result will be that any number of complications will be introduced and the alienor who is really entitled to the property and who under section 13-A is entitled to get back that property without paying a single pie to the secret owner will be compelled to pay a certain amount which may be beyond his capacity to pay and he may never get back his land. Therefore, my respectful submission is that this amendment is misconceived, and I, for my part, am not in a position to see how a *bona fide* transferee can ever exist in a situation of the kind we are contemplating.

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

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): The amendment moved by my friend, Mir Maqbool Mahmood, is an instance of a very tardy justice, very flimsy justice and a very inconsequential and insignificant justice. But it seems to me that the Malik Sahib has not really fully comprehended the scope of this amendment. I do not blame him for this, because if I am not mistaken, he was absent during the

[Dr. Sir Gokul Chand Narang.]

discussion on the various clauses of the Bill. His difficulty is that there cannot be any *bona fide* transfer in such a case; and therefore no transferee is entitled to any compensation whatsoever for the improvements which he might have made to the land after it had passed into his possession. He says, if the transfer is from the beneficiary whom he calls the *benamidar*, there really cannot be any transfer, because he is not in possession of the land and he cannot therefore transfer it. (*Interruption*). The title deed is not in his name and the possession is not with him. If he is a nominal alienee who transfers, it is a fraud on the beneficiary and also on the alienee and therefore no question of *bona fide* transfer arises. But the honourable member assumes that every one who purchases from the nominal alienee knows that it is a *benami* transaction. But how can a person be presumed to know that it is a *benami* transaction? We of course are aware of the proposition, a commonplace and well-known proposition, of law, that every one is presumed to know the law. We also know the maxim *caveat emptor* which means that a purchaser should act with due care and caution. In the present case, if a title deed is shown to a prospective purchaser, he should go to the registry office and see that there has been no subsequent transfer after the land passed into the hands of the transferor. He should also have the title deed examined by a lawyer and see that it does not suffer from any defect, that there is no trace of fraud on the face of it. But supposing the nominal alienee has entered into a conspiracy with the beneficiary and also with the alienor and he has already satisfied by a sale of a part of the land all the claims that the beneficiary originally had against the alienor, then it means that the beneficiary has no interest in the land and the alienor has no interest because he has already parted with it, so that the nominal alienee is to all intents and purposes the sole proprietor of that land. When a person who is not aware of this *benami* transaction which may have taken place 90 years ago comes to buy the land the nominal alienor shows him the title deed. He will say, this is my title deed, you can ask any one in the village if he has any claim to that land. The purchaser goes to the village and asks every one and nobody says that he has any claim. Then he goes and searches the registry office and finds that there is no subsequent transfer. Naturally then he buys the land. He becomes a *bona fide* purchaser.

Again in order to further satisfy my honourable friend I would refer him to section 48 of the Transfer of Property Act where such cases are dealt with in the proviso at the end of that section. I happen to have the draft of an amendment which I moved yesterday. I can read those words for the benefit of my honourable friend, because my amendment barring a few words was exactly the same as is contained in the proviso to section 48 and, it is this—

Nothing in this section shall impair the rights of transferees in good faith for consideration without notice that the transaction in consequence of which the original transferee held was *benami*.

These are *mutatis mutandis* the words of the statute and that section deals with fraudulent transfers, that is cases where the original transfers were fraudulent as is being assumed in this case. The whole Bill is now practically finished. Therefore, no question of my previous position with

respect to this or that arises at this stage. I am only discussing this amendment. I have said that this amendment is a very poor one, a very flimsy and insignificant one, but still without this provision the innocent man who is in possession will be robbed of his property—I used the word ‘robbed’ deliberately—by people who will take advantage of this law when it is passed. He will at least get something:—

jande chor di langoti hi sahi.

“I had spent some money on improvements, I have not got back the original consideration which I paid, but at least I have got back a few rupees which I spent on the improvement of the land.” Therefore there is absolutely nothing wrong in accepting this amendment, though it is a very poor one and a very insignificant one. Since it is a step in the right direction, however paltry and small it may be, I would support it.

Sardar Partab Singh (Amritsar South, Sikh, Rural), (Urdu): Sir, I am pleased to find Honourable the Premier and Chaudhri Sir Chhotu Ram on their seats but I am equally displeased as my learned friend Pir Akbar Ali has gone out just now.

My submission is that a hundred and one arguments were advanced yesterday for proving that *benami* transactions were always fraudulent and poor. But now when some members of the party are involved in it or strictly speaking when now their interests are involved in it every argument is now being razed to the ground. (Cheers). How ridiculous it seems! There is a well-known saying in Punjabi and I think it is applicable to our Unionist Government:—

” نالے بھوکدے نین تے فالے دھڑکدے نین ”

(Laughter).

Somebody asked “Why are you restive?” Reply came “Because I am a young bullock”. “Then it was asked “Why do you fear?” Reply came “Because after all I am a calf.” (Laughter). I would suggest to the Government to maintain the same policy which was indicated at the time of passing a legislation. The policy of the Government once indicated should never alter. May I ask the Government, which was restive like a young bullock yesterday, how is it that it now fears from some individual members whose interest is likely to be adversely affected by the measure if adopted? Now the Government is puzzled altogether and is trying to get out of the net set by itself. When it has been declared by the Government itself that all *benami* transactions are fraudulent, then what is the use of contradicting its own words by specifying and particularising some *benamis* from other *benamis*. Let the roller of justice be at work and let all the *benami* transactions be wiped away like anything. I would like to ask the Honourable Minister, Chaudhri Sir Chhotu Ram, in his own words, why is he now indulging himself in the so-called “*Panche-ke-Maar*”? (Cheers). Does not our Government know that it is most essential for a legislature to maintain its policy? It does not behove our Government that when it has set other people's houses on fire, it should slip away with its big babes hugged to its bosom. Let all burn indiscriminately. There should not be any distinction at all. There is no use running away now with the tail between the legs as our Honourable Minister Chaudhri Sir Chhotu Ram has said this morning. I would like to remind Chaudhri Sir

[S. Partab Singh.]

Chhotu Ram that as some honourable members opposed the *benami* transactions, now some honourable members were in favour of them. Similarly Aman Ullah Khan was driven out and Bacha Saqa took his place. (*Cheers*). How strange it is. When statements given by Sir Sikander Hyat-Khan and the principles of the Government prescribe that the *benami* transactions cannot be honest in any way and this sale within sale is always fraudulent and baseless, why is the Government now contradicting its statement in so crooked a way? Let all of us be *rugged* in this *rugga*. We do not mind.

Parliamentary Secretary (Mir Maqbool Mahmood): (*Urdu*) Sir, it is a pity that my learned friend Sardar Partab Singh who has the privilege of representing one of the constituencies of my district, *viz.*, Amritsar, has wrongly interpreted my amendment. Had my learned friend given serious thought to this amendment and tried to understand its import he would have realised that a party working under the leadership of Sir Sikander Hyat-Khan could never move an amendment in the name of Maqbool Mahmood against the interests of the zamindars in a Bill moved by my honourable friend Chaudhri Sir Chhotu Ram.

May I draw the attention of my learned friend to the fact that under section 4 of the Punjab Tenancy Act, no "Kothi" can be treated as an improvement and therefore it is outside the scope of my amendment. Secondly, my learned friend has asked in very high flown language as to where the definition of dishonest *benamidar* has gone now? If my friend had taken the trouble of reading my amendment more carefully, he would have appreciated that under this amendment no compensation can be given to anybody who had conspired against the provisions of the Land Alienation Act. As such the *benamidar* and the fraudulent beneficiary can get nothing under my amendment. A person who has spent lacs on the improvement of the land would not be able to get a penny as compensation if he is guilty of infringing the provisions of the Land Alienation Act and is not a *bona fide* transferee. I hope that my honourable friend Sardar Partab Singh is now satisfied and that he would regret having objected to my amendment. I may also submit, Sir, that we want to give expression to our practical sympathy for honest *bona fide* people and my amendment aims at giving a practical proof of it. I would again ask my honourable friend Sardar Partab Singh whether a *benamidar* would get even a penny under my amendment. If so, I would be ready to withdraw it. May I suggest it to him to read my amendment again? There are the words "*bona fide* transferee" in my amendment, which my honourable friend appears to have missed.

Dr. Sir Gokul Chand Narang: May I suggest to the mover of this amendment if he would like to add the words 'for consideration' after the words '*bona fide* transferee?' It is another safeguard.

Parliamentary Secretary (Mir Maqbool Mahmood): I am prepared to accept the addition.

Mr. Deputy Speaker: Question is—

That after the words '*bona fide* transferee' the words 'for consideration' be added.

The motion was carried.

Mr. Deputy Speaker : Question is—

That the following proviso be added at the end of 13-A (2)—

Provided that the Deputy Commissioner may, in ordering the ejection of a person who is a *bona fide* transferee for consideration before the 20th June, 1938, and is in occupation of such land, allow to any such person, other than the original transferee, compensation for improvements (as defined in section 4 of the Punjab Tenancy Act, 1887), effected by him while in occupation, up to a sum not exceeding in value the consideration for the original transaction. Such compensation shall be assessed by the Deputy Commissioner on such principles as may be prescribed; and shall be deposited by the alienor, and paid to the persons so ejected, in such manner as may be prescribed.

The motion was carried.

Pandit Muni Lal Kalia : I beg to move—

Mr. Deputy Speaker : Your amendment is out of order.

Pandit Muni Lal Kalia : The amendment which has just now been adopted by the House is perfectly similar to this amendment with the only difference that I have added the word "beneficiary". Otherwise the spirit of this amendment is the same as that which has just been adopted. The object of this amendment is that so far as provisions of section 13-A are concerned they should be in relation to the interests of the scheduled classes such that compensation should be given to those who are *bona fide* beneficiaries or transferees. As a matter of fact the idea underlying the proviso is to extend the scope of the enactment to a certain section. In this case by introducing this amendment I want to extend the scope of section 13-A to the extent that so far as *bona fide* transferees or beneficiaries belonging to the Harijan classes are concerned they should be given compensation to the extent of the total amount which they have paid for the property they have purchased or the original amount plus five per cent. interest whichever is less. I fail to understand how this amendment is being ruled out of order when a similar amendment has just been adopted by this House. With these words I request that you will kindly reconsider the ruling you have given without hearing me.

Mr. Deputy Speaker : This is clearly out of order. In this amendment the original transferee and the beneficiary also are included and therefore it is for this reason that this amendment is out of order, because previously the House has passed a certain provision which makes the original transaction absolutely void.

The question is—

That 13-A (2) stand part of the Bill.

The motion was carried.

Khan Bahadur Chaudhri Riasat Ali : I move—

That in last line of 13-A (3), for the word and figure "Rule 98" the words and figures "Rules 97 and 98" be substituted.

This is a provision for getting the possession of property by a decree-holder or a purchaser. In Rule 98 of the Civil Procedure Code the punishment for resistance or obstruction to possession is provided. My amendment is that Rule 97 be added because in Rule 97 the procedure is laid down for which the punishment is prescribed in Rule 98 of the Civil Procedure Code. Unless we make a provision for the procedure, it will be impossible to inflict that punishment. Hence this amendment.

Mr. Deputy Speaker : Question is—

That in last line of 13-A (3), for the word and figure "Rule 98" the words and figures "Rules 97 and 98" be substituted.

The motion was carried.

At this stage Mr. Speaker resumed the chair.

(Voices : It is now 7 o'clock.)

Mr. Speaker : Should we not finish consideration of the Bill ?

Lala Deshbandhu Gupta : If we are able to dispose of the amendments, there is the right to speak on the Bill. Some of the honourable members might take a good deal of time in discussing the Bill. I would, therefore, request you to adjourn at 7 o'clock.

Dr. Sir Gokul Chand Narang : On a point of order. The point of order is that it was announced by you yesterday that the House would sit from 2 P.M. to 7 P.M. to-day. It is now 7 o'clock and according to your yesterday's decision, which was approved by the House, i.e., by the Leader of the House and the Leader of the Opposition, the House must adjourn at 7 o'clock. According to parliamentary practice, if I am not mistaken, if the time of sitting is to be extended, a formal motion is to be moved immediately after questions and it is very unfair to [people who have gone away to extend the time in their absence because they might have left thinking that the proceedings of the House would come to an end at 7 o'clock. I have put this before you and you can give your decision.

7 P.M.

The question of fixation of hours of the Assembly for the remaining days was discussed and it was agreed by the House that it should sit from 2 p.m. to 8 p.m., on all days of the week except Saturday which should be a free day.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division (General Rural)) : Sir, I beg to move—

That at the end of 13-A (1) the following proviso be added :—

"Provided that no such transaction shall be treated as void, if no application is made for declaring it as such to the Collector, or if no action is taken by the Collector himself within six months of the transfer or within six months of the enforcement of the Act, whichever period is later."

Mr. Speaker : May I know whether this amendment is to clause 13-A (1) or 13-A (2) ?

Rai Bahadur Mr. Mukand Lal Puri : It may be treated as an amendment to either. It will read equally well. As a matter of fact, it is a proviso to the whole clause.

Mr. Speaker : So, the honourable member wants to move an amendment at this stage to clause 13-A (1), while the House has disposed of even clause 13-A (2).

Rai Bahadur Mr. Mukand Lal Puri : Sir, when the Deputy Speaker was in the Chair, I got up and wanted to move my amendment but he called other gentlemen. I got up again in time and said that my amendments were there, but he did not allow me to move them. There are three amendments standing in my name. So, I want to move this amendment now.

Mr. Speaker : I am afraid I cannot go against rules.

Mr. Speaker : The question is that—

Clause 13-A (3) as amended stand part of the Bill.

The motion was carried.

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

That in clause 13-B, lines 2-4, the words "whether in original or on revision by a Deputy Commissioner" be deleted.

The reason is obvious because a Deputy Commissioner has no power of revision and this clause contains an obvious error.

Mr. Speaker : I think the honourable member is right. The word "revision" is not used throughout the whole Bill.

Rai Bahadur Mr. Mukand Lal Puri : Such is the result of a legislation which is made in haste. If I had not moved this amendment, this would have been a patent example of bad drafting and, therefore, I respectfully submit that the words "whether in original or on revision by a Deputy Commissioner" be deleted.

Mr. Speaker : In sub-clause (3) of section 4, the word "review" is used and nowhere else.

Rai Bahadur Mr. Mukand Lal Puri : The word "revision" is a well-known technical term under the law and everybody knows that a poor Deputy Commissioner has no power of revision in these cases. Therefore, I move that the words "whether in original or on revision by a Deputy Commissioner" be deleted. That is my amendment.

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

That in 13-B, lines 2-4, the words "whether in original or on revision by a Deputy Commissioner" be deleted.

Premier : Sir, I would suggest that the word "revision" be deleted, and it should be replaced by the word "review".

Mr. Speaker : The amendment proposed by Mr. Mukand Lal Puri, is—

That in 13-B, lines 2 to 4, the words 'whether in original or on revision by a Deputy Commissioner' be deleted.

To this a further amendment has been proposed to substitute the word 'review' for the word 'revision'. The question is that that amendment be made—

The motion was carried.

Mr. Speaker : The question is—

That in 13-B, lines 2 to 4, the words 'whether in original or on review by a Deputy Commissioner' be deleted.

The motion was lost.

Munshi Hari Lal (South-Western Towns, General, Urban) : I beg to move—

That sub-clause (a) of 13-B be omitted.

[**Munshi Hari Lal.**]

My point is that the Deputy Commissioner should not have power to hear appeals. Under the parent Act, the Alienation of Land Act, it is the Deputy Commissioner who exercises the powers of original jurisdiction and an appeal against his order lies only to the Commissioner. The Standing Order of the Financial Commissioner also clearly says that no officer below the rank of a Deputy Commissioner is to be invested with the powers of a Deputy Commissioner. It is true that under section 23 powers are conferred upon local Government to invest certain subordinate officers with powers of Deputy Commissioner. But as a matter of fact from the date this Act was passed up till now, during all these 38 years, the Government has not granted powers to any officer other than a Deputy Commissioner but has clearly laid down that no officer below the rank of a Deputy Commissioner shall ever be vested with the powers of a Deputy Commissioner under this Act. Therefore no appeal lies to the Deputy Commissioner. An appeal lies from the Deputy Commissioner to the Commissioner. But the present clause gives the power to the Deputy Commissioner to hear appeals.

Premier : I think I can save the time of the honourable member and also of the House by saying that I am prepared to accept the amendment.

Munshi Hari Lal : Thank you.

Mr. Speaker : The question is—

That sub-clause (a) of 13-B be omitted.

The motion was carried.

Mr. Speaker : The next amendment which is a consequential amendment reads :—

That at the end of sub-clause (b) of 13-B, the words ' or Assistant Collector of the first grade specially appointed ' be added.

Premier : I do not think that this consequential amendment is necessary, because Deputy Commissioner has been defined to include the officer referred to in this amendment.

Malik Barkat Ali : Then the proviso also will have to go.

Mr. Speaker : The question is—

That the proviso to 13-B be omitted.

The motion was carried.

Mr. Speaker : The question is—

That 13-B as amended stand part of the Bill.

The motion was carried.

Rai Bahadur Mr. Mukand Lal Puri : I beg to move—

That the following new clause be added :—

" 13. (c) The provisions of section 20 of the Punjab Alienation of Land Act shall not apply to the proceedings taken under the provisions of the Punjab Alienation of Land (II) Act."

Mr. Speaker : This amendment as worded is meaningless and therefore out of order.

Rai Bahadur Mr. Mukand Lal Puri : No, Sir. I shall presently show how it is not meaningless and not out of order. Section 20 of the Punjab Alienation of Land Act lays down that in any proceedings

before a Collector under the Act no legal practitioner shall appear. Now, what I wish to point out is that in view of the fact that questions relating to valuable and large properties and status are to be decided by the Deputy Commissioner, it is necessary that any person who wishes to be represented before the Deputy Commissioner by a better person than himself should have the right of engaging a legal practitioner. (*Interruption.*) Since a certain amount of dissent is being expressed, let me relate to the House my experience of these proceedings under the Land Alienation Act.

Mr. Speaker : The House understands what the honourable member means.

Rai Bahadur Mr. Mukand Lal Puri : I will explain my position.

Mr. Speaker : Everybody understands the honourable member's point.

Rai Bahadur Mr. Mukand Lal Puri : Then, am I to understand that my amendment is accepted ?

Mr. Speaker : That does not follow.

Rai Bahadur Mr. Mukand Lal Puri : Then I shall explain in a few sentences what I have to say. Unfortunately matters of such great importance as this are being taken up at the fag end of the day, and are attempted to be rushed through, when everyone is reluctant to apply his mind to the subject under discussion. It is most unfortunate that this should have been so, but I must perform my duty.

Mr. Speaker : The honourable member's point can be expressed in one sentence. He wants that in all proceedings under this Act lawyers may be allowed to appear.

Rai Bahadur Mr. Mukand Lal Puri : Yes, and I wish to point out that those members who do not belong to the legal fraternity and who are not conversant with the conditions in courts will be put to great inconvenience if lawyers are not permitted to be engaged by them. They have to run first to the Collector, then to the Commissioner and again to the Financial Commissioner. I say it from my personal experience, that if lawyers are not permitted to be engaged, it tends to encourage corruption. I know personally that persons as well placed in life as any member of this House, invariably go to the reader of the Collector, the reader of the Commissioner and the reader of the Financial Commissioners. You all know this and yet you, as members of this legislature, are going to allow this nefarious practice to be multiplied hundredfold ? Should we open a straight door for a person to make his representation to the Collector or should we allow him to reach the Collector through these subterranean channels ? Do not the members of the Government know that this is being done every day ? Therefore is it not very necessary that in such matters some assistance should be afforded ? Again cases of this type which relate to such property usually arise on the application by an enemy who is an influential person and the alienee in most of these cases will be a poor unimportant person who has been used as a cat's paw by the real beneficiary. A man like that will not be able to explain his case.

Præsidet : On a point of order. May I draw your attention to the wording of the amendment itself ? It says : "The provisions of section 20

[Premier.]

of the Punjab Alienation of Land Act shall not apply to the proceedings taken under the provisions of the Punjab Alienation of Land (II) Act". The House has already decided that provisions of sections 19, 20 and 21 shall apply—*vide* clause 8 (8) of the Bill.

Rai Bahadur Mr. Mukand Lal Puri : I do not think that affects this provision. I have pointed out the difficulty under which the litigant suffers. He needs the help of a lawyer. How is the character of this legislation going to be altered or modified by giving permission to lawyers to appear before these officers? Is it intended that everything should be done in *andhera* (darkness) and that there should be no publicity. Further the all knowing Collectors may perhaps decide these matters without the assistance of a lawyer, but how is the Commissioner to decide this matter in appeal without such assistance. Is it the intention that the presence of lawyers would lead to disclosure of some ugly facts? Otherwise I cannot possibly understand why the Government should at all oppose a simple matter like this which does not harm anybody.

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

That the following new clause be added :—

- " 13. (c) The provisions of section 20 of the Punjab Alienation of Land Act shall not apply to the proceedings taken under the provisions of the Punjab Alienation of Land (II) Act.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : May I appeal to the honourable Premier to realise the very important character of the amendment that has been moved by my honourable friend, Rai Bahadur Mr. Mukand Lal Puri. I can very well understand that in the days of the original Land Alienation Act of 1900, the bureaucracy feared the lawyer and I believe it was this ingrained fear of the lawyer in their minds that was really responsible for the exclusion of lawyers from appearing in cases under the original Alienation of Land Act. But in this Amending Land Alienation Act, some very important questions are going to be decided by the Deputy Commissioners and my own experience is this: It is the lawyer who really helps the poor zamindar in a situation of this kind. If the lawyer does not appear, it is really the reader of the court who turns tables and twists things. It is only when the lawyer is on the stage that the reader becomes helpless, the intrigue of the money-lender becomes ineffectual and the point of view of the poor zamindar is explained in full to the busy Deputy Commissioner, to the busy Commissioner and to the busy Financial Commissioners. I personally feel that the questions that are now going to be decided by these officers are of a very important character and that justice will be more defeated than vindicated if lawyers are excluded. I therefore appeal to the Honourable Premier to come to the rescue of the poor man for whom this Bill is meant, because if the pleader does not advocate and does not represent the case of the poor zamindar in all its fulness, nobody else is going to do so.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : In deference to your wishes I will not say more than three sentences. The first is that if we accept this amendment it would be contrary to the spirit of the Land Alienation Act. The second is, the argument that now we will have very important transactions which will have to be dealt with by Deputy Commissioners, Commissioners and Financial Commissioners does not hold

good, because the Deputy Commissioner even now decides under the Land Alienation Act cases in which land worth lakhs of rupees is involved and when an application is made for transfer and sanctioned under section 9, property worth lakhs and lakhs is involved and yet the Deputy Commissioner does so without the help of the lawyers. The third point is that so far as the poor zamindar is concerned, perhaps my honourable friend is more solicitous of his interest and that might be so; but I think it will be very unjust here to give that advantage to the poor zamindar as we want to keep them both on the same level, a zamindar, and a non-zamindar, and both treated alike.

Mr. Speaker : The question is—

That the following new clause be added :—

“13. (c) The provisions of section 20 of the Punjab Alienation of Land Act shall not apply to the proceedings taken under the provisions of the Punjab Alienation of Land (II) Act.

The motion was lost.

Mr. Speaker : The question is—

That clause 13 (c) stand part of the Bill.

The motion was carried.

Munshi Hari Lal (South Western Towns, General, Urban) : I move—

That part (a) of 13-D be deleted.

Premier (The Honourable Major Sir Sikandar-Hyat Khan) : I accept the amendment.

The motion was carried.

Khan Bahadur Chandhri Riasat Ali (Hafizabad, Muhammadan, Rural) : Sir I beg to move—

“That in line 12 of 13-D for the word and figure ‘Section 12’ the words and figures ‘Sections 5 and 12’ be inserted.”

The only reason for this is that section 12 gives time for copies and section 5 gives extension of time for unforeseen reasons.

Mr. Speaker : Question is—

“That in line 12 of 13-D for the word and figure ‘Section 12’, the words and figures ‘Sections 5 and 12’ be inserted.”

The motion was carried.

Mr. Speaker : Question is—

“That 13-D as amended stand part of the Bill.”

The motion was carried.

Mr. Speaker : Question is—

“That clause 5 as amended stand part of the Bill.”

The motion was carried.

Preamble.

Mr. Speaker : Question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Clause 1.

Mr. Speaker : Question is—

That clause 1 stand part of the Bill.

Dr. Sir Gokul Chand Narang : May I just ask one thing? What is meant by saying Second Amendment. If I am not mistaken the Alienation of Land Act has been amended several times before. This is probably the fourth amendment. What then is the meaning of saying Second Amendment.

Premier : Second Amendment of this year.

Mr. Speaker : Question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : I direct, under Standing Order 52 (2), that the Bill as amended by the Assembly be examined by a drafting committee consisting of the following members with orders to report to the House by to-morrow what amendments of a formal or consequential character should be made in the Bill as a matter of drafting :—

- (1) Deputy Speaker ;
- (2) Member in charge, and
- (3) Advocate-General.

The Assembly then adjourned till 2-30 p.m. on Friday, 8th July, 1938.

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 8th July 1938.

The Assembly met at the Assembly Chamber, Simla, at 2-30 p.m. of the clock. Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

ELECTION OF LYALLPUR MUNICIPALITY.

*3156. **Chandhri Krishna Gopal Dutt**: Will the Honourable Minister for Public Works be pleased to state—

- the date on which the election of the Lyallpur Municipality was normally due and whether the life of the Municipality has recently been extended; if so, for what period and why;
- whether any further nominations have been made to the Lyallpur Municipality and, if so, why;
- whether he is aware of the fact that some of the elected Members have decided to resign as a protest, if so, what does he propose to do in the matter?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) The general elections of the Lyallpur Municipal Committee were normally due in February, 1937. The present committee will continue to remain in office till the next elections which will be held on the basis of revised wards. The delay in holding the general elections is due to the fact that the revised wards have not been framed so far.

(b) Yes. On account of the general desire expressed by the people and the recommendations made by the local officers.

(c) Yes, but Government propose to take no action at present.

INTRODUCTION OF PROHIBITION IN KARNAL DISTRICT.

*3157. **Sardar Hari Singh**: Will the Honourable Minister of Revenue be pleased to state—

- whether it is a fact that the Karnal District Board has, through one of its resolutions, recently requested the Punjab Government to introduce prohibition in the district;
- if answer to (a) above be in the affirmative, the decision of the Government in the matter?

The Honourable Dr. Sir Sendar Singh Majithia: (a) No such proposal has so far been received by Government.

(b) Does not arise.

Lala Deshbandhu Gupta: Has there been any other instance of district boards or municipal boards which have passed resolutions asking for introduction of prohibition in their areas?

Minister: This question does not arise out of the main question.

Lala Deshbandhu Gupta : Yes, it does if the Honourable Minister cares to reply.

Mr. Speaker : If the Honourable Minister is in a position to answer, he may do so.

Minister : I require notice.

Lala Deshbandhu Gupta : May I ask if Jagadhri Municipality has passed a resolution like that and some referendum was recently made in Jagadhri and if so what was the result of the referendum?

Minister : I would require notice.

GENTLEMEN GOONDAS IN LAWRENCE GARDENS.

*3158. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether a communication under the heading "Gentlemen Goondas in Lawrence Gardens" published on page 8 of the *Tribune*, dated the 17th June, has been brought to his notice; if so, the action proposed to be taken by the Government in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Government have seen the communication referred to and are making enquiries.

GRIEVANCES OF SIMLA LABOURERS.

*3159. **Sardar Hari Singh :** Will the Honourable Minister of Development be pleased to state whether the Deputy Commissioner, Simla, has received a representation signed by Rajkumari Amrit Kaur and forty other ladies on the subject of the grievances of Simla labourers including rickshaw coolies, load-carriers and others; if so, the substance of the representation and action taken or proposed to be taken by the Government in the matter?

The Honourable Chaudhri Sir Chhotu Ram : Deputy Commissioner, Simla, received a deputation of about twenty ladies led by Rajkumari Amrit Kaur. Copy of letter, dated June, 1938, from Rajkumari Amrit Kaur, All-India Women's Conference, Simla, to the Deputy Commissioner, Simla, and of a note recorded by the Deputy Commissioner as President of the Municipal Committee, showing the action taken on various points raised in the letter, are laid on the table of the House.

Lala Deshbandhu Gupta : Has the Government taken decision on the recommendation of the Deputy Commissioner or is that sufficient?

Minister : So far as I am concerned, I have not received those papers. Whether the Honourable Minister in charge of Education has received copies of the letters addressed by Rajkumari Amrit Kaur and the Deputy Commissioner's letter, I do not know.

Lala Deshbandhu Gupta : May I know from the Honourable Minister of Public Works or from the Honourable Minister of Development whether they are aware of the fact that as much as 50 per cent. of the charges paid to the rickshaw coolies are taken away by the chaudhris and this

causes a great hardship to the rickshaw coolies? Has it ever occurred to the Honourable Ministers or has their attention been drawn to the fact that it calls for their early interference?

Minister: I have heard certain complaints but no precise information has been received by me.

Lala Deshbandha Gupta: Will the Honourable Minister of Development please enquire into the matter and ask for the rules made by the Municipal Committee on the subject and see that justice is done to these poor people?

Minister: If my honourable friend addresses another communication to the Honourable Minister in charge of Local Self-Government, I am sure it will be looked into.

Sardar Kapoor Singh: Is the Government prepared to grant some aid for the betterment of the rickshaw coolies?

Mr. Speaker: What is the question?

Sardar Kapoor Singh: Is the Government prepared to grant aid for ameliorating the condition of rickshaw coolies?

Mr. Speaker: Disallowed.

Copy of letter, dated June, 1938, from Rajkumari Amrit Kaur, All-India Women's Conference, Simla, to the Deputy Commissioner, Simla.

There are certain matters connected with improved standards of life for the poor in general, for Harijans, Rickshaw pullers, load carriers and labourers as well as certain amenities for women and girls in Simla in which we as members of an association for Women are deeply interested. We are aware that the Municipality has, of late, been roused as never before to a sense of its responsibility for the health, comfort and general welfare of the poor committed to its charge and has done something tangible towards the achievement of the desired goal. We are grateful for what has been done but inasmuch as it cannot be denied that much still remains to be done we venture to bring to your notice the urgency of looking into the following schemes:—

- (1) The improvement or rebuilding, where necessary, of the Harijan quarters and the desirability of supplying all Harijans in municipal employ with waterproofs in the rains and warm clothing for the winter. We are happy to understand that the questions of giving them certain hours off duty every week and of sick leave as also of promoting them (Harijans themselves) to positions of trust whenever they are worthy thereof are already receiving the favourable consideration of your Committee.
- (2) (a) The immediate necessity of providing adequate housing accommodation for rickshaw pullers. The overcrowding of these men in small rooms with poor or no ventilation is a matter which can no longer be ignored. Even the existing Rickshaw sheds have no electric lights yet. We would far rather see all these provided with bulbs than the illumination which the general public enjoy daily on the Mall.
- (b) The necessity for strict rules that more than one person shall not ride at the same time in a rickshaw.
- (c) The feasibility of providing a rule that the rickshaw pullers shall not cover more than a fixed mileage daily.
- (d) The necessity of providing a dispensary and doctor for the care and protection of these persons who are very liable to severe chills as well as heart strain.
- (3) (a) The necessity—again immediate—of proper housing accommodation for the load carriers and labourers. The attention of your predecessor was drawn last year to some wholly uninhabitable quarters in which a number of these poor fellow-men and women had to live. While those particular quarters were, we believe, raised to the ground, there are many others that need to be similarly dealt with and new ones substituted.

[Minister for Development.]

- (b) The desirability of limiting the amount in weight of loads carried by the load carriers and of fixing a living minimum wage for them for this work so that they may not be sorely tempted—for the sake of earning more—to carry more than is physically possible for them without detriment to their bodily health. In this connection could not some rules be laid down for the punishment not only of those labourers who offend but also of those who encourage them to do so?
- (c) We have noticed that load carriers are often forced to take longer and steeper routes because they are banned from coming on to the main roads. Could this rule be mitigated at least during certain periods of the day when they might not interfere with general traffic, e.g., the mule track from the Sanjauli Road which necessitates a big climb seemingly unnecessary, for these over-burdened men?
- (4) (a) The urgent necessity also of declaring unfit for human habitation all such dwellings in various parts of the town of Simla where neither light nor air nor sunshine penetrates and where human beings are condemned to live because nothing better is available to them. In this matter we feel that it will be impossible for the municipality either to frame rules or enforce them until they have set their own house in order by making all municipal quarters habitable in the first instance. The urgency of realising their responsibility in this regard is of grave importance.
- (5) The encroachments on drains in the bazar makes it impossible for the Harijans employed for this purpose to clean the same in a proper manner. Steps should be taken to secure the removal of the existing encroachments where necessary and to ensure that no new ones are permitted. We realise the difficulty that will probably be encountered in the matter of securing the co-operation of the shopkeepers and others responsible for the encroachments. We have been given to understand that sometimes the Harijans are even bribed not to clean the drains. Educative propaganda on the part of the Municipal Commissioner would be of value to the Health Officer and his staff who are often very unpopular people simply because they try to perform their duty properly.
- (6) (a) The necessity of lavatories for women and children along the main roads. There are some for men but none exist anywhere so far as we are aware, for women.
- (b) The need of a waiting room with lavatory attached for women at the motor stand where women have often to wait for long periods.
- (c) The desirability of a separate room for women at the T. B. Dispensary. This disease exists more among women and children than among men and in particular among pardah women. These will not report themselves at the dispensary unless there are proper arrangements for them. We welcome the appointment of a Lady Health Visitor for T. B. patients.
- (7) (a) There are certain schools where the children need small desks in which they could put their slates and exercise books when writing. At the moment they stoop badly over their work and wrong postures are, as you know, detrimental to their health.
- (b) We would also like to draw your attention again to those schools, whether for boys or girls, where the school rooms have not enough light and ventilation.

We are very grateful to the municipality for the park for women and children. It continues to be a source of pleasure and benefit to hundreds of our poor sisters.

We are glad to learn that you, Sir, are taking a personal interest in carrying out schemes for improvements in Simla. While welcoming all such anywhere we are definitely of opinion that the first charge on any municipality should be the health and welfare of the poor in its area.

We trust the matters that we have brought to your notice to-day will receive not only your and your committee's sympathetic consideration but also your speedy and active co-operation.

Copy of note by the President, Municipal Committee, Simla, dated 10th June, 1938.

I received a deputation of about 20 ladies led by Rajkumari Anant Kaur. The various points mentioned in the memorandum of the deputationists were discussed. I will set forth briefly how each point in the memorandum was dealt with—

- (1) It was pointed out to the deputationists that the questions of providing suitable dwellings for the municipal menial staff, rickshaw coolies and job porters were already being seriously considered by the Municipal Committee. A scheme was

under preparation and it was the intention of the Municipal Committee to execute the scheme in the next few years. It was also pointed out that the question of supplying warm clothing to the sweepers was receiving the consideration of the Medical Officer of Health. It was not considered practicable to supply water proofs free of any charge, but if there was a serious demand the municipality would take up the question of buying water proofs at wholesale rates and supply them at cost price.

- (2) (a) It was explained to the members that new rickshaw sheds were being provided with electric lights. As there was a possibility of a certain number of existing rickshaw sheds being shifted from their present sites, there was no point in incurring further expenditure on electrifying them.
- (b) This rule was already being enforced quite strictly.
- (c) The impracticability of carrying out this suggestion was admitted by the deputationists.
- (d) It was pointed out to the members that the Municipal Committee was already spending a very high percentage of its income on medical relief and that it was not possible to incur any further expenditure for this purpose unless Government agreed to take over the management of the Ripon Hospital.
- (3) (a) This has been dealt with in (1) above.
- (b) I promised to the deputationists that the Municipality would look into this question. I believe the Committee has already gone into this question and there are some papers about it. I should like the Secretary to have a précis of the case made and put up to me.
- (c) The deputationists were satisfied with the new traffic rules which have removed practically all the grievances of the load carriers.
- (4) (a) It was pointed out that until the Committee built their own decent quarters for their menial staff it was not possible to condemn the present unsatisfactory dwellings in the town which are certainly better than no dwellings at all.
- (5) The deputationists were told that a sub-committee for this purpose has already been appointed by the Municipal Committee and that proper action was being taken.
- (6) (a) The Municipal Committee had already decided to open two more lavatories for women.
- (b) This had already been done.
- (c) There being no T. B. Dispensary the question of providing separate accommodation for women did not arise. T. B. centre has been shifted to the Ripon Hospital where there are separate arrangements for the examination of women.
- (7) (a) I promised that this will be considered by the Municipal Committee. I shall like an estimate prepared of —
- (1) combined benches and desks of the usual style,
 - (2) tables only to be put in front of children sitting on the floor
- for all our primary schools.
- The E. B. B. should report on this.
- (b) I told the members to point out any specific buildings which need attention in this respect.

PETITION FROM THE ZAMINDARS OF VILLAGE AMIN SHAB.

*3169. **Dr. Sant Ram Seth** : Will the Honourable Revenue Minister be pleased to state—

- (a) whether the investigation promised in answer to starred question No. 900,¹ (a) put by me on 13th January, 1938, has since been completed?
- (b) If so, the result thereof?

The Honourable Dr. Sir Sundar Singh Majithia : Yes. Investigation has been completed and conversion of the footbridge into a cart bridge has also been approved.

S. PAL SINGH, GAUGE READER.

***3161. Dr. Sant Ram Seth :** Will the Honourable Minister for Revenue be pleased to state what settlement, if any, has been arrived at with the Accountant-General, Punjab, regarding the case of S. Pal Singh, gauge reader, referred to at item (4) of the statement appended to the answer to my unstarred question No. 241¹, asked on 17th January, 1938?

The Honourable Dr. Sir Sundar Singh Majithia : A gratuity of Rs. 75, equivalent to six months' pay has since been sanctioned to Pal Singh, gauge reader.

REPRESENTATION BY S. DATAR SINGH AND OTHERS OF VILLAGES
BHIKHIWIND AND OTHERS IN LAHORE DISTRICT.

***3162. Dr. Sant Ram Seth :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether S. Datar Singh and other cultivators of villages Bhikhiwind Hathar, Kalanjar, Sheikhpura, Tehsil Kasur, District Lahore, sent a representation to the Honourable Financial Commissioner, Punjab, Lahore, under a registered cover on the 12th April, 1938, which was received by him on the 14th or 15th April, 1938, putting their grievances regarding the destruction of their kharif harvest crops every year on account of the flood caused by the Hussainiwala Head Works and the bund constructed by the canal authorities ;
- (b) whether S. Datar Singh and others of village Bhikhiwind Hathar, tahsil Kasur, also presented an application before the Sub-Divisional Officer, Kasur on 14th June, 1938, therein claiming compensation on account of the damages done to the standing crops.
- (c) If the answer to (a) and (b) be in the affirmative, will he be pleased to lay on the table of the House the original application and state whether any enquiry was made by the Government, if so with what result ;
- (d) what steps the Government proposes to take to redress the grievances of the cultivators ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b) Many representations have been received addressed to various Government officials.

(c) A claim for compensation for damage done to Bhikhiwind and other villages by flooding alleged to be due to the construction of Ferozapore Headworks was made in 1927.

Investigation proved flooding to be due to a temporary regulator which prevented the escape of sufficient flood water down the Katora Canal, but was not due to the Canal Headworks at Ferozepore. Compensation of Rs. 1,968 was paid for houses and kharif crops destroyed in 4 villages and the temporary regulator was dismantled and areas likely to be affected by the Canal Headworks at Ferozepore were acquired by Government.

In 1930 a suit was threatened by S. Datar Singh and others on the ground that they had been insufficiently compensated for losses sustained in 1927 and that nothing had been paid to them for damage done by flooding in 1928-29.

Suits were also threatened in 1933 and 1934 and a suit instituted in December, 1935, for compensation of Rs. 800 for damages and Rs. 127-8-0 for destruction of crops and for perpetual injunction for demolition of the Bund at Hussiniwala.

The suit was dismissed by the Sub-Judge, Lahore, on the grounds—

- (i) that no damage to immoveable property had been proved and that damage to Kharif crops amounted to Rs. 50, only.
- (ii) that the bund in connection with the Ferozepore Headworks was constructed by the Irrigation Department in the discharge of its public duty with which the Court cannot interfere.
- (iii) the claims were time-barred.

Datar Singh and others have appealed and the case is *sub-judice*.

(d) Does not arise.

CONSTITUENCIES OF THE LAHORE DISTRICT BOARD.

*3163. **Dr. Sant Ram Seth:** Will the Honourable Minister for Public Works be pleased to state—

- (a) what decision, if any, has so far been arrived at by him regarding the matter referred to in my unstarred question No. 249^a regarding the constituencies of the Lahore District Board, put by me on 18th January, 1938;
- (b) whether he will be pleased to lay on the table of the House a statement showing the population of each of the constituencies of Lahore District Board according to the last census and the voting strength of each of these constituencies at the time of last District Board election.

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) It has been decided to hold the next general elections of the Lahore District Board due in 1939 on the basis of the existing electoral circles. The reason for this decision is that it is not known what changes will be made as a result of the settlement operations in the boundaries of Zails, on which the District Board constituencies are largely based. Steps are, however, being taken to ensure that the revision of electoral circles is completed in time for the general elections to be held in 1942.

(b) A statement giving the required information is laid on the table.

[Minister for Public Works.]

Statement.

No.	Name of Zail or Circle.	Voting Strength.	Population.
LAHORE TAHSIL.			
1	Kotrian and Ghawind	3,659	40,780
2	Mimbala	1,435	18,640
3	Lahore	84	1,545
4	Awan Dhiawala	1,192	18,656
5	Kahna Nau, II	2,120	35,591
6	Khudpur	1,387	18,818
7	Bhasin	1,165	15,448
8	Kahna Nau, I	1,185	17,779
9	Baswind	1,732	20,485
10	Lohra	1,043	23,611
11	Baghbaspura	1,545	20,048
12	Muridwal	1,234	18,208
KASUR TAHSIL.			
1	Sattoki, Rajajang	1,701	25,609
2	Sursingh	2,502	34,026
3	Dasooval	2,702	30,979
4	Barj Kalan and Jaura	2,440	18,315
5	Sito	1,610	14,320
6	Sahjra	907	16,164
7	Orara	1,075	13,818
8	Lulliani	1,704	26,487
9	Mahmudpura	1,673	19,915
10	Patti	1,734	19,781
11	Basarko	2,002	23,509
12	Kasur-Kotargach	1,337	14,572

No.	Name of Zail or Circle.	Voting Strength.	Population.
CHUNIAN TAHSIL.			
1	Handal	1,819	28,784
2	Alipur	2,438	24,864
3	Kanganpur-Mokal	1,820	22,769
4	Baghiana	2,107	33,357
5	Chuslan	967	15,274
6	Hanjra	1,616	19,314
7	Ganja Kelen	1,084	17,373
8	Mohammadipur-Gehlan	2,022	32,485
9	Pattoki	1,122	15,880
10	Baherwal-Gaga Series	1,776	25,269
11	Khudian-Kul	2,285	34,130
12	Halsarke	1,343	18,378

COSTS OF ADDITIONAL POLICE POSTS.

***3164. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state the period if any fixed by the Government, within which the question of refund of the costs of Additional Police Post, realized in excess can be considered and refunded ?

Parliamentary Secretary : (Sardar Bahadur Sardar Ujjal Singh) : No period has been fixed.

Mr. Dev Raj Sethi : What is the amount realised in excess on account of the additional police ?

Parliamentary Secretary : If the honourable member will please refer to any particular case and if he will give notice, I will certainly make enquiries and supply him with the information.

COST OF ADDITIONAL POLICE POSTS.

***3165. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether the answers to my unstarred questions No. 821, 824, 825, and 828 put by me during the last budget session are now ready ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The answer is in the affirmative. The answers¹ have been sent to the Secretary, Punjab Legislative Assembly.

¹See Appendix.

COST OF ADDITIONAL POLICE POSTS.

*3166. **Dr. Sant Ram Seth** : Will the Honourable Premier be pleased to state whether the answers to unstarred questions Nos. 229, 280, 291, and 298 are now ready and if not, when they are expected to be ready ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The answers¹ are now ready and are being communicated to the Secretary of the Assembly.

AFFILIATION OF 1ST GRADE AND INTERMEDIATE COLLEGES.

*3167. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that University of the Punjab has framed rules for endowment fund as one of the conditions for affiliation of 1st grade and intermediate colleges under section 21-(g) of Indian Universities Act VIII of 1904 ;
- (b) if the reply is in the affirmative, whether he will lay the copies of the same on the table ;
- (c) is it a fact that Pandit Ganga Ram Sharma of Rupar has submitted a representation, dated 9th June, 1938, drawing the attention of the Government to the doubtful validity of these rules ?
- (d) the action that the Government proposes to take in the matter ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) A copy of the rules is laid on the table ;

(c) Yes.

(d) The representation in question was forwarded, in original, to the Registrar, University of the Punjab, for disposal. Government does not see any reason to interfere in the decision made by the Syndicate of the University.

Conditions laid down by the Syndicate, in addition to the requirements laid down by the Indian Universities Act, 1904, to ensure financial stability and adequate teaching in the case of colleges applying for affiliation up to the Intermediate standard.

(a) There should either be a separate endowment fund that cannot be alienated so long as the college continues to exist of Rs. 60,000 in the case of a college teaching Science subjects, and of Rs. 50,000 in the case of a college teaching only Arts subjects, or a guaranteed annual income of Rs. 5,000 in the case of Science subjects and of Rs. 4,000 in the case of Arts subjects from immovable properties assigned to the college. The guaranteed income is to be in addition to the annual income derived from fees.

(b) The institution should either possess adequate buildings, equipment and furniture or adequate funds to be determined in each case by the Syndicate in addition to (a) above, for the construction of necessary buildings and for the purchase of necessary equipment and furniture.

(c) That an initial expenditure of Rs. 1,000 in the first year and of Rs. 500 for the next four years be incurred in the purchase of books for the college library.

(d) That the initial staff be approved by the University and that all subsequent changes be reported to the Syndicate.

(c) In the case of institutions founded by individual donors the following basic conditions for a trust deed shall be observed :—

- (1) That the founder of the trust is the sole absolute owner of the property endowed.
- (2) That the trust is created by a regularly registered deed to be approved by the Syndicate.
- (3) That the founder permanently and unequivocally divests himself, his heirs and executors, of all interest in the property endowed.
- (4) That the endowed property is made to vest permanently and absolutely in the trustees collectively for the purposes of the trust.
- (5) That the board of trustees consists of at least seven members of whom at least five are independent persons who are not in any way related to or dependent upon the founder of the trust.
- (6) That in case of future vacancies in the board nominations are made by the board and not by the founder and such nominations are forthwith reported to the Syndicate.
- (7) That all buildings included in the trust are sufficiently insured against fire.
- (8) That copies of the proceedings of the board and a statement of the annual income and expenditure of the trust is supplied to the Syndicate.

UNIVERSITY OF THE PUNJAB.

Rules for the endowment of institutions.

I. Every institution founded by individual donors should have such an endowment of properties (movable or immovable) of which the normal annual income including fees is sufficient to meet in full its annual current expenses. It is understood that the grounds, buildings, furniture and other initial equipment of the institution would be in addition.

II. The following basic conditions for a trust deed must be observed :—

- (1) That the founder of the trust is the sole absolute owner of the property endowed.
- (2) That the trust is created by a regularly registered deed.
- (3) That the founder permanently and unequivocally divests himself, his heirs and executors, of all interest in the property endowed.
- (4) That the endowed property is made to vest permanently and absolutely in the trustees collectively for the purposes of the trust.
- (5) That the board of trustees consists of at least five members of whom at least 3 are independent persons who are not in any way related to or dependent upon the founder of the trust.
- (6) That in case of future vacancies in the board nominations are made by the board and not by the founder alone, and such nominations are forthwith reported to the Syndicate.
- (7) That all buildings included in the trust are sufficiently insured against fire.
- (8) That copies of the proceedings of the board and a statement of the annual income and expenditure of the trust is supplied to the Syndicate.

Rules regarding trustees are not applicable to colleges whose management is vested in societies registered under a Government Act.

Conditions laid down by the Syndicate, in addition to the requirements laid down by the Indian Universities Act, 1904, to ensure financial stability and adequate teaching in the case of 'mofassil colleges' applying for affiliation up to the B.A. Standard.

(c) There should either be a separate endowment fund that cannot be alienated so long as the college continues to exist of Rs. 2,00,000 in the case of a college teaching Science subjects, and of Rs. 1,50,000 in the case of a college teaching only Arts subjects, or a guaranteed annual income of Rs. 15,000 in the case of Science subjects and of Rs. 12,000 in the case of Arts subjects from immovable properties assigned to the college. The guaranteed income is to be in addition to the annual income derived from fees.

[Minister for Education.]

(b) The institutions should either possess adequate buildings, equipment and furniture or adequate funds to be determined in each case by the Syndicate in addition to (a) above, for the construction of necessary buildings and for the purchase of necessary equipment and furniture.

(c) That an initial expenditure of Rs. 2,000 in the first year and of Rs. 1,000 for the next four years be incurred in the purchase of books for the college library.

(d) That the initial staff be approved by the University and that all subsequent changes be reported to the Syndicate.

PROFESSORS AND TEACHERS IN GOVERNMENT COLLEGES AND SCHOOLS.

***3168. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to lay down on the table of the House a statement showing :—

- (a) the scale of pay of new appointments (temporary and permanent) of professors of Government colleges in 1929 and 1938.
- (b) the scale of pay of new appointments (temporary and permanent) of teachers of Government schools in 1929 and 1938.
- (c) a statement of professors appointed in Government colleges with their names, qualifications, pay, and grade in 1937 and 1938 ?

The Honourable Mian Abdul Haye : (a) The scale of pay in 1929 for professors of Government colleges was Rs. 400—50—1,000 (pause for one year) 50—1,250. Professors in this scale of pay were in the Indian Educational Service. The scale of pay in 1938 for professors of Government colleges in the Punjab Educational Service (Class I) is (i) Rs. 360—40—720/760—40—800/50—1,000 (pause for one year) 50—1,150 (old scale), (ii) Rs. 300—25—700/30—1,000 (new scale).

(b) Scales of pay of new appointments (temporary and permanent) of teachers in Government schools :—

<i>in 1929.</i>	<i>in 1938.</i>
(1) Rs. 200—10—260.	(1) Rs. 150—8—190.
(2) Rs. 140—10—190.	(2) Rs. 105—7—140.
(3) Rs. 110—5—135.	(3) Rs. 80—4—100.
(4) Rs. 80—4—100.	(4) Rs. 65—3—80.
(5) Rs. 55—3—70.	(5) Rs. 45—2—55.
(6) Rs. 35—3—50.	(6) Rs. 30—2—40.

(c) The attention of the honourable member is invited to the Punjab Civil List.

AFFILIATION TERMS.

***3169. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to lay on the table copies of the affiliation terms finally agreed by the following colleges at the time of affiliation :—

1. D. A.-V. College, Rawalpindi, 1920.
2. G. N. Khalsa College, Gujranwala, 1928.
3. Hindu Sabha College, Amritsar, 1924.
4. Khalsa Intermediate College, Lyallpur, 1926.

The Honourable Mian Abdul Haya : A copy of the affiliation terms finally imposed on these colleges at the time of affiliation is laid on the table. As the G. N. Khalsa College, Gujranwala, was affiliated for the first time in 1917, the conditions imposed on the college in that year are given.

D. A.-V. College, Rawalpindi.

Conditions—

- (1) The present school boarding house be made over entirely to the college classes with all its out buildings.
- (2) That from the 1st of May, 1920, at least 8 whole-time teachers of suitable University qualifications be employed for the college and one of them be resident in the college building and that 6 whole-time teachers be employed from the 1st of May, 1921.
- (3) Rs. 3,000 be spent immediately on equipping and providing a college library.
- (4) That new building be started on the site (25 acres) not later than the 1st October, 1921, and that these buildings be ready for occupation at the latest on the 15th of September, 1922.

G. N. Khalsa College, Gujranwala.

Conditions—

- (1) Permission should be given to open First Year class in May, 1917, provided that Rs. 40,000 are collected by them.
- (2) Permission should be given to open a Second Year Class in May, 1918, if another sum of Rs. 40,000 is collected.
- (3) That the building of the college should be commenced within 6 months.

Hindu Sabha College, Amritsar.

Conditions—

- (1) That the middle school be removed from the present building by the 31st of December, 1924.
- (2) That two-thirds of the income of the Hindu Sabha, Amritsar from rent be earmarked for the running of the Four Years Institution.
- (3) That the names and qualifications of the principal and members of the staff be communicated to the Syndicate by the 4th May, 1924.
- (4) That provision be made for teaching Science on the lines to be suggested by Lala Sain Das, M.A., B.Sc., Principal, D. A.-V. College, Lahore.

It was understood that the recommendation for affiliation for the Science subjects would be contingent on the Sabha giving a guarantee that accommodation for Science teaching would be made available by October, 1924.

Khalsa Intermediate College, Lyallpur.

Conditions—

- (1) The buildings now in existence are adequate for Arts classes provided sections contain not more than 40 students each.
- (2) The primary and middle departments should be removed to another centre by the 30th September, 1926.
- (3) The management should secure Rs. 50,000 in cash to be set aside as a permanent funded capital for the college by the 30th September, 1925.
- (4) It is suggested that salary grades beginning at not less than Rs. 150 per month should be fixed, and that this should be regarded as a minimum grade for at least half of the staff.
- (5) There should be an M.A. to teach English, History and Philosophy. Other subjects should have either M.A.'s or persons with teaching qualifications.

EXPANSION OF PRIMARY EDUCATION.

*3170. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Education be pleased to state whether it is a fact that Government has in view a programme of expansion of primary education or compulsory education in the province, if so, whether he would be pleased to lay a copy of the aforesaid programme on the table of the House ?

The Honourable Mian Abdul Haya : The policy of Government is to expand primary education if and when funds permit. A Bill to make compulsion, in the matter of primary education, more effective and real is already before a select committee of the Assembly.

Government have not yet prepared a detailed programme of expansion of primary education ; but proposes doing so in the near future.

INTERMEDIATE COLLEGES.

*3171. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Education be pleased to state whether it is a fact that Mr. Sanderson, a former Director of Public Instruction, Punjab, recommended fifty intermediate colleges,—vide Punjab University Enquiry Committee Report, 1932-33, page 307, if so, what action Government has taken or proposes to take in the matter ?

The Honourable Mian Abdul Haya : The honourable member is presumably referring to "higher secondary schools". Mr. Sanderson suggested the opening of 50 such schools before the Punjab University Enquiry Committee, 1932-33. The recommendations of the committee are still under the consideration of the Government.

COLLEGES AFFILIATED WITH PUNJAB UNIVERSITY AND THEIR
ENDOWMENT FUNDS.

*3172. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

- (a) the name with grade of each college affiliated with the Punjab University managed by the private societies from 1901 to 30th June, 1938 ;
- (b) the particulars of endowment fund including movable or immovable properties expressly as accepted by the University as condition of endowment fund under section 21 of Indian Universities Act, 1904, part (g) with date of affiliation ;
- (c) whether it is a fact that many colleges are granted affiliation before 1929 with an endowment fund less than Rs. 50,000 and no one is closed on account of financial difficulties ; if so, please mention their names ?

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

ANGLO-VERNAICULAR SECONDARY SCHOOLS IN THE AMBALA DISTRICT.

*3173. **Pandit Shri Ram Sharma :** Will the Hon'ble Minister of Education be pleased to state the names of all Government anglo-vernacular secondary schools in the Ambala district, and the number of students class-wise as on 31st March, 1938 ?

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

STOPPING OF A LORRY BY POLICE CONSTABLE ATA MUHAMMAD.

*3174. **Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a police constable Atta Muhammad by name stopped a lorry and insulted and abused the passengers on 4th May, 1938, near the bridge Shikar Machhian, on the road between Rai Mal and Dera Baba Nanak, tehsil Batala ;
- (b) whether the matter was reported to the police and an enquiry made ; if so, with what result ;
- (c) whether he will lay the report of the enquiry on the table of the House ?

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

(b) and (c) Enquiry was made into this matter, and it has been ascertained that on the day in question a constable of police station Dera Baba Nanak found an elderly woman (Mst. Hussaini) lying unconscious at Shikar Machhian Bridge. The constable gave the woman water, and after she had revived she stated that her home was in Dharam Kot ; she was unable to walk further. In due course a passing lorry stopped to take in water, and the constable asked the driver to take Mst. Hussaini on to Dharam Kot. The driver agreed but a number of Congressmen in the lorry refused to allow the woman to be carried. While the discussion between the constable, the lorry driver and the Congressmen was proceeding Pandit Chhajju Ram, the Vice-President of the Congress Committee, Dera Baba Nanak, drove passed in a tonga ; as the persons in the lorry still refused to allow Mst. Hussaini to join them, the Pandit very kindly gave the woman a seat in his tonga and drove her to her home.

REMISSION OF LAND REVENUE IN TAHSIL PALWAL.

*3175. **Khawaja Ghulam Sumad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the rabi crops were scanty in Palwal, district Gurgaon, in 1938 ;
- (b) if so, whether Government are considering the question of remission of revenue and taqavi in this respect ?

The Honourable Dr. Sir Sunder Singh Majithia : (a) The crops were not scanty, although they were damaged by unseasonal winds and deficient rainfall.

(b) Rupees 83,684 out of the suspended land revenue have been remitted. Recovery of the following amounts has also been suspended :—

	Rs.
Land revenue	28,806
Tagavi	55,220

BHAKRA DAM SCHEME.

***3176. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Government is again taking into consideration the Bhakra Dam Scheme, and if so, what steps are being taken by the Government to make this scheme successful ?

The Honourable Dr. Sir Sunder Singh Majithia : Yes. The original Project 1919 as a whole is being re-examined to ensure that the proposals will cause as little harm as possible to Bilaspur and other interests, and the extent of possible damage to Bilaspur is being re-examined to try and arrive at a solution that will be satisfactory both to Bilaspur and the Punjab.

SMALL TOWN COMMITTEE AT RAJA JANG.

***3177. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that there have been loud and repeated demands of the Muslim public and press to constitute a small town committee at Raja Jang, district Lahore, if so, what action do the Government propose to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Government have received a representation requesting for the establishment of a notified area committee at Raja Jang and the matter is under consideration.

POLICE REPORTERS.

***3178. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Government has appointed police reporters in every district and every thana ; if not, to whom the work of reporting speeches is entrusted ;
- (b) whether every literate police officer from constable to sub-inspector is deputed to take notes of public speeches ;
- (c) whether the accuracy or inaccuracy of these reports is tested before any action is taken against the speaker ;
- (d) whether any training is given to such reporters before they are put on such responsible jobs ;
- (e) whether any examination has been prescribed for such reporters ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Government have not appointed police reporters in every district and every police station, but a number of Urdu stenographers are attached to the more important districts to report speeches at public meetings.

(b) No ; it is only when a trained stenographer is not available to record the proceedings of a meeting, that an officer of the highest rank who may be available and capable of performing this duty satisfactorily, is detailed to report the proceedings.

(c) Yes.

(d) Yes.

(e) Regular stenographers are required to pass a test in stenography at some well established institution, which imparts instruction in Urdu shorthand.

TRAVELLING ALLOWANCE AND OTHER ALLOWANCES DRAWN BY MEMBERS OF THE RETRENCHMENT AND RESOURCES COMMITTEE.

***3179. Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state—

(a) the total cost which the Government has incurred so far on account of travelling allowances and other allowances of the members of the Retrenchment and Resources Committee ;

(b) the total travelling allowance and other allowances drawn by each member so far respectively, giving the names of each ;

(c) when the Retrenchment and Resources Committee is expected to finish its work ;

(d) when the Unemployment Committee is expected to finish its work ?

The Honourable Mr. Manohar Lal : (a) Total cost incurred so far on account of travelling allowances and other allowances of the members of the Resources and Retrenchment Committee is Rs. 3,739-1-0.

(b) It is not proposed to enter into the details of the allowances received by individual members of the committee—particularly, as the object of the enquiry is not understood.

(c) A large number of the members are members of the Assembly and have to attend the Assembly business. The work of the committee has, therefore, been delayed. The committee now proposes to sit for more than two weeks in August. The exact date of the conclusion of its labours cannot be indicated with any certainty because of the extensive nature of the enquiry.

(d) It is hoped that the report will be completed by the middle of August and will be submitted for the final approval of the committee sometime in September. According to this programme the report should be ready for publication by the end of September.

Lala Deshbandhu Gupta : Will the Honourable Minister be pleased, with reference to part (b) of the question, to enlighten the House, to this extent as to whether there were any members belonging to Lahore who drew some travelling allowance ?

Minister : I could not go into details, but I can inform the honourable member that there are something like 10 members of the committee, and considering that the total allowance amounted to Rs. 9,739 it could not be said—it is very unfortunate that such suggestion should exist—it could not be said that any large travelling allowances have been drawn.

Lala Deshbandhu Gupta : My honourable friend has misunderstood me. What I want to know is whether there are any instances of persons belonging to Lahore, who although had no occasion to come from outside to attend meetings, yet drew certain allowances. There is no insinuation and the question may have been put to remove certain doubts that may exist in certain quarters.

Minister : The honourable member opposite used the word 'allowance'.

Lala Deshbandhu Gupta : I refer to the meetings that were held in Lahore.

Lala Duni Chand : By what time will the recommendations of the committee be given effect to ? (*Laughter.*)

Minister : The report of the committee is not yet ready.

BUND IN NORTH OF SADHAURA TOWN, DISTRICT AMBALA.

***3180. Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state when reply to my question No. *2127 asked on 18th March, 1938, may be expected ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Reply to question No. *2127¹ has been sent to the honourable member recently.

ROAD DEVELOPMENT PROGRAMME.

***3181. Khawaja Ghulam Samad :** With reference to reply to part (c) of question No. 2183*, asked in March last will the Honourable Minister of Public Works be pleased to state whether the road development programme which was under consideration of the Government is now complete and whether the Government is now in a position to give a definite reply to question No. 2183 ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The construction of metalled roads between Shahabad and Barara in Ambala district and that of Jhajjar and Bewari in Rohtak and Gurgaon districts has been included in the programme of road development. The other roads mentioned in question No. 2183² clause (c) are not included in the road development programme because there are many other roads in the province of greater importance.

¹See Appendix.

²Volume III, pages 863-84.

MUSLIMS AMONG CLERKS OF COURTS, READERS AND STENOGRAPHERS IN COURTS OF DISTRICT AND SESSIONS JUDGES.

***3182. Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of clerks of courts, readers, stenographers community-wise, in the courts of district and sessions judges in the whole province;
- (b) what steps does the Government propose to take to bring the number of Muslim officials noted above according to the fixed proportion?

The Honourable Mr. Manohar Lal : In view of the convention now growing as regards this type of question, it is not proposed to collect the information asked for by the honourable member.

COMMUNAL REPRESENTATION IN THE STAFF EMPLOYED FOR HAVELI PROJECT.

***3183. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state when final reply to my question No. *2015 asked on 8th March, 1938, may be expected?

The Honourable Dr. Sir Sundar Singh Majithia : I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which honourable members may bring to my notice in a more informal way.

BOARDING HOUSE OF THE GIRLS' SCHOOL, AMBALA CITY.

***3184. Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that a deputation consisting of M. L. A's of Ambala division waited upon him several times and complained to him that the locality of the boarding house of the Girls' School, Ambala City, was not suitable;
- (b) whether it is a fact that the deputationists also suggested to him that the office of the Inspector of Schools, Ambala division, be shifted to the present boarding house in the interests of economy; if so, the action taken or proposed to be taken in the matter?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Yes. The matter was fully considered and it was felt that both the buildings and the locality of the boarding house attached to the Government High School for Girls, Ambala City, were more suitable than any available elsewhere. However, with a view to increase the accommodation

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in, and the amenities of, the hostel the office of the Inspectress of Schools, Ambala Circle, which was housed in the same building as the boarding house, has been shifted to another building.

The question of shifting the office of Inspector of Schools, Ambala division, to the building occupied by the boarding house does not now arise.

VEGETABLE GHEE AND MIXED GHEE.

***3185. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state the steps which the Government has taken to distinguish the vegetable ghee from the pure and mixed one, and whether the Government is considering the question of prescribing a colour for vegetable ghee to enable the purchasers to distinguish one from the other ?

The Honourable Mian Abdul Haye : The sale of 'Banaspattini' and 'Charbini' is regulated by the provisions contained in clauses (2), (3) and (4) of Section 13 of the Punjab Pure Food Act, 1929.

The question of prescribing a colour for vegetable ghee is under the consideration of Government.

DEATHS FROM CHOLERA.

***3186. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to lay a statement on the table showing the total number of deaths from cholera in the rural areas of Hissar district for each of the two weeks ending 31st May and 7th June, 1938 ?

The Honourable Mian Abdul Haye :

Week ending 31st May, 1938	..	..	31 deaths.
Week ending 7th June, 1938	..	..	55 deaths.

COMPENSATION TO THE WIDOWS OF THE VICTIMS OF THE PANIPAT FIRING.

***3187. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state whether it is a fact that repeated requests have been made to the Government by the Muslim members of the Legislative Assembly and others for granting compensation to the widows of the victims of the Panipat Tragedy on 27th March, 1937 ; if so, the action so far taken in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
First part. Yes.

Second part. No action has been taken or is intended to be taken.

DISTRICT BOARD ELECTIONS IN HISSAR DISTRICT.

***3188. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the District Board elections in Hissar District were due to commence on 14th June, 1938, as previously arranged ;

- (b) whether it is a fact that a number of Congress candidates and other candidates were returned unopposed and several other seats were being contested by the Congress candidates ;
- (c) whether orders were passed by the Punjab Government on or about the 30th May for postponing the elections for three months ;
- (d) the reasons which induced the Government to postpone the elections for such a long period ?

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

(b) The exact number of Congress candidates is not known but it is reported that there were 18 such candidates of whom five were returned unopposed. In all 17 candidates were returned unopposed.

(c) Yes.

(d) The elections were postponed owing to the prevalence of cholera in the district.

Lala Deshbandhu Gupta : For how long does the Government propose to postpone the elections ?

Minister : We did not postpone the elections for a particular period but if the disease continues, naturally the period may be extended.

Lala Deshbandhu Gupta : What are the latest reports about cholera ? Has it subsided or not ?

Minister : I want notice for that.

Lala Deshbandhu Gupta : Am I to understand that the Honourable Minister is not keeping himself informed about it from week to week ?

Mr. Speaker : Disallowed.

Pandit Muni Lal Kalia : Is the Honourable Minister aware that these facts and figures are published in the *Government Gazette* every week ?

Minister : Yes. Then why ask the question?

SPECIAL GRANTS TO VARIOUS BENEFOICENT DEPARTMENTS.

*3189. **Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Minister of Development be pleased to state—

- (a) the amount of special grants allotted to various beneficent departments in the province for the current year ;
- (b) whether any instructions have so far been issued to various heads of departments regarding the needs of backward districts of the province in the matter of distributing these grants ;
- (c) if not, whether the Government propose to do so ?

The Honourable Chaudhri Sir Chhotu Ram : (a)

	Rs.
Co-operative	1,00,000
Public Works	1,40,000
Agriculture	1,00,000
Veterinary	50,000
Education	50,000
Industries	50,000
Medical	10,000
Revenue (Consolidation of Holdings) ..	50,000
Development (General purposes) ..	50,000
Total	6,00,000

(b) General instructions have not issued exactly in the words quoted : but Heads of Departments are aware of the policy of Government to have regard to the special needs of the selected tahsils. In particular the word 'backward' has been applied to the Muzaffargarh tahsil in question, and its needs have been studied.

(c) Does not arise.

—————

SUPPLY OF IMPROVED SEEDS.

*3190. **Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that the Agriculture Department used to supply improved seed to the seed growing societies, landowners and cultivators and get it back in kind at the next harvest plus 10 per cent. for handling charges ;
- (b) whether it is a fact that the Department has now issued instructions to the effect that in future improved seeds are only to be supplied on cash payment, without obviously taking into consideration the inability of the poor cultivators in the backward areas to make cash payments ;
- (c) if the answers to the above be in the affirmative, the reasons for departing from the old practice ?

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

(b) and (c) No. At the same time the Department have not found the scheme to work satisfactorily except in the Jullundur Circle. Elsewhere the seed returned has not been of the quality of the seed distributed, mixtures having been allowed to be added to the pure seed. The scheme is not abandoned but cannot be pursued till a better method of working it is devised. Government will welcome suggestions from non-officials on the subject.

FAMINE CONDITIONS IN THAL TRACT OF LEIAH TAHSIL.

*3191. **Khan Bahadur Mian Mushtaq Ahmad Garmani**: Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware that there has been no rain in the Thal tract of the Leiah tahsil in Muzaffargarh district for the last ten months ;
- (b) Whether it is a fact that the Thal area in the Leiah tahsil is a purely barani area ;
- (c) whether it is a fact that on account of this unprecedented drought, famine conditions exist in that area and that eighty per cent. of the sheep and goats in the area have died on account of insufficient pasture and lack of fodder ;
- (d) whether it is a fact that the remaining 20 per cent. of the sheep and goats have been removed to the riverain areas of the Chenab and the Indus ;
- (e) whether it is a fact that a large number of inhabitants of this area have deserted their homes and migrated to other places in search of labour ;
- (f) whether it is a fact that there is a permanent assessment of land revenue and grazing cess in this area ;
- (g) whether he is aware that no remission has been given on the *rabi* demand of land revenue and grazing cess in that area ;
- (h) whether he is also aware that it is beyond the means of the already poor land and cattle owners of this area to pay the Government demands ;
- (i) if the answer to the above be in the affirmative, what action do the Government propose to take in this connexion in order to give relief to the inhabitants of this area ?

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

RELEASE OF THE PRISONERS ARRESTED IN CONNECTION WITH LABOUR STRIKE AT AMRITSAR.

*3192. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state the number of labourers of Amritsar textile mills, arrested and convicted in connexion with the recent labour strike, who are still in prison and whether the Government has considered the question of their release in view of the settlement of the dispute and for the purpose of further appeasement.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The number of men arrested was 218 out of whom 160 were convicted while the cases against the others were withdrawn.

The question of release is under consideration.

RADIO SETS FOR THE RECREATION AND INSTRUCTION OF PRISONERS.

***3193. Sardar Hari Singh** : Will the Honourable Minister of Finance be pleased to state whether Radio sets for the recreation and instruction of prisoners are going to be installed in any of the Punjab prisons; if so, how many, in what prisons and at what cost. ?

The Honourable Mr. Manchar Lal : Radio sets have been or are being provided in the 8 jails, named below :

- | | |
|-----------------|---------------------------------|
| 1. Rawalpindi. | 5. Sargodha. |
| 2. Ambala. | 6. Borstal Institution, Lahore. |
| 3. Campbellpur. | 7. Amritsar. |
| 4. Rohtak. | 8. Sheikhpura. |

They have been provided at the cost of the Prisoners Aid Society or private individuals.

Sardar Hari Singh : May I ask the Honourable Minister whether the Government intends to buy radio sets at its own expense for the benefit of prisoners ?

Mr. Speaker : That is a request for action. Disallowed.

Sardar Hari Singh : I would put another question. May I know whether the Government has ever considered the question of buying radio sets at its own cost ?

Minister : Is any Government providing radio sets at its own cost ? Radio sets are being provided in several jails at a fairly rapid rate.

Sardar Hari Singh : When will all the jails have radio sets ?

Minister : I cannot say.

Lala Deshbandhu Gupta : Have the Government considered the desirability of requesting the Radio people to arrange for special programmes for reforming the prisoners, once a week or at least once a month ?

Minister : No.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is it a fact that in view of the amenities provided in the Punjab jails, certain prisoners have requested the Government that they do not want any remission of sentences ?

Minister : Not yet.

RECOVERY OF A KIDNAPPED MINOR BOY.

*3194. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state whether it is a fact that the Lahore C. I. D. Police have found out a minor boy, who was kidnapped five years ago, from near the Civil Secretariat; if so, what are the full details of the case?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : Yes. The facts are that about five years ago, a sweeper boy, aged 5 years, was kidnapped from near the Civil Secretariat, Lahore, by a *basigar*, and was later sold to another *basigar* in the Sheikhpura district. During the investigations conducted by the Special Staff of the Criminal Investigation Department, Punjab, in 1986-87, the boy was recovered from a member of the inter-provincial gang of *basigar* kidnapers on the 2nd August, 1986. His photograph, along with the photographs of over one hundred kidnapped children, recovered by the Special Staff of the Criminal Investigation Department, was circulated and his description was broadcast from the All-India Radio Stations at Lahore and Delhi. On 25th March, 1987, the boy was identified by his father. The kidnapper has been arrested and sent up for trial under section 369, Indian Penal Code, and a case under section 420, Indian Penal Code, has been registered regarding the sale of the boy. Both cases are in court.

ENFORCEMENT OF THE CONSOLIDATION OF HOLDINGS ACT.

*3195. **Sardar Muhammad Hasan** : Will the Honourable Minister of Development be pleased to state when and in which districts of the Punjab the Consolidation of Holdings Act of 1986 is intended to be enforced and in which of these districts it will be enforced (i) through the Co-operative Societies and (ii) through the Revenue Department?

The Honourable Chaudhri Sir Chhotu Ram : The Consolidation of Holdings Act, 1986, has not been extended to any of the districts, in which consolidation is being done by the Co-operative Department. But it has been extended to the following districts, where consolidation is being done through the Revenue Department :—

<i>Name of district.</i>	<i>Date of extension.</i>
Rohtak, Sialkot and Gujrat	21st March, 1988.
Jhelum	31st March, 1988.

Enquiries are being made with a view to the extension of the Act to other districts.

REFORMS IN PRISON ADMINISTRATION.

*3196. **Sardar Hari Singh** : Will the Honourable Minister of Finance be pleased to state—

- (a) if any reforms in prison administration and in prisoner's life have been introduced in the Punjab jails since the assumption of office by the present Ministry;

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(b) if answer to (a) above be in the affirmative, details of the reforms as regards—

- (i) diet ;
- (ii) dress ;
- (iii) labour taken from prisoners ;
- (iv) forms of punishment ;
- (v) medical treatment ;
- (vi) physical exercise and recreation ;
- (vii) education and reform of prisoners' character ;
- (viii) miscellaneous ;

(c) if any instructions have been issued by the present Ministry to change the out look of the jail officials as regards their functions and responsibilities ; if so, what ?

The Honourable Mr. Manohar Lal : (a) Yes. Various details are given below representing new improvements or extensions of previous reforms.

(b) (i) A proposal for improving the food value of prisoners' diet is under consideration as is a scheme for improving the utensils used by prisoners.

(ii) A scheme for providing shoes to all prisoners is under consideration.

(iii) Manual oil-pressing is being abolished. Cotton and wool spinning have been introduced on a large scale. Classes of instruction in brick-laying and masonry have been started.

(iv) Corporal punishment is being steadily decreased.

(v) The question of a special tubercular jail has been reopened. As regards health generally, the honourable member will be pleased to learn that the mortality figures for the calendar year 1937 are the smallest known in the history of jail administration in the Punjab.

(vi) No fresh changes have been made. Physical exercises have been allowed in jails for several years, while out-door recreation is encouraged in the Borstal Institution after the day's work has been performed.

(vii) A scheme for providing paid teachers in a number of jails is being considered. Radio sets have been or are being installed in eight jails with the help of private individuals or the Punjab Prisoners' Aid Society.

In many jails lectures on special subjects by medical practitioners, veterinary assistants, agricultural assistants and the staff of the Commissioner, Rural Reconstruction, are from time to time arranged.

First Aid is taught to selected prisoners by the medical staff of the jail.

(viii) The cases of a number of old and infirm prisoners have been and are being considered and already release has been ordered in over 250 cases.

A scheme for the provision of a " Star " class jail is also under consideration as is the scheme for reducing overcrowding in the jails by the provision of one more central jail.

(c) It has not been considered necessary to issue any special instructions as Government consider that the Punjab Jail Department is already alive to its functions and responsibilities.

Lala Deshbandhu Gupta : Will the Honourable Minister please say whether Government has considered the question of allowing C class prisoners to supplement their diets in certain respects at their own cost ?

S P. M.

Minister : No, Government has not yet considered it.

Lala Deshbandhu Gupta : Is the Honourable Minister aware that due to want of this concession questionable means are being used by certain prisoners to supplement their diet with such necessities as *gur* and cigarettes, etc., secretly ?

Minister : One hears rumours but Government is not aware of these practices.

Sardar Hari Singh : With reference to the answer that corporal punishment is being steadily reduced, will the Honourable Minister please say whether this is due to any instructions from the Honourable Minister ?

Minister : What does it matter whether it is because of any instructions from me ? However, I am free to inform the honourable member that I have issued no special instructions.

LAND REVENUE ENQUIRY COMMITTEE'S REPORT.

***3197. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state when the Land Revenue Enquiry Committee's report is likely to be published and whether opportunity would be afforded to the Assembly to discuss the report this session ?

The Honourable Dr. Sir Sundar Singh Majithia : The report of the Committee is in the Press and is not expected to be ready before the end of the present session of the Assembly. After the report is considered by Government an endeavour would be made for the Assembly to consider the report ; but no definite date could be given at this stage.

JAIL POPULATION IN THE PUNJAB.

***3198. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total jail population in the Punjab at present and at this time last year ;
- (b) the number of convicts and that of under-trials in the Punjab Jails ;
- (c) the number of prisoners undergoing life sentence ;
- (d) the number of prisoners who have already served 4 years, imprisonment ;
- (e) the number of prisoners over (i) 60 years, (ii) between 50 and 60 years of age and (iii) under 18 years ?

The Honourable Mr. Manohar Lal : (a) Total Jail population in the Punjab (excluding Delhi) on—

1st June, 1937	..	..	..	20,261
1st June, 1938	..	..	..	19,806
			<i>Convicts.</i>	<i>Undertrials.</i>
(b) 1st June, 1937	..	..	17,302	2,868
1st June, 1938	..	..	16,472	3,262

(c), (d) and (e) To collect the figures required by the honourable member would entail an expenditure of time and labour out of proportion to the results to be obtained.

DEATHS AMONG THE PRISONERS IN THE PUNJAB.

*3199. **Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) the number of deaths among the prisoners in the Punjab Jails in 1937-38 ;

(b) the causes of this mortality, and the number of deaths for which each cause was responsible ?

The Honourable Mr. Manohar Lal : (a) 164.

(b) A statement is laid on the table.

Sardar Hari Singh : Will the Honourable Minister please say whether he has gone into the reasons for such a big number of deaths as 50 due to phthisis ?

Minister : I may assure the honourable member of one fact that the death rate in our jails compares very favourably with that of jails in other provinces excepting one or two, where the death rate is slightly lower. However, as I have already said in reply to another question, our death rate during the calendar year 1937 is the lowest in the history of jail administration of the province. (*Hear, hear.*)

Lala Deshbandhu Gupta : How does the death rate of this province compare with that in other provinces ?

Minister : I have had only recently an occasion to compare the death rate in jails in this province with the death rate in jails of other provinces. As I have already said, ours compares very favourably with that of most other provinces. It is only in the case of one or two provinces that the death rate is slightly lower than in the Punjab jails.

Sardar Hari Singh : In view of the fact that 50 out of 164 deaths were due to phthisis, what has the Government done or proposes to do to minimise the number of deaths due to this cause ?

Minister : The honourable member has not observed that the phthisis figures are on the decline. Government is considering the whole question of special provision for phthisis patients. As I said the other day, Government is considering the question of having segregated accommodation for phthisis patients in jail hospitals. Further, Government is also considering whether it would be possible, financial considerations permitting, to have a special hospital for tubercular patients.

Sardar Hari Singh : Has the Honourable Minister gone into the reasons for 36 deaths on account of pneumonia ? Is that due to deficient clothing ?

Minister : I do not think it is due to deficient clothing, but if my honourable friend thinks that it will give him any satisfaction, I may say, that there are over 25 causes given for deaths in these jails, and I have not gone into their reasons. It is not physically possible for me to examine into each particular reason why so many have died of pneumonia, so many of heart trouble and so on. That is not an enquiry which it is possible at all.

Sardar Hari Singh : Did not the fact that so many as 86 died of pneumonia strike his imagination ?

Minister : If the honourable member would apply his mind to it, he will see that 86 deaths out of a total jail population of 20,000 is not a very large number.

Statement.

Phthisis	50
Pneumonia	36
Heart failure due to old age	10
Malaria	9
Cerebro spinal fever	8
Heatstroke	5
Girrhoets of the liver	4
Enteric fever	3
Debility due to Asthama	3
Diarrhoea	2
Asphyxia due to hanging	2
Apoplexy	2
Chronic nephritis	2
Acute Rheumatism	2
Fyemia	2
Erysipelas	2
Heat exhaustion	2
Dysentery	1
Diabetes Mellitus	1
Hæmorrhage Secondary	1
Gastric ulcer	1
Bacillus coli	1
Cerebro-syphilia	1
Malta fever	1
Insanity	1
Septic meningitis	1
Diabetes amputation of gangrene	1
Intestinal obstruction	1
Colitis	1
Uræmic coma	1
Sub-dural hæmorrhage	1
Chorea	1
Purulent Pericarditis	1
Obstructive jaundice	1
Chronic Bright's disease	1
Accidental fall from height	1
Tubercular arteritis	1

DISCIPLINARY ACTION AGAINST JAIL OFFICIALS.

***3200. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state the number and details of cases in which disciplinary action was taken against jail officials in 1937-38 on account of (1) acceptance of illegal gratification ; (ii) gross misconduct ;

(iii) ill-treatment of prisoners ; (iv) corrupt practices and (v) insubordination ?

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

COMPLAINT FROM ONE BIR SINGH, SON OF NANAK SINGH OF TANDA.

***3200-A Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether he has recently received a complaint from one Bir Singh, son of Nanak Singh of Tanda, district Gujrat, alleging that he had been falsely implicated by the local police in an excise case in which he was acquitted by the trial court ; if so, the action Government propose to take on that complaint ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Yes. Enquiries are being made.

COMPLAINTS OF CORRUPTION AGAINST GIRDAWAR MEHAR SINGH OF TANDA.

***3200-B. Sardar Hari Singh :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether the district authorities have recently received complaints of corruption from a number of respectable gentlemen of the *waga* against Girdawar Mehar Singh of Tanda, tahsil Dasuya, district Hoshiarpur ;

(b) whether it is a fact that the naib-tahsildar was deputed to inquire into the allegations made against the above-mentioned girdawar ; if so, the result of his inquiry and the action taken or proposed to be taken in the matter ?

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

PAID VICE-CHANCELLOR OF THE PUNJAB UNIVERSITY.

***3200-C. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state the criteria adopted in making selection of a candidate for the post of a paid Vice-Chancellor of the Punjab University ?

The Honourable Mian Abdul Haye : In view of the fact that under Section 5 of the Punjab University Act, 1892, the power to appoint the Vice-Chancellor vests in His Excellency the Chancellor, it is not in the public interest to answer this question.

Begum Rashida Latif : Will the Honourable Minister please consider the desirability of appointing a Punjabi as Vice-Chancellor of the Punjab University ?

Minister : It is not in the public interest to answer this question.

Lala Bhim Sen Sachar : I do not see how it is not in the public interest to make a representation to His Excellency to appoint a Punjabi ?

Minister : I do not propose to cause embarrassment to His Excellency on this question.

Lala Bhim Sen Sachar : Mere representation should not cause any embarrassment.

SURAIN SINGH OF VILLAGE GHINGAR KHURD, TAHSIL DASUYA,
HOSHIARPUR DISTRICT.

*3200-D. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether the Inspector-General of Police, Punjab, has received a representation, dated the 19th May, 1938, from one Surain Singh of village Ghingar Khurd, tahsil Dasuya, district Hoshiarpur, alleging to have been abused and maltreated by the Sub-Inspector, Police, Dasuya, on the 14th May, 1938, at his own village ;
- (b) if answer to (a) above be in the affirmative, substance of the complaint ;
- (c) whether an inquiry has been instituted into the complaint and the complainant has been asked to substantiate the charge ;
- (d) the officer inquiring into the complaint ;
- (e) the result of inquiry and action taken consequent thereon ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No.

(b) to (e). Do not arise.

COMPLAINT AGAINST PATWARI OF CHABEWAL, DISTRICT HOSHIARPUR.

*3200-E. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether the district authorities have received a complaint, dated the 7th May, 1938, from the people of village Chabewal district Hoshiarpur, against the village patwari alleging that he is creating friction in the village and is hatching intrigues ; if so, the action taken on the aforesaid complaint ?

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

FLOGGING IN JAILS FOR BREACH OF DISCIPLINE.

***3201. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of cases in which prisoners were flogged for breach of jail discipline in 1987-88 and the kinds of breaches of discipline involved ;
- (b) whether in any of those cases flogging was held unjustified by the higher authorities ?

The Honourable Mr. Manohar Lal : (a) Eleven ; nine for the offence of assault and two for the offence of using abusive language.

(b) No.

REPRESENTATION FROM BAKHSHISH SINGH OF VILLAGE CHABEWAL.

***3201-A. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether the Inspector-General of Police, Punjab, Lahore, has received any representation from one Bakhshish Singh of village Chabewal, thana and district Hoshiarpur, alleging that he is being called to the police station, detained there for hours without reason, abused and harassed by the local police ;
- (b) if the answer to (a) above be in the affirmative, what action has been taken on the aforesaid representation ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No.

(b) Does not arise.

PUNITIVE POLICE POSTS IN VILLAGES IN HOSHIARPUR DISTRICT.

***3201-B. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the names of villages in Hoshiarpur district where punitive police has been posted since 1919 ;
- (b) the period and dates of posting of the said police in each case ;
- (c) sums realized from the villages concerned in each case as cost of the said posts ;
- (d) criteria observed in fixing the amount of said sums ?

The Honourable Major Sir Sikander Hyat-Khan : (a), (b) and (c) The honourable member is invited to refer to the reply given to question *916¹ asked by the member for the Hoshiarpur South (Sikh) Rural Constituency in the beginning of this year.

(d) Attention is invited to rule 10·22, read with Appendix 10·22 (i), of the Punjab Police Rules, 1984.

GRIEVANCES OF UPPER SUBORDINATES IN THE IRRIGATION
BRANCH.

***3201-C. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that in 1929, a verbal promise was given by the Government to a deputation of upper subordinates that in future no recruitment would be made to the Provincial Service of Engineers without first absorbing the upper subordinates in the cadre of Provincial Service of Engineers by promoting them to the Sub-Engineer's grade ;
- (b) whether it is a fact that contrary to that verbal promise the Government recruited thirty temporary engineers in the Punjab Irrigation Branch in the recent past and reverted several upper subordinates, who were drawing high pay and were holding sub-divisional charges, to sectional charges ; if so, the reasons therefor ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) No.

(b) Does not arise.

ZILLADAR CANDIDATES.

***3202. Sufi Abdul Hamid Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the exact number of zilladar candidates attached to each irrigation Circle in the province and whether he is aware that the number of such candidates differs in different Circles, if so, the reasons therefor ;
- (b) whether it is also a fact that the vacancies given to the accepted zilladar candidates are not filled up according to the provincial list and if so, the reasons therefor ;
- (c) (1) whether the number of zilladar candidates recruited each year is in accordance with the number of vacancies which fall vacant in a year, and (2) whether there are any prescribed rules under which this selection in recruitment is made and if so, whether he will be pleased to lay a copy of these rules on the table of the House ?

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

Western Jumna Canal Circle	..	..	7
Sirhind Canal Circle	..	..	5
Upper Bari Doab Circle	..	..	10
Lower Bari Doab Canal Circle	..	..	4
Derajat Circle	..	..	7
Lower Chenab West Circle	..	..	5
Lower Chenab East Circle	..	..	6
Upper Chenab Canal Circle	..	..	8
Lower Jhelum Circle	..	..	5
Upper Jhelum Canal Circle	..	..	4
Ferozepore Canals Circle	..	..	7
Nili Bar Circle	..	..	7

[Minister for Revenue.]

The numbers of candidates in the Circles differ because :—

- (i) Departmental zilladar candidates must remain in their respective substantive posts and cannot be transferred until appointed to the zilladar establishment against permanent vacancies.
 - (ii) Outsider candidates are unpaid and therefore are posted to Circles near their homes until appointed to the zilladar establishment against permanent vacancies.
- (b) No.
- (c) (1) Yes as far as possible.
- (2) Yes in accordance with Irrigation Manual of Orders, Article 1-3.

WATER OF BHUNA JHEEL FOR IRRIGATION PURPOSES.

*3203. **Sufi Abdul Hamid Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the water of Bhuna Jheel is used for irrigation purposes in Kaithal tehsil and if so, whether there have ever been any complaints against this system of irrigation from the people of that ilaqa and if so, the action taken or proposed to be taken to remove those complaints ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Reply to the first and second part of the question is in the affirmative. Investigation is being made by the local officers whose report is yet awaited and action will be taken on receipt of the same.

RECRUITMENT OF CLERKS BY SUPERINTENDING ENGINEERS.

*3204. **Sufi Abdul Hamid Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) (i) Whether the Superintending Engineers are the final authorities of clerical establishment, and
- (ii) that no inter-circle adjustments are made while promoting temporary clerks when there are such vacancies in various circles ;
- (b) When retrenchment in one circle is being affected, entirely new recruitment is made in another circle, exactly at the same time irrespective of the fact that the retrenched persons could easily be absorbed ;
- (c) Does Government intend to remove this discrepancy at the time of making new recruitment to the clerical establishment ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) (i) Yes, as far as clerical establishment on circle cadres, viz., accounts clerks and assistant clerks, is concerned.

- (ii) No.

(b) Whenever a vacancy occurs for which a Superintending Engineer has not a suitable man on the record of discharged employees of his circle, enquiries are required to be made from other circles :

(c) Does not arise.

APPOINTMENT OF HEAD MASTERS AND SECOND MASTERS IN GOVERNMENT HIGH SCHOOLS.

*3295. **Sufi Abdul Hamid Khan** : Will the Honourable Minister of Education be pleased to state whether it has been and is even now the practice in the Education Department to have a Muslim Second Master where there is a non-Muslim Head Master and *vice versa* and if so, in how many cases this practice is being observed now in the province and in how many cases it is not being observed ?

The Honourable Mian Abdul Haye : I shall be very glad to supply this information if the honourable member gives notice of an unstarred question.

DALHOUSIE MUNICIPAL COMMITTEE SENSATION.

*3296. **Mian Abdul Aziz** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he has read the news item with the headings "Elected Members walk out" and "Dalhousie Municipal Sensation," which appeared in the "Tribune," May 31, 1938 ;
- (b) whether he is aware of the protest of the four elected members of the Dalhousie Municipal Committee present at the meeting held on the 26th of May, 1938, against the appointment of a Sub-Divisional Officer as the *ex-officio* President and against the continuance of a majority of the nominated members ;
- (c) whether the Honourable Premier, on whom the Senior Vice-President of the Dalhousie Municipal Committee waited on behalf of the elected members of the Committee, promised to give a majority to the elected members in the House ;
- (d) whether any correspondence concerning the number of nominated members in the Committee took place between any Minister of the Punjab Government on the one hand and the Deputy Commissioner of Gurdaspur and the Commissioner of Lahore Division on the other ;
- (e) whether the Government is prepared to lay the correspondence before the House.

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

(b), (c), (d) and (e) The attention of the honourable member is invited to the reply given to parts (a) to (d) of question No. *3129¹.

LAND DAMAGED BY KALAR AND THUR IN DISTRICTS OF SHEIKHUPURA, GUJRANWALA AND LYALLPUR.

*3207. **Lieutenant Sardar Naunihal Singh Mann**: Will the Honourable Minister for Revenue be pleased to lay on the table the actual acreage of land damaged so far by Kalar and Thur due to waterlogging in the districts of Sheikhupura, Gujranwala and Lyallpur from the year 1934 to 1937 and state whether these figures are rising every year and, if so, what special and effective steps the Government propose to take to check this calamity?

The Honourable Dr. Sir Sundar Singh Majithia: Three statements showing the acreage of land (in acres) damaged by *kallar* and *thur* for the years 1934, 1935, 1936 and 1937, in the Lyallpur, Sheikhupura and Gujranwala districts, respectively, are laid on the table*. The increase is, to some extent, due to the more accurate recording of the damaged area.

As regards measures taken to check the evil, a number of seepage drains have been or are being constructed with the object of reclaiming as much of the land as possible. Government is also considering other measures such as lining of canals and a special officer has been appointed to investigate the problem.

ASSESSING OF LAND UNDER HOUSES TO LAND REVENUE.

*3208. **Lieutenant Sardar Naunihal Singh Mann**: Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that agricultural lands used for residential purposes of cultivators who live upon their lands, have now been assessed to land revenue and placed in the highest class; if so, in which districts of the province;
- (b) whether, while assessing such lands to land revenue, it was taken into consideration that the residential houses on agricultural lands are conducive to better supervision, better manuring and to the saving of labour and if not, why not?

The Honourable Dr. Sir Sundar Singh Majithia: (a) As provided in paragraph 11 of appendix XV to the Punjab Settlement Manual, agricultural lands under fluctuating assessment, when built upon, are liable to pay land revenue at the highest circle rate. These orders have been applied since 1925 in the Mianwali, Sheikhupura and Lyallpur districts.

(b) Does not arise.

MINERAL SPRINGS.

*3209. **Khawaja Ghulam Samed**: Will the Honourable Minister of Education be pleased to state—

- (a) whether Government have received any information from the Survey Department of the Government of India regarding mineral springs found in different parts of the Punjab;
- (b) if so, when were these springs found and whether the doctors and medical officers have certified to the usefulness of any of these springs;
- (c) the action which the Government propose to take in the matter?

* Kept in the Library.

The Honourable Mian Abdul Haye : (a) Yes.

(b) and (c) Government have no information as to when these springs were found in the Punjab.

Steps are being taken to find out the usefulness of any of these springs.

REPRESENTATION OF THE MUSLIMS IN GAZETTED AND MINISTERIAL APPOINTMENTS IN AMBALA DIVISION.

*3210. **Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the representation of the Muslims in gazetted and Ministerial appointments is meagre both in judicial and other services in Ambala Division ;

(b) whether it is a fact that the number of candidates and leave reserve clerks is very small in the Government offices in the said division ;

(c) if the answer to (a) and (b) above be in the affirmative, what action do the Government propose to take to give due representation to the Muslims in the above branches ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I must decline with regret to answer questions which savour of communalism on the floor of the House. If the honourable member would put an unstarred question I will endeavour to collect the information for him.

Khawaja Ghulam Samad : I sent it as an unstarred question. But I am sorry the office has printed it as a starred question.

CLERICAL ESTABLISHMENT IN THE IRRIGATION BRANCH.

*3211. **Sufi Abdul Hamid Khan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the clerical establishment in the Irrigation Branch previously on provincial scale has now been transferred on to the Circle scale, resulting in a serious loss to this establishment ; and if so, the reasons for this change ?

The Honourable Dr. Sir Sundar Singh Majithia : As a step towards decentralizing the administration of the Clerical establishment of the Public Works Department, Irrigation Branch, Punjab, it was for administrative convenience divided into Provincial and Circle cadres, the latter consisting of accounts clerks and assistant clerks. As far as Government is aware the scheme has not resulted in a loss to the establishment.

THOROUGHFARES AND FOOT-PATHS REQUIRED BY RAILWAY DEPARTMENT FOR RAILWAY LINE AT SIALKOT.

*3212. **Mian Abdul Aziz :** Will the Honourable Minister for Public Works be pleased to state whether reply to my question No. *2521¹ asked on 5th April, 1938, is now ready ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : A statement furnishing the information asked for in question No. *2521, dated the 5th April, 1938, is laid on the table.

[Minister for Public Works.]

Statement.

(a) The Railway Department acquired thoroughfares and foot-paths in November, 1887, in the villages of Atari and Mianpura. The *Khasra* numbers of foot-paths and thoroughfares in the villages of Atari and Mianpura are given below—

	<i>Khasra Nos. of thoroughfares.</i>	<i>Khasra Nos. of foot-paths.</i>
Village Atari	953, 897, 745, 829, 330, 606, 610, 228, 345, 485, 482 and 378	487, 640, 833, 862, 247 and 833.
Village Mianpura	2247, 742, 585 and 602..	2005, 2003, 1981, 2344, 2245, 780 and 649.

(b) Papers relating to the payment of compensation to the proprietors of village Attari are not traceable. The following proprietors of Mianpura were given compensation, the amount of which is indicated against the name of each proprietor:—

<i>Name of proprietor.</i>	<i>Amount of compensation.</i>
	<i>Rs. A. P.</i>
Karnu Iahi, etc.	1 3 6
Sajada, etc.	6 12 4
Shah Muhammad, etc.	4 15 9
Fakir, etc.	4 0 0
Ali Muhammad, etc.	1 6 0
Total	12 5 7

(c) There is no record of any undertaking having been given by the Collector at the time of the acquisition.

(d) The entries of villages Mianpura and Attari as shown in the last *jamabandi* are—

<i>Area.</i>			
Mianpura ..	<i>Khasra No. 801</i> ..	95 kanals ..	Ghair mumkin railway station.
	<i>Khasra No. 2083</i> ..	43 kanals 4 marlas ..	Ghair mumkin railway road.
Attari ..	<i>Khasra No. 643</i> ..	12 kanals 18 marlas ..	Ghair mumkin kothi.
	<i>Khasra No. 645</i> ..	190 kanals ..	Ghair mumkin railway station.

(e) The entries in the two subsequent settlements of 1892-93 and 1913-14 are as given below—

Village Mianpura.

(1) In the settlement of 1892-93—

<i>Ownership.</i>	<i>Tenant in possession.</i>	<i>Kind of land.</i>
Sarkar Daulat madar ..	Railway Department ..	Railway line.

(2) In the settlement of 1913-14—

<i>Ownership.</i>	<i>Tenant in possession.</i>	<i>Kind of land.</i>
Sarkar Daulat madar ..	Railway Department ..	Ghair mumkin railway.

Village Attari.

(1) In the settlement of 1902-03—

Ownership.	Tenant in possession.	Kind of land.
Sarkar	Railway	Railway Station.

(2) In the settlement of 1913-14—

Ownership.	Tenant in possession.	Kind of land.
Sarkar	Railway Department	Ghair mumkin kotli and ghair mumkin mahkama Railway.

These roads and foot-paths are not shown in these settlement records.

(f) Does not arise.

REDUCTION OF THE SIZE OF THE OUTLETS ON LOWER GOGERA CANAL.

*3213. **Mian Abdul Aziz :** Will the Honourable Revenue Minister be pleased to state—

- whether it is a fact that the size of the outlets on Khikha rajbaha on the Lower Gogera Canal Division, district Lyallpur of Chak No. 333 and the surrounding chaks is being reduced ;
- whether it is a fact that a deputation of the Zamindars League of the locality represented their grievances before the Chief Engineer on the 11th April, 1938, and on the following day waited upon the Honourable the Revenue Minister at Lahore who assured them that the outlets will not be reduced, and orders will accordingly be issued.
- whether it is a fact that there was a huge meeting of the Sikh zamindars of the locality at Lyallpur on the 10th June, 1938, in which other zamindars joined and the zamindars of about 20 villages, decided not to take canal water and have actually stopped on account of the existing scarcity of water and this action of Government ;
- the action taken in the matter to remove the grievances of the zamindars concerned ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Some outlets higher up the Khikhi Distributary taking supplies beyond their haq were reduced to make up shortage at the tail.

(b) A deputation waited on the Chief Engineer on 11th April and on the Minister who promised to look into the complaint but no such assurance was given.

(c) and (d) There was a meeting of zamindars in Lyallpur on 10th June but Government has no information that the zamindars from the locality were present. The zamindars of 9 villages have stopped taking water. The position of Government is explained in the *communiqué* which has already been placed on the table of the House in reply to question No. *2767.

[Minister for Revenue.]

It is for zamindars to take water and if there is any shortage in any individual case in the authorised supply the matter will be immediately looked into with a view to give the authorised supply. Government cannot give more than the *haq* of each individual at the expense of those on the tail.

Mian Abdul Aziz : With regard to (b), did the deputation wait on the Honourable Minister for Revenue and did he tell them that no reduction would be made?

Minister : I never said that.

Sardar Sohan Singh Josh : May I know how much water is given to the zamindars per bigha?

Minister : Please ask the patwaris.

Sardar Sohan Singh Josh : If I have to enquire from the patwaris, how does the Honourable Minister say that it is their *haq*?

Minister : The *haq* is given from the outlets and that is why I have said so.

Sardar Sohan Singh Josh : May I know whether the *haq* is fixed by the patwaris?

Minister : As regards the details about which information was required the honourable member is referred to the patwaris.

DEPARTMENTAL ACTION AGAINST POLICEMEN OF THE HOSHIARPUR
POLICE FORCE.

*3214. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether the Government is aware that in a trial held by Chaudhri Abdul Hamid, Magistrate, First Class, Hoshiarpur, under section 804, Indian Penal Code, against Radha Kishan, Muhammad Charagh, Alim Muhammad, Head Constables and two constables Maluk Singh and Bhagat Singh of Police Force Hoshiarpur, the Magistrate convicted Radha Kishan and Muhammad Charagh, Head Constables and found that the other 8 were present at the time of extortion but held that their mere presence will not indicate the common intention;

(b) whether it is also a fact that the case went up in appeal and that the learned Sessions Judge while dismissing the appeal remarked that the marginal note Ex. D/N/3 was an obvious fabrication after the occurrence and opined that these exhibits starting from D/N/2 were "a crude forgery"; if so, whether the Government has taken any departmental action against Khan Muhammad Alam, the writer of the forged notes, and also against the other three accused who were found to be present when the extortion was committed and the beating given?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : I regret that the answer to this question is not yet ready.

CRIMINAL CASE OF MEHNDIPUR JAMNA SHAH.

***3215. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether in a criminal case of Mehndipur Jamna Shah in which for the alleged beating of three police constables nearly 25 office-bearers and members of the Congress Committee of Murthal, Malikpur, Jainpur and Takola were challaned by the police in the 3rd week of November 1937;
- (b) whether all these Congressite accused were acquitted either by the subordinate or the sessions court in appeal;
- (c) whether in connexion with these arrests the Honourable Premier received a representation from me, and if so, what action was taken on that?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Forty-seven persons, including 28 office-bearers and members of the Congress Committees of Murthal, Malikpur, Jainpur and Takola in the Rohtak district were prosecuted under sections 882/880/224/225, Indian Penal Code.

(b) Nine of the Congress workers were convicted by the lower court. Of these, seven were acquitted by the Sessions Judge while the conviction of the remaining two was upheld by him.

(c) No representation from the honourable member in this connection has reached me.

Lala Deshbandhu Gupta : Did the Sessions Judge in acquitting these seven persons make any remark in regard to the challan of these seven persons?

Parliamentary Secretary : The honourable member can see the judgment of the Sessions Judge.

Lala Deshbandhu Gupta : Has the Parliamentary Secretary any information on the point or not?

Parliamentary Secretary : This is a public document which the honourable gentleman can see for himself.

Pandit Shri Ram Sharma : Have the Government satisfied themselves that those two men were Congressmen?

Parliamentary Secretary : As far as I know, it is so.

Pandit Shri Ram Sharma : Did you make any special enquiries?

Sardar Sohan Singh Josh : Can I know the source of this information that these two men were Congressmen?

Parliamentary Secretary : Local authorities.

MAINTENANCE ALLOWANCE FOR THE WIDOW AND MINOR SON OF RAHIM BUX.

***3216. Khawaja Ghulam Samad :** With reference to reply to question No. *2062¹ asked on the 14th March, 1938, will the Honourable

{Khawaja Ghulam Samad.}

Minister of Revenue be pleased to state whether the report of local authorities of Amritsar district regarding the murder of deceased Bahim Bux, a patwari of village Sham Nagar, has since been received, if so, whether he will be pleased to lay it on the table of the House and whether Government is contemplating to make some provision for the maintenance of the widow and minor son of the deceased ?

The Honourable Dr. Sir Sundar Singh Majithia : A report is still awaited from the local authorities who have promised to submit their recommendation as soon as the result of the case against the alleged assassins of the patwari is known.

DISTRIBUTION OF LANDS AMONG *ACHUTS*.

*3217. **Lala Harnam Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that one of the parliamentary private secretaries delivered a speech at *Achut* Conference held on the 5th and 6th of March, 1938, at Mahalpur and said in the course of his speech that Government intended distributing 800 squares of land among the members of the Scheduled Castes in the area to be irrigated by the Haveli Project : if so, whether it is a fact that the Government recently invited the *Achuts* (Ad-dharmies) of the Depressed Classes Federation, Jullundur city, to send applications for grant of land ;
- (b) if so, whether he is aware that hundreds of persons belonging to the Scheduled Castes have sent in applications for grant of land to the Depressed Classes Federation, Jullundur City, and to the Government direct ;
- (c) if the answers to (a) and (b) above be in the affirmative, whether and when does the Government intend to consider the claims of these applicants for grant of lands ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) *First part.*—Government has no such information.

Second part.—No. Government has not yet formulated the colony scheme in its final form. So it is premature to give any definite information.

(b) Does not arise ; but Government is constantly receiving applications for grants of land from all classes.

(c) Does not arise.

Sardar Mula Singh : Is it a fact that Mir Maqbool Mahmood, Parliamentary Secretary asked the *Achut* members of the Assembly that they should make applications signed by hundred members of the depressed classes for the squares of land in Haveli Project ?

Minister : I have no information.

CHALLENGING OF 285 PERSONS FROM KHARKHAUDA.

*3218. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

- (a) whether in the first week of June, Sampla (Rohtak) Police challaned 285 persons against whom the case was subsequently withdrawn under section 107, Criminal Procedure Code, from Kharkhauda and surrounding villages, if so, the reasons that justified this unusual and drastic action ;
- (b) whether the people from these villages apprehending some such action by the Police in future too, recently approached the District authorities, the Deputy Inspector-General and the Honourable Premier to intervene in the matter and if so what action was taken by the Government in this behalf ;
- (c) whether he is aware that strong indignation and resentment is being felt throughout the *ilaga* as a result of this action by the Police and if so, the action that is proposed to be taken to pacify the feelings of the people of this *ilaga* ?

The Honourable Major Sir Sikander Hyat-Khan : (a) On account of communal tension, proceedings under section 107, Criminal Procedure Code, were taken on the 15th May against 22 Muslims and 22 Hindus of Kharkhauda, the men being required by the magistrate to furnish interim security. Five days later, 218 Hindu Jats of surrounding villages were also proceeded against under section 107 and were required to give interim security. The parties then compromised their differences in court, the police raising no objection.

(b) No deputation approached either the Superintendent of Police or the Deputy Inspector-General. A telegram was received by me and enquiries were made.

(c) I am informed that there is no indignation or resentment in the *ilaga*. On the contrary, the district officers report that relations between the parties have now improved and that conditions are returning to the normal.

AFFILIATION OF INTERMEDIATE COLLEGES.

*3219. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the University of the Punjab changed their endowment and other rules for affiliation of intermediate colleges and first grade colleges, (*vide* Syndicate resolution No. 12, dated 21st May, 1938) ;
- (b) whether it is a fact that the revised draft rules were not widely circulated for eliciting public opinion before they were considered and passed in the meeting of the Syndicate held on 21st May, 1938 ;
- (c) whether Government will be pleased to lay on the table of the House all old and new conditions for affiliation ?

The Honourable Mian Abdul Haye : (a) The University of the Punjab has amplified its rules for affiliation of degree colleges and has framed rules on the same lines for affiliation of intermediate colleges ;

(b) It is not necessary under the University regulations to give publicity in such cases with a view to eliciting public opinion.

(c) A copy each of the new rules for the endowment of institutions in the case of colleges applying for affiliation (a) up to the Intermediate standard and (b) up to the B.A. standard and of rules for the endowment of institutions founded by individual donors has already been laid on the table in reply to question No. *3167¹ asked by the honourable member on the subject. The rules for the endowment of institutions founded by individual donors have not been changed. A copy of the old rules regarding conditions laid down by the Syndicate of the University, in addition to the requirements laid down by the Indian Universities Act, 1904, to ensure financial stability and adequate teaching in the case of mofussil colleges applying for affiliation up to the B.A. standard, is laid on the table. There are no old rules regarding intermediate colleges because in each case the Syndicate, on the report of the Committee of Enquiry, used to lay down conditions regarding affiliation.

Pandit Shri Ram Sharma : Is it a fact that a sum of Rs. 50,000 is necessary for the endowment fund for an intermediate college to be recognised ?

Minister : I believe so.

Pandit Shri Ram Sharma : Is it required under the Universities Act ?

Mr. Speaker : The question is disallowed.

Pandit Shri Ram Sharma : Is this fund also necessary if the district board or the municipal committee assure the University of their resources ?

Minister : That is a matter for the University to decide. The honourable member may use his influence with the University.

Pandit Shri Ram Sharma : Cannot the Government interfere in this matter ?

Minister : No.

Conditions laid down by the Syndicate, in addition to the requirements laid down by the Indian Universities Act, 1904, to ensure financial stability and adequate teaching in the case of mofussil colleges applying for affiliation up to the B. A. standard :—

(a) There should either be a separate endowment fund that cannot be alienated so long as the college continues to exist of Rs. 2,00,000 in the case of a college teaching Science subject, and of Rs. 1,50,000 in the case of a college teaching only Arts subjects, or a guaranteed annual income of Rs. 15,000 in the case of Science subjects and of Rs. 12,000 in the case of Arts subjects from an organised body of standing approved by the Syndicate. The guaranteed income is to be in addition to the annual income derived from fees.

(b) The institution should either possess adequate buildings or adequate lands, in addition to (a) above, for the construction of necessary buildings.

(c) That a minimum expenditure of Rs. 1,500 a year for four successive years be incurred in the purchase of books for the college library.

(d) That the initial staff be approved by the University and that all subsequent changes be reported to the Syndicate.

NUMBER OF EXAMINERS FOR VARIOUS UNIVERSITY EXAMINATIONS
IN 1988.

***3220. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

- (a) the total number of candidates, community-wise, who appeared in each of the examinations of the Punjab University in the year 1988 ;
- (b) the number of candidates community-wise (Hindus, Sikhs, Christians, Muslims and Europeans) who have passed in each of the above examinations ?

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

VISIT OF DEPUTY INSPECTOR-GENERAL, EASTERN RANGE, AMBALA TO
LUDHIANA DISTRICT.

***3221. Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Deputy Inspector-General, Eastern Range, Ambala, visited the Ludhiana district in the month of April 1988 or May 1988 ;
- (b) whether it is a fact that he met people of the villages in the aforesaid district with the object of acquainting himself about the working of the police administration ;
- (c) whether it is a fact that he received some complaints of corruption against police-men and police officers of the Ludhiana district : if so, what action Government took in the matter ;
- (d) whether any facilities were afforded to public men for laying the grievances of the public of the Ludhiana district before the Deputy Inspector-General ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- (a) Yes.
- (b) Yes.
- (c) He received no specific complaints of corruption.
- (d) Yes.

Chaudhri Muhammad Hassan : Is it a fact that the Deputy Inspector-General stayed with the Superintendent of Police and the people felt it very difficult to go to the house of the Superintendent of Police and ventilate their grievances ?

Parliamentary Secretary : I am not aware.

Chaudhri Muhammad Hassan : Is it a fact that orderlies would not allow people to see the officer ?

Parliamentary Secretary : I am not aware.

Lala Dinkbandhu Gupta : Has the Government considered the desirability of instructing the officer not to hold enquiries at the residence of the Superintendent of Police ?

Parliamentary Secretary: No special instructions have been issued.

Lala Deshbandhu Gupta: Do Government intend to do so?

Parliamentary Secretary: Government do not consider it necessary to issue such instructions.

ARYA SAMAJ BUILDING AT HISSAR.

*3222. **Khawaja Ghulam Samad:** Will the Honourable Revenue Minister be pleased to state whether the big *pushta* constructed on the North of Arya Samaj building at Hissar is the property of the Canal Department, and if so, whether any action has been taken by the Government against the encroachment by the Arya Samaj of the locality?

The Honourable Dr. Sir Sundar Singh Majithia: A pacca platform 9'9" × 12'5" constructed by the Arya Samaj encroaches on to Canal land; action is being taken to remove the encroachment.

BOMB SHELL THROWN ON THE HOUSE OF MR. A. H. HANZIE, PLEADER OF HISSAR.

*3223. **Khawaja Ghulam Samad:** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that a bomb shell was recently thrown on the house of Mr. A. H. Hamzie, Pleader of Hissar;

(b) whether the culprits have been arrested and brought to book;

(c) whether the Government has taken any special steps to find out the factory in which this bomb was manufactured, if so, whether any clue has been found of the factory in which this bomb was manufactured?

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

(b) and (c) The case is in court and *sub-judice*.

INTRODUCTION OF HINDI IN DISTRICT BOARD SCHOOL, HISSAR.

*3224. **Khawaja Ghulam Samad:** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that the District Inspector of Schools, Hissar, has of late been introducing Hindi instead of Urdu in all the District Board Schools of Hissar district;

(b) whether it is a fact that Urdu knowing teachers are being substituted by Hindi knowing teachers there;

(c) whether any instructions have been issued by the Government to introduce Hindi in Hissar district board schools at the expense of Urdu;

(d) if not, the action that the Government proposes to take in the matter?

The Honourable Mian Abdul Hays: (a) No.

- (b) No.
- (c) No.
- (d) Does not arise.

• GOVERNMENT METAL WORKS INSTITUTE, AMBALA.

*3225. **Khawaja Ghulam Samad** : Will the Honourable Minister for Development be pleased to state—

- (a) whether it is a fact that Lala Sant Ram, Lala Mukand Lal and Nauhria Ram, teachers, Government Metal Works Institute, Ambala, are illiterate persons ;
- (b) whether they are qualified to perform the duties entrusted to them ;
- (c) the number of Muslim teachers whose services were dispensed with during the regime of the present Headmaster of the said institute and the number of such Muslim teachers who were transferred from the institute on the report of the Headmaster ;
- (d) the number of non-Muslim teachers who were dismissed or transferred on the report of the Headmaster ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Only Lala Sant Ram is illiterate.

(b) Yes. Literacy, though an advantage, is not essential to the efficient performance of the duties entrusted to these teachers.

(c) None.

(d) Two non-Muslim teachers were dismissed on the report of the present Headmaster.

CHAUDHRI BALBIR SINGH, ADDITIONAL DISTRICT MAGISTRATE,
HISSAR.

*3226. **Khawaja Ghulam Samad** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Police, Hissar, made a complaint against the conduct of Chaudhri Balbir Singh, Additional District Magistrate, Hissar, in a case of counterfliting coins ;
- (b) whether any enquiry was made on that complaint ;
- (c) the result of the enquiry in that case ;
- (d) what was his conduct in other districts ;
- (e) was an enquiry ordered to be instituted against him in any district ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No ;

(b) and (c) Do not arise ;

(d) It is not in the public interest to answer this personal question ;

(e) No.

SALE OF BEEF AT CHOJA SAIDAN SHAH.

*3227. **Khawaja Ghulam Samad** : Will the Honourable Premier be pleased to state—

- (a) since when beef is being sold at Choa Saidan Shah ;
 (b) whether Choa Saidan Shah is the only route for pilgrims to go to Katas Raj ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Government's information is that cattle have always been slaughtered, and beef sold in the neighbourhood of Choa Saidan Shah, but there was no beef shop until one was opened at Chhappar about one mile from Choa Saidan Shah in May 1937.

(b) Pilgrims going to Katas Raj almost always pass through Choa Saidan Shah, but not through Chhappar, but Katas Raj can also be approached from the west by another but less convenient route.

DAM IN THE NAKTI NADDI, SADHAURA.

*3228. **Khawaja Ghulam Samad** : Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the District Engineer, Ambala, in consultation with the Executive Engineer of the division has submitted a revised estimate for the construction of a dam in the Nakti Naddi, Sadhaura and recommended further allotment of a sum to construct a pucca dam, if so, the reason for delay in sanctioning a further allotment ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : A revised estimate was prepared by an officer of the Irrigation Branch, after inspecting the site with the District Engineer, which has been sanctioned recently after necessary amendment and a further grant-in-aid of Rs. 2,018 has been sanctioned by Government.

MUNICIPAL ELECTORAL ROLLS.

*3229. **Khawaja Ghulam Samad** : Will the Honourable Minister for Public Works be pleased to state—

- (a) when the municipal electoral rolls of Panipat, Rohtak and Ambala city were prepared last ;
 (b) the total numerical strength of voters of these towns ;
 (c) whether it is a fact that Muslim wards in these towns are unequally divided and if so, whether and when does Government intend to arrange these wards with a view to removing this inequality ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :

- | | | | | |
|-------------|----|----|----|------------------------|
| (a) Panipat | .. | .. | .. | January, 1937. |
| Rohtak | .. | .. | .. | March and April, 1936. |
| Ambala city | .. | .. | .. | April, 1936. |

(b) Numerical strength of voters is :—

Panipat	4,295
Rohtak	7,890
Ambala city	11,480

(c) This savours of COMMUNALISM and I regret I have to decline to answer this part.

HEADMASTER, AMBALA METAL WORKS INSTITUTE.

***3230. Khawaja Ghulam Samad :** Will the Honourable Minister for Development be pleased to state—

(a) whether any memorial or applications were received by the authorities against the Headmaster, Ambala Metal Works Institute with regard to his communal tendencies, if so, the action taken thereon ;

(b) since how long is he working in this school ?

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

No action was taken as the allegations were not true.

(b) From 30th January, 1930 to 2nd August, 1931 as Drawing Master, and thereafter as Headmaster.

PUBLICATION OF COURT NOTICES IN THE NEWSPAPERS.

***3231. Sardar Kartar Singh :** Will the Honourable the Premier be pleased to state—

(a) the rules and regulations governing the publication of court notices and other Government notices in the newspapers on payment of charges ;

(b) whether the number of subscribers of a newspaper is also taken into consideration while placing the same on the approved list of such papers or not ;

(c) whether it is a fact that the Khalsa Sewak, Amritsar, was made eligible for publishing court notices after the Unionist Government had come into power ;

(d) if answer to (c) above be in the affirmative, what were the reasons justifying the placing of the Khalsa Sewak on the approved list ;

(e) the total number of subscribers of the Khalsa Sewak on the date when it was placed on the white list and the number of the subscribers at present.

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b)

The attention of the honourable member is invited to the answers given by me to question No. *165² put by Malik Barkat Ali on 28th June, 1937.

(c) Yes.

(d) It fulfilled the necessary conditions.

(e) The attention of the honourable member is invited to the answer given by me in (b) to question No. *13² put by Malik Barkat Ali on 17th June, 1937.

²Volume I, page 673.

¹ibid, page 247.

COST OF ADDITIONAL POLICE POST IN VILLAGES IN GUJRAT.

*3232. **Sardar Kartar Singh** : Will the Honourable the Premier be pleased to state—

- (a) The total amount of money spent by the Government in posting punitive police in some of the villages of the Gujrat district in connection with the Ala riots that took place in June 1937.
- (b) the total amount of money realised by the Government from the inhabitants of the Gujrat district as cost of the said punitive police posts ;
- (c) whether it is a fact that a portion of this amount has been levied against the notified Sikh Gurdwara Ker Baba, district Gujrat ; if so, the amount levied and the reasons for levying it ?

The Honourable Major Sir Sikander Hyat-Khan : (a) As has been explained in the replies to other similar 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, interest charges during the period of recovery, etc. Excluding these the expenditure amounted to Rs. 12,837-15-8, or Rs. 1,193-1-4 less than the estimated cost. This latter sum will be adjusted against the items referred to ;

(b) Rs. 10,575-2-6 ;

(c) No. A sum of Rs. 3-5-9 has been assessed on 8 Sikh residents of Ker Baba village.

EMBEZZLEMENT OF Rs. 12,500 BY LALA RAM SARAN DAS.

*3233. **Dr. Sant Ram Seth** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Rs. 12,500 were embezzled on 25th June, 1930, by Lala Ram Saran Das, the cashier of the Municipal Power House, Amritsar ;
- (b) if answer to part (a) is in the affirmative, whether it is a fact that this embezzled amount was given by Mr. N. Roy, A.M.I.E. (India), the Electrical Engineer of the Amritsar Municipal Power House to the cashier on his personal security and if so, whether this amount has been recovered from the said Mr. N. Roy, if not, why not ;
- (c) whether it is a fact that serious discontentment is prevailing among the people of Amritsar for not taking any action either against the said Ram Saran Das, the cashier or against Mr. N. Roy, the Electrical Engineer of the Municipal Power House, Amritsar, if so, the action intended to be taken to remove this discontentment ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) Yes, but the amount is Rs. 12,449-7-11.

(b) No. The physical defalcation could not have been prevented by any amount of supervision and the Chief Electrical Engineer cannot be blamed for failure in supervision.

(c) Government are not aware of any discontent. Criminal proceedings were immediately taken against Ram Saran Das who has been convicted and sentenced to 2½ years rigorous imprisonment and a fine of Rs. 2,000. A Civil decree with costs for the full amount was also obtained against him.

MUHAMMAD ASLAM KHAN, ASSISTANT SUB-INSPECTOR OF
POLICE, SUBATHU.

*3234. **Lala Deshbandhu Gupta** : Will the Honourable the Premier be pleased to state—

(a) what action, if any, has been taken against Muhammad Aslam Khan, Assistant Sub-Inspector of Police, Subathu, whose conduct was recently under inquiry by the Deputy Commissioner, Simla ;

(b) the result of the inquiry ;

(c) if no action taken, why not ?

The Honourable Major Sir Sikander Hyat-Khan : (a), (b) and (c) This officer was transferred to the District Police Lines. There was insufficient evidence to justify any further action.

IRRIGATION FACILITIES TO VILLAGE MUDKI AND SURROUNDING
VILLAGES.

*3235. **Nawab Shah Nawaz Khan** : Will the Honourable the Revenue Minister kindly state whether it is a fact that village Mudki and its surrounding villages in Ferozepore tahsil, which comprise an area of over 25 thousand acres of good agricultural land, have so far no means of irrigation and that some time ago a survey was made to irrigate the vast culturable area of these villages by provision of a minor from Sirhind Canal near Phada Bridge over the said canal, if so, when this provision or any other provision for the irrigation of this is intended to be made ?

The Honourable Dr. Sir Sundar Singh Majithia : It is regretted that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

REPRESENTATION BY ONE CHANDER AGAINST THE HIGH-
HANDEDNESS OF THE SUB-INSPECTOR OF
POLICE, SALHAWAS.

*3236. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that one Chander, son of Kalja, potter of village Bhurawas, Police Station Salhawas, made repeated representations in the month of March and April last to the Superintendent of Police, Rohtak, alleging excessive high-handedness on the part of the Sub-Inspector of Police, Salhawas, against the complainant ;

(b) the exact nature of the allegations made ;

[Pt. Shri Ram Sharma.]

(c) whether any inquiry was conducted into the allegations by the Inspector of Police, Rohtak, against whose partial attitude, the complainant again approached the Superintendent of Police, Rohtak, with my letter not very long ago ;

(d) what action, if any, was taken on the letter finally in this matter referred to in (c) ?

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

(b) Chander alleged that Chandhri Sri Chand, with the assistance of the local Police, wished to eject him from a piece of land, had beaten him and smashed some of his earthenware.

(c) Yes.

(d) The Superintendent of Police, Rohtak, personally examined the complainant, made other enquiries, and came to the conclusion that Chander's complaint was false.

REFUSAL OF THE DEPUTY COMMISSIONER, ROHTAK, TO ENTERTAIN APPLICATIONS FOR DEPARTMENTAL ACTION.

*3237. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether Government is aware that the Deputy Commissioner, Rohtak, has made it a point not to entertain a single application for departmental action until and unless the aggrieved person or persons personally appear in his court with an application duly stamped ;

(b) whether it is a fact that he has returned all such representations against corruption, *bigar* and high-handedness of his subordinates with the remark that the aggrieved person should appear in his court with an application duly stamped ; if so, what action, if any, Government propose to take in the matter ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Government understand that the Deputy Commissioner's practice is as stated.

(b) The matter is being examined.

DEPUTATION OF A P. C. S. OFFICER AS SECRETARY, SIMLA MUNICIPALITY.

*3238. **Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the Simla Municipality, in March last, requested the Punjab Government to depute a Muslim P. C. S. as Secretary for the said Municipality ;

(b) whether it is a fact that no such officer has been deputed until now, if so, the reasons for the delay, and the date by which the services of such an officer are intended to be placed at the disposal of the Municipality ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) No. The Municipal Committee only asked for a panel of 4 officers out of whom they will select one for appointment as its Secretary.

(b) Yes, the question of suggesting some suitable names to the Committee is under consideration.

P. E. S. Posts.

***3239. Khawaja Ghulam Samad :** With reference to the reply to my question No. *2874¹ asked on 1st April, 1938, will the Honourable Minister of Education be pleased to state the number community-wise of the holders of posts mentioned in parts (a), (b), (c) (i), (ii), (iii) and (d) (i), (ii) of the question referred to ?

The Honourable Mian Abdul Haye : The honourable member is referred to the answer given to question No. *2143² at the last session of the Assembly.

IRRIGATION BY TUBE-WELLS.

***3240. Khawaja Ghulam Samad :** Will the Honourable Minister for Revenue be pleased to state in what part of the province the Government intends to conduct an experiment with regard to the scheme of irrigation by tube-wells for which a provision has been made in this year's budget ?

The Honourable Dr. Sir Sundar Singh Majithia : Government has approved an experimental scheme to irrigate 10,000 acres near Shalamar by means of 31 electrically operated tube-wells. This Project—The Karol—in addition to paying its way will supply information for sinking other tube-wells.

CANCELLATION OF GUN LICENCES BY DEPUTY COMMISSIONER, HISSAR.

***3241. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state (a) whether it is a fact that the late Deputy Commissioner of Hisar cancelled the gun licences of all Muslims residing in the city of Hisar with a few exceptions, and no Muslim residing inside the city is now allowed to obtain a licence for more than one arm, and that majority of non-Muslims have been allowed to obtain licences for more than one kind of arms ; if so, the reasons for this differential treatment ?

The Honourable Major Sir Sikander Hyat-Khan : The answer to the first part is in the negative. I would add that any order of cancellation passed would be appealable to the Commissioner. As regards the other points raised, an inquiry is being made.

¹Volume IV, page 512.

²Volume III, page 240.

DISPENSARIES IN TOHANA SUB-TAHsil.

*3242. **Khawaja Ghulam Sarnad** : Will the Honourable Minister for Education be pleased to state the number of dispensaries in Tohana Sub-Tahsil and the localities where they exist and the distance of one dispensary from the other and the name of the Sub-Assistant Surgeon in charge of each of these dispensaries ?

The Honourable Mian Abdul Hays : There are only two dispensaries located in the Tohana sub-tahsil, viz., Tohana and Budhlada. Both these dispensaries are connected by rail and the distance between them is 27 miles (19 miles in Hissar district and 8 miles in the Patiala State).

The name of the Sub-Assistant Surgeon of Tohana dispensary is Dr. Rattan Singh and Sub-Assistant Surgeon Dr. Amar Das Kohli, is in charge of the Budhlada Dispensary.

OFFICIALS DISTRICT-WISE AND COMMUNITY-WISE IN THE OFFICES
OF THE DEPUTY COMMISSIONERS OF AMBALA
DIVISION.

*3243. **Khawaja Ghulam Sarnad** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of officials district-wise and community-wise in the offices of the deputy commissioners of Ambala division in all grades of the service ;
- (b) the number of head vernacular clerks community-wise in Ambala division and also the number of stenographers community-wise in the said division ?

The Honourable Dr. Sir Sundar Singh Majithia : I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which honourable members may bring to my notice in a more informal way.

TENDERS FOR THE PURCHASE OF TIMBER FOR DIFFERENT JAILS.

*3244. **Lala Sita Ram** : Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the Inspector-General of Prisons invited tenders for the purchase of timber for different jails of the Punjab and the contractors submitted their tenders with heavy securities, but all the tenders were cancelled, if so why the tenders were cancelled ;
- (b) whether it is a fact that the same requirements were purchased personally by jail officers on very higher rates than the tender rates and the tenderers' stock was not seen ;
- (c) whether there is any other department where this practice is followed?

The Honourable Mr. Manohar Lal : (a) The Inspector-General of Prisons invited tenders for the purchase of wooden sleepers required by certain jails during the year 1938-39. Only five tenders were received and when after taking into consideration various factors, including the rates prevailing in the market at the time, the tenders were opened, it was found that all the tenders were not only incomplete in respect of important specific details but the rates quoted were definitely unfavourable. For these reasons the Inspector-General decided not to accept any tender.

(b) The annual requirements of jails for wooden sleepers for which tenders were invited have not yet been purchased but the matter is still under consideration. The immediate requirements of timber of the two Lahore jails, however, were purchased at favourable rates by a committee of certain jail officials after actually inspecting the stocks of timber at firms situated in and around Lahore and eventually making the purchase from a firm whose representative had also submitted a tender.

(c) Does not arise.

SPECIAL CLASSES IN PUBLIC HINDU HIGH SCHOOL, RUPAR.

*3245. **Sufi Abdul Hamid Khan :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the Public Hindu High School, Rupar, has been running special classes for students who may desire to join such classes after passing Vernacular Middle Examination, for the last few years against the express orders of the Government and the warnings of the inspection staff concerned, if so, the action taken or intended to be taken against those responsible for disregarding the orders of the Government?

The Honourable Mian Abdul Haya : Yes, but in February last the Divisional Inspector was asked to re-survey the position with respect to these classes. His recommendations in the matter are awaited.

REMISSION OF LAND REVENUE IN THE JAGADHRI TAHSIL.

*3246. **Sufi Abdul Hamid Khan :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that on account of the poor produce in *kharif* 1937 a remission of land revenue at the rate of two annas per rupee has recently been granted in Naraingarh and Ambala tahsils of the Ambala district and that in the same circumstances no remission has been granted in the Jagadhri tahsil; if so, what are the reasons for this differential treatment?

The Honourable Dr. Sir Sunder Singh Majithia : A remission of two annas per rupee was granted in the Ambala and Seoti circles of the Ambala and Naraingarh tahsils in *kharif* 1937 on account of fall in prices. Usual tests were also applied to other circles of the district including Jagadhri tahsil, but no remission was found necessary.

POSTS OF SUPERINTENDENTS OF POLICE.

*3247. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state the number of the posts of superintendents of police in the province

[S. Hari Singh.]

which are reserved for Provincial Service men and which are at present held by Indian Police Service men, with the reasons why such posts are being held by Indian Police Service men.

The Honourable Major Sir Sikander Hyat-Khan : All the seven listed posts of superintendents of police sanctioned for the Punjab are substantively held by officers promoted to the Indian Police from the Provincial Police Service.

DECLARATION OF *URS DATA GANJ BAKHSH* AS A HOLIDAY.

***3248. Sheikh Karamat Ali :** Will the Honourable Premier be pleased to state whether he is aware that the day on which the "*Urs of Data Ganj Bakhsb*" and the "*Chehlum*" fall simultaneously every year, and which are very important Suni and Shia festivals, was not observed this year as a local holiday in Lahore; if so, the reasons therefor and the action the Government proposes to take in the matter?

The Honourable Major Sir Sikander Hyat-Khan : The reply to the first part of the question is in the affirmative.

Seven local holidays are allowed for each district each year, and in Lahore three are reserved for Muslims, two for Hindus, and two for Sikhs. These three are '*Akhari Chahar Shumba*', '*Miraj-ul-Nabi*' and '*Juma-tul-Wida*.' If the Muslims of Lahore wish '*Urs of Data Ganj Bakhsb*' and the '*Chehlum*' to be substituted for any of the three mentioned they might make a representation to the Deputy Commissioner.

TRAFFIC ON KATCHA ROADS BETWEEN MUZAFFARGARH AND GARH MAHARAJA.

***3249. Sheikh Karamat Ali :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the motor lorries that run on the kacha roads between Muzaffargarh and Garh Maharaja and Ahmadpur Sial and Athara Hazari in the Jhang district are overloaded causing great inconvenience to the travelling public; if so, what action Government proposes to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : The local officers report that no complaint has been received of overloading on the road from Ahmadpur Sial to Athara Hazari. As regards the road from Muzaffargarh to Garh Maharaja, 7 cases of overloading have been detected during the current year and convictions have been secured. The figures suggest that over-loading may be prevalent on this road, and a close watch will be kept.

TRAFFIC BETWEEN MUZAFFARGARH AND GARH MAHARAJA.

***3250. Sheikh Karamat Ali :** Will the Honourable Premier be pleased to state whether it is a fact that motor lorries plying for hire between Muzaffargarh and Garh Maharaja are stopped by the Police at the latter place for hours for their own purposes which causes great inconvenience to the travelling public; if so, what action the Government proposes to take in the matter?

The Honourable Major Sir Sikander Hyat-Khan : Enquiries have been made from the local officers, who report that they have received no such complaints from the owners or drivers of public vehicles or from passengers.

LAHORE ZOO.

*3251. **Sheikh Karamat Ali :** Will the Honourable Minister for Development be pleased to state whether he is aware that owing to the closing of the Lahore Zoo on Wednesday the visitors from outside districts who are unaware of this fact are put to great inconvenience ; if so, what action, if any, Government intends to take in the matter ?

The Honourable Chaudhri Sir Chhotu Ram : The Lahore Zoo has been closed on Wednesdays for over fifteen years. It is possible that visitors from outside, who are not aware of this fact, are sometimes inconvenienced ; but it is essential to close the Zoo for one day to give rest to the animals and to enable the cages to be properly cleaned. Government do not propose to alter the existing practice.

GRANT OF LICENCE FOR MUHARRAM TO SHIAS OF TALWANDI
BHINDRAN.

*3252. **Sheikh Karamat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a licence for Muharram has been granted to the Shias of Talwandi Bhindran, P. O. Niddoki, District Sialkot, for the last fifty years ;
- (b) whether it is a fact that one Shaikh Inayat Hussain, who is a representative of the Shia Muhammadan community at that village has several times applied to the Superintendent of Police for the grant of a licence for the " *Chehtum* " procession to be taken out in that village, but it has not been granted to him ;
- (c) whether it is a fact that in June 1935 he submitted a representation to the Inspector-General of Police at Simla to the effect that there has never been any breach of peace on the occasion of " Muharram " and that other communities have no objection to the taking out of the " *Chehtum* " procession in the above-named village ;
- (d) if the answers to the above be in the affirmative, what action has so far been taken or is proposed to be taken on the aforesaid representation ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The Muhammadans have been celebrating the " *Zuljinah* " and " *Mehndi* " in Talwandi Bhindran for past few years only.

(b) No.

(c) Yes.

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(d) The representation was sent to the Deputy Inspector-General of Police, Central Range, for disposal and enquiries are being made regarding the action taken.

DULDUJ PROCESSION AT DORANGLA, DISTRICT GURDASPUR.

*3253. **Sheikh Karamat Ali** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that for the last several years one Sayad Sultan Shah of village Dorangla, police station Dina Nagar, District Gurdaspur, has been taking out a procession with a "Tazia" and "Duldul" on both occasions of *Muharram* and "*Chehlum*," every year;
- (b) whether it is a fact that for the last two or three years the police have been preventing him from the inclusion of *Duldul* (horse) in procession at the time of *Chehlum*, which is injuring the feelings of the Shia community of that locality; if so, what action Government intends to take in the matter?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b). Sayed Sultan Shah has in the past been taking out both the *tazia* and *duldul* processions on the occasion of the *Muharram* and only a *tazia* procession on the occasion of the *Chehlum*. He applied for permission to take out a *duldul* procession on the occasion of the *Chehlum* this year, but as this was an innovation, permission was not granted. Government are not aware that the feelings of the Shia community of the locality have been injured because an innovation was disallowed.

CHEHLUM PROCESSION AT QILA SOBHA SINGH, DISTRICT SIALKOT.

*3254. **Sheikh Karamat Ali** : Will the Honourable Premier be pleased to state whether it is a fact that the Shias of Qila Sobha Singh in the Sialkot District have several times applied during the recent years for the grant of a licence for taking out the "*Chehlum*" procession but it has been refused by the Superintendent of Police, thereby injuring the religious susceptibilities of the Shias of the town; if so, the reasons therefor and the action that the Government proposes to take in the matter?

The Honourable Major Sir Sikander Hyat-Khan : No.

DEATH OF HYAT AHMAD OF SIMLA.

*3255. **Khawaja Ghulam Samad** : Will the Honourable Premier be pleased to state—

- (a) whether he is aware that one Hyat Ahmad (Deen), son of Aziz-ud-Din, shop-keeper of Simla died recently owing to the inadvertence and callousness on the part of Kirpa Ram, doctor, who gave him an over-dose of opium or morphia for kidney pains;

- (b) if so, whether this matter was reported to the police and whether *post mortem* of the dead body was done, and if so, when ;
- (c) whether any opium or morphia was found in the stomach of the deceased on *post mortem* ;
- (d) whether contents of the stomach were sent to the Chemical Examiner for report ; if so, when ;
- (e) who is responsible for the delay, if any, in sending the contents to the Chemical Examiner ;
- (f) what is being done in this case now ;
- (g) the result of investigation and inquiry, if any, made in the matter?

The Honourable Major Sir Sikander Hyat-Khan : (a) Nothing is known as to the death of the gentleman named. One Fazal Muhammad, son of Abdul Aziz, shop-keeper of Simla, died, however, in the Ripon Hospital on the 5th May last. His brother reported at the Simla police station that the deceased had been under the treatment of a medical practitioner for kidney trouble, and that after two injections had been given the deceased became worse whereupon he was removed to the Ripon Hospital.

(b) The matter was reported to the police on the 6th May, and a *post-mortem* examination was held on the same day.

(c) No.

(d) No.

(e) I am making enquiries.

(f) and (g) The case is under investigation.

SUPERSESSION BY THE HEAD MASTER, JAMKE DISTRICT BOARD
SCHOOL.

***3256. Khan Bahadur Chaudhri Riasat Ali :** Will the Honourable Minister for Education be pleased to state—

- (a) the date of the appointment of the present incumbent, as Head Master of Jamke District Board High School, district Sialkot ;
- (b) the years during which he received training in the Central Training College, Lahore ;
- (c) the date of his first appointment in the Education Department with the grade on which he was first appointed.
- (d) his grade and pay at the time of his selection for the post of the Head Master of the said school ;
- (e) the pay of the Head Master of District Board School, Sodhra at present Gakkhar, District Gujranwala, on the date of appointment of the gentleman referred to in (a) above as the Head Master, Jamke School ;
- (f) the year during which the present Head Master of Gakkhar Middle School received training in the Central Training College and the date of his first appointment with the grade in which he was appointed ;

[K.B. Ch. Riasat Ali.]

- (g) whether it is a fact that the Head Master of the Gakkhar School is senior to the Head Master of the Jamke School;
- (h) if so, the reasons why the former was superseded?

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

REDUCTION OF THE SIZE OF OUTLETS IN LYALLPUR DISTRICT.

*3257. **Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the keen and continued agitation by the *kisans* of nine villages of District Lyallpur against reduction in the size of the water outlets on the Amirwali and Janiwala Distributaries and their boycott of the canal water by way of protest;
- (b) whether he is further aware of a huge demonstration by forty thousand *kisans* at Lyallpur on 12th June in the same connection;
- (c) whether he is further aware that the *kisans* residing on Khurarianwala Yakar Distributaries and Chak No. 200-G. G., are also proposing to refuse to use canal water if grievances of the *kisans* of the said nine villages are not redressed;
- (d) action taken or proposed to be taken by the Government in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b) I refer to my reply to starred question No. 3065.¹

(c) No. Unless they are also misled by certain interested parties and if they take such an action they may have to bear the consequences of their misguided action if the canal water is stopped altogether.

(d) The zamindars can open their outlets to enable the local Canal Officials to check the discharges and remove legitimate grievances should any be found to exist in any individual case. The water has been stopped by the zamindars of Janiwala Distributary and Amirwala Minor of their own accord to put pressure on the Government to increase their supplies above permissible. Government is unable to benefit the irrigators at the upper reaches at the expense of the irrigators at the tail. They have to see that water is equitably distributed to zamindars in accordance with their authorized discharge (*haq*).

RESIGNATION BY ELECTED MEMBERS OF THE MUNICIPAL COMMITTEE, LYALLPUR.

*3258. **Sardar Hari Singh :** Will the Honourable Minister of Public Works be pleased to state whether a number of elected members of the Municipal Committee, Lyallpur, have recently resigned; if so, the number of those who have resigned and the grounds for their resignation as stated by them in their letters of resignation?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: Seven elected members of the Municipal Committee, Lyallpur, have submitted their resignations. One of them has given no reasons for his resignation while the remaining six have stated in the letter tendering their resignation that they are resigning as a protest against the action of Government in increasing the nominated seats on the Committee.

PAID VICE-CHANCELLOR FOR THE PUNJAB UNIVERSITY.

*3259. **Sardar Hari Singh:** Will the Honourable Minister of Education be pleased to state—

- (a) whether the following sentence occurring in the recent press *communiqué* on the subject of the decision of the Chancellor, Punjab University, to have a paid Vice-Chancellor, has been brought to his notice;

He has also taken into account, as he was of course bound to do, the considered decision, of the Legislature in voting the grant of Rs. 30,000.

- (b) whether in this very connexion the following occurring on page 80 of the New Expenditure Budget Book for the year 1938-39 has also been brought to his notice;

It is, therefore, proposed to increase the grant to the University by Rs. 30,000 with effect from the next year, if necessary, to enable it to secure a paid and whole time Vice-Chancellor. This increase in the grant will be made if and when it is decided to appoint a whole-time paid Vice-Chancellor.

- (c) whether in view of (b) above, he has communicated or proposes to communicate to the Chancellor the real purport of the vote of the Legislature in sanctioning Rs. 30,000 so as to remove the misapprehension manifest in (a) above?

The Honourable Mian Abdul Haye: (a) Yes.

(b) Yes.

(c) No, since there is no misapprehension.

PAID VICE-CHANCELLOR FOR THE PUNJAB UNIVERSITY.

*3260. **Sardar Hari Singh:** Will the Honourable Minister of Education be pleased to state whether the Chancellor of the Punjab University consulted the Ministry before coming to the decision in regard to making the post of Vice-Chancellor a paid one; if so, the advice tendered by the Ministry?

The Honourable Mian Abdul Haye: It is not in the public interest to answer this question.

REFUSAL BY ZAMINDARS ON RAJBAH RAYA TO TAKE CANAL WATER.

*3261. **Sardar Partab Singh** : Will the Honourable the Revenue Minister be pleased to state—

- (a) if the Government is aware of the fact that the residents of Raya, Pheruman, Tong, Lidbar, Uppal, Fazalpur, Khojkipur, Jalalabad, Bhadar Nagar, Bhalaipur Dogran, etc., on *rajbaha* Raya (Subraon-Branch) recently refused to take canal water on account of the recent remodelling of and reduction in *moga* if so, since when the residents of the villages went on a strike ;
- (b) the size and discharge of each *moga* before and after remodelling ;
- (c) the total acreage irrigated by *rajbaha* Raya and the total acreage affected by the strike?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes. June 1st and 2nd 1938.

There is no question of a strike but action taken by irrigators is probably due to instigation of certain interested parties. Government has to see that water is equitably distributed and all irrigators get their authorized supply (*haq*).

(b) The data are being collected.

	Acres.
(c) The culturable commanded area	5,516
The culturable commanded area	4,986

STRIKE BY THE STUDENTS OF THE HINDU GIRLS SCHOOL AT ALAWALPUR.

*3262. **Lala Bhagat Ram Choda** : Will the Honourable Minister for Education be pleased to state—

- (a) whether he is aware of the fact that the students of the Hindu Girls School at Alawalpur in the Jullundur District, are on strike since 1st March, 1938, and if so, the number of students at the time they went on strike ;
- (b) whether the site of the School, where these students were asked to go and read before they went on strike, belongs to the Government ;
- (c) whether there is a separate school for Muhammadan girls at Alawalpur ;
- (d) whether it is a fact that both the District Inspector and Inspector of Schools, Jullundur circle, had, on that occasion gone to Alawalpur to select a suitable site for both the girls schools there ; if so, the report that they submitted in this behalf and the action taken therein ;

- (e) whether he is aware of the fact that all the three communities (Hindus, Muslims and Sikhs) of the locality have recently submitted a joint representation to the authorities requesting that both Muslim and Hindu girls schools be located at the same site; if so, to whom does the site selected for the purpose belong and the action taken or intended to be taken on the representation?

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

SCHEME OF REMISSION IN LAND REVENUE.

***3263. Sardar Hari Singh :** Will the Honourable Revenue Minister be pleased to state if the Government has worked out a scheme of remissions in land revenue for the current year due to a heavy fall in the prices of agricultural produce; if so, particulars of the scheme and if not, when it is expected to be ready?

The Honourable Dr. Sir Sunder Singh Majithia : Yes, and an announcement regarding the current harvest may be expected very shortly.

REMODELLING OF OUTLETS IN THE PAKHOWAL RAJBABA.

***3264. Pandit Muni Lal Kalia :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that old outlets in the Pakhowal *rajbaba* and other distributaries in Ludhiana have recently been replaced by new models;
- (b) whether the change has resulted in diminution of water supply and consequent loss to the agriculturists.
- (c) whether he is aware that meetings were held in villages Chhapper, Phallewal, Kalak, Saraba, Gujjarwal, and others in Ludhiana tahsil protesting against this alteration in the size of the outlets in these distributaries;
- (d) what action do the Government propose to take in the matter in order to remove the grievances of agriculturists?

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

(b) No. The irrigation done so far is more than at the end of the corresponding period last year.

(c) One meeting is reported to have been held on 29th May, 1938 in Phallewal village.

(d) Government does not intend to take any action in the matter. Water must be distributed equitably to all shareholders. Individual cases of real grievance will be promptly looked into on receipt of complaints.

COLLECTION OF *MALJA* FROM CERTAIN VILLAGES IN LUDHIANA DISTRICT.

***3265. Pandit Muni Lal Kalia :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that several representations have recently been made by residents of villages Gondwal, Raohhis,

[Pt. Muni Lal Kalia.]

Baggian and other villages in Ludhiana district against the collection of *malba* with land revenue by *lanbhardars* to the district authorities; if so, what action has been taken by the district authorities in that direction?

The Honourable Dr. Sir Sundar Singh Majithia: Government has no information but enquiries are being made.

REPRESENTATION AGAINST THE RETENTION OF SUB-INSPECTOR, POLICE,
RAJA QAMAR ZAMAN AT SHEHNA.

*3266. **Pandit Muni Lal Kalia:** Will the Honourable the Premier be pleased to state—

- (a) whether he is aware of the fact that *hartal* was observed in Shehna, police station Shehna, District Ludhiana, on the 14th and 15th June; if so, the reasons for which this *hartal* was observed and whether the Government has taken any steps to remove the grievance of the residents in the matter;
- (b) since when Raja Qamar Zaman has been in charge of the said police station and whether representations have also been made against his further retention in that police station; if so, what action does the Government propose to take in the matter?

The Honourable Major Sir Sikander Hyat-Khan: (a) Yes. Government is informed that certain shop-keepers of Shehna observed *hartal* on the 14th and 15th June, alleging that the police had refused to take action against some local bad characters. The Superintendent of Police, who was on tour at Shehna on the 14th, found on enquiry that no complaint had been made at the local *thana*. On learning of the matter however, he ordered the necessary security proceedings to be instituted, and the bad characters in question were taken into custody the same day. The *hartal* continued until the following day when the arrested men were sent for trial to Ludhiana.

(b) The officer in question has been in charge of the police station at Shehna since December, 1935. Government is informed that no requests for his transfer have been received, and they do not propose to take any action in the matter.

SPREAD OF CHOLERA IN FAZILKA TAHSIL.

*3267. **Pir Akbar Ali:** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that recently cholera broke out in several villages of the Fazilka tahsil, district Ferozepore;
- (b) whether it is a fact that the Public Health Department felt great difficulty in bringing the disease under control in villages where there were no means of drinking water except *kacha ponds* common to cattle and human beings;

- (c) whether it is a fact that there are many such villages in the said Tahsil, particularly in the police stations of Lambi, Abohar and Khair Sarwar, where there are no means of supply of drinking water excepting the *Chhappars* (ponds) which are used both by human beings and cattle together ;
- (d) if the answer to the above be in the affirmative, what action has so far been taken by the Government for supplying pure water for drinking purposes to villages mentioned above in the said Tahsil ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Not much difficulty was experienced in controlling cholera in those villages except in the following where a little difficulty was experienced in disinfecting *chhappars* suspected to be infected :—

- (1) Kakhanwali.
- (2) Panjwara (Thana Lambi).
- (3) Kandwala Razarkhan.
- (4) Jhotianwala.
- (5) Dabwali Kalan.

(c) There are many villages in the said *thanas* where although one well (very deep) exists in almost every village but people depend upon and prefer *chhappars* (hatcha ponds) fed by Sirhind Canal distributary for their needs, as the well water is generally brackish and becomes more so in early summer on account of the sinking of the sub-soil water level.

(d) The District Board, Ferozepore, has not so far submitted a proper scheme to remove the dearth of drinking water supply in the villages of Fazilka Tahsil.

FINE IMPOSED UPON PATWARIS IN AMRITSAR DISTRICT.

*3288. **Sardar Kartar Singh :** Will the Honourable the Revenue Minister be pleased to state the total amount of fine realized so far from the patwaris since the settlement operations started in Amritsar district with the number of patwaris fined ?

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

EXTRA ALLOWANCE FOR PATWARIS WORKING IN SETTLEMENT.

*3289. **Sardar Kartar Singh :** Will the Honourable the Revenue Minister be pleased so state—

- (a) whether the patwaris working in the present settlement in the Amritsar district are given any extra pay or allowance for their work ; if not, why not ;
- (b) whether patwaris of Amritsar district were given any special allowance during the 1912-13 settlement of the said district ; if so, the amount of the special allowance per month given to them ?

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

FINE IMPOSED UPON THE ZAMINDARS DURING THE PRESENT
SETTLEMENT IN AMRITSAR DISTRICT.

*3270. **Sardar Partab Singh** : Will the Honourable Minister for Revenue be pleased to state—

- (a) the total amount of fine imposed upon the zamindars during the present settlement in Amritsar district for one reason or the other ;
- (b) the names and addresses of those zamindars and the amount of fine in each case ;
- (c) how much of it has been realised so far ?

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

REPRESENTATION FROM MESSRS GIAN CHAND AND HARNAM
SINGH FOR REMISSION OF TENDER MONEY.

*3271. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister for Revenue be pleased to state whether he received any representation from Messrs Gian Chand and Harnam Singh of Chak No. 168-91, tahsil and district Montgomery, on or about 22nd May, 1938, praying for remission of tender money for land in the Montgomery district ; if so, what action has been taken or is proposed to be taken on that representation ?

The Honourable Dr. Sir Sundar Singh Majithia : *First part* : A representation has been received.

Second part : It has not been accepted.

INDUSTRIES IN WHICH TRAINING IS GIVEN IN THE PUNJAB JAILS.

*3272. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Finance be pleased to state the industries that are taught now a days to the prisoners in the Punjab jails ?

The Honourable Mr. Manohar Lal : The industries specified in paragraph 680 of the Punjab Jail Manual are taught, as required.

REFUSAL OF THE MEDICAL OFFICER AT BURKA KALAN TO SEE A
CHOLERA PATIENT.

*3273. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Education be pleased to state whether the Medical Officer in charge District Board Dispensary, village Burka Kalan, district Jullundur, refused to see a cholera patient on 25th April, 1938, Kuldip Singh, State Railway employee of village Rajgomel, post office Kohla Dhesian, district Jullundur ; if so, what action does he propose to take in the matter ?

The Honourable Mian Abdul Haye : Answer to the first part is in the negative.

The second part does not arise.

HANS RAJ 'WIRELESS.'

*3273-A. **Lala Bhagat Ram Choda** : Will the Honourable Premier be pleased so state whether it is a fact that Lala Hans Raj the well-known "wireless" of the Punjab, who was recently released by the Sind Government applied to the Punjab Government for his entrance in the Punjab for the sacred purpose of his marriage; if so, whether the Government is prepared to allow him to come to the Punjab for the said purpose, if not, why not?

The Honourable Major Sir Sikander Hyat-Khan : An application was received from Hans Raj's father, but as the orders releasing Hans Raj were passed by the Government of Sind it was impossible to consider any enquiry that did not come from that Government.

REPRESENTATION FROM THE TENANTS OF THE GANJI BAR COLONY
FOR GRANT OF CONCESSIONS.

*3274. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Revenue be pleased to state whether he received any representation in the last week of May, 1938, from the tenants of the Ganji Bar Colony for the grant of such concessions as have been given to the tenants in the Nili Bar Colony; if so, what action has been taken or is proposed to be taken on that representation?

The Honourable Dr. Sir Sunder Singh Majithia : *First part* : The Commissioner has addressed Government on this subject.

Second part : The information in the possession of Government is not yet sufficiently complete for a decision to be taken. Enquiries are in progress.

SHORT NOTICE QUESTIONS AND ANSWERS.

SPECIAL PAY OF SETTLEMENT OFFICER, GURGAON.

Sardar Hari Singh : Will the Honourable Minister for Finance be pleased to state—

- (a) the grounds on which a special pay of Rs. 250 per mensem has been allowed to the I.C.S. Settlement Officer in connection with Gurgaon district settlement as shown in the Supplementary Estimates, 1st Instalment, 1938-39;
- (b) whether this special pay has been created by the Punjab Ministry on their own initiative or as a part of the I. C. S. emoluments guaranteed under the statute;
- (c) the grounds on which the special pay has been included in the non-voted portion of the estimates?

The Honourable Mr. Manohar Lal : (a) The special pay is Rs. 150 per mensem and not Rs. 250 per mensem.

(b) This special pay has been prescribed by the Secretary of State—*vide* Rule 18 of the Superior Civil Services Rules read with Schedule VIII of the Rules.

(Minister for Finance)

(c) Under section 247 (4) of the Government of India Act, 1935.

Sardar Hari Singh : May I know since when this special pay has been sanctioned for this particular officer? For how long has he been enjoying this special pay?

Minister : This particular officer will have it from the date he is to be appointed Settlement Officer of Gurgaon district.

Sardar Hari Singh : Was he not enjoying special pay previous to that?

Minister of Revenue : How could he?

Sardar Hari Singh : I am putting the question to the Honourable Finance Minister.

Minister : How could he get special pay for the period when he was not yet occupying the post of Settlement Officer, Gurgaon?

Sardar Hari Singh : I shall answer that question if he will give me notice of that. (*Laughter*).

SUPPLY OF DRINKING WATER TO ILAQA BEIT.

Sardar Hari Singh : Will the Honourable Minister for Education be pleased to state the extent to which the scheme for the supply of drinking water to *Ilaga Beit* in the Hoshiarpur district, for which a provision of Rs. 1,05,538 has been made in the budget for the current financial year has so far been proceeded with?

The Honourable Mian Abdul Haye : (1) The detailed project has had to be very carefully reconsidered in order to cut down the cost of steel and iron which has occurred since early in 1937. As a result the area has had to be re-surveyed. The detailed project is now on an advanced stage and the detailed estimate is expected to be finished this present month for receiving technical sanction when actual orders will be placed for pipes and materials up to the allotted fund.

(2) Boring work is in hand at the proposed headworks site in connection with the construction of headworks wells.

(3) The financing of the scheme is to take place over a period of 5 years and the construction work should easily be completed by the time the last instalment of funds will allow.

Chaudhri Kartar Singh : Will the Honourable Minister be pleased to state whether it is a fact that the survey that was being carried on for supplying water to *Beit ilaga* has been suspended?

Minister : I have no such information.

Chaudhri Kartar Singh : Will he hold an enquiry into the matter so that the fears of the people of that *ilaga* may be allayed? The pipes have been removed from the *ilaga* where it was intended to supply water.

Minister : The survey would have been completed by now because the information that is available to me is the latest information and my honourable friend is depending upon hearsay.

Chandhri Kartar Singh : A scheme was sanctioned for supplying water to the Beit *ilaga*, but I have personally visited that *ilaga* and have seen that after surveying the pipes have been removed.

PROHIBITION.

Sardar Ajit Singh : Will the Honourable Minister of Revenue be pleased to state the names of the five districts in which prohibition has been introduced according to as was resolved by the Assembly in its session held at Lahore in February and March, 1938, and if prohibition has not been introduced in any district so far, the reasons therefor ?

The Honourable Dr. Sir Sundar Singh Majithia : No decision has yet been reached, as the introduction of prohibition involves numerous administrative, legal and financial problems which are still under the active consideration of Government. An announcement on the subject will be made in due course.

Pandit Muni Lal Kalia : Have people of certain districts expressed their willingness to have prohibition in their own area ?

Minister : I have received some applications from the districts.

Pandit Muni Lal Kalia : Has he received an application from Dhapali, Ludhiana district ?

Minister : I cannot remember off-hand but I have received certain applications.

Pandit Muni Lal Kalia : Are there certain villages where they have introduced prohibition ?

Minister : I am not prepared to answer that question.

Pandit Muni Lal Kalia : Are they forcibly selling liquor there in spite of the fact that the people are pressing against it ?

Minister : May I draw the attention of the Chair to the question put by the honourable member ?

Pandit Muni Lal Kalia : Is the Government aware that there are certain villages in Ludhiana district where they have themselves introduced prohibition and the Government is pressing for selling liquor ?

Minister : Does the honourable member mean that Government has forcibly introduced it ?

Pandit Muni Lal Kalia : I say that Government is forcibly introducing liquor there.

Minister : No.

Lala Deshbandhu Gupta : May I draw your attention to the attitude of the Honourable Minister of Revenue ?

Minister : I repudiate that charge. That is totally false.

Pandit Muni Lal Kalia : I take full responsibility for it. (*Uproar*).

Sardar Ajit Singh : Are the pockets of the Government affected if prohibition is introduced in the province ?

Mr. Speaker : Disallowed.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION IN SERVICES.

449. Mian Abdul Rab : Will the Honourable Minister of Revenue be pleased to state when answers to my unstarred questions Nos. 396, 397 asked on 4th April, 1938, and 414 and 415 asked on 8th April, 1938, may be expected ?

The Honourable Dr. Sir Sundar Singh Majithia : Answers have been given and will be found printed in pages 684-85 and 814 of the Punjab Legislative Assembly Debates, Volume IV, Nos. 9 and 12, respectively.

REPRESENTATION OF MUSLIMS IN SERVICES.

450. Mian Abdul Rab : Will the Honourable Premier be pleased to state when answers to my unstarred questions Nos. 398 asked on 4th April, 1938, and 412 and 413 asked on 8th April, 1938, may be expected ?

The Honourable Major Sir Sikander Hyat-Khan : Answers have been given and will be found printed on pages 686, 813 and 814 of the Punjab Legislative Assembly Debates, Volume IV.

THE OFFICES OF INSPECTOR-GENERAL AND DEPUTY INSPECTORS-GENERAL AND COMMUNAL REPRESENTATION.

451. Mian Abdul Rab : Will the Honourable Premier be pleased to state—

- (a) the number of clerks community-wise at present employed in the office of the Inspector-General of Police, Punjab ;
- (b) the number of clerks community-wise at present employed in the office of the Deputy Inspectors-General, Central, Eastern and Western Ranges, in the Punjab and the Assistant Inspector-General, Government Railway Police, Lahore ;
- (c) the number of Muhammadans as against the Hindus employed in the office of the Inspector-General of Police, Punjab, since 1920 ;
- (d) the number of clerks community-wise posted as head clerks in the offices of the Deputy Inspectors-General, Central, Eastern and Western Ranges and the Assistant Inspector-General, Government Railway Police, since 1920 ;
- (e) the number of clerks who held the posts of head clerks in the offices of the three Deputy Inspectors-General of Police in the Punjab more than once and the communities to which they belong ;
- (f) the proportion, community-wise of the head clerks in the offices of the various superintendents of police in the Punjab ;
- (g) the date since when a non-Muslim is posted as head clerk in the office of the Senior Superintendent of Police, Lahore ?

The Honourable Major Sir Sikander Hyat-Khan : I regret that the answer to this question is not yet ready.

TUITION FEES FROM BOYS BELONGING TO AGRICULTURAL TRIBES.

452. Mian Abdul Rab : Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Government has recently issued a circular requiring the district board primary schools in the Jullundur district to charge tuition fees even from the boys belonging to the notified agricultural tribes ;
- (b) since how long these primary schools have been giving free education to the boys of the agriculturist tribes and the reasons for departing from the old practice ;
- (c) the fall in the number of boys since this circular has been enforced in the Jullundur district ?

The Honourable Mian Abdul Hays : (a) No such circular has been issued by the Government. The fact is that in some places correction slip No. 137 to Article 131, Punjab Education Code, has been misinterpreted to mean that the agriculturists' fee concession in the primary classes is also confined to the areas which are notified as poor and backward. Action is being taken to remove this misunderstanding.

- (b) The concession is more than forty years old.
- (c) Does not arise.

CONDUCT OF TAHSILDAR OF NAKODAR.

453. Mian Abdul Rab : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a complaint has recently been made against the conduct and treatment of the present Tahsildar of Nakodar to the Deputy Commissioner, Jullundur, Commissioner, Jullundur division, and to the Financial Commissioner, Punjab ;
- (b) whether it is a fact that the said complaint was signed by about seventeen respectable persons of the *ilaga* including a sub-registrar, saildars, lambardars, safaidposhes, members and Senior Vice-Chairman of the District Board ;
- (c) if the answer to (a) and (b) above be in the affirmative, whether any inquiry was made into the matter on that complaint ; if so, the result of the inquiry and the action the Government proposes to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a), (b) and (c) A complaint was received by the Commissioner, Jullundur division, and is receiving consideration.

COMPLAINT AGAINST HIGH RATE OF LAND REVENUE.

454. Mian Abdul Rab : Will the Honourable Minister of Revenue be pleased to state whether he has recently received a printed representation from the members of the District Board, Jullundur, containing their grievances regarding the high rate of land revenue and fall in the water table in the

(Mian Abdul Rab)

Jullundur district besides other matters affecting the public of the said district ; if so, what action the Government proposes to take on that representation ?

The Honourable Dr. Sir Sundar Singh Majithia : No such representation is traceable in the Secretariat ; probably none has been received.

MALTEMENT METED OUT TO SARDAR UJAGAR SINGH.

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

- (a) whether Government is aware that Sardar Ujagar Singh of village Budhsinghwala, thana Bagha Purana, district Ferozepur, was arrested at Bombay on the 10th January, 1938, under the Punjab Criminal Law Amendment Act and detained in the Lahore Fort for two months ;
- (b) whether it is a fact that he was beaten in the fort and not allowed to sleep for days together ;
- (c) the reasons for the maltreatment meted out to the said Ujagar Singh ; and
- (d) the action the Government propose to take in the matter ?

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

(b) No.

(c) and (d) Do not arise.

BHAI SUNDAR SINGH'S LETTER TO SETTLEMENT OFFICER, AMRITSAR,
CONCERNING A BENAMI TRANSACTION.

456. Sardar Sohan Singh Josh : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Settlement Officer, Amritsar, received any letter, dated the 23rd May, 1938, from Bhai Sundar Singh, son of Bhai Buta Singh, originally of village Saharanwala, tahsil Ajnala, district Amritsar, and now residing at Chak No. 85-North, tahsil and district Sargodha, in regard to a *benami* transaction of 342 kanals of land ;
- (b) whether the Government intend to appoint an officer to investigate the matter for the restitution of the land to the original owner.

The Honourable Dr. Sir Sundar Singh Majithia : (a) No, but a petition on this subject appears to have been placed in the Extra Assistant Settlement Officer's petition box.

(b) The matter is being enquired into by the Settlement Officer.

AREA OF LAND AND NUMBER OF PROPRIETORS AND TENANTS IN THE
PUNJAB.

457. Sardar Hari Singh : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total area of land in the Punjab under cultivation ;
- (b) the total number of proprietors of land and the number of those among them who cultivate the land themselves ;
- (c) the total number of tenants who own no land in the Punjab ;
- (d) the number of proprietors of land who own land—
 - (i) above 100 ghamaons ;
 - (ii) between 50 and 100 ghamaons ;
 - (iii) between 30 and 50 ghamaons ;
 - (iv) between 10 and 30 ghamaons ;
 - (v) between 5 and 10 ghamaons ;
 - (vi) below 5 ghamaons ?

The Honourable Dr. Sir Sundar Singh Majithia : The preparation of these statistics would require an amount of time and labour out of all proportion to the results obtainable. I regret that the Government does not feel justified in calling for them.

ESTABLISHMENT OF ADVISORY BOARD FOR RURAL RECON-
STRUCTION WORK.

458. Khan Muhammad Yusuf Khan : Will the Honourable Minister of Development be pleased to state—

- (a) whether there is any proposal before the Government to establish a non-official advisory board to advise the Rural Reconstruction Department regarding its rural development scheme ;
- (b) if the reply to (a) is in the affirmative, when this proposal is likely to be given effect to ?

The Honourable Chaudhri Sir Chhota Ram : (a) No.

(b) Does not arise.

JUDICIAL OFFICERS COMMUNITY-WISE IN AMBALA DIVISION.

459. Khawaja Ghulam Samad : Will the Honourable Premier be pleased to state—

- (a) the number of judicial officers community-wise and the number of executive officers community-wise, and district-wise, in Ambala division ;
- (b) since how long a Muslim senior sub-judge has not been posted to the Ambala district ;
- (c) has ever a Muslim deputy commissioner or district and sessions judge been posted to Ambala ; if not, why not ?

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

	<i>Judicial Officers.</i>	<i>Executive Officers.</i>
Muslims	7	13
Hindus	11	15
Sikhs	6	7
Europeans	1	2
Indian Christians	3	..
Anglo-Indian .. ..	..	1

(b) Since 1927.

(c) The reply is in the negative. Such appointments are not made on communal considerations, but on those of efficiency and administrative convenience. In practice endeavours are always made to hold the communal balance in the executive and the judiciary of each district as even as possible.

COMMUNAL REPRESENTATION IN THE STAFF OF THE METAL WORKS
INSTITUTE AT AMBALA.

460. Khawaja Ghulam Samad : Will the Honourable Minister of Development be pleased to state—

- (a) the number of employees at present in the Metal Works Institute, Ambala, community-wise, and that of Muslim students in 1932 and 1938 ;
- (b) the pay drawn by teachers of each community at present and the number of such students community-wise who are given scholarships and of those who enjoy fee concession at present ?

The Honourable Chandhri Sir Chhotu Ram :

(a) (i) Employees—

Muslims	3
Non-Muslims	8

(ii) Muslim students—

1932	16
1938	10

(b) (i) Pay—

Muslim teachers	Rs. 145 per mensem.
Non-Muslim teachers	Rs. 996 per mensem.

(ii) The rolls for award of stipends and scholarships for the current financial year are under consideration.

(iii) Two Muslim students enjoy fee concession at present.

FEE CONCESSIONS TO STUDENTS.

461. Pandit Shri Ram Sharma : Will the Honourable Minister of Education be pleased to state whether it is a fact that in the matter of fee concessions to students on the grounds of poverty the Government has changed its policy since 10th January, 1938, when the notification No. 826-G. was issued ; if so, the reason and object of this change ?

The Honourable Mian Abdul Haye : No, it is not a fact that since January, 1938, Government has changed its policy in regard to fee concessions to students. The Punjab Government notification referred to by the honourable member merely clarified departmental policy.

IRRIGATED AND UNIRRIGATED AREA IN THE PROVINCE.

462. Dr. Gopi Chand Bhargava : Will the Honourable Minister of Revenue be pleased to lay on the table of the House a statement showing the following statistics for the last year tahsil-wise in respect of the province—

- (a) the total area of land irrigated and unirrigated ;
- (b) the average rate of production per acre and average price of wheat, cotton, rice and oilseeds ;
- (c) the area cultivated for fodder and other crops ;
- (d) total revenue, abiana and other taxes realised ;
- (e) total amount of remission given ;
- (f) the total number of cultivators for irrigated area and unirrigated area, respectively ?

The Honourable Dr. Sir Sundar Singh Majithia : The collection of the required information would involve time and labour out of all proportion to the results obtainable. Government therefore does not feel justified in calling for the information from the local officers.

NUMBER AND VALUE OF SCHOLARSHIPS GRANTED BY THE MUNICIPAL COMMITTEES AND DISTRICT BOARDS OF AMBALA DIVISIONS.

462-A. Khawaja Ghulam Samad : Will the Honourable Minister for Public Works be pleased to state district-wise and community-wise the number and value of scholarships granted by the municipal committees and district boards of Ambala division during the current year ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : I regret the reply to this question is not yet ready.

DISPENSARY FOR VILLAGE RALIAWAS IN RIWARI TAHSIL.

463. Rao Bahadur Captain Rao Balbir Singh : Will the Honourable Minister for Education be pleased to state whether he is aware that village Raliawas in Chak Sahibi (in tahsil Rewari) is a malarial place owing to the Sahibi, that hospitals are very far off from Raliawas and that rural dispensaries are a crying need of the area ; if so, whether and when it is intended to open a dispensary there ?

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

SELECTION OF CANDIDATES FOR NORMAL SCHOOLS.

464. Rao Bahadur Captain Rao Balbir Singh : Will the Honourable Minister for Education be pleased to state—

- (a) the basis of selection of teachers for training in Normal schools ;

(Rao Bahadur Captain Balbir Singh.)

(b) the number of candidates selected from Gurgaon for training in the normal school there this year and the number of Jats, Mayos and Ahirs among them ?

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

DRINKING WATER FOR REWARI TAHSIL.

465. Rao Bahadur Captain Rao Balbir Singh : Will the Honourable Minister for Education be pleased to state when and what steps does Government propose to take to remove the scarcity of drinking water in the Rewari Tehsil ?

The Honourable Mian Abdul Haye : The District Board, Gurgaon, has put up a scheme for sinking a new drinking water well in village Rohrai, tahsil Rewari, at an estimated cost of Rs. 950. This scheme is still under the consideration of the Sanitary Board, Punjab.

Previous borings done in the district have shown that brackish water was only struck. If District Board, Gurgaon, formulates a proper scheme for removing the scarcity of drinking water in the village of Rewari tahsil, the Sanitary Board, Punjab, will be prepared to consider the scheme on its merits.

REWARI-SHAHJAHANPUR ROAD.

466. Rao Bahadur Captain Rao Balbir Singh : Will the Honourable Minister for Public Works be pleased to state whether the Rewari-Shahjahanpur Road is included in the Road Programme under consideration of the Government ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : No. The road is not included in the Road Development Programme because there are several other more important roads in the province which require development first.

THE PUNJAB RESTITUTION OF MORTGAGED LANDS BILL.

Mr. Speaker : The Punjab Restitution of Mortgaged Lands Bill will now be taken up.

Minister of Revenue : I beg to move—

That the Punjab Restitution of Mortgaged Lands Bill, as requested by the select committee, be taken into consideration.

Mr. Speaker : Motion moved—

That the Punjab Restitution of Mortgaged Lands Bill, as reported by the select committee, be taken into consideration.

Pandit Muni Lal Kalia : On a point of Order. The Bill, as worded, cannot be introduced in this House in the present form for the reason that it aims at depriving certain classes of people, on account of their descent, of the property which they held and this is against the fundamental rights that are given to the subjects of His Majesty the King Emperor by a definite section of the Government of India Act. According to section 298, sub-section (1) of the Government of India Act, it is enacted that no

subject of His Majesty, domiciled in India, shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown of India or be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any other occupation, trade, business or profession in British India. I am confining my attention to only six words in this section. They are 'descent' and 'grounds from acquiring and holding.' My submission is that this Bill aims at depriving certain people, who are not statutory agriculturists, of the property which they are lawfully holding. If a person is born, say, in an urban area or is born of a parent who is not a statutory agriculturist, then according to this section, he is not deprived of or he is not prohibited from holding or acquiring any property, but what this Bill proposes is that such persons will be deprived of the property which they lawfully hold because it affects certain mortgages which were effected before 5th of June, 1901.

My submission is that without going into the merits of the Land Alienation Act with regard to the nature of the mortgages, one thing is quite clear, and it can be asserted without fear of contradiction, that those people are lawfully holding those mortgages and hold certain property. What is the chief aim of this Bill? According to this Bill those alienations which were in contravention of the Land Alienation Act will be invalidated because they do not fall within the provisions of the Land Alienation Act, without going into the question whether a measure can bring an amendment of the nature which authorises as a matter of fact the repeal of this provision. What I submit is that such mortgages cannot under any circumstances be invalidated because there is a clear provision given in section 298.

Mr. Speaker : Are not some Brahmins in the Punjab members of an agricultural tribe?

Pandit Muni Lal Kalia : Yes, there are.

Mr. Speaker : Are Sheikhs, Syeds, Khojas and Kashmiris members of agricultural tribes?

Pandit Muni Lal Kalia : No.

Mr. Speaker : Are they descendants of the same progenitor as other non-agriculturists?

Pandit Muni Lal Kalia : All Brahmins, Khattris, Kakezais and other people are not statutory agriculturists. I give another instance—

Mr. Speaker : Of course, they are not.

Pandit Muni Lal Kalia : In certain cases they are.

Mr. Speaker : I think not.

Pandit Muni Lal Kalia : Some of them are.

Mr. Speaker : In the same way there are Brahmins who are agriculturists, but some Khattris and Mahajans are not. How on the ground of descent can all these classes be said to be deprived of their lands under section 298?

Pandit Muni Lal Kalia : I am taking the case of those Sheikhs, Khojas, Brahmins and Khattris who do not happen to be the sons of statutory Sheikhs, Khojas, Brahmins and others.

Mr. Speaker : Speaking, subject to correction, the honourable member's case does not fall under clause (2) of section 296. I, therefore, rule that the honourable member's objection is untenable and, therefore, I overrule it.

(Pandit Muni Lal Kalra stood up and there were interruptions.)

Mr. Speaker : I am afraid I shall have to exercise, though reluctantly, my extraordinary powers. I have given my ruling.

Pandit Muni Lal Kalra : I can't help if it is my privilege to suffer for it.

Malik Barkat Ali : On a point of order. Can an objection be raised at this stage when the Bill has been committed to and reported on by the select committee?

Pandit Muni Lal Kalra : A point of order can be raised at any time and at any stage.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban), *(Urdu) :* Sir, I beg to move—

That the Punjab Restitution of Mortgaged Lands Bill as reported by the select committee be re-committed to the same select committee for reconsideration.

Sir, before I give the reasons on the basis of which I have felt it necessary to move this motion for recommitting the Bill to the select committee, I wish to say a few words by way of introduction, with your kind permission, about the attitude of the Unionist Government. In particular, I mean to address my honourable friends who are occupying the opposite benches and who hold in their hands the reins of power in this province. It is a thousand pities that these honourable gentlemen are not in a position to place facts and figures before the House which have necessitated the bringing forward of such a measure. One thing that I wish particularly to point out is this, that while such important measures are under consideration every possible care should be taken to avoid use of provocative language as that makes a dispassionate consideration of the Bill impossible. I wish to appeal to the Honourable Premier who is controlling the destiny of the province not to ignore considerations of equity and justice and the submissions made by the members of the Opposition for the simple reason that he is backed by a convenient majority.

Mr. Speaker : I rule these remarks out of order. The honourable member should speak to the motion.

Lala Deshbandhu Gupta : I may submit that my honourable friends should not ignore this fact that it is but fair for the honourable members who are present in the House, that where they think that they belong to different parties and represent special interest, they should not forget it even for a second that they are sitting here in this august House as the legislators of the province. It is our duty that at the time of passing such laws we should not allow our party labels and party considerations to overpower the better part of our judgment. The main consideration which should guide us should be that all the laws that are passed are fair, proper and just. I regret to say that the manner in which all these important laws are being hurried through does not show that the party in power is acting in the spirit that I have stated above. In this connection I may

again submit that at the time of passing such laws, it is highly necessary that we should be very careful in our speeches. I am fully aware of the fact that the Honourable Ministers have a right to say anything they like and usually they speak at the end of every debate after which the members of the Opposition have no right to reply to the criticism levelled at them. Still I would request them that taking into consideration the small number of the Opposition it is all the more necessary that they should listen to the speeches of the Opposition with patience. (*Interruptions*). I am submitting that my friends on the opposite benches do not like to hear our speeches patiently and calmly, although they have a big majority with the help of which, they can turn down all our proposals as they have been doing so far. Through you, Sir, I request my friends over there that they should consider these matters calmly, patiently and dispassionately.

Now, Sir, because the cup of patience of my honourable friends is full to the brim, although I am laying these things very politely, yet they do not seem to relish them. I therefore, come to the subject proper.

At the very outset I wish to make it clear that some of my friends may be expecting that my speech should be of the same kind as was delivered last evening by the Minister of Development. However, I do not propose to follow the lead given by Sir Chhotu Ram. But I would try my level best not to use any expression which should in any way lower the dignity of the House. (*Cheers from the Opposition Benches*).

The first thing that I would like to submit in connection with my motion is that the report of the select committee, as it has been presented to the House, shows that three members of the select committee walked out of it at an early stage of the proceedings of the committee on account of some fundamental differences. The two members belonging to the Opposition party have appended their notes of dissent to the report of the select committee. These dissenting notes show that the grounds on which they were written were basic. Sir, you must have seen these dissenting notes in which they have expressed the following opinion:—

"We believe the Bill to be calculated to benefit only the big landlords. It makes invidious and unnecessary distinction between agriculturists and non-agriculturists. Moreover, it is not designed to give relief to the poor mortgagors who were obliged to part with their lands after 8th June, 1901. We cannot follow the logic of limiting the relief only to mortgagors of a particular class and era."

I may submit that my honourable friends on the opposite benches can say that as the members of the Opposition are prejudiced against them, therefore they have written a note of dissent to the report of the select committee. Although this does not aptly apply to us, still I would read another dissenting note in order to convince my friends on the opposite benches that really the report of the select committee does require recommendation to the same select committee. Mr. S. P. Singha, who is not a member of the Congress Party and perhaps who is a member of the Unionist Party, has written a strongly worded dissenting note. He says:—

"A law which has retrospective effect is obnoxious to one's legal sense. But it is conceivable that in equity this may become expedient and justifiable if the existing law is defective and is perpetrating a moral injustice. The proposed Bill can find justification only on such a ground, but it loses all ethical force when it is made applicable to agriculturists only. The circumstances of hardship which this Bill has in view, if valid, apply equally to all mortgagors of agricultural land alike, be they statutory agriculturists or non-agriculturists. As

(Lala Deehbandhu Gupta.)

the select committee by a majority of votes has rejected the proposal to widen the scope of the Bill, I have not considered it worth while to move any amendments. My signature to the select committee's report is subject to this minute of dissent."

This is the opinion of that honourable member about whom it cannot be said that he expressed his opinion owing to prejudice or party considerations. He is one of the members of the Unionist Party. Moreover, my honourable friend Chaudhri Sir Chhotu Ram cannot say that Mr. S. P. Singha has expressed his opinion owing to his enmity with the zamindars.

Sir, the note of dissent appended to the report of the select committee

4 P.M.

by Diwan Bahadur Raja Narendra Nath refers to a matter which is really serious and I should like to draw the attention of the House, through you to this matter. He has said that Rai Bahadur Mr. Mukand Lal Puri demanded certain facts and figures which have not been supplied to him. His words are :—

Rai Bahadur Mr. Mukand Lal Puri called for statistics showing mortgages of land in various districts communitywise and also details of areas mortgaged to agricultural tribes and to others. These statistics were not forthcoming. The Bill presented before us is of a very drastic nature.

With these notes in view I should like to ask my friends, who are in such hot haste to pass this Bill, how dare they introduce this Bill in the face of the notes of dissent of members of the select committee and in the absence of the important material which is not at their disposal? When members of the select committee do not even know the kinds of lands to which this Bill will apply or the kinds of people whom this Bill will affect and whether this Bill will benefit or adversely affect the interests of certain people, how can they think of introducing this Bill? A legislator or the framer of a Bill should know all these highly important things. I request the Government to tell me honestly whether in the absence of these things they are justified in passing this Bill. The members of the Assembly are not in possession of full facts. They do not even know the preliminaries of this Bill and the Government too has not taken the trouble of supplying them the necessary material. Under these circumstances, how can you ask the members to consider this Bill?

I am prepared to admit that under extraordinary circumstances it becomes essential to introduce emergent measures in a legislature, but from what I have gathered from the speeches of the honourable mover and his supporters, it is hard to believe that this Bill can by any stretch of imagination be included in the category of emergency measures. No one has so far advanced arguments to prove nor has any one claimed that the circumstances of the province are such as to necessitate the immediate passing of this Bill. If it is not an ordinance but an ordinary Bill, then, why is it being rushed through the legislature so hurriedly?

Sir, I should like to draw your attention to the practice of the House of Commons in this respect. Before drafting Bills of this kind an enquiry is made from the general public and expert opinion is also obtained. When the draft of the Bill is ready, it is circulated for eliciting public opinion thereon, and after the receipt of such opinions the Bill is introduced in the House.

Raja Ghazanfar Ali Khan : Not in all cases.

Mr. Speaker : So far as I am aware, in the House of Commons a Bill is not circulated for eliciting public opinion on it.

Lala Deshbandhu Gupta : That does not affect my arguments. I want to quote only one example. Before the Money-lenders Bill was introduced in the House of Commons an enquiry was instituted, and I want to draw your attention to the report of that enquiry. In 1900 when this law was constituted in this connection, great care was taken to understand its every aspect. For this purpose a select committee held its sessions in 1897 and 1898 when it consulted experts and heard many witnesses. One particular witness was heard for six days. Among the other forty witnesses were included two Judges of High Court, Judges of county courts, money-lenders and debtors.

If we turn our attention to the Central Assembly, leaving aside the House of Commons, we shall find that no controversial Bill is introduced in that legislature unless it has received the fullest consideration of the public. I would go one step further and say that no controversial measure is introduced in the Central Assembly at all. Leaving the Central Assembly aside, I would request you to cast a glance over the legislative history of our own old Legislative Council. You will find that the Legislative Council did not pass in this manner a single measure which could be called an *ex-parte* decree law.

Sir, the main reason for recommitting this Bill to the same select committee is that necessary material was neither placed before the select committee, nor before the members of this House. I do not say that necessary material was not deliberately placed before the select committee. All that I want to say is that necessary material was not supplied either to members of the select committee or to members of the Assembly. It is possible that the Government itself was not aware of the real facts of the situation. It is essential to consider these facts very carefully. It is, therefore, essential to recommit this Bill to the select committee.

This Bill is intended to widen the scope of the Land Alienation Act and it will also be given retrospective effect. In other words you want to go not one step but a hundred steps farther than the Alienation of Land Act. I would like to invite your attention to the proceedings of the Imperial Council in this connection. You will find therein that the Imperial Council, took great care over the Land Alienation Bill and spent a lot of time over it before passing it into an Act. But what do we find to-day? Sir Sikander Hyat wants to extend the scope of the Land Alienation Act by one stroke of the pen.

The next thing to which I wish to draw the attention of the ministry is that this Bill cannot be given retrospective effect. For, if it is done, you will have to cancel 60 years old contracts and you will also get an opportunity of passing judgments over lands mortgaged many years ago. Is it just to restore such lands, which were mortgaged with the consent of the parties, and some of which were about the nineties of the last century, to their original owners? Will it be fair to cancel such time-honoured mortgages?

As far as the professions of my friends are concerned that they have the deepest sympathy with the zamindars and that the painful plight of the

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samindars always keeps their hearts afire, I would submit that this is mere tall talk. They cannot have greater love and sympathy for the zamindars than the Congress. If the honourable members of this House were honestly to consult the voice of their conscience, they will realize that the Congressites are the real sympathisers of the poor peasants and not they. (Cheers.)

May I tell you who are the real well-wishers of the peasants? You will know them if you consult the proceedings of the legislatures of the seven Congress governed provinces. But the honourable members sitting on the Treasury Benches do not wish to acquaint themselves with the accomplishments of those legislatures. Where ignorance is bliss, it is folly to be wise.

As far as the question of principle is concerned, Diwan Bahadur Raja Narendra Nath, who is the back bone of the Unionist Party, has differed from the policy underlying this Bill and has expressed his disapproval in a note of dissent. He has admitted that it is the duty of the government to help the poor and to relieve them of their burden. But may I ask the Government, if the select committee which has differed from them, had been appointed by the Congress? If the select committee appointed by the Government is not at one with it, why on earth is this Bill not recommitted to the same select committee for further consideration?

I may once again make it clear that so far as the principle of the Bill is concerned, we do not disagree with it.

If you carefully go through the various clauses of the Bill you would find that they are defective. My honourable friends need not be so restive, I do not want to offend any of them. But if my simple and straightforward words are being taken as offensive by them and if their intentions are exposed on the floor of the House I cannot help. Sir, this is one of our contentions that the main object of passing this legislation is to benefit the big landlords. If the Government wants to prove our contentions as wrong, I beg to ask what substantial material was made available for the select committee for proving this contention as baseless and incorrect? I may again submit that the Bill seeks to save and protect the interests of the big landlords and it is a fact that there are many a big landlord amongst the members of the Unionist Party. I want to know if through this Bill only the poor and not the big landlords will be benefited, why should the statistics be not placed before the house? My honourable friends should also be well aware of the fact that even in municipal committees, it is an enactment in black and white that when the interest of a member is involved in any matter which is before the committee, the member concerned should not take part in the discussion of that matter. I agree that there is no such restriction for the members of the Assembly. The honourable members sitting on the Government benches may see this in the light of morality whether it cannot be said about the Ministers and the Parliamentary Secretaries that it is they whose interest is involved in rushing through this legislation. I mean no insinuation.

Mrs. J. A. Shah Nawaz (Urdu): We listen to you patiently. We do not fight as your party does.

Lala Deshbandhu Gupta : I assure the respected lady member that we do not know how to fight with the Government and if ever we fight we do so for the sake of our poverty-stricken brethren. (*Cheers*). I assure her that if ever she happens to convince us at any stage that we are not going in the right direction, we would give up this so-called fighting which the honourable lady member has wrongly interpreted. It was only last week that I sent one short notice question enquiring whether it was a fact that a large number of the members of the Assembly would be benefited by the proposed Bill and asking for the names of such members who would stand to benefit from the Bill. This question has not been answered yet. Only rumour is on foot that so and so stands to benefit to the extent of Rs. 7 lakhs and so and so would get Rs. 5 lakhs back if the proposed Bill is passed. (*Voices and Interruptions*). I treat these interruptions with the contempt that they deserve. It was most essential that the Government in fairness to all those members, who are likely to reap the benefit, should have prepared statistics as to how far they would actually be benefited by the Bill. After all, these gentlemen who are sitting easily on the ministerial benches and have been occupying these benches from the day that provincial autonomy came into force could easily gather this material by issuing circulars to the various deputy commissioners. (*Cheers*).

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

Lala Deshbandhu Gupta : A certain speech in this connection was made by the Premier and this is the only occasion when a reference can be made to that speech.

Mr. Speaker : It can be referred to on other occasions as well. At this stage, I think, only the purpose and extent of the recommital of a Bill should be stated and discussed. That, the honourable member has not done till now.

Lala Deshbandhu Gupta : My point is that due consideration has not been given and due consideration could not be given to this matter. Generally speaking, I want the select committee to go into the matter once again keeping in view the application of these provisions to all mortgages, exclusion of big landlords, leaving the unearned income alone and so on. The exclusion of the destitute mortgages, whose main subsistence is derived from the mortgaged land, from the operation of the Act should also be considered. They can now form conclusions in the light of material which was not then available to the select committee. I may submit that the Bill in a nutshell proposes to benefit the big landlords and the rural magnates only. I see the protectors of the rights of the zamindars are sitting conveniently on the treasury benches and they are all big landlords without even one exception. Only Chaudhri Sir Chhotu Ram is such whose position is somewhat different from others. I cannot definitely say much about him. He meets us very rarely and as far as his bank balance is concerned we have no information. He might be failing in having a good bank balance. But so far as our Premier and particularly the mover of the Bill, Sir Sundar Singh Majithia, are concerned, both are big landlords and the latter, I would submit, is not content with the landed property within the province, but his property has gone to such a limit that he possesses land in the United Provinces, that is, outside the Punjab also. If the Government assures us that the Bill is not being enacted for the benefit of the big landlords they may take

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my word that we would not want any amendment to be made in the Bill. (Cheers). If the Government really convinces us by giving us facts and figures that the Bill is not a subtle method of benefiting the big landlords but is mainly for the benefit of the poor peasantry of the province, we would not utter a single word against it. My friends sitting on the opposite benches seem to be glad that the Punjab Press is writing awfully against the urban members of our party. I would like to remind them that we on the very first day declared that we would not oppose any Bill which is introduced to benefit the poor. The principles on which the Congress is working do not alter every day as the principles of the Unionist party do. We are not in the habit of declaring that all castes and parties of the country are present in our party as the so-called Unionists claim. When the fear of that party being disbanded arises we do not go all the way from Lahore to Calcutta to kiss the threshold of Mr. Jinnah.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: Calcutta where Mahatma Gandhi went. Why did he go?

Mr. Speaker: Congress and Muslim League need not be discussed.

Lala Deshbandhu Gupta: If my honourable friend wishes to ask a question on this point, I shall be perfectly willing to answer him.

Mr. Speaker: I have not allowed the question.

Lala Deshbandhu Gupta: I do not propose to transgress your wishes and I would not do anything which you do not like me to do. Sir, as far as Congress is concerned, its manifesto is open to everybody. I remember a learned friend sitting on the opposite benches stating the other day, when he was speaking with much force and eloquence, that it was obvious from the faces of the urban members sitting on this side that they were embarrassed. I would like to submit for his information that we do not care a twopence for the Bill and he may not be under the wrong impression that the Unionist Government has thrown such burning hot coal on us which we cannot stand to bear.

If my honourable friend holds such an opinion I would submit that he is under a very big misconception. I assure the honourable members of the House that Congress would not go an inch astray from what has been declared once and put in black and white. The manifesto of the Congress Party is wide open before the country. The Congress has always been consistent in its principles. The Congress Governments in other provinces are fulfilling the promises they made to every class of people whether they be urban or rural. The manifesto which they published at the time of elections cannot show any single undertaking which the Congress Government are not trying to accomplish. But I wonder if the poor peasants, whom the Unionists always claim to be helping, will at all derive any benefit from this Bill. I challenge the honourable members opposite if any one of them can stand up and solemnly declare that this Bill will benefit the poor people more than the rich. These honourable gentlemen have only lip-sympathy for the poverty stricken people but in reality they are out to help the big-bellied people. In vain they feign to be pining for the distress of the miserable agriculturists. They have no love for them. In fact they are exploiting them and are

making them the tools for the accomplishment of their own greedy programme. Mr. Speaker, kindly allow me to declare on the floor of this House that the Unionist Government is committing a big fraud on the public. This Bill is not calculated to benefit the poor. It is a matter of conviction with me. A proof is not far to seek. All the honourable members who have spoken so far in favour of this Bill have conspicuously omitted to give any argument in favour of the proposed measure. Had they any reasonable ground, they would have certainly mentioned it. The minutes of dissent have thrown a flood of light on the undesirable way in which the Government has sought to hurry it through. In fact, indecent haste has been shown by the Government in rushing through this Bill. It appears from the note of dissent which the honourable Diwan Bahadur Raja Narendra Nath has written that the total area held up to the end of 1936 by agriculturists in mortgages is 3,427,600 acres and by the non-agriculturists 1,681,675 acres. I would like to be corrected if the Ministerial benches challenge these figures.

I want to ask a very simple question. If this Bill is designed to benefit the indebted agriculturists and the poverty-stricken peasantry of this province, how is it that they are anxious only to restitute 1,681,675 acres which are with the non-agriculturists and not the much larger area of 3,427,600 acres which are under mortgage with the bigger landholders? Here is the touchstone to test the sympathy of the Unionists for the poor agriculturists. If their feelings of sympathy for the poor agriculturists are genuine, let them also try to restitute the mortgaged land which has passed from the poorer agriculturist into the hands of richer zamindars. But I am afraid the Unionists will never do that. They are out to enrich the bigger landholders, and they dare not go against their wishes. This clearly proves that the present Bill is not calculated to benefit the poor zamindars. It is designed by the Unionists to grind their own axe. Sir, you will be pleased to note that when the Punjab Land Alienation Act was passed, it was not intended to produce this result that whereas non-agriculturists should not take land from the agriculturists the landlords or the bigger agriculturists should get whole of the land from the poorer agriculturists. Surely, the big landlords should not be allowed to swallow up the weaker ones. Surely, it was never the intantion of the framers of the Land Alienation Act that the bigger fish should eat up the smaller fish. The real intention was to save the smaller fish from the bigger one. If the Government is prepared to provide for the restitution of whole of the mortgaged lands irrespective of the fact whether it is with the agriculturists or the non-agriculturists, then we are prepared to support the Government. I think that the Honourable Premier will not challenge this statement that the object of the Land Alienation Act was that the lands of the poor agriculturists of the Punjab should be stopped from going into the hands of the non-agriculturists, so that they should not be deprived of them *in toto*. May I ask the honourable friends opposite, if that is a fact, then how the 3,427,000 acres of land belonging to the poor zamindars passed into the hands of non-agriculturists since the year 1901 in the form of mortgages? It is apparent that before the year 1900 no lands were mortgaged with my friends and the above-mentioned area of land was mortgaged after the year 1901 with such persons as are nominal zamindars. So, it is a fact that the major portion of the above-mentioned area passed into the hands of big landholders and a small area

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went to the money-lenders. I may state that the difference between the two is very insignificant only. That difference is that the money-lender realises his money by requests and prayers, while the big land-owners realise their sums at the point of the bayonet. If you study the debates of those times of the Imperial Council when the Land Alienation Act was passed, you will find that while introducing the Land Alienation Act, Mr. Charles Evans said—

I do not for a moment believe that the aggregate amount of alienation, permanent and temporary, will exceed the present amount. On the contrary I confidently anticipate a material progress not only in sales but also in mortgages.

Minister for Development : What has this speech to do with the motion now before the House ?

Dr. Satya Pal : It has the same relevancy as "Bacha Sakka" had yesterday.

Mr. Speaker : There are six motions on the agenda. But the only substantive motion, moved by the Honourable Minister, is under discussion.

Lala Deshbandhu Gupta : That enlarges the scope of my speech.

I may submit that my honourable friends know how to say things, but they should be prepared to hear also. Now let them be ready to hear. It is my turn.

I was making it clear to the honourable members over there that the object of the Land Alienation Act was that the lands of the poor zamindars should not go to the money-lenders. But from the speech of the sponsor of that Act it is not clearly known. But on the other hand, it is quite clear that 3,427,000 acres of land have passed into the hands of the big landholders. In the face of such facts it does not behove my friends over there to introduce such measures. May I question my friends opposite that when an Act which was passed on account of the joint efforts of so many brains of the country, has not been able to fulfil the expectations of its sponsors and its object has not been attained, how can this Bill, which is introduced in haste, fulfil the expectations of its authors? In short my argument is this: when the Land Alienation Act has not protected the interests of the poor zamindars, inasmuch as 3,427,000 acres of land have been mortgaged with the big landholders, how would this Bill be able to give relief to the poor zamindar ?

Mr. Speaker : The honourable member is repeating himself.

Lala Deshbandhu Gupta : I am coming to the next point. It is contended by some of the members, that though the present Bill is a stringent and unjust Bill, after all, it gives some relief to poor zamindars, and, therefore, we on this side of the House should not oppose it. May I know whether it is justice? We will have to see what was the object of its authors when the Land Alienation Act was passed. In this connection I beg to draw your attention to page 240 of the Imperial Council Debates. There is the speech of Mr. Riwaz wherein it is stated—

Existing mortgages will not be interfered with in any way, except when any mortgage which has been made by a member of an agricultural tribe, contains a condition which is intended to operate by way of conditional sale.

Here he has clarified about the conditional sale and he has not stated that they should be ended at once. He further says—

In this case class of cases the mortgage will be renewed or altered in the manner I have described.

I was making it clear that it is a fact that in other provinces laws providing relief to the poor have been passed in which mortgages have been excluded. My honourable friends over there are also following them. The other day the Honourable Premier of our province read out an extract from the speech of the Premier of Madras. The example of Madras Agricultural Relief Act is before us. I cannot help remarking here that those who accepted office after my friends, are leading them in the field of legislation. The Madras Government passed the Agricultural Relief Act and I may state for your information that they have excluded mortgages. My honourable friends here, although they have copied those things from them, still leave out those things which are the best in them. Sir, I make bold to say that it is wrong in principle to cancel mortgages. If in spite of this, our ministers want to consider it, they are welcome to do so. The only thing I want from you is that you should not do injustice to anybody. The principal basis of the Bill is that it is calculated to benefit the poor peasantry of the province. But the question is, do you call those people peasants, who own thousands of bighas of land, who ride Rolls Royce cars, whose drawing rooms are full of English made bric-a-brac and whose mode of living is anything but Indian and whose one pleasure in life is to ape the Europeans? We, the members of the Congress Party, are also anxious for providing benefits to poor peasants but we disagree with the Unionist creed of "might is right." They have got 120 votes at their beck and call, and on the strength of their votes they can have this Bill passed. Yesterday I had the honour of requesting the Premier that it would be as well to give effect to these Bills in the form of ordinances so that the time of the House may not be wasted for nothing. But he did not agree to my proposal. The plain fact is that this Bill is not intended to benefit the poor peasants.

The Madras legislature provides an example for us in this matter, but the Bill introduced in the Madras Assembly contains the following definition of an agriculturist which is worthy of note :—

Agriculturist means a person who :—

- (a) has a saleable interest in any agricultural or horticultural land in the province of Madras, not being land situated within a municipality or cantonment, which is assessed by the Provincial Government to land revenue (which shall be deemed to include peshkash and quit-rent, or which is held free of tax under a grant made, confirmed or recognised by Government; or
- (b) holds an interest in such land under a land holder under the Madras Estates Land Act, 1908, as tenant, ryot or under tenure holder.

Now I wish to lay stress on another thing and I would request the House to listen carefully to what I say. In the Madras Agriculturist Relief Bill mention is made of who is and who is not an agriculturist—

- (a) has in either of the two financial years ending 31st March, 1938, been assessed to income tax under the Income-Tax Act, 1922, or under the income-tax laws of any Indian State or foreign Government; or
- (b) has within the two years immediately preceding the 1st October, 1937, been assessed to profession tax on a half-yearly income of more than three hundred rupees derived from a profession other than agricultural under the Madras District Municipalities Act, 1930, the Madras City Municipal Act, 1919, the Cantonments Act, 1924, or any law governing municipal or local bodies in any other

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province in British India, any Indian State or any foreign State in India or under the Madras Local Boards Act, 1920, in a panchayat which was a union before the 26th August, 1930; or

- (c) has within the two years immediately preceding the 1st October, 1937, been assessed to property or house tax in respect of buildings or lands other than agricultural lands under the Madras District Municipalities Act, 1920, the Madras City Municipal Act, 1919, the Cantonments Act, 1934, or any law governing municipal or local bodies in any other province in British India or any Indian State or under the Madras Local Bodies Act, 1920, in a panchayat which was a union before the 26th August, 1930, provided the aggregate annual rental value of such buildings and lands, whether let out or in the occupation of the owner, is not less than Rs. 600.

Sir, if the Unionist Government want to copy the Madras Act, they should do so *in toto*. A half-hearted copy of it will never do. It is no use copying the provisions which suit the present government and to disregard those which do not suit them.

Now, I wish to relate some more facts about the Congress-governed provinces. Within a few weeks of taking over the administration of the United Provinces, the Congress Ministry introduced a Bill entitled the "Temporary Postponement of Execution of Decrees Act, 1937." I admit that it is a drastic measure but the Congress Ministry did not lose sight of justice and equity while introducing this Bill.

According to this Act an "Agriculturist" means a person who—

- (a) pays land revenue not exceeding Rs. 1,000 per annum; or
- (b) in districts subject to the Benares Permanent Settlement Regulation 1 of 1793, pays a local rate under section 109 of the District Boards Act, 1922, not exceeding Rs. 120 per annum; or
- (c) holds land free of revenue and pays a local rate under section 109 of the District Boards Act, 1922, not exceeding Rs. 120 per annum; or
- (d) in Oudh pays rent as under proprietor in respect of land the revenue of which does not exceed Rs. 1,000; or
- (e) pays rent of agricultural land (other than that paid as under proprietor) not exceeding Rs. 1,000; or
- (f) holds land free of rent, the area of which does not exceed 80 acres; or
- (g) ordinarily lives outside the limits of any municipality and belongs to any of the classes of persons mentioned in the Schedule.

The Congress Ministry in Madras does not declare the pleasure-loving, hard-drinking, besotted, nincompoops as agriculturists.

No person shall be deemed to be an agriculturist:

- (i) if he is assessed to income tax, or
- (ii) if the total annual revenue assessed on the land held by him either as a proprietor or as an under proprietor, the annual rent payable by him otherwise than as an under proprietor and ten times the amount of the local rates annually payable by him for land for which he pays no revenue or the total of any two of them exceeds Rs. 1,000.

Sir, I do not wish to waste the precious time of the House. I want to finish my speech within the shortest time. If, however, my friends desire, I will quote examples from each Congress-governed province to show that unlike the Unionists, the Congress creed is that a person is rich or poor according to his deeds (*karams*) and not according to his birth (*janam*).

One of the parliamentary secretaries who is a protege of Chaudhri Sir Chhotu Ram has in an article which is not written by Sir Chhotu Ram himself, but is written with his knowledge, has remarked that the newspapers of the

province have raised a hue and cry against this Bill at the instance of Mahajans. He further remarked that newspapers have been referring to the principle of *dandapat* and quoting the *Shastras* in this connection. May I enquire if Chaudhri Sir Chhotu Ram who was an Arya Samajist recently and was bound by the *Shastras* believes in the *Shastras* today also? Does he believe that according to the *Shastras* the caste system by birth is fair and right?

Minister for Development : What right has the honourable member got to refer to my religious faith?

Lala Deshbandhu Gupta : I am very sorry my friend has taken offence where no offence was meant. I am glad that he sticks to the same religion to which I have the honour to belong. Because the subject concerned contained the cry of religion, therefore I had to say something about it. It is plainly written in *Manu Smriti* that there is no *Khshatri*, etc., by birth, but by deed. According to it, if a Harijan begins to cultivate land, he would be certainly called an agriculturist. It is a glaring injustice that the people, practising in the courts and capturing the ministerial gaddis should say, "We are *halis* (peasants). Is it justice that our Honourable Premier Sir Sikander Hyat-Khan and his colleagues, who have enjoyed the pleasure trips to Europe, more than ten times and eaten with fork and knife, should be called agriculturists, but my poor friends who earn livelihood by dint of their hard labour and have gone even to jails for the cause of the poor should be considered as non-agriculturists? I leave it to the sense of justice of the House to decide. I say, "Please do justice."

I admit that we are passing through a *Kaljuga*. But one should not swallow a fly for the simple reason that its body is covered with a little fat. (*Cheers*). The Government may pass a Bill like this. We welcome it but my submission in this connection is that if the Government wants to have meals, please let the meals be cool first lest it should scorch the palate. (*Cheers*). I would like to draw the attention of the Honourable Premier and the Minister for Revenue to the fact that our main objection to the Bill is that the fundamental principle on which it is based is absolutely wrong. I would tell the Honourable Minister why the principle is objectionable. First, in the Bill of which the Government is so proud the real agriculturists have not been recognised as agriculturists. Secondly, the agriculturists, according to this Act, would be in a position to get not more than 16 lakhs acres of land. They would not be able to get 34 lakhs of acres of land which is mortgaged to big zamindars. Sir, may I ask you as to whether you have seen the note of dissent made by the Congress Party in which it has been openly stated that the Bill is full of glaring injustices? Moreover, those people who are not poorer than the non-agriculturists but who are rolling in wealth have been declared as agriculturists. I have got a secret information in this matter and the Government may rest assured that I do not want to divulge any official secret. I have got an information from "*parstkesham parchanam*" to the effect that the Honourable Premier offered a compromise to the honourable Raja Narendra Nath. Our Honourable Premier might remember that when it was demanded in the House that this Bill should apply to all non-agriculturist and agriculturist mortgages he replied in the affirmative.

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But in spite of that there is no such recommendation in the select committee report. Whatever the present Premier said at that time, was it not based upon good intentions? I am sure if today we do not press upon the present government to yield, the Honourable Premier would do the same which he was going to do many, years ago. That is another thing if the members of the Unionist party, who have no ideals and business except to adore the ministerial benches, may prevent them from doing so. But as far as some solid and substantial work is concerned, I doubt whether it would ever be able to do any. I was submitting, Sir, that I came to know that when the Honourable Premier asked Chaudhri Sir Chhotu Ram, "You please accept it. After all there were not so many agriculturist mortgages before 1901" and further said, "If you would be pleased to agree to these proposals, Raja Sahib would not separate from our party."

Mr. Speaker : The honourable member is irrelevant.

Lala Deshbandhu Gupta : It is stated in Raja Narendra Nath's statement. (Voice : No) I beg your pardon, I would like you to refer to the press report. The Minister for Development, as usual, agreed to the proposal made by Sir Sikander Hyat-Khan.

(Voice : No. Wrong, wrong). I would be very glad if it is proved to be a speculation.

Mr. Speaker : That is no argument.

Lala Deshbandhu Gupta : I am developing the argument that the glaring injustice involved in the definition of agriculturists is felt even by the Premier, but there are others who think that it is so, but are not prepared to admit it. But Chaudhri Sahib only spoke these words under lip, "What are you going to do? If you would agree to this proposal of Raja Sahib and the distinction between an agriculturist and non-agriculturist mortgagor is abolished, take it from me that you would see no longer these long *terras*" (Laughter).

Mr. Speaker : Please do not be personal.

Lala Deshbandhu Gupta : Alright, Sir, with due respect I would submit in regard to this statement made by me, I still hold that it has not been denied and the sience should be deemed as affirmative. I have placed three objections with regard to the Bill proposed. First, that the distinction between agriculturists and non-agriculturists should be eliminated.

Mr. Speaker : Repetition should be avoided.

Lala Deshbandhu Gupta : Very well, Sir, I will go to the third point. As our Honourable Minister for Development always yields to the Premier...

Mr. Speaker : The Honourable member is irrelevant.

Lala Deshbandhu Gupta : I will try to be as relevant as possible.

In fact, the principle of class distinction is being worked in this Bill. Although it is said that this is a question of rich and poor, I want to clarify, in this matter, the principle on which the Congress differentiates between a poor man and a rich man. To the Congress the distinction between rich and poor does not depend upon the community or race. Congress has clearly declared in its election manifesto that a poor is poor, no matter whether he is black or white and a rich is rich whether he belongs to this

dynasty or that. But in the dictionary of the Unionists that is not the meaning of this classification. They regard that the people who are declared non-agriculturists according to the Land Alienation Act are poor and the rest are rich. Otherwise if they had viewed the question justly, they would, certainly, have included such clauses in the Bill, so that it should not have applied to the poor, helpless and penniless mortgagees, as they say that they want to benefit the poor.

Because we have no facts and figures before us, therefore it is difficult to say how many poor and helpless mortgagees will have to say good-bye to their mortgages according to this Bill. But I can imagine that the number of such cases will be a sufficient one. Let us take the case of a widow who has come by a piece of mortgaged land which her fore-runners left her in the good old days. Now unfortunately it is the only means of her maintenance and if you dispossess her of that, and deprive her of her only means of living, then is it justice? Such cases occur very often in the world. May be the destitute widow whom you wish to dispossess of her land comes of a family which sometime ago was rolling in gold and holding jagirs and now the vicissitudes of time have rendered her penniless. You, Mr. Speaker, have, perhaps, seen more winters and summers than anyone of us here. Your knowledge of ups and downs of life extends over generations. You have not only witnessed the making of the present history of Punjab but have also made it and took a prominent part in it. Don't you know that to every rise there is a fall in this world? Is it right to think that a mortgagor remains always poor and a mortgagee remains always rich? Who knows that the rich of today, both on this side as well as on that side of the House, were destitutes some 50 years ago? It would be in the fitness of things, therefore, to exempt deserving cases from the operation of this Bill and not to ruin our already poor destitutes. Please do not throw the penniless and helpless mortgagees mentioned above at the mercy of the Deputy Commissioners.

Again, it would not be fair to give retrospective effect to the principle of an Act which in itself is open to severe criticism and must have been passed under some very peculiar circumstances and exigencies of the times. But our Government is going to apply the principle of that Land Alienation Act to cases which may be 60 years old. The Government is introducing this Bill simply to increase the strength of its party.

Now, let me make an offer to the Unionists on behalf of my party to test their sympathy for the poor and if my gilded friends over there accept that, the whole issue will be settled once for all. The offer is that the Congress benches are prepared to pool all their property and distribute it to the poor. Are the Government benches prepared to follow that example? And if they are prepared they should come forward. We should accumulate all the property and then distribute it among the poor. If you agree then we will not oppose the Bill and have it passed without division. Besides the Government claim that they are out to help the landless people. But how is it that they cannot see their way to declare 15 lakhs of people belonging to the depressed classes to be agriculturists because they possess no land and depend on agriculture for their livelihood? These poor creatures have a special claim on your sympathy because they till the lands of big zemindars

[Lala Deshbandhu Gupta.]

and have been tilling them for so many years in the past. Here is an opportunity to prove your sympathy for the poor and recognise them as agriculturists. But the Unionist Government is not going to do this. It wants to please the depressed classes merely by words. As a poet says, Appreciation is something and self-seeking is something else. Sir, I want to sound a note of warning to the Unionist Government in this connection. If they will go on allowing the bigger zamindars to eat up the smaller ones they will have to bring forward a new measure analogous in nature to the United Provinces Tenancy Act in order to save the poor peasants from the clutches of the landlords.

In this connection it will be well to remember how vehemently the Nawab of Chhatari who is a fellow brother of our Honourable Premier, protested against the introduction of this Tenancy Act saying that the Congress wishes to crush the landlords. Similarly, the big zamindars of this province will also raise a cry at that time. Therefore, it is in the fitness of things that such a situation should not be allowed in the Punjab. I am convinced that the Unionists are introducing these hasty measures really to strengthen their hold on their voters, because the recent results of the bye-elections have made them realise their weakness and increasing unpopularity.

Premier : What happened at Amritsar? How brave is the thief that he is carrying the lamp on his palm!

Lala Deshbandhu Gupta : Why have you forgotten the election results of Hissar and Sialkot, where the Unionist candidates have been defeated? At Bhalwal the Unionists have suffered a heavy defeat. (*An honourable member :* A zamindar has been elected from that place. What about the results of divisions in the House?) But I do not deny that the Unionists have a majority in the House. These are their activities that expose them.

If my honourable friend, Sir Sikander Hyat-Khan, in whose sincerity and honesty I have no doubt, although at present he seems to be a bit changed, wishes to remain at the helm of affairs, he should not allow unprincipled persons to come near him and govern in their company. If he desires to be popular among the zamindars he should not trust these people.

Mr. Speaker : The honourable member should withdraw the remark that "any member of this House is unprincipled."

Lala Deshbandhu Gupta : I do so quite willingly. Only I have been misunderstood. I was speaking of the people outside. I was saying that if the Honourable Premier wishes to keep the sympathies of the poor people with him, he should not bring forward such Bills which would prove that his Government was doing glaring injustices between different classes of the province. We have no enmity with him nor do we like to injure his personal interests. To cut the story short we believe that this Bill is not helping the poor and it cannot in any way alleviate their troubles. Therefore, it is our duty to oppose it.

Besides, I may submit, that in democratised Councils, it becomes the duty of the ministry to hear sympathetically the just demands of the Opposition. But this is not the case here. Can our ministers say that they agreed to any just demand of the Opposition? We on this side of the House, moved many useful Bills for alleviating the social and agrarian troubles of the

poor public. But every one of them was turned down by our Hitler-like friends. May I ask my friends why they are so very afraid of us? I assure them that if they agree to my proposal, the heavens will not fall and the earth will not explode. What is the harm if three or four months are spent over the consideration of the report of the select committee? I assure them that it will not take more than six months. I appeal to the Government once more that they should hear the voice of the public and without having the public opinion it is not fair to pass such a Bill in a hurry.

By such tactics your Government cannot last long. Her days can be counted on the fingers. As a poet says:—

“O! Burning candle your life is only of one night. You may pass it laughing or weeping.”

Before concluding my speech I may say that if such legislations are enacted in such hurry and rush, the days are not far when their own sins shall prove the cause of their downfall. As a poet says:—

“Let the cup be filled. It shall brim itself.”

With these words I move my amendment.

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

That the Punjab Restitution of Mortgaged Lands Bill as reported by the select committee be recommitted to the same select committee for reconsideration.

I may inform the honourable members that there are six motions on the agenda; three relating to re-circulation and three relating to recommitment. All these will be discussed together, though they will be put to the House separately.

Diwan Bahadur Raja Narendra Nath (East Punjab Landholders): Sir, I will not tire your patience. It would have been more convenient for me if the motion of my honourable friend to my right came first. What the speaker who has just resumed his seat has said, I can use for explaining my own point of view. On the merits of the Bill my opinion is the same as his. I adhere to the view which I have expressed in my minute of dissent and that view has not changed. I am sorry to say that some wrong reports were circulated in the press that my temporary absence from the House was due to the fact that I was carrying on some negotiations with the Premier to make some changes in the Bill. My temporary absence was due to other causes. I was dealing with other matters equally important if not more important. I was not carrying on any negotiations with regard to the changes in the Bill.

The reason why I want reference to the select committee again is that I want statistics to be made available showing how different castes and communities will be affected, which castes and which communities will be more adversely affected than others. I represent on the one hand a minority within a minority and on the other hand I have been advocating the principle of non-discrimination for the last 40 years, both during my public life and during my official life. This Bill is most discriminative and further extends the scope of discrimination against which I have already been complaining. If the Bill had been of a non-discriminative character, I would not have called for statistics. But as it is of a discriminative character, and as I think it favours certain castes and communities—I presume that it favours certain castes and communities at the expense of others—I must have statistics

[Diwan Bahadur Raja Narendra Nath.]

before me. I have carefully examined the land revenue administration report for the year 1936. It does not give any information as to how much area was mortgaged to members of agricultural tribes and how much to members of non-agricultural tribes before 1901. I presume that by applying discrimination or non-discrimination before 1901 certain communities and certain castes suffer to the benefit of others and that is the reason why I want reference to the select committee again. I shall have an opportunity of getting those figures which are not available at present in any of the records. All other provinces which are now enjoying provincial autonomy have declared that they are the guardians of the legitimate interests of minorities. Our friend, Sir Sikander, also has declared more than once that he will give due consideration to the legitimate interests of the minorities. I wish to point out to him, if the figures were available, that the legitimate interests of the minorities are not properly safeguarded and this sort of discrimination is a most invidious discrimination. That is the reason why I want a reference back to the select committee. I have told you that it will be more convenient for me to speak on the motion which was tabled by my friend to my right, that is to say, for circulation of the report of the select committee to elicit public opinion thereon. But as I am able to bring in my point of view on this motion, I support this motion also.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Bural): I have great pleasure in supporting the motion moved by my honourable friend, Lala Deshbandhu Gupta. In supporting it I would only say one sentence and not make a speech. It is this: that the Bill must be very bad indeed even as it has emerged from the select committee when a man like Raja Narendra Nath, who has been sticking to Sir Sikander, is not pleased with it and is in fact very much dissatisfied with it and has supported Lala Deshbandhu Gupta. No better argument is necessary to support the motion before the House. (*Applause*).

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): As a member of the select committee I rise to reply to the points that have been made out by my friend, Mr. Deshbandhu Gupta. My honourable friend wants the Bill as it has emerged from the deliberations of the select committee, to be recommitted to the same select committee for reconsideration. What are his grounds? He wants the Bill to be recommitted because three members of the select committee walked out of the committee on an amendment which did not commend itself to the majority of that committee. He wants the Bill to be recommitted because two members of the Congress party who were on the select committee have appended notes of dissent. He wants the Bill to be recommitted because another honourable member, though not connected with the Congress, has also attached a note of dissent. My respectful submission is that so far as those three honourable members are concerned who walked out of the select committee, the select committee had the benefit of hearing their amendments to the fullest extent and after having heard their point of view, the select committee came to the conclusion that it could not possibly agree to the amendments since those amendments went extensively beyond the scope of the Bill. Reference has been made to the fact that certain statistics were called for. Certain statistics were called for in order to prove that this Bill was unnecessary. It was pointed

out and rightly pointed out that the question of the necessity or the non-necessity of the Bill could not arise in the select committee. The House having committed the Bill to the select committee, the principle of the Bill stands unchallenged, and any amendments within the scope of the principle of the Bill can certainly be discussed, but the select committee cannot be asked to reverse the finding of the House. So far as the objection of the two honourable members of the Congress party is concerned, their amendments were fully considered in the select committee and the select committee's point of view differed from theirs. I cannot understand what is there new in the grounds urged by my learned friend to support his motion. We have had the fullest benefit of understanding and appreciating the point of view put forward by the members of the Congress party. Well, if our friends think that that point of view will commend itself to the majority of the House, it is open to them to bring that very point of view before the House. But so far as the question of recommitting the Bill to the select committee is concerned, I respectfully submit that there is absolutely no ground whatever in these considerations. If members dissent, it does not follow that the Bill must be recommitted; if members would walk out of the select committee, because their point of view does not commend itself to the majority of the select committee, it does not mean that the Bill should be committed, because those very points of view and those very grounds have been fully considered by this committee. It has been stated that one of the considerations for recommitting this Bill to the select committee is that this Bill aims at the aggrandisement of the big zamindars. This point of view was fully considered and placed before us, but it appears to me that these friends who are stressing this point of view are really proceeding upon purely imaginary grounds, because it must be obvious to anybody as the noon day sun that in the case of these big zamindars it is impossible to accept the position that these big zamindars during the last 38 years that have elapsed since the passage of the Land Alienation Act have been unable to amass enough money to redeem these mortgages that came into existence before June 1901. Either they are big zamindars or they are not big zamindars. If they have not been able to amass that much money, surely it is straining things to say that the Bill is calculated to advance the interests of the big zamindars (*Hear, hear*). The Bill is calculated to defend the interests of all those whose interests are required to be protected. The policy of the Land Alienation Act is, I think, this, that in the case of persons to whom mortgages of lands have been made by members of agricultural tribes, their debts shall be wiped off—this is the principle embodied in the Land Alienation Act—after the lapse of twenty years. This Bill has extended that period to the very minimum of 38 years since the 8th June 1901. People to whom these mortgages were made before the 8th June 1901 have been in possession of these lands and the enjoyment of their usufruct for more than forty or fifty years. How does this provision compare with the provision of the Land Alienation Act which is a part of the Statute Book of this province? What is the principle of this Bill? The principle is this, that in the case of these lands which were mortgaged before the commencement of the Land Alienation Act, 38 years' enjoyment would be the very minimum and should wipe off the security. What objection can there be to this course? If members of the non-agricultural tribes

[Malik Barkat Ali.]

can have their debts wiped off by 20 years' enjoyment, surely 33 years' enjoyment should be more than enough to wipe them off. Can there really be, in these circumstances, any question of injustice or oppression on any part or section of the community? (*Hear, hear*). It has been stated by the honourable Raja Sahib that the Bill is calculated to favour certain communities at the expense of others.

Diwan Bahadur Raja Narendra Nath: And castes.

Malik Barkat Ali: I am really surprised at this argument. So far as the question of castes is concerned, the Land Alienation Act is there and if you want to defeat or destroy the Land Alienation Act, do what you please, but what has that question to do with the Restitution of Mortgaged Lands Bill? The policy of the Land Alienation Act may not be acceptable to Raja Sahib, it may not be acceptable to my friend Dr. Sir Gokul Chand Narang, or to my friend Rai Bahadur Mr. Mukand Lal Puri, but it is acceptable to the overwhelming majority of the province (*Hear, hear*). There are amongst the Muslims, numerous communities (I belong to one of them) who stand deprived of the benefits of the Land Alienation Act, but in the wider interests of the State, we have accepted this policy (*Hear, hear*). I submit there are Sikhs, any number of Sikhs, who stand out of the policy of the Land Alienation Act. They accept that principle; they accept the principle that in the wider interests of the State, the tiller of the soil—and the majority of those persons themselves in these agricultural tribes are really tillers of the soil—must be protected, and what does it really matter if there is among them a Sir Sunder Singh or a Sir Sikander Hyat? It is really the tiller of the soil who stands to gain by the policy of the Alienation of Land Act and if that policy commends itself to the majority, the overwhelming majority of the tillers of the soil, the overwhelming majority of the Sikh tillers of the soil, the overwhelming majority of the Muslim tillers of the soil, and I venture to say, the overwhelming majority of the Hindu tillers of the soil who belong to the agricultural tribes—should we ignore their interests only because of the agitation raised by a few representatives of a few urban areas? They can get up any amount of agitation. It does not follow from that that this Bill is a bad Bill or that this Bill should be recommitted to the select committee. There is no advantage in that course. Out of the 16 members of the select committee, only 9 walked out, two have appended their minutes of dissent and ten are in favour.

Is there any member of the select committee out of these ten, who, after fully considering the points of view that have been advanced today and after bestowing on those points of view their fullest reflection, is prepared at this moment to accept the amendments and the changes which are intended to be introduced. Those changes travelled outside the scope of the Bill and were in contravention of the principle and of the reason for which this Bill had been introduced? Though I have already dealt with a part of this argument, I should like to deal here with one of the points made out, namely that the Land Alienation Act is brought into existence for a class of zamindar capitalists. Is that the reason why this Bill should really be recommitted to the select committee? The question, that the policy of the Land Alienation Act has led to the aggregation of lands in the

hands of a few zamindar capitalists, is not before this House. What this House has to consider, on the basis of this Bill, is that in the case of persons who have been in enjoyment for more than thirty years, more than forty years, more than fifty years, and have had thus the debts wiped off, it is time that the lands in their possession came back to the real owners and if this principle is correct, then I fail to see any reason why the so-called big zamindar should be penalised because he happens to be a big zamindar. You have got to apply the principle. The principle is that as between a member of an agricultural tribe on one side and a member of a non-agricultural tribe on the other, twenty years' enjoyment by the members of non-agricultural tribes should wipe off their debt. That is the principle of the Land Alienation Act. The present Bill extends that period of twenty years to thirty years, to forty years and even then, in spite of that, there is the provision in the Bill that if the collector comes to the conclusion that the benefits that have been enjoyed do not really equal the investment, the collector has been given certain powers of giving compensation at certain fixed rates. Therefore, I respectfully submit that the objection, namely, that the Bill is designed to help the big zamindar is imaginary and if the principle is accepted, then there is no reason why any distinction should be drawn between the poor mortgagor and the big mortgagor. As a matter of fact the big mortgagor does not exist today. He must have got his lands back. The fear is more imaginary but I fail to see why, when a principle is accepted, that principle should not apply to all and the big man should be penalised because he happens to be a big man. My learned friend indulged in a good deal of irrelevant matter. I will not reply to that. I will not discuss what the programme of the Congress is, what the policy of the Congress is, and what the real agriculturist should be defined to be, whether he should only be a tiller of the soil and none else and so forth. Those considerations do not come within the scope of this amendment and I do not propose to waste the time of the House by replying to those matters. I, therefore, submit that none of these grounds really make out a case for the recommittal of this Bill to the select committee for reconsideration because there is nothing that requires reconsideration. Nothing new has been adduced in the course of the arguments and for the same reason, I also oppose the motion for the recirculation of this Bill, because the grounds that have been advanced are very much the same grounds that my learned friend Mr. Mukand Lal Puri placed before this House at the earliest stage of this Bill when this Bill was introduced for consideration by this House. (*Loud applause*) (*Voices* : Question be now put).

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : After a very lucid exposition of the Congress position in this matter by my learned friend Lala Deshbendhu Gupta, I had no mind to intervene in this debate although there stands an amendment in my name that the Bill be re-committed to the select committee with certain instructions that I have mentioned in the amendment. But for the vigorous and heated eloquence of my friend, and my colleague on the select committee, Malik Barkat Ali, who in his speech has been guilty of certain grave mis-statements, I would not have taken part in the debate. My learned friend Malik Barkat Ali in his vigorous speech came out with the argument that there was no need of recommitting this Bill to the select committee because all the amendments

[Sardar Hari Singh.]

which have been given notice of or moved by us in the select committee were carefully considered and dispassionately considered and that certain amendments travelled beyond the scope of the Bill and, therefore, the majority of the select committee did not at all like to consider them. May I tell him through you that that is the very argument for recommitting the Bill to the select committee? Our argument is that grave injustice has been done to the minority by turning down certain amendments on the ground that they were not within the scope of the Bill.

Premier: Is the honourable member in order in discussing the proceedings of the select committee?

Sardar Hari Singh: Yes, because my friend has made a reference to the proceedings of the select committee and I am quite within my right.

Premier: Two wrongs do not make one right. You should have objected then.

Sardar Hari Singh: We have come with this motion before the House to lodge an appeal before the House, that grave injustice has been done to the minority in the select committee and that injustice should be done away with by recommitting the Bill to the select committee with certain instructions from this House that those amendments should be reconsidered and the Bill improved in right directions. As regards our amendments, I may inform this House that they were not at all considered by the majority on the select committee. We moved certain amendments but they were summarily rejected by the majority. They were pook-pooked by the majority. We requested that those amendments may at least be considered. We prayed to the majority that they should either convince us or allow us time to convince them, but we were not given the time to give our arguments and here my friend Malik Barkat Ali gets up on his legs on the floor of the House and says that all the amendments moved by the Congress party were taken into consideration. The fact of the matter is, and I repeat it, that our arguments, that our amendments which ought to have been taken into consideration, were not taken into consideration at all. They were summarily rejected as I have already told the House.

Minister for Revenue: Voted upon.

Sardar Hari Singh: The Honourable Minister of Revenue says they were voted upon, but not considered.

Minister for Revenue: I never said 'they were not considered.'

Sardar Hari Singh: That is why I say that they were summarily rejected by the majority of the members of the select committee. I want to bring to the notice of the House the speech of the Honourable Leader of the House made on the occasion when the motion for reference of the Bill to the select committee was considered by this House. There were certain portions in his speech which appealed to me and to my friends on these benches and those portions of his speech persuaded us to serve on the select committee in the hope that we might be able to improve the Bill with certain amendments moved in the light of those remarks. He said—

"The reason of that Bill is that it seeks to restore land to those people who are landless, who are dying of hunger, who have got no other means of livelihood."

These are the words of my honourable friend the Premier. I would ask you to mark the words "those people who are landless, who are dying of hunger, who have got no other means of livelihood." If that is the object of the Bill, why not accept the amendment that the lands will not be restored to those people who have enough and to spare?

He further went on to say, "what this Bill proposes to do is to restore to the mortgagors their own lands so that they may earn an honest living on their own lands and be not a menace to the province." Why not make a provision in the Bill that lands will be returned only to those people who will be working with their own hands and not to the parasites living on others' income. He made an important observation which I quote on the floor of the House. He said, that is the *raison de'être* and I hope every member of the House will support me not only to get the Bill through quickly but also to meet my friend Raja Sahib! What did Raja Sahib want? He wants changes in the Bill so that anybody could see that there is no differential treatment in favour of one class and we are not making any distinction between communities. May I put it to my honourable friend whether he is satisfied that the select committee has removed those defects which he wanted to remove? The select committee has not removed a certain sting in the Bill which is of a discriminatory character. It was in this hope that I and my friend Chandhri Muhammad Hassan were persuaded to serve on the select committee and our party allowed us to go and move certain amendments to the Bill in the select committee. As I have already told the House our amendments were not taken into consideration, though they were voted upon and rejected without any rhyme or reason. Now the Bill, as it has emerged from the select committee, is no improvement on the Bill which was committed to the select committee and that is why we want that the Bill should be recommitted to the select committee so that it may be shorn of all objectionable and obnoxious features and it may be improved, so that more relief may be given to the peasants of the province, the poor people of the province. We have attached a minute of dissent which is before the House and which is before the public and we have made certain recommendations which if incorporated in the body of the Bill will go a long way to make it less objectionable and to make it more beneficial to the masses of the province. The Bill as it has emerged from the select committee is not at all any improvement on the Bill as it was sent to the select committee. It is still objectionable from the point of view of the urban Hindus who are agitating against it on the ground that this Bill is of a discriminatory character, and that it is designed to hit them and not to benefit the agriculturist classes at all. Then there is going on an agitation which has unfortunately taken a communal turn. We deprecate agitation on communal grounds both from the point of view of the Congress and from the point of view of the masses. I do not subscribe to the view that this Bill is designed to hit the Hindus only, that this Bill is a communal move but may I put it to the Honourable the Premier whether he has considered that the agitation that has taken a communal turn is not a natural reaction to his recent backsliding and somersault in joining the Muslim League?

Mr. Speaker: The honourable member is requested not to refer to the Congress or the Muslim League, if possible.

Sardar Hari Singh : While I strongly deprecate the communal turn that this agitation has taken I would like to put it to him whether he has considered, whether it is not the natural reaction to his recent policy in giving up his old non-communal creed and joining a communal body.

Premier : Question. I stoutly deny that.

Sardar Hari Singh : What does my honourable friend deny ?

Premier : That I have changed my policy or creed. I have not joined the Muslim League now : I have been a member of the League since 1914.

Mr. Speaker : I request the honourable members not to bring irrelevant facts in their speeches.

Malik Barkat Ali : Why are the Congress members afraid of the League ?

Mr. Speaker : The honourable member may proceed with his speech without referring to individuals.

Sardar Hari Singh : I will not refer to it, but at least there is an impression that the Muslim members of the Unionist party recently joined the Muslim League. There is only one more point which I want to stress.

Premier : Including a Muslim Minister of Madras who was turned out in spite of his protest.

Sardar Hari Singh : I think this Bill is ostensibly at least designed to solve the problem of old debts. I take it that mortgage is a secured debt. It is one kind of debt and the Government is attempting to find a solution for the reduction of the old debts. I think that is the correct position and a correct interpretation of the intentions of the Government. If that is so, if the Government by means of this Bill wants to find a solution for old debts, one kind of which is the secured debt, then I put it to my honourable friend opposite why do they limit relief in cases of old debts only ? If they want to give relief to the peasants of the Punjab, why not go the whole hog and make an attempt to redeem all the mortgages up to date ? May I know whether they are afraid of the moneylenders who are statutory agriculturists so much that they dare not give relief to the down trodden indebted peasantry of the Punjab according to the needs of the situation ? The situation is very deplorable and is very distressing. As my honourable friend opposite knows and said the other day, the peasantry is sunk up to ears in debt. Is that the way in which the Government want to relieve the peasantry of debts ? I want to tell my honourable friend opposite that the Bombay Government, the Congress Ministry there, is bringing forward a legislation to liquidate the debts of the peasantry and in that legislation, they have made a provision that before 1911 all debts will be wiped off. He has also referred to a certain legislation passed by the Madras Legislature and said that he was copying that. In that measure all the debts before 1932 have been scaled down. But here, my honourable friend comes before the House and states with pride that he is doing a great thing for the peasants of the Punjab because he is trying to find a solution for the old debts previous to the year 1901. Is that the way to help the peasantry of the Punjab ? Why not go the whole hog ? Redeem all the secured debts of the peasantry of the Punjab. Where is the difficulty, where is the

handicap? I want to know. What is preventing the Honourable Minister from giving relief to the peasantry all-round? Help them, save them from the clutches of agriculturist money-lenders as well as non-agriculturist money-lenders. I want a reply from my honourable friend opposite, who claims to be so sympathetic to the interests of the poor zamindars of the province. My amendment, which also stands on the order paper today, makes the suggestion in what respect the Bill should be improved in the select committee, if it is recommitted. It says that an additional provision should be made in the Bill so as not to make it applicable to those mortgages which are the only sources of livelihood of poor mortgagees and, in the next place, it wants that those smaller landholders, who are living on the income of the land, should be excluded from the scope of the Bill. If it is done, much of the agitation against this measure will die a natural death. This provision, if made in the Bill, will take the wind out of the agitation and no one in the province will cry. Every one will say, 'Here is a Bill framed by the Unionist Government for their own province; I again ask my honourable friend opposite to see my amendment. It wants that destitute mortgagees should be excluded from the operation of this Bill. If this is done, then the agitation, on the ground that there may be widows, there may be minors, whose sole subsistence and livelihood is derived from the mortgaged lands, that argument of the agitators will also be no more and this Bill will be welcomed by all sections of the population.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I have been asked by my colleague, the Honourable Minister for Revenue to take part in today's debate and say something about the speeches that have been delivered on the floor of the House. I was both pleased and grieved to find that the chief spokesman of the Congress Party on the Bill under consideration belongs to the class which will be adversely affected by the provisions of this Bill. I was pleased because in my opinion there is no one on the opposite benches who is better fitted for the task of opposing the introduction of this Bill. I was grieved because I find that except for the fact that he mentioned the name of the poor zamindars now and then, his speech from beginning to end was full of those venomous ideas for the removal of which this Bill has been introduced. The motion that he has moved is that the Punjab Restitution of Mortgaged Lands Bill as reported by the select committee be recommitted to the same select committee for reconsideration, so that whatever shortcomings might have remained in it should be removed. But in the whole of his speech the honourable member has not referred to a single weak point in the Bill now before the House. If he had drawn the attention of the Honourable Revenue Minister, who is the member in charge of this Bill, to any weak points of the Bill, I am sure, he would have certainly accommodated the honourable member. He has not adopted this obvious method, but is out to oppose the principle of the Bill *in toto*. In spite of this fact he has put forward the claim, and would have us believe that had this Bill been introduced for the welfare of the poor, he would never have opposed it. The real reason for this opposition to the Bill is just the reverse of what he has tried to make us believe.

As I have already explained, the ideas which he has expressed in the course of his speech are enough to poison the whole body politic. It has been stated by my friends opposite that this Bill will prove a deadly poison for

[Premier.]

the zamindars of the Punjab. But I venture to say that the House after hearing my speech would be convinced that this Bill would not be regarded as a deadly poison by 90 per cent. of the people of the Punjab. On the other hand it will serve as an elixir for the poor agriculturists. (*Cheers*).

Besides, Sir, he has stated that the only subject of this Bill is to extend the scope of the Land Alienation Act. If the scope of the Land Alienation Act is extended, I cannot imagine what turn the events will take. When this Act was passed, not to speak of the zamindars, even political organisations could not be expected to express their views in unmistakable terms, for the simple reason that there was little political consciousness in the country and people had not learnt to express their ideas fearlessly. But in spite of that the class of people which was going to be affected by the said Act, raised such a hue and cry that some of the Englishmen who supported the Bill, were frightened out of their wits and some of them were heard to remark that they had been unwise enough to thrust their heads into a hornet's nest.

In any case there are cogent reasons for enforcing such a measure at this stage. I should like to quote the opinions of some English officers who are, as we all now, neither zamindars nor *tarrawalas* and who cannot in any way be considered as prejudiced in favour of zamindars and against other people. I am going to read from the opinions of such officers.

6 P.M.

(*At this stage Munshi Hari Lal stood up to say something.*)

I can very well appreciate the uneasiness felt by my friend Munshi Hari Lal but if he will only listen to what I have to say even as we listened to the speech of Lala Deshbandhu it will be conducive to his spiritual well-being and he will have sufficient material to bombard us later on, into the bargain. Mr. Justice Clarke, Chief Judge of the Punjab Chief Court, advised that 'the conditional sales both prior and subsequent to the Act be made null and void.' This will provide food for all those who clamour against the framers of this Bill although these people have not ventured to incorporate such a provision in this Bill. Then Mr. Tupper who was Lieutenant Governor for some time says :

"It leaves open a wide field for the investment of capital in the customary way in mortgages of a suitable description—mortgages which do not need the sanction of any revenue authority but are necessarily subject to the essential condition that the mortgagor who is a member of an agriculturist tribe shall not be permanently dispossessed."

Furthermore, Lord Curzon opined like this :

"It is not a disloyal peasantry that we apprehend. It is a despondent, debt-ridden, expropriated and impoverished land owning class, particularly a class recruited from the stable and conservative elements so forcibly described by the Honourable Mr. Tupper, which would be both a source of weakness to the province and of alarm to the State."

This is exactly the section for whose benefit we have brought forward this measure. Then, Sir, comes the somewhat complicated problem.

of the difference between the mortgages on the one hand and the sales and transfers on the other. In this connection the opinion of Sir Charles Rivaz is equally significant. He says :—

“ It is an arguable question whether the right of free transfer of land was recognised under Native rule, or whether it is what has been called the ‘ fatal gift ’ of the British Government, but in any case the question for practical purposes is one of more academic interest, for it is an undisputed fact that in former times the exercise of the right of transfer, at all events in favour of money-lenders or other outsiders, even allowing that such right did exist in theory was for several reasons exceedingly rare, and we know that even in these days in most Native States alienations of land are either absolutely prohibited or largely restricted.”

This was the state of affairs when the Land Alienation Bill was brought forward. After this, I propose to quote another yet more important extract. This, too, is from the opinion of Sir Charles Rivaz :—

“ We are now proceeding with a bold venture in the Punjab. Should we be successful in this enterprise we shall be encouraged to proceed, and thus, stone by stone, and layer by layer, to build up the fabric of economic and social stability for our rural population.”

This is what he said at the time of bringing forward the Land Alienation Bill. We only laid the foundation but God willing we will proceed with it stone by stone and gradually build an edifice, a strong edifice for the benefit of the poor peasantry of the province.

Sir, the part of his speech in which Mr. Gupta opposed this Bill portrayed his real feelings but he seems to have cleverly incorporated the poor section of the people also into his speech. But their mention is only a stage show. He has not been fair in his criticism. He has been hitting the Government below the belt. For instance, he said that the Bill was meant to benefit Sir Sundar Singh Majithia and myself. He has been courteous enough here to exclude the Minister for Development.

Lala Deshbandhu Gupta : I never insinuated that the Honourable Premier or the Honourable Minister for Revenue would stand to benefit by this Bill.

Premier : Sir, I confess that I do not know as much Urdu as my honourable friend. After all he is a Dehvi. But what I understood him to mean was that probably Sir Sundar Singh Majithia or myself or our parliamentary secretaries would benefit by this Bill. I am glad that he has withdrawn that insinuation. So far as the parliamentary secretaries are concerned, they have given me a written assurance that they have no lands mortgaged with other people. But if there is any whose land has been mortgaged, I shall bring forward an amendment to make it impossible for him to benefit from this Bill. (*Hear, hear*).

Then my honourable friend has said that the Bill has been framed only to benefit the rich people, it is only calculated to benefit the rich fraternity of the rich men inside this Chamber. I am fully at one with him in the matter of showing sympathy to the poor sections of the people. But if he means to say that although thousands of poor people will benefit by this measure, its advantages should be denied to the well-to-do classes, he ought to bring forward an amendment to that effect. I would certainly consider such an amendment tabled by him. He should not confine his attentions to making the Government the target of his venomous attacks. But at present he is simply rejecting this Bill on the ground that it will benefit all rich men and only a fraction of the poor.

[Premier.]

He has, no doubt, presented figures but has not drawn correct inferences from them. The Land Alienation Act was introduced in 1901. Up to that date most of the mortgages were made in favour of the non-agriculturists. No doubt some needy people mortgaged in favour of agriculturists too. But that does not show that all these mortgages were made in favour of the immensely rich people. I shall make an attempt to meet the objection raised by my friend. If it is admitted, for the sake of argument, that a mortgagor is bound to get rich after the lapse of some years, it stands to reason that the widow, with whom he mortgaged his lands, would also get rich in course of time. Land is always mortgaged with big zamindars. That is the lesson which experience teaches us. You are very much mistaken if you think that land is mortgaged with widows. The real facts of the situation are that after the enactment of the Land Alienation Act, people who wanted money, instead of disposing of their lands straight off mortgaged them to somebody. This has been going on since 1901. Have you ever given a moment's thought to the fact that if mortgages were stopped what would happen? If mortgages were stopped, the land would remain with the alienor. As you know, the alienor is entitled to dispose of the land and if he does so, the mortgagor would lose his land. (Cheers).

Lala Deshbandhu Gupta : May I know from the Honourable Premier whether there is any difficulty in bringing forward legislation saying that such and such an amount of property is inalienable and that will put a stop to all sorts of alienation, whether by sale or by mortgage? Where is the difficulty?

Premier : I think my honourable friend is anticipating what this Government may have to do. But I am afraid he will have to wait a little longer before we come forward with a measure of that kind. But I can assure him that the matter is not out of our sight and that the matter is under examination. (Hear, hear). Sir, I think that he has committed this mistake unknowingly. He has committed the same mistake which was committed by Raja Sahib, *viz.*, that the big landlords are trying to dispossess the small holder of his meagre possessions, as Raja Sahib used to say big fish swallowing the small fish. (Raja Narendra Nath : I did not say anything about the size of the fish.) But this is not a fact. The Government held an enquiry into this matter in the three districts of Jhang, Shahpur and Multan and my friends on the opposite benches would be surprised to learn that big zamindars are fast losing their affluence, because they have begun to indulge in luxuries. A big zamindar cannot sell his land. He has to mortgage it and that too with a military pensioner, who has made his pile and who is receiving his pension also. The big landlords of the above mentioned districts are slowly but surely being turned into the smaller fry and the day is not far off when they will be completely swallowed by the agriculturist money-lenders. It is my firm conviction, and I have held this conviction for years, that the agriculturist moneylenders should go the way of the non-agriculturist money-lender. In my opinion they are more dangerous than the big fish which swallow the smaller fry. (cheers). Let me assure the House that the agriculturist and non-agriculturist money-lenders both would be given short shrift. A Bill

would shortly be introduced in the Assembly doing away with the agriculturist money-lender ; and if the House passes the Registration of Money-lenders Bill I will see to it that both these Bills are given effect to simultaneously. (*Cheers*). I hope that this undertaking on my part would set at rest any misgivings that you may have with regard to the dispossession of small holders by big landlords.

My friend in speaking of the zamindars has suggested a moratorium and asked the Government to pay off the sacred debts of the zamindar. Let me assure him that even after passing these Bills, if the zamindars do not get a breathing time, and are unable to stand on their own legs, we shall be obliged to give effect to the suggestions made by him. Let me again assure my honourable friend that both he and we are standing on the brink of a volcano and the only way in which we can save ourselves is that we should do our duty by our constituents, and I am glad to remark that he has done his duty by his constituents.

Dr. Gopi Chand Bhargava : Some time back you ruled that every member who comes here represents the whole of the province and not any particular constituency. May I request him through you not to repeat that argument.

Premier : I bow to your ruling, Sir, but I cannot help saying that if all the representatives of the province are of the same kidney, then God help our poor province (*cheers*). I hope that my honourable friend is satisfied with the reply I have given. You may rest assured that the widow, with whom land was mortgaged in 1875, will not today be found in the land of the living. Please do not lose sight of the fact that if the principle of this Bill is correct for an individual, it is correct for everybody else. If a property has been mortgaged for 40 years or more, the mortgagor would have by this time received an amount of interest equivalent to 12 per cent. per annum. If in 40 years' time, the mortgagor has received 12 per cent. interest, it is evident that he has gained and not lost anything.

Diwan Bahadur Raja Narendra Nath : What will you say if the property was mortgaged for 30 years, say after 1901 ?

Premier : Had the mortgagor been receiving 12 per cent. for 30 years, the mortgagee would have preferred to sell his land. There was nothing to prevent him from so doing.

Then my friend had something to say about the Achhuts. An amendment to this effect was moved in the House yesterday, by which it was intended to throw dust into the eyes of everybody. The upshot of this amendment was that the land should be restored either to Achhuts or to benamidars. My friend's attempt to sympathise with the Achhuts may be described as an unsuccessful attempt to shed crocodile tears. He has done that and nothing more. The scope of this Bill is wide enough to benefit everybody inclusive of our Achhut brethren (*Cheers*). My honourable friend was pleased to remark, and perhaps it was not necessary to mention it, that the Congress may be acting on its professions in other provinces, but this is not being done here.

Mr. Speaker : I request the Honourable Premier not to refer to the League or the Congress, if possible.

Premier : If my honourable friends belonging to the Congress really intend to carry out their pledges, they will have sooner or later to come over to these benches, and I may add that the sooner they do so the better it will be for the country. The time is fast approaching when the so-called well-wishers of the poor agriculturists will have to give up the barren task of indulging in tall talk and apply themselves to the constructive programme which the Unionists have chalked out for ameliorating the conditions of the poverty-stricken masses of the country. That is the only practical way of rendering some useful service to the teeming millions of this province. Need I inform the Congress that the Unionists have stolen a march over them, not in the expression of lip-sympathy but in the field of action. Who does not know that the sympathy of the Congress with the indebted peasantry of the country has melted away at the touch of realities and that day is staring them in the face when they will have to disband their party in this province at least and accept the creed of the Unionists? (*Cheers from the Treasury Benches.*) (*Dr. Satya Pal : Wait and see.*)

Sir, my honourable friend who spoke for about two hours today made an offer, with the ostensible object of proving his sympathy for the poor, that if the Unionist zamindars should agree to distribute their lands among their tenants and the poorer agriculturists of the province the Congress will not oppose this measure. If his colleagues intend to make it the test of their sympathy, I accept their challenge provided they give me the choice to select 40 persons from among them and 40 persons from this side of the House who should agree to distribute their wealth and property among the poverty-stricken masses of the province. Have these honourable gentlemen the courage of their conviction and are they prepared to decide this issue once for all on this basis? If they accept this, I may assure them that all the sinews of war will be gone for ever.

Sir, I confess that these matters are not quite relevant to the motion before the House. But my honourable friends opposite could not help introducing them in the discussion because the constructive programme of the Unionists has surprised them out of their breath and haunts them day and night. They are feeling very uneasy about it. The imminent danger of being totally exposed has made them nervous. It is now an open secret that the Congress is losing its hold on the people if it had any. The results of the recent bye-elections are before the public. Particularly the result of the Amritsar bye-election has served as an eye-opener to them. (*Opposition Benches : What about the bye-elections at Bhalwal and Sialkot?*) In fact Amritsar is the only place where the Congress and the Unionists have had trial of their strength, and you are well aware of the fact that the Congress has suffered a very heavy defeat there. I would not have alluded to this but for the fact that I have very friendly relations with Dr. Kitchlew and I did put it to him that if he contested the elections as an independent, I would compel Shaikh Muhammad Sadiq to withdraw in his favour. But my learned friend Dr. Kitchlew offered the excuse that he had taken the Congress ticket and that it would be improper for him to shift his ground so soon. I then warned him that if he persisted in contesting the elections on the Congress ticket, he would suffer a heavy defeat and in fact he did suffer the worst defeat of his life.

In spite of these hard facts, the Congress people go on spreading rumours to the effect that disunity and disorder prevail among the Unionists. In reality there is no schism in the ranks of the Unionist Party. These rumours only furnish an example of wish being father to the thought. I cannot describe how earnestly the Congress wish to see a schism occur in our party. Only the other day they had set a rumour afloat saying that 12 persons had left the Unionist Party and that many more would follow suit. But the results of divisions in this House must have convinced them that there was no schism in the Unionists who on the other hand stand united and are in fact stronger than before. (*Loud cheers.*). If any honourable member still entertains any doubt about this, he may inquire from the honourable members of the Unionist Party individually or collectively. (*Ministrial Benches. We all stand united.*) These rumours must have pleased the Congress very much. But I am sorry that their pleasure and joy proved short-lived and even when they were painfully disillusioned they still tried to prolong their self-deception by getting published in their newspapers such headlines as the following :

” سر سکندر کے بارے ’’ذیلے ’’ دینے
 ” ایمان نہیں تو جھانگ لگا دوں ”

It is evident, therefore, that these provocative headlines were intended to excite and create a schism in the Unionist Party. But let them remember that we are made of sterner mettle than they can ever dream of. These ironical remarks that they are making will prove of no avail. We stand like a rock and daily gain in strength. (*Loud Cheers.*). (*Voices from the Congress Benches: This rock will be smashed to smithereens.*) Sir, my honourable friends opposite state that they would smash this rock. It is high time that they realise that so long as persons of their type continue occupying Opposition Benches, they will not be able to shake even a sanddune.

In the end I may reply to the objection that has been levelled against us to the effect that this Bill is not calculated to help the poor but is really intended to benefit the landlords of this province. Let me assure these honourable members that if this Bill were not calculated to help the poverty-stricken agriculturists of this province we would not have brought it up before the House. I assure them that this Bill has not been introduced for the benefit of the big land owners. Its only object is to give relief to the poor.

Again, my honourable friend has read out extracts from a Madras Act. But he has left out one thing and that is that he has not cared to state that no distinction has been made between different kinds of agriculturists. Then he cited the case of the United Provinces. But he has not stated that in the United Provinces only those people are included in the list of zamindars whose income does not exceed Rs. 5,000. The people, whose income is more than Rs. 5,000 are not counted as peasants but are termed as taluqdars.

I may submit that in the Punjab one-fourth of the net assets is realised as land revenue. For example, if a zamindar's income is Rs. 5,000 the Government can only take one-fourth as their share. It comes to Rs. 1,250. If we deduct Rs. 350 as general expenses, then the net profits of the zamindar will be Rs. 8,500. Take another example. If a zamindar's income is Rs. 2,000, one-fourth of it will be deducted as land revenue and the remainder

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would be Rs. 1,500. If we deduct Rs. 200 as general expenses, the net income would be Rs. 1,300. If anybody pays Rs. 750 as land revenue his assets would come to Rs. 3,000 only. I may here state that there are very few persons in the Punjab whose net income exceeds Rs. 2,000.

Lala Deshbandhu Gupta : What about the income tax ?

Premier : My honourable friend has asked, "What about the income-tax?" I think he does not know how much income-tax is realised in this province. The tax which is realised from urban areas is not even one-fifth part of that which is realised from the rural areas. I may submit that a zamindar who pays Rs. 750 as land revenue can be included in the list of income-tax payers. But how many are they? I may further submit that the income of a zamindar who pays Rs. 1,000 as land revenue would be Rs. 4,000 and after deducting Rs. 1,000 as land revenue and Rs. 400 as general expenses his net income would be Rs. 2,600. From the examples cited above we come to the conclusion that a person who pays Rs. 1,000 as land revenue is at par with the income-tax payer.

Lala Deshbandhu Gupta : How many of these zamindars whom you have described pay income-tax over and above the land revenue ?

Premier : I was submitting that the zamindars who pay Rs. 1,000 as land revenue come on a par with the income-tax payers, but the number of such people is very small. To be exact the number of such zamindars is 775 only. If we agree to levy income tax on such zamindars, then only 775 people in the Punjab can also be included in this list.

Lala Deshbandhu Gupta : That is from one source only.

Premier : Then Sir, the zamindars who pay Rs. 5,000 as land revenue in the Punjab are only 23 in number. This shows that the proportion of the zamindars in the Punjab unlike in the United Provinces is very small. I know that in the United Provinces there are many taluqdars who pay more than Rs. 5,000 as land revenue. I know that there are 8 persons in the Congress Party who pay Rs. 30,000 each. There are thousands of such people who are joining the ranks of the Congress and will join, but I assure my honourable friend Sardar Sohan Singh Josh that he will certainly join us here. (*Laughter*). I was submitting that there are only 23 persons in the Punjab who can be included in the category of taluqdars.

Dr. Sir Gokul Chand Narang : Have you got other figures between one thousand and five thousand ?

Premier : The number of those who pay above Rs. 1,000 as land revenue but not more than Rs. 5,000 is 775. The number of those who pay more than Rs. 5,000 but not more than Rs. 10,000 is 23. The number of those who pay more than Rs. 10,000 is only 13. The Punjab is fortunate in this respect that there are no big land holders here who can suck the blood of the petty zamindars. The Punjab is a land of peasant proprietors, who do not even get two square meals a day.

Chaudhri Kartar Singh : How much land is in the possession of these 13 ?

Premier : I was saying that there are only 775 persons who can be called rich by stretching the meaning of the word 'rich'. But there are only

three per cent. of the mortgaged lands in their possession. Are the critics of this Bill sure that this Bill has been framed to benefit only 21 persons who can be called rich and about whom there is no certainty that their lands are mortgaged? Can they reasonably complain that 35 lakhs of poor people do not stand to gain by the passage of such a measure? Any person with a grain of fairmindedness will admit that the Bill is meant to benefit the poor and not the rich. Our aim is to make those people stand on their legs who have had no justice so far and whose cries have gone unheard up to this time. Nay, we propose to see them attain the utmost of progress. (*Ministerial Cheers*). My friends say that persons occupying these benches are all *tarrawalas*. I wish all Punjabis were *tarrawalas*, all were rich and none were poor. I hope that my friends Sardars Sohan Singh, Kartar Singh, Kabul Singh, Hari Singh and Kishan Singh will come to our side some day. They are fast becoming industrialists and they will soon join our ranks. Then, the Persian line *مستوق ما بشیوه هر کس نواب است* will not apply to them aptly as it does not even in the case of my friend Lala Deshbandhu Gupta.

(*Voices*: Question be now put).

Mr. Speaker: The question is—

That the question be now put.

The motion was carried.

Mr. Speaker: Rai Bahadur Mr. Mukand Lal Puri can move his motion formally without making any speech.

Rai Bahadur Mr. Mukand Lal Puri: I beg to move—

That the Punjab Restitution of Mortgaged Lands Bill as reported by the select committee be circulated for eliciting public opinion thereon by the 1st of October 1932.

The motion was lost.

Mr. Speaker: The question is—

That the Punjab Restitution of Mortgaged Lands Bill as reported by the Select committee be re-committed to the same select committee for reconsideration.

The Assembly divided: Ayes 36; Nays 75.

AYES.

Bhagat Ram Choda, Lala
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Binda Saran, Rai Bahadur.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.

Kabul Singh, Master.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur
 Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Narendra Nath, Diwan Bahadur
 Raja.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.

Sahib Ram, Chaudhri.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.

Sita Ram, Lala.
Sohan Lal, Rai Sahib Lala.
Sohan Singh Josh, Sardar.
Sudarshan Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Badar-Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Barkat Ali, Malik.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dina Nath, Captain.
Faiz Muhammad, Shaikh.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Jang Singh, 2nd-Lieutenant
Bhai.
Fateh Khan, Khan Sahib, Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Gopal Singh (American), Sardar.
Haibat Khan Daha, Khan.
Hans Raj, Bhagat.
Hari Chand, Rai.
Harnam Singh, Captain Sodhi.
Het Ram, Bai Sahib Chaudhri.
Inder Singh, Sardar.
Jagjit Singh Man, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Joginder Singh Man, Sardar.
Karamat Ali, Shaikh.
Khizer Hayat Khan Tiwana, The
Honourable Nawabzada Major.
Kishan Das, Seth.
Maqbool Mahmood, Mir.
Mazhar Ali Azhar, Maulvi.
Mubarik Ali Shah, Sayed.

Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Faiyaz Ali Khan,
Nawabzada.
Muhammad Hassan Khan Gur-
chani, Khan Bahadur Sardar.
Muhammad Hayat Khan Noon,
Nawab Malik Sir.
Muhammad Hussain, Sardar.
Muhammad Qasim, Chaudhri.
Muhammad Raza Shah Jeelani,
Makhdumzada Haji Sayed.
Muhammad Saadat Ali Khan, Khan
Sahib Khan.
Muhammad Sarfraz Khan, Chaudhri.
Muhammad Wilayat Hussain Jee-
lani, Makhdumzada Haji Sayed.
Muhammad Yasin Khan, Chaudhri.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Nasir-ud-Din, Chaudhri.
Naunihal Singh Mann, Lieutenant
Sardar.
Nawazish Ali Shah.
Nur Ahmad Khan, Khan Sahib
Mian.
Pir Muhammad, Khan Sahib
Chaudhri.
Pritam Singh Siddhu, Sardar.
Ram Sarup, Chaudhri.
Ranpat Singh, Chaudhri.
Rashida Latif Baji, Begum.
Riasat Ali, Khan Bahadur Chaudhri.
Ripudaman Singh, Thakur.
Sahib Dad Khan, Khan Sahib
Chaudhri.
Shahadat Khan, Khan Sahib Rai.
Shah Nawaz, Mrs. J. A.
Sham Lal, Rai Bahadur Chaudhri.
Sikander Hyat-Khan, The Honour-
able Major Sir.

Sultan Mahmood Hotiana, Mian.
Sumer Singh, Chaudhri.
Sundar Singh Majithia, The Honour-
able Dr. Sir.
Suraj Mal, Chaudhri.

Talib Hussain Khan, Khan.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur Sar-
dar.

Lala Duni Chand : On a point of order, Sir. My point of order is whether a member, who has got a perfectly valid motion standing in his name, can be asked to move that motion without being given an opportunity to make a speech in support of that motion ?

Mr. Speaker : When several amendments raise different aspects of the same question and one of them is moved and taken into consideration, I generally allow the debate to range over all such amendments on the understanding that when the amendments, other than the one under consideration are called, they shall be put to the vote of the House separately, if desired, but not discussed, as they are discussed or are taken to be discussed when the amendment under consideration is discussed. Following this practice, I gave the honourable member an opportunity to discuss. In fact he was the only member who stood up to take part in the debate when the closure motion was moved. So, no injustice has been done to the honourable member and no Standing Order or Rule has been violated.

Lala Duni Chand : I rise on another point of order for the guidance of the House, and it is whether a member, who has got one of the motions standing in his name, which are going to be discussed together, has got a right to speak or not ?

Mr. Speaker : Certainly, if he rises and is called.

Mr. Speaker : The question is—

That the Punjab Restitution of Mortgaged Lands Bill as reported on by the Select Committee be taken into consideration.

7 P.M.

The motion was carried.

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

Clause 2.

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

That in line 2 between the figure and word '1900' and 'this' the words 'or in any other law for the time being in force' be inserted.

(Urdu) : The object of my amendment is to remove all doubts about this clause 2. I commend it to the House for acceptance.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 2 between the figure and word '1900' and 'this' the words 'or in any other law for the time being in force' be inserted.

Minister for Revenue : I oppose the amendment.

Mr. Speaker : The question is—

That in line 2 between the figure and word '1900' and 'this' the words 'or in any other law for the time being in force' be inserted.

The motion was lost.

Rai Bahadur Mr. Mukand Lal Puri : Sir, one of my amendments was left out yesterday because another amendment which was earlier in point of time had already been disposed of. I want to avoid such a thing happening today also. I may draw you attention to the fact that these amendments are not printed in any order and we have therefore to depend upon you to call us to move our amendments.

Mr. Speaker : I will call every honourable member who has given notice of an amendment to move it when its turn comes.

Dr. Sir Gokul Chand Narang : I do not know why you have changed the system of arranging the amendments. It is very difficult for us to understand the order of arrangement of the amendments. Why should you not follow the numerical order ?

Mr. Speaker : I have followed that order. If the honourable member has got a copy of the Bill, I shall be able to explain to him my difficulties.

Dr. Sir Gokul Chand Narang : There is great confusion and I do not think many honourable members know even what is being done.

Mr. Speaker : I will just explain. If the honourable member goes through the list of amendments, he will find that amendments are proposed to be moved in every line of clause 2 and once an amendment is moved and disposed of, we cannot go back and move amendments in earlier parts of the same line or clause. What I have been doing in the past and intend to do today is that when several amendments are about to be moved to the same clause, I will propose each of them in such a form as not to exclude any later amendments; and to achieve this object I shall have to propose, at least in some cases, only the first words of an earlier amendment and to propose the succeeding words at a later stage, after the intermediate amendments are disposed of in the same manner.

THE PUNJAB ALIENATION OF LAND (FURTHER AMENDMENT) BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I beg to present the report of the Drafting Committee on the Punjab Alienation of Land (Further Amendment) Bill.

PROGRAMME OF BUSINESS.

Premier : Sir, as I pointed out yesterday, we are not going to sit to-morrow. I also warned the House that we might have to sit next week. I may now state that we will be sitting on Monday and Tuesday, the 11th and 12th instant. On Monday afternoon I will be in a position to state whether we will have to sit later in the week also.

The first thing we propose to take up on Monday, according to the list of business which will be circulated in due course by the Secretary of the Assembly, is the Moneylenders Registration Bill. The next thing will be the Punjab Alienation of Land (Further Amendment) Bill in respect of which the Drafting Committee's report has just been presented. Thereafter we will take up the Rules of Business and then the Restitution of Mortgaged Lands Bill. We will have a continuous list of business in the order I have indicated.

The Assembly then adjourned till 2 p.m. on Monday, 11th July, 1938.

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 11th July, 1938.

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

STARRED QUESTIONS AND ANSWERS.

INCLUSION IN POLICE REGISTER X OF THE NAME OF SARDAR JODH SINGH OF KAHUTA, DISTRICT RAWALPINDI.

***3274-A. Sardar Partab Singh :** Will the Honourable Premier be pleased to state—

- (a) whether the Government is aware of the fact that Sardar Jodh Singh, son of Chaudhri Sundar Singh, caste Mahajan of Kahuta, district Rawalpindi, who is the biggest landlord in village Batala and who occupies an important social position among the Sikhs of the locality and who has also earned many commendation certificates even from the Police department has recently been directed by Muhammad Mulak, Sub-Inspector of Kahuta police station, Rawalpindi, to report his movements every day at the police station Kahuta ;
- (b) whether it is a fact that Sardar Jodh Singh's name has been entered in register X, police station Kahuta ;
- (c) whether it is also a fact that a village chaukidar under instructions from Muhammad Mulak, Sub-Inspector calls out the name of the aforesaid Sardar Jodh Singh thrice every night at intervals ;
- (d) if the answer to (a), (b) and (c) above be in the affirmative, the reasons for taking such action against him ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No.

(b) The contents of Police Register X are not made public and I do not think it would be in the public interest to answer this part of the question.

(c) No.

(d) Does not arise.

GRIEVANCES OF THE UPPER SUBORDINATES IN THE IRRIGATION BRANCH.

***3274-B. Sardar Partab Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that in 1929 a verbal promise was given by the authorities concerned to a deputation of upper subordinates that in future no recruitment would be made to the Provincial

[8. Partab Singh.]

Service of Engineers without first absorbing the upper subordinates in the cadre of Provincial Service of Engineers by promoting them to the Sub-Engineer grade ;

- (b) whether it is a fact that contrary to that promise Government recruited thirty temporary engineers in the Punjab Irrigation Branch in the recent past and thereon reverted several upper subordinates who were drawing maximum pay of their grade for the last many years and were holding sub-divisional charges to sectional charges ; if so, the reasons therefor ?

The Honourable Dr. Sir Sundar Singh Majithia : The honourable member is referred to reply given to question No. *3201-C¹ of Sardar Hari Singh.

FOOD TROUBLE FOR AHRARI AND NILI POSH PRISONERS IN LAHORE
CENTRAL JAIL.

***3274-C. Sardar Partab Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that the Ahrari and Nili Posh prisoners in the Lahore Central Jail refused to eat cooked vegetable (cag or spinach) on 12th April, 1938 ;
- (b) whether it is a fact that M. Mazhar Ali Azhar, M. L. A., pointed out to the immediate officer concerned that the cooked vegetable contained grass, berseem and shaftal, etc. ;
- (c) whether it is a fact that on their refusing to eat adulterated vegetable (spinach) the Ahrari and Nili Posh prisoners were confined in separate blocks ;
- (d) what steps, if any, Government proposes to take in the matter ?

The Honourable Mr. Manohar Lal : (a) No.

(b) No.

(c) No. They were kept in separate blocks on the request of both parties as they were not on good terms with each other.

(d) Does not arise.

DEATH OF PRISONER TARA SINGH IN LAHORE CENTRAL JAIL.

***3274-D. Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether Government is aware of the fact that a prisoner named Tara Singh, son of Ganda Singh, died in the Lahore Central Jail on the midnight of 13th and 14th April, 1938 ; if so, the cause of his death ;
- (b) what type of labour did he do during the day previous to his death ;
- (c) how many days did he work on that type of labour ;

- (d) whether his relatives were informed in the jail of Tara Singh's serious illness ;
- (e) whether his body was cremated by the jail authorities ;
- (f) why his dead body was not given to his parents and guardians ?

The Honourable Mr. Manohar Lal : (a) Prisoner Tara Singh, son of Ganda Singh, died in the Central Jail, Lahore, during the night between the 14th and 15th of February, 1938. His death was sudden and an inquest was held by a magistrate. The *post-mortem* report shows that death was due to congestion of the lungs and various internal organs, the cause of which could not be determined.

(b) Envelope-making in the Press.

(c) He has been doing this work for about a month before his death.

(d) His death was sudden and prior to it there were no grounds for informing his relatives of any illness.

(e) and (f) The dead body was handed over to the police for *post-mortem* examination and the police disposed of it.

Sardar Hari Singh : May I know whether the deceased had any complaint before his death took place ?

Minister : I have no information on the subject. His death was obviously due to some sudden cause, but if my honourable friend would give me notice, I will find out whether he used to suffer from any illness before this sudden death. At present I have no information on the subject.

Lala Duni Chand : May I know what was his age ?

Minister : I do not know.

Lala Duni Chand : May I know if his condition had been noticed by any body prior to his death ?

Minister : He died of a sudden attack.

CHAPATIS FOR PRISONERS.

***3274-E. Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state whether it is a fact that there is a general complaint in the jails of the province that the *chapatis* given to the prisoners baked on "lohs" are not well cooked (baked) ; if so, the action Government proposes to take in the matter ?

The Honourable Mr. Manohar Lal : Government is not aware of any such complaint. On the contrary the reports of the quarterly boards of visitors constituted under paragraph 53-A of the Punjab Jail Manual and of non-official visitors throughout the province show that both they and the prisoners are well satisfied with the cooking of *chapatis*.

CONVICT CHANDER BHAN, SON OF KISHAN CHAND.

***3274-F. Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether there was a convict by the name of Chander Bhan, son of Kishan Chand of Campbellpur district, confined in the Lahore Central Jail, in the second week of April, 1938 ;

[8. Partab Singh.]

- (b) since how long he had been confined to solitary confinement and the reasons for this kind of punishment?

The Honourable Mr. Manohar Lal : (a) There was a prisoner named Chander Sen (not Chandar Bhan), son of Kishen Chand of Campbellpore, confined in the Lahore Central Jail during the second week of April, 1938.

(b) This prisoner has never been kept in "solitary confinement". He has, however, been awarded two periods of "separate confinement" of one month each in 1935 and 1936. These punishments were for neglecting his allotted tasks and indiscipline. The distinction between solitary and separate confinement is given in paragraphs 510 and 612 (8) of the Punjab Jail Manual.

VERNAICULAR DAILIES ON THE EDUCATION DEPARTMENT APPROVED LIST.

***3275. Lala Deshbandhu Gupta :** Will the Honourable Minister of Education be pleased to state—

- (a) the names of the vernacular dailies which are on the Education Department approved list for circulation in Government-aided schools ;
- (b) whether it is a fact that the *Milap* and the *Partap* which used to be subscribed by certain aided schools, have since been banned ; if so, reasons for the same ?

The Honourable Mian Abdul Haye : (a) and (b) It has been decided on educational grounds not to include vernacular dailies in the list of journals, etc., approved for use in schools in the Punjab. The head masters of schools have nevertheless been authorised to subscribe to such vernacular dailies as have been included in the list of papers approved by Government for purposes of advertisement, etc., provided they are calculated to serve some useful purpose in educational institutions.

WATER SUPPLY SYSTEM OF OKARA MANDI.

***3275-A. Chaudhri Kartar Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the water supply system of Okara Mandi, district Montgomery, has been completed since 1935 ;
- (b) the amount of money spent on its construction by the Municipality ;
- (c) whether by its resolution of 9th February, 1938, the abovenamed Municipality requested the Government for permission to supply water by meter and pipe system and whether the permission was accorded ; if so, the reasons for not supplying water to the population of the city up to this time ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Rs. 1,47,120.

(c) No resolution was passed by the Municipal Committee on the 9th February, 1938. By-laws, however, provide metered connections and the Committee requested Government by its resolution No. 2, dated the 6th January, 1938, for amending the said by-laws so as to provide for private connections at flat rates. After considering this proposal Government are of the opinion that it will be a very retrograde step to permit the Committee to give connections for private water supply on a ferrule basis without meters. The effect will be to make the supply intermittent, cause serious waste of water and render the water supply scheme quite inadequate for the requirements of the population, besides setting a bad example to other towns where the metering system is being carried out. It has, however, been suggested that the meter rents for $\frac{3}{4}$ " and $\frac{1}{2}$ " meters might be reduced to six annas per mensem which is the positive minimum which could be faced; and that the charge per 1,000 gallons for water supplied through meters might be reduced, say to six annas per 1,000 gallons, if the Committee wishes to make private connections more attractive.

Chaudhri Kartar Singh: Does the Honourable Minister know that in the capital of the Punjab and other municipal committees in the Punjab water supply is charged on flat rates?

Minister: And the Government does not approve of that.

Chaudhri Kartar Singh: Does the Government intend to stop the previous system and start meter system?

Minister: It is decidedly in the interest of the public as well as the local bodies.

Chaudhri Kartar Singh: Is the Minister aware that poor people will not be able to take water?

Minister: That is not correct.

FEE CONCESSIONS TO AGRICULTURISTS AND DEPRESSED CLASSES.

*3276. **Lala Deshbandhu Gupta:** Will the Honourable Minister of Education be pleased to state—

- (a) whether Government notification No. 4870-G., dated the 18th February, 1938, applied only to Government and board anglo-vernacular schools in the province or also to all Government aided schools as well;
- (b) if the answer to part (a) be in the affirmative, the reasons for excluding aided schools from the list of such schools which according to the said circular will charge concession fees from students of agriculturists and depressed classes?

The Honourable Mian Abdul Haye: (a) and (b). Punjab Government notification No. 4870-G., dated the 18th February, 1938, has not affected the fee concessions for agriculturists which are exactly the same as heretofore. The concession in the primary classes is admissible in all kinds of schools, while that in the secondary classes is admissible in Government and board anglo-vernacular schools only, because finances do not permit of the extension of the latter concession to privately managed schools.

Lala Deshbandhu Gupta : Will the Honourable Minister please state whether the Government has considered the desirability of extending this concession to the college classes as well in the Government colleges ?

Minister : I require notice.

Lala Deshbandhu Gupta : Is the Honourable Minister aware that similar concessions have been given in other provinces and particularly in Bombay and other Congress provinces.

Minister : We are far ahead of other provinces in many respects and my honourable friend does not want me to criticise the administration of other provinces.

Lala Deshbandhu Gupta : Will the Honourable Minister please state in what respects he is far ahead of other provinces ?

Minister : That is acknowledged by other provinces.

Mr. Speaker : The question is disallowed.

Sardar Hari Singh : May I know why the Honourable Minister is so angry while answering these questions ? (*Laughter*).

AGE LIMIT FOR APPEARING FOR THE PUNJAB CIVIL SERVICE (JUDICIAL BRANCH) COMPETITIVE EXAMINATION.

*3277. **Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the age limit fixed for candidates appearing for the Punjab Civil Service (Judicial Branch) Competitive Examination ;
- (b) whether it is a fact that some concession in the matter of age is allowed to persons serving under the Government ;
- (c) whether it is also a fact that this concession is not extended to those persons belonging to Punjab, who are otherwise qualified in all respects, but are serving in the offices under the Government of India ;
- (d) if the answer to part (c) above be in the affirmative, what are the reasons for this differential treatment ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan, Daulatana) : (a) The honourable member is referred to rule (2) of the rules in Chapter 20-A of the High Court Rules and Orders, Volume I, a copy of which is available in the Assembly Library.

(b) Yes, but only to ministerial Government servants serving under the Punjab Government.

(c) Yes.

(d) Ministerial Government servants serving under the Punjab Government have been given this concession to provide them with the opportunity of promotion to a provincial service. The concession has also the effect that it enables the Punjab Government to attract a better type of recruit for ministerial posts.

Pandit Bhagat Ram Sharma : I want to point out that in part (b) of question No. *3277 it should be 'Provincial Government' and not Government.

Pandit Bhagat Ram Sharma : Does the Government intend to extend this concession to people serving under the Central Government?

Parliamentary Secretary : No.

PARTICIPATION OF NOMINATED MEMBERS OF LOCAL BODIES IN
PRESIDENTIAL ELECTIONS.

***3278. Lala Deshbandhu Gupta :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Government have issued recently any circular to all municipal boards directing official members not to participate in municipal proceedings when the question of selecting a non-official president is under consideration of the committee and further, not to take part in the election of a non-official president ;
- (b) if so, whether he will be pleased to lay a copy of the said circular on the table of the House ;
- (c) the date when the said circular was issued ;
- (d) whether Government has recently received any complaint from Rewari and Palwal Municipal Committees that the orders in the said circular were disregarded at the time of the last election of presidents by these committees; if so, what action Government has taken or proposes to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) No such circular has been issued.

(b) and (c) Do not arise.

(d) Complaints have been received from certain members of the Municipal Committee, Rewari, but no action was taken on them as no irregularity had been committed in the election of the President. Government have recently received no complaint from Palwal Municipal Committee.

Lala Deshbandhu Gupta : Will the Honourable Minister of Public Works be pleased to state whether any letter was addressed to the Panipat Municipality on this subject directing that the official members should not participate in the election of the non-official president ?

Minister : Perhaps you are referring to a different circular, the language and subject of which is different. If you want that circular, I have got it here with me and I can place it on the table.

Lala Deshbandhu Gupta : Does it deal with this subject ?

Minister : No. It concerns an official president and not a non-official president.

Lala Deshbandhu Gupta : I would like to see the circular. May I further know in reference to the reply to part (d) as to what was the nature of the complaints mentioned in the representation made by this municipality?

Minister : If you will give notice I will supply you particulars as to the nature of the complaints too.

Lala Deshbandhu Gupta : Will the Honourable Minister be pleased to state further whether the Government has considered or whether they intend considering the question of asking the official members not to take part in the election of the President ?

Minister : Can a question as to the future intention of the Government be asked ?

Lala Deshbandhu Gupta : Have they considered or not ?

Minister : No.

Lala Deshbandhu Gupta : Do they intend to consider ?

Minister : That concerns the future intention of the Government. First get a ruling from the Chair and then I shall reply.

Lala Deshbandhu Gupta : The Honourable Speaker has not objected and that is enough ; the Honourable Minister should take notice of the question.

Minister : I would like a ruling whether the question is permissible or not.

Lala Deshbandhu Gupta : My question is simple. I want to know whether Government intend to consider the desirability of asking official members not to participate in the elections of presidents of the municipalities ?

Minister : The local bodies concerned have option in the matter. If they so desire, they can elect the president and there is no question of any consideration by the Government.

Lala Deshbandhu Gupta : My question is whether official members, who are guided by the deputy commissioners in the municipalities, are asked or whether the Government have considered the desirability of asking them not to participate in the election of presidents because they belong to a separate party ?

Minister : They are members and they are guided by no one.

Lala Deshbandhu Gupta : Do the Government intend to ask them not to participate in presidential elections ?

Minister : As long as they are members, they have certain rights as other members. You can read the circular and the position will be clear.

Lala Deshbandhu Gupta : What objection can there be ? Why are official members in district boards not required to take part ?

Minister : I am afraid the honourable member has not followed the reply nor the question. The same rule applies to municipalities now as well as to district boards and that was the matter to which the circular relates.

Mr. Speaker : The next question.

REDUCTION IN THE SCALES OF PAY OF THE VETERINARY SUB-ASSISTANT SURGEONS.

*3279. **2nd Lieutenant Bhai Fatchjang Singh :** Will the Honourable Minister of Development be pleased to state whether it is a fact that some five or six years ago the scales of pay of the veterinary sub-assistant surgeons was reduced and if so, the reasons therefor ?

The Honourable Chaudhri Sir Chhotu Ram : There are no posts of veterinary sub-assistant surgeons under the Punjab Government.

If the honourable member is referring to veterinary assistant surgeons, their old scale of pay was Rs. 100—10—150, efficiency bar—10—200; efficiency bar—Rs. 10—300. Rules prescribing revised rates of pay for subordinate services were published in March, 1937, and reduced the scale to Rs. 80—7—150; efficiency bar—Rs. 7/8—225. The lower scale is applicable to all veterinary assistant surgeons who were not confirmed before 1st January, 1931. Lower scales of pay have now been prescribed for all services in the interests of economy.

COMPLAINT AGAINST B. VIDYA PARKASH, MOTOR LICENCE CLERK
IN THE DEPUTY COMMISSIONER'S OFFICE, AMBALA.

*3280. **Lala Deshbandhu Gupta :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that a complaint is pending with the Deputy Commissioner, Ambala, against B. Vidya Parkash, Motor Licence Clerk in the Deputy Commissioner's office, Ambala, which was filed by the Motor Union, Kharar and Ambala; if so, whether he will be pleased to lay a copy of the same on the table of the House;
- (b) the action that has been taken or that is intended to be taken on that complaint?

The Honourable Dr. Sir Sundar Singh Majithia : Enquiry is being made from the Deputy Commissioner and on receipt of information a reply will be sent to the honourable member.

Lala Deshbandhu Gupta : Since the nature of the complaint is very serious, will the Honourable Minister of Revenue kindly take steps to see that this man is transferred pending further enquiries in the matter?

Minister : I am afraid it is a request for action.

Lala Deshbandhu Gupta : May I ask the Honourable Minister to expedite the enquiry?

Minister : I have said that when the information is received, reply will be sent to the honourable member. Beyond that I cannot say anything.

Lala Bhim Sen Sachar : In view of the complaint and the seriousness involved in the matter, will the Government transfer the officer pending further enquiries?

Minister : I do not know what the complaint is. Unless the complaint is received I cannot reply.

Lala Duni Chand : May I know if it is the policy of the Government to transfer the person against whom serious charges have been brought?

Minister : I think the request is futile if my friend means that an officer should be transferred merely on a complaint without making an enquiry.

REPRESENTATION BY PUNJAB BHATIA RAJPUT ZAMINDARS.

*3281. **Sardar Hari Singh** : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that a deputation on behalf of the Punjab Bhatia Rajput Zamindars League waited upon him on the 21st April, 1938 and submitted a representation to him regarding their tribes' rights and grievances ;
- (b) if answer to (a) above be in the affirmative, the contents of their representation ;
- (c) the action taken or proposed to be taken in the matter by the Government ?

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

(b) The main prayer was that the Bhatias be declared as Rajputs for purposes of the Punjab Alienation of Land Act.

(c) The deputationists were asked to submit a consolidated statement showing the number of landowners, the area of land owned, the extent to which they have gained or lost land since the last settlement, and the extent to which they depend upon agriculture for livelihood. The representation will be given due consideration on receipt of this information.

ATTEMPTS OF TANDA POLICE TO TAKE BRIBE.

*3282. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

- (a) whether a representation from certain persons of village Harsipind, Thana Tanda, District Hoshiarpur, regarding attempts of Tanda Police to take bribe from them, was received by the Government under a registered cover on the 12th February, 1938 ;
- (b) if so, the allegations made in the representation ;
- (c) whether an enquiry has been held into the matter and if so, with what result ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) No such representation seems to have been received.

(b) and (c) Do not arise.

Sardar Hari Singh : May I ask whether a representation referred to in this question has been received by the Inspector-General of Police ?

Parliamentary Secretary : No.

Sardar Hari Singh : I have got a receipt for the registered cover.

Parliamentary Secretary : The information that I have got is that no representation was received till the time the draft reply was prepared.

Lala Deshbandhu Gupta : Will he refer the matter again to the person concerned for further enquiry ?

Parliamentary Secretary : The honourable member might send another representation.

Lala Deshbandhu Gupta : Oh !

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

MEMORIAL BY CANDIDATE PATWARIS.

*3283. **Sardar Hari Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the candidate patwaris of the Irrigation Department have recently submitted a memorial to the authorities concerned on the subject of their grievances of their rights ;
- (b) if answer to (a) above be in the affirmative, contents of the representation and action taken by the Government thereon ?

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

(b) The representation is under consideration. The honourable member is probably not unaware of the contents of the printed representation.

Sardar Hari Singh : I am unaware of it. That is why I put that question.

Minister : But you know it.

Sardar Hari Singh : The Honourable Minister says that I am probably not unaware of it. I have never heard a responsible Minister answering like that. The Honourable Minister knows it but I do not know.

Minister : My reply is clear. The representation is under consideration.

Mr. Deputy Speaker : The next question.

BOARDING HOUSE, GOVERNMENT GIRLS' HIGH SCHOOL, MIANWALI.

*3284. **Khan Bahadur Captain Malik Muzaffar Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that no boarding house for the students of the Government Girls' High School, Mianwali, has been built so far and the Government has again recently postponed its construction ; if so, the reasons for the same ;
- (b) whether it is a fact that a building for the boarding house was rented last year and its rent paid out of the Mianwali District Dehat Sudhar Fund and the Department has again asked the Deputy Commissioner, Mianwali, to arrange for a boarding house on rent to be paid by the District Board, Mianwali ;
- (c) whether he is aware of the fact that a boarding house is a necessity for the girls of rural areas studying in the Government Girls' High School, Mianwali, and that it is not possible for the District Board, Mianwali, to pay its rent ; if so, the action intended to be taken in the matter ?

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

DEARTH OF DRINKING WATER IN THE MIANWALI DISTRICT.

*3285. **Khan Bahadur Captain Malik Muzaffar Khan** : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that there is a great dearth of drinking water in the tracts of land lying near the Salt Range in the Mianwali district such as Chhidru, Bore-Khel, Sanwan, Sultan Khel ;
- (b) if the answer to (a) above be in the affirmative, what steps the Government proposes to take in the matter ?

The Honourable Mian Abdul Haya : (a) Yes.

(b) (i) *Chhidru*.—A scheme costing Rs. 35,458 was prepared to improve the Chhidru water supply but it had to be dropped as the District Board, Mianwali, could not meet its annual maintenance charges amounting to Rs. 8,000.

(ii) and (iii) *Bore Khel and Sanwan*.—Grants-in-aid of Rs. 22,589 and Rs. 8,401 for improving water-supply of Bore Khel and Sanwan have been given by Government and the works are under construction.

(iv) *Sultan Khel*.—A water-supply scheme for this village was prepared in 1929 at an estimated cost of Rs. 25,400. A cent per cent grant-in-aid was sanctioned for it but the matter was subsequently dropped in October, 1930, on account of financial stringency. The matter is now again receiving attention.

STRICTURES AGAINST RAI BAHADUR HARI SINGH, HONORARY
MAGISTRATE, RAWALPINDI.

*3286. **Mian Abdul Rab** : Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that strictures were passed against Rai Bahadur Hari Singh, Honorary Magistrate, Rawalpindi, by Mr. Ormerod, Sessions Judge, Rawalpindi, in an excise case decided during the current year ;
- (b) whether it is a fact that the Deputy Commissioner, Rawalpindi, did not recommend the extension of the tenure of his honorary office ;
- (c) if the answer to the above be in the affirmative, what were the considerations that led the Government to allow him to continue him as an honorary magistrate ?

The Honourable Mr. Manohar Lal : (a) No.

(b) No.

(c) Does not arise.

STRICTURES AGAINST SUB-INSPECTOR, POLICE, MIANWALI
POLICE STATION.

*3287. **Mian Abdul Rab** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that in May, 1937, the Sub-Inspector, Police, in charge of the Mianwali Police Station arrested without

sufficient proof six women and one man on a charge under sections 342/347, Indian Penal Code, and kept them in custody, and subsequently challaned them ;

- (b) whether it is a fact that the Additional District Magistrate, Mianwali, before whom the accused were challaned, discharged all of them ;
- (c) whether it is a fact that the Sessions Judge, Mianwali, while dismissing a revision petition against the order of discharge passed strictures against the said sub-inspector ;
- (d) whether it is a fact that the District Magistrate, Mianwali, ordered a departmental inquiry against the said sub-inspector ; if so, the result of the inquiry, and the action taken against the sub-inspector ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujja! Singh) :

(a) Twelve accused including six women were arrested in a case under sections 342/366, Indian Penal Code, registered on the 23rd April, 1937, and were subsequently challaned.

(b) Eight accused including six women were discharged for lack of proof while the remaining four were convicted under section 342, Indian Penal Code.

(c) On an appeal by the convicted persons, the Sessions Judge upholding the order of the lower court passed strictures against the sub-inspector for having arrested eight persons including six women on flimsy grounds and insufficient evidence.

(d) Yes. The sub-inspector of police on departmental enquiry was found guilty and was reduced from the 4th selection grade (Rs. 190) to the time-scale below the efficiency bar at Rs. 110.

Mian Sultan Mahmud Hotiana : Is this punishment in proportion to the offence ?

Parliamentary Secretary : Yes.

Mian Sultan Mahmud Hotiana : Will it deter other police officers from committing this offence ?

Mr. Deputy Speaker : It is a question of opinion .

INTERMENT ORDER AGAINST SARDAR HARDIT SINGH OF DALHWAL.

*3238. **Master Kabal Singh** : Will the Honourable Premier be pleased to state whether Sardar Hardit Singh of village Dalewal in Jullundur district was interned in his village during the year 1915-16 and whether that internment order still stands against him ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : The honourable member is referred to the answer given to question No. 1189¹ asked by Sardar Partap Singh in 1924.

Lala Deshbandhu Gupta : May I know if the Honourable Minister is in order in referring to replies given as long as 15 or 18 years ago ? Could not the Parliamentary Secretary reproduce the reply instead of

[L. Deshbandhu Gupta.]

referring the honourable member to questions and answers made 15 years back ?

Mr. Deputy Speaker : This information is available in accessible documents.

Premier : Is it permissible to ask questions about events as old as 15 years ?

Sardar Hari Singh : The records are with the Government.

Premier : Exactly, that is why the answer has been given.

Master Kabul Singh : Does the Government intend to institute a case against Hardit Singh when he returns home ?

Mr. Deputy Speaker : It is a hypothetical question.

CONSTRUCTION OF A ROAD BETWEEN THE DAKAHA RAILWAY GATI
AND MAHILPUR.

*3289. **Master Kabul Singh :** Will the Honourable Minister for Public Works be pleased to state —

(a) whether the Commissioner of Jullundur division has recently received any application from the villagers of Kothi Than Singh Chandpur, Sarnana, Nangal for the construction of a road, between the Dakaha Railway Gati and Mahilpur (Hoshiarpur) ;

(b) whether a similar application duly signed and thumb-marked, dated the 7th May, 1938, was sent to the office of the Deputy Commissioner, Jullundur, and if so, whether the said road has been included in the road programme under consideration of the Government in order to remove inconvenience of the people of the locality ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) The application addressed to the Chief Secretary to Government Punjab, was received and has been dealt with, and intimation of the action taken in the matter forwarded to L. Hirda Ram, of Kotli Than Singh, one of the signatories of the application.

(b) The road is not being included in the Road Development Programme which is under consideration of Government, as there are many other roads in the province of greater importance.

COMPLAINT AGAINST TAHSILDAR OF SANG DHALLIAN.

*3290. **Master Kabul Singh :** Will the Honourable Minister of Revenue be pleased to state whether he has recently received a complaint duly signed and thumb-marked by Ram Singh of Sang Dhallian and others against the local Tahsildar against his conduct at the time of questioning the village lambardar regarding the malba fund ; if so, whether the Government intends making any enquiry into the case with a view to taking suitable action ?

The Honourable Dr. Sir Sunder Singh Majithia : I should have been obliged if the honourable member had given an indication as to the district in which the village is. An enquiry will be made and answer supplied to the honourable member.

PHILLAUR-RAHON ROAD.

***3291. Master Kabul Singh :** Will the Honourable Minister for Public Works be pleased to state whether any roads in the Jullundur district have been taken control of by the Government according to their road programme and whether Phillaur-Rahon road is one of the roads taken control of by the Government ; if not, whether the Government intends to include this road in that programme now ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Road from Kartarpur to Kapurthala has been taken over and that between Phillaur and Rahon will be taken over shortly. The provincialization and reconditioning of the road from Phillaur to Rahon is included in the Road Development Programme.

REPRESENTATION AGAINST THE CONDUCT OF KHAN MOHAMMAD
GHULAM SIDIQ KHAN, INSPECTOR, CO-OPERATIVE SOCIETIES,
SHAHDARA.

***3292. Master Kabul Singh :** Will the Honourable Minister for Development be pleased to state—

- (a) whether it is a fact that certain applications on behalf of the respectable zamindars of Shahdara tahsil, were submitted to the Registrar and Assistant Registrar of Co-operative Societies and Minister for Development on the 14th February, 1938, 22nd February, 1938 and 23rd February, 1938, respectively, against the conduct of Khan Mohammad Ghulam Sidiq Khan, Inspector, Co-operative Societies, Shahdara ; if so, what action has been taken on the applications ; if no action has been taken, the reasons therefor ;
- (b) whether it is also a fact that the Deputy Commissioner of Sheikhpura in view of the misbehaviour and non-co-operation on the part of the inspector in question with the co-operators of the tahsil, recommended that the said inspector may be transferred from the tahsil ;
- (c) if so, what action has been taken upon the recommendation and if no action has been taken so far, the reasons therefor ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Part (i) Certain applications have been received.

Part (ii) An inquiry is in process of completion.

(b) Government does not disclose the recommendations of officers ; and I regret I cannot answer this part of the question.

(c) Does not arise.

MURDERS COMMITTED IN THE DISTRICTS OF ROHTAK, GURGAON,
KARNAL AND HISSAR.

*3293. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

- the number of murders committed in the districts of Rohtak, Gurgaon, Karnal and Hissar separately from 1st April, 1937, to 31st March, 1938 ;
- the number of murders wherein the apparent cause or motive was money-lending ;
- the number of agriculturist and non-agriculturist money-lenders so murdered ;
- the number of untraced murder cases among them district-wise in the period above mentioned ?

The Honourable Major Sir Sikander Hyat-Khan : A statement is laid on the table.

Murders committed in the districts of Rohtak, Gurgaon, Karnal and Hissar.

Serial No.	Name of district.	(a)	(b)	(c)		(d)
		Number of murders committed from 1st April, 1937, to 31st March, 1938.	Number of murders where in apparent cause or motive was money-lending.	MONEY-LENDERS MURDERED.		Number of untraced cases.
				Agriculturist.	Non-agriculturist.	
1	2	3	4	5	6	7
1	Rohtak	39	2	1	1	13*
2	Gurgaon	14	..	..	..	4
3	Karnal	23	..	..	..	3
4	Hissar	50	..	..	..	..
	Total	126	2	1	1	20

* (Both the cases in which money-lenders were murdered were traced).

SUSPENSION OR DISMISSAL OF POLICE OFFICERS IN ROHTAK AND
OTHER DISTRICTS FOR CORRUPTION.

*3294. **Pandit Shri Ram Sharma** : (i) Will the Honourable Premier be pleased to state with regard to the districts of Rohtak, Gurgaon, Hissar and Karnal the number of complaints received during 1st April, 1937, to 31st

March, 1938, by district authorities against the police regarding bribe, *begar*, high-handedness and other acts of lawlessness and the action taken thereon, with the number of police officers suspended or dismissed on such complaints?

(ii) Will he also be pleased to state whether any of the police officers in these districts was punished during the said period without any complaint from the public and on the initiative of the authorities concerned?

The Honourable Major Sir Sikander Hyat-Khan : (i) The required information is :—

District	Number of complaints.	Action taken.	NUMBER OF MEN			
			Dismissed.	Suspended.	Censured or warned.	Whose service was forfeited.
1	2	3	4	5	6	7
Rohtak ..	7	Enquiries revealed that the allegations were false ..	..	..	..	..
Gurgaon ..	1	Departmental and magisterial enquiries proved that the allegation was false ..	..	..	..	..
Hissar ..	24	Enquiries revealed that the complaints were false ..	..	..	..	..
Karnal ..	51	35 complaints were found to be false .. 6 complaints discharged for want of proof. 2 complaints were filed for absence of complainants. 1 complaint was withdrawn by the complainant. 3 complaints are under enquiry.	1	5	3	1

(ii)

District.	Dismissed.	Censured or warned.	Forfeiture of service.	Degraded.
1	2	3	4	5
Rohtak ..	..	..	..	..
Gurgaon ..	..	..	..	..
Hissar ..	2	..	..	..
Karnal ..	..	4	2	1

ARREARS OF LAND REVENUE AND ARIANA IN ROHTAK DISTRICT.

*3295. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total amount of land revenue and water rate still to be realised tahsil-wise from the peasants of district Rohtak for the year 1937 ;
- (b) the amount of land revenue and water rate remitted tahsil-wise for the year 1937 in the Rohtak district ;
- (c) whether there is any intention on the part of the Government to remit the arrears of land revenue and water rate ?

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

(c) Such cases are considered on their merits whenever occasion arises for doing so.

Lieutenant Sardar Naunihal Singh Mann : Will the Honourable Minister for Revenue be pleased to state the figures for remission of taccavi and land revenue for rabi 1938 ?

Minister : I have got rough information and have not got complete information up to this time : it is as follows :—

	Rs.
1 Amount suspended or proposed to be suspended ..	4,82,458
2 Amount remitted or proposed to be remitted on account of damage done to crops	6,02,132
3 Amount proposed or remitted on account of fall in prices	3,50,472 plus 0.4-6 per rupee of demand in a portion of the extension circles in Lyallpur.

Remissions given under the sliding scale of assessment Figures not yet collected.

	Taccavi.	Rs.
1 Amount suspended	1,31,357
2 Amount remitted	1,93,452

- (a) *Statement showing the total amount of land revenue and water rate still to be realised tahsil-wise from the peasants of district Rohtak for the year 1937.*

	Land Revenue.	Water rate.
1	2	3
	Rs.	Rs.
Rohtak	348	1,105
Jhajjar	15	10
Gohana	1,380	2,475
Sonepat	682	10

(b) Statement showing the amount of land revenue and water rate remitted tahsil-wise for the year 1937 in the Rohtak district.

	Land Revenue.	Water rate.
1	2	3
	Rs.	Rs.
Rohtak	331	61,137
Jhajjar	191	10,461
Gohana	88	65,913
Sonepat	3,208	35,216

NOTE.—In addition Rs. 27,261 were remitted out of the suspended land revenue for previous harvests under the three harvest rule.

REMISSION IN LAND REVENUE ON ACCOUNT OF DAMAGE TO
SUGARCANE CROPS IN ROHTAK DISTRICT.

*3296. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Revenue be pleased to state—

- the amount of remission in land revenue and *abiana*, village-wise in the district of Rohtak, granted on account of damage to the sugarcane crops of the last year ;
- the proportion of the amount remitted to the total amount of land revenue and water-rates realised on sugarcane crops mentioned above ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b) No remissions of land revenue were given. As regards *abiana*, figures by villages are not available, but a general remission of annas 6 in the rupee of the occupier's rate charged on the area under sugarcane was granted, amounting to Rs. 1,47,082.

DISMISSAL OF GOVERNMENT SERVANTS IN ROHTAK AND OTHER
DISTRICTS FOR CORRUPTION.

*3297. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state the number of cases started against Government servants for accepting bribes in the districts of Rohtak, Gurgaon, Hissar and Karnal separately from 1st April, 1937 to 31st March, 1938, and the number of such cases among them in which the accused were convicted ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daultana) : In Hissar district one gauge reader and one patwari of the Irrigation department were dismissed for corruption during the period stated. In Karnal one constable was dismissed and one Revenue department patwari was reduced. In Rohtak one Revenue department clerk was sentenced

[K. B. Mian Ahmad Yar Khan Daulatana.]
to six months rigorous' imprisonment and a fine of Rs. 100. Particulars regarding the number of cases in which departmental or judicial proceedings were instituted are not readily available, and perhaps in view of the information given the honourable member will not press for them.

COMPLAINT AGAINST B. VIDYA PARKASH, MOTOR LICENCE CLERK,
AMBALA.

*3298. **Pandit Shri Ram Sharma** : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that a complaint is pending with the Deputy Commissioner, Ambala, against B. Vidya Parkash, Motor Licence Clerk in the Deputy Commissioner's Office, Ambala, which was filed by the Motor Union, Kharar and Ambala, if so, whether he will be pleased to lay a copy of it on the table of the House ;
- (b) what action has been taken or is intended to be taken in the matter ;
- (c) whether the clerk in question was transferred immediately to some other district during the pendency of the case and if not, why not ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b) The attention of the honourable member is invited to the answer given to Assembly question No. *9280¹.

(c) No. Such transfer was not considered necessary.

REMOVAL OF THE NAMES OF CANDIDATE PATWARIS FROM THE
LIST OF CANDIDATES.

*3299. **Lala Duni Chand** : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that the names of all the candidate patwaris, who have exceeded the age of 25 years have recently been ordered to be removed from the list of candidates and if so the reasons therefor ;
- (b) whether there is any proposal before the Government to make the appointments of candidate patwaris on the provincial basis and not on the circle basis as is done at present ?

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

(ii) Because owing to indiscriminate enlistment of candidates, the number was grossly in excess of requirements.

(b) No.

Lala Duni Chand : May I know whether it is a fact that many of these patwari candidates had been on the list for many years ?

Minister : Possibly. I have no information in hand.

Lala Duni Chand : Has the Government considered that it is a case of great hardship ?

Minister : It is a matter of opinion.

Lala Duni Chand : Is it not a question of fact ?

Minister : A question of opinion.

Begum Rashida Latif Baji : May I know whether the Government will consider the case of those candidate patwaris favourably who are above the age of 25 and who in the hope of getting service as a patwari did not learn any other work ?

Mr. Deputy Speaker : It does not arise out of this question.

Sardar Ajit Singh : Is it a fact that an examination will be held for recruiting new patwaris at Sheikhpura ?

Mr. Deputy Speaker : This question also does not arise.

Sardar Ajit Singh : Why not, Sir ? I want to impress upon the Minister that because the patwari examination is going to be held at Sheikhpura, it means, the department is in need of Canal patwaris, and in that case, I am asking whether those candidates who have been turned out, will be kept on the waiting list or not.

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

Begum Rashida Latif Baji : May I know whether it is a fact that a few of the over-aged candidates have been employed ; if so, what is the reason for that ?

Minister : I have no knowledge of it.

Lala Duni Chand : Has the Government considered the question of compensating those people by giving them some other appointments ?

Minister : There is no question of compensation. It is a question of supply and demand. If they are suitable candidates they will be kept and if they are not suitable, there is no help for it.

COPYING CLERKS AND SECTION TYPISTS.

***3300. Lala Deshbandhu Gupta :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that copying clerks and section copyists have been amalgamated into one branch in the new reorganisation scheme ; if so, why the copying clerks are not getting the same pay as allowed to section copyists ;
- (b) whether any circular or order has been issued by the Government that copying clerks may be absorbed in the district establishment ; if so, how many of the copying clerks have been so absorbed since the issue of the said circular ;
- (c) whether any instance has come to the notice of the Government, in which the orders in the above circular have been ignored and if so, the action taken in this behalf ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes; but there is no distinction between the pay of section copyists and copy clerks.

(b) Yes. It will serve no useful purpose to collect from deputy commissioners the information required by the latter part of the question.

(c) No.

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COPYING CLERKS AND SECTION TYPISTS.

***3301. Lala Deshbandhu Gupta :** Will the Honourable Minister for Revenue be pleased to state—

(a) the total number of copying clerks in the Punjab so far recruited from among the section copyists together with the length of their service as section copyists;

(b) whether it is a fact that copying clerks recruited from section copyists and have nine or ten years' service to their credit as section copyists are not being treated in the matter of pay and on the principle observed in the case of section copyists and if so, why;

(c) whether it is also a fact that copying clerks are not allowed pension on retirement as other clerks on the district establishment and the copying clerks in the Sessions Courts and the High Court are allowed pensions, if so, why?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The information is not readily available, and the time and labour involved in collecting it would be out of proportion to the importance of the case.

(b) Yes. Copy clerks were recruited from retrenched section copyists, and their pay was finally fixed at Rs. 25 per mensem. It was in the case of those section copyists only who were retained in service under the re-organization scheme, and who were drawing more than Rs. 25 per mensem, that Government sanctioned a personal allowance of Rs. 1-8-0 per mensem for each year of approved service.

(c) No. Copy clerks appointed prior to March, 1934, are entitled to pension on retirement, as is the case with copy clerks in the Sessions courts and the High Court.

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EVASION OF SERVICE OF AN ATTACHMENT WARRANT BY MRS. JARVIS.

***3302. Lala Deshbandhu Gupta :** With reference to answers to supplementary questions to question No. *1563¹ asked on 27th January 1936, will the Honourable Minister for Finance be pleased to state whether his attention has been drawn to the specific case of evasion by Mrs. Jarvis, wife of Mr. Jarvis, a corporal in the Army, of the service of an attachment warrant issued by the Simla court and if so, whether he has examined the position as promised by him in that answer and if so, the result of the examination?

The Honourable Mr. Manohar Lal : Enquiries show that a complaint under sections 183 and 186 of the Indian Penal Code was filed against Mrs. Jarvis on the 25th March 1931 for evasion of service of an attachment warrant. This complaint was dismissed under section 206 of the Criminal Procedure Code on the 4th May, 1931. The records of the case were destroyed on 15th May 1934.

Lala Deshbandhu Gupta : Will the Honourable Minister be pleased to state whether it is not a fact that on a subsequent application, the court had issued a warrant of attachment against this lady, but that warrant could not be served, since the lady evaded its service by running away from place to place ?

Minister : I cannot add anything particular to what I have stated already. The records have been duly destroyed.

PURCHASING OF PROPRIETARY RIGHTS IN GANJI BAR AND NILI BAR.

***3302-A. Lala Deshbandhu Gupta :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that in the Nili Bar the Military grantees of land have to pay Rs. 100 per acre to acquire proprietary rights, whilst in the Ganji Bar they can do so on payment of Rs. 40 per acre only ;
- (b) the reasons for the aforesaid rate being kept so high in the Nili Bar ;
- (c) the relative proportion of the average yield per acre of the land in the Nili Bar to that in the Ganji Bar ;
- (d) the average sale price of land per acre in the Nili Bar at the time when the said rate of Rs. 100 per acre was fixed ;
- (e) the average sale price of land per acre in the Nili Bar at present ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Originally the price in both colonies was fixed at Rs. 100 per acre but in 1927 the price in the Ganji Bar was reduced to Rs. 40 per acre if paid in a lump sum in order to try to induce grantees to acquire proprietary rights. This hope has not been realized.

(b) Had the rates been fixed lower, the debt incurred on the construction of the canals could not have been paid off. The experimental reduction in rates in the Ganji Bar has not resulted in any increased payments being made. There exists therefore no reason for altering the rates.

(c) There has as yet been no regular settlement in the Nili Bar Colony so that this part cannot be answered with certainty ; but it is considered that the land in the Nili Bar is generally of a slightly better quality.

(d) The rate of Rs. 100 per acre was fixed in 1927 when the average price at the auctions in December, 1926 was Rs. 484 and in March, 1927 Rs. 393 per acre.

(e) At the most recent auction in 1938 Rs. 327 per acre.

Lala Deshbandhu Gupta : What was the average price received at the auction in the Ganji Bar ?

Minister : My honourable friend may draw his own conclusions from the reply I have given and he can also draw the average if he likes.

Lala Deshbandhu Gupta : The Honourable Minister has given us the figures of the average price that was received in auction in the Nili Bar. What I want to know is as to what was the average price received in auction in the Ganji Bar. What was the reason of making this distinction between the Nili Bar and the Ganji Bar, the rates being Rs. 100 per acre in one case and Rs. 40 per acre only in the other case ?

Minister : If my honourable friend would care to read the reply I have given, he will find the reasons there.

Lala Deshbandhu Gupta : Has there been any consideration of benefiting any particular class in the Ganji Bar ?

Minister : No, Sir.

Lala Deshbandhu Gupta : Do the Government intend to consider the desirability or justice of reducing the price in Nili Bar as well ?

Minister : It is a request for action.

B. RAGHBIR DAS, EXECUTIVE OFFICER, AMBALA CITY.

*3303. **Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware that the term of appointment of B. Raghbir Das, Executive Officer, Ambala city, expired on 15th June, 1938 ;
- (b) whether it is a fact that the Municipal Committee, Ambala city, has been authorised to appoint an Executive Officer to fill the vacancy so caused within three months of the expiry of the term ;
- (c) whether it is a fact that the said B. Raghbir Das has requested the Government to be allowed to continue in office during these three months after the expiry of his term ;
- (d) if the reply to part (c) is in the affirmative, whether B. Raghbir Das further requested the Government to allow him to remain attached to the municipality in some other capacity ;
- (e) whether he is aware that the said B. Raghbir Das has been appointed by the Deputy Commissioner, Ambala, as Superintendent-in-charge of the water supply on a salary of Rs. 250 without consulting the Municipal Committee ;
- (f) whether it is a fact that emphatic protests against this appointment have been made to the Government by responsible persons and organizations of Ambala City ;
- (g) the action which the Government propose to take in this matter ?

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

(c) and (d) B. Raghbir Das requested Government that he should be allowed to continue in the service of the Committee till it selects an Executive Officer and the appointment is approved by Government.

(e) Yes.

(f) Government have received a few representations protesting against the appointment of B. Raghbir Dass as Superintendent-in-charge of water supply.

(g) The matter is under consideration of Government.

Khawaja Ghulam Samad : Who is now working as the Executive Officer of the Municipal Committee, Anbala City ?

Minister : The President works in the absence of the Executive Officer.

Khawaja Ghulam Samad : In that case, cannot the President perform the duties of the Superintendent, Water Works, also, in the absence of the latter ?

Minister : The whole question is receiving the consideration of Government.

Lala Duni Chand : Is it true that prior to the appointment of Bakhshi Raghbir Das as Executive Officer, the affairs of the municipality were in a chaos and that he evolved order out of the chaos ?

Minister : That is a matter of opinion. The honourable member is a resident of the city and he knows better.

Lala Duni Chand : Is it not within the knowledge of Government that Bakhshi Raghbir Das during his period of six years considerably improved the affairs of the municipality ?

Minister : That question is irrelevant to the question before the House.

Lala Duni Chand : I am trying to show that Bakhshi Raghbir Das should have been continued in his appointment in view of his past good work. The question does arise out of the main question. Is it true that Bakhshi Raghbir Das earned the best opinion of the local authorities including the Commissioner ?

Minister : As I have already said the matter is under the consideration of Government and these factors will be kept in view when the matter is decided. But I still hold that the question is irrelevant because the main question is whether an emergency regarding water supply exists in Ambala to justify the appointment of a special officer.

Lala Duni Chand : The question is relevant, because it arises out of the question whether there was any justification for the appointment of Bakhshi Raghbir Das on a provisional pay of Rs. 250. I am trying to show that he was the best man and that the best man was selected. How then can the Honourable Minister say that this question does not arise ?

Minister : I note that the honourable member has got a very high opinion of the officer concerned.

Lala Duni Chand : May I know whether Bakhshi Raghbir Das earned the best opinion of some of the present Ministers and of an ex-Minister ?

Minister : That question does not arise either. I only think that the honourable member has a good opinion of the officer.

Lala Duni Chand : Does the Honourable Minister share that opinion ?

Minister : I will consider that opinion for what it is worth.

Khawaja Ghulam Samad : Is the Honourable Minister aware of the monetary condition of the municipality ? If so, did the monetary condition of the municipality warrant the appointment of an officer on Rs. 250 ?

Minister : All these questions will be considered. If the honourable member had carefully followed my answer to part (e) of the question, he would not have put this supplementary question.

GOVERNMENT DISPENSARIES IN SIMLA EAST.

*3304. **Rai Sahib Lala Gopal Dass :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of Government dispensaries in Simla East both for the general public and employees of Government ;
- (b) the area and the classes of people they are intended to serve ;
- (c) the staff employed at these dispensaries with their monthly salaries and the allowances that they get ;
- (d) the average number of patients from the general public and Government employees treated at each of these dispensaries per day during the year 1967 ;
- (e) whether it is a fact that the number of patients attending the Chota Simla Dispensary has of late increased and that the number of patients attending the dispensary in Barnes Court has of late decreased although both of these dispensaries are intended to cater for the needs of the staff employed in the offices of the Punjab Government at Simla ; if so, the reasons therefor ;
- (f) the number of years the present medical officer has been in his present post as incharge of the Barnes Court Dispensary and date or time when he is due to be transferred ?

The Honourable Mian Abdul Haye : (a) There is one Government dispensary in Simla East at Barnes Court for the employees of Government only.

(b) It serves the staff and servants residing in the Barnes Court and the Punjab Government clerical and menial establishment at Chota Simla, drawing pay up to Rs. 150 per mensem.

(c) A statement is laid on the table.

(d) The daily average attendance of Government employees for 1967 at this dispensary was approximately 24.

(e) Yes, because the Chota Simla Municipal dispensary serves all classes of people who attend from the areas of Chota Simla, Kasumpti, Sanjauli and their neighbourhood.

(f) Practically three years. No decision as to the date of this sub-assistant surgeon's transfer has yet been taken.

The Government Dispensary at Barnes Court.

		Pay.		Allowance.	
		Rs.		Rs.	
1	Sub-Assistant Surgeon ..	150		50	Special pay.
				15	For attending Punjab Government clerical establishment during the Simla season.
				20	For attending Punjab Government medical establishment during Simla season.
				100	Hill allowance.
	Total ..	150		185	
2	Dispenser ..	40		10	For attending Punjab Government clerical and medical establishments during Simla season.
				30	Hill allowance.
		40		40	
3	Dispensary Coolies ..	15		2	Hill allowance.

CONCESSIONS FOR LESSEES IN CHAKS NOS. 166/9-L AND 42, 43/2-L.

*3305. **Sardar Ajit Singh:** Will the Honourable Minister for Revenue be pleased to state whether he has recently received representations from the lessees of chaks Nos. 166/9-L and 42, 43/2-L in Montgomery district praying therein that they may be allowed the same concessions as have been granted to the lessees in Burewala and in the Lower Bari Doab Canal according to the announcement made on the 2nd March 1938 and that they be allowed to give up their leases according to the terms of that announcement and if so, the action taken or intended to be taken thereon?

The Honourable Dr. Sir Sundar Singh Majithia: A petition has been received from the lessees of Chak No. 166/9-L praying for certain concessions and alleging that water had been short and that their tenants had been on strike. On investigation it was found that the conditions were not such as could not have been anticipated at the time the lease was taken and that in fact no strike of tenants had occurred. No representations have been received from the lessees of Chaks 42, 43/2-L. In the circumstances Government sees no necessity for any action.

Sardar Ajit Singh: Will the Honourable Minister please state whether he is aware of the discontent among the lessees of these chaks on account of their not having been given the concessions granted to the lessees in the Burewala and in the Lower Bari Doab Canal Colony?

Minister: Government will not be prepared to submit to this sort of pressure when people have taken their leases with their eyes open.

Sardar Ajit Singh : Is it a fact that the chaks mentioned in the original question are situated in the neighbourhood of the chaks on the Nili Bar Colony which have been granted these concessions?

Minister : Government does not propose to pursue the matter further at present.

Sardar Ajit Singh : Is the Minister aware of the fact that the lessees of the chaks mentioned in my question have suffered heavy losses? If so, is there any intention on the part of the Government to compensate them for these losses?

Minister : Government has no information on the subject.

PRISONER SHIV NATH, SON OF JAWALA SINGH OF LUDHIANA.

***3386. Lala Deshbandhu Gupta :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether Government are aware that after commutation of death sentence into life sentence, the prisoner Shiv Nath, son of Jawala Singh of Ludhiana, applied for a higher class in 1934; if so, what was the result of this application and grounds of the decision arrived at;
- (b) where the prisoner has been confined since the commutation of his sentence and what is his age now;
- (c) whether it is a fact that the prisoner has now again applied for a further concession, viz., premature release under certain conditions;
- (d) whether the Government has any intention to extend this concession to a prisoner who has been guilty of a brutal murder as remarked by the High Court?

The Honourable Mr. Manohar Lal : (a) Yes. It was rejected because the prisoner was not considered fit for 'B' class.

(b) Lahore Borstal Institution; 22 years.

(c) No.

(d) Does not arise.

REMISSION ON ACCOUNT OF FAILURE OF GRAM CROPS ON LOWER BARI DOAB CANAL.

***3387. Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the gram crop as also the mixed gram and wheat crop *Makhloot* on the Lower Bari Doab Canal Colony has completely failed this year;
- (b) whether it is a fact that a number of representations have been made to the authorities by the zamindars concerned regarding this and applying therein for grant of total remission of *abiana* and land revenue for these crops;

- (c) whether it is a fact that in the Lyallpur Colony full remission in abiana and land revenue has been granted to the zamindars for these crops this year ;
- (d) if the answers to (a) and (b) above be in the affirmative the action that the Government has taken or proposes to take on these representations ?

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

REMISSION ON ACCOUNT OF FAILURE OF CROPS IN MIAN CHANNU AND OTHER PLACES.

***3308. Sardar Ajit Singh :** (i) Will the Honourable Minister for Revenue be pleased to state whether it is a fact that—

- (a) the zamindars of Mian Channu, Khanewal, Kossowal and Chichawatni, etc., of Lower Bari Doab Colony suffered last year due to the complete damage of their *rabi* crop due to hail-storms ;
- (b) the rates of wheat have fallen down abnormally ;
- (c) the two *rabi* crops of this *ilaga* have failed practically ;
- (ii) if the answers to (a), (b) and (c) be in the affirmative, will the Government be prepared to allow them general remission of land revenue or extend the realization period to the next *kharif* crop ?

The Honourable Dr. Sir Sundar Singh Majithia : (i) (a) There was considerable damage to crops in *rabi* 1937.

(b) Yes.

(c) No, the gram crop only was partially damaged but the area is very little.

(ii) The question of relief owing to damage to the gram crop in *Rabi* 1938, is under consideration.

INSPECTION OF CROPS IN MULTAN DISTRICT.

***3309. Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the inspection of *guzara* crops, which is shown as a green manure, in Khanewal tahsil of the Multan district, used to be done by the officers of the Agricultural department previously and that this inspection work is now done by the Irrigation authorities ; if so, the reasons for this departure from the old practice ?

The Honourable Dr. Sir Sundar Singh Majithia : The reply to the first part of the question is in the affirmative. The old procedure was cancelled in 1928 because the Agricultural department was not sufficiently staffed to carry out this work properly as it required a comprehensive and careful check over a large area to prevent loss of revenue.

Sardar Ajit Singh : May I know whether the Honourable Minister is aware of the fact that this year green manure has also been assessed to land revenue in and near Khanewal and that representations have been sent to the Government by the zamindars concerned against this imposition ?

Minister : If the honourable member will give me notice I will make enquiries.

Sardar Ajit Singh : Will the Honourable Minister be prepared to take suitable action in the matter if it is brought to his notice that green manure has really been assessed to land revenue in the said *ilaga* ?

Minister : I am not going to commit myself to anything at present.

— — —

TRAVELLING ALLOWANCE TO MEMBERS OF STANDING AND SELECT COMMITTEES.

***3310. Pandit Shri Ram Sharma :** Will the Honourable Minister of Finance be pleased to state the names of the members and the amount they received as travelling allowances in the capacity of members to any standing, sub or select committee, appointed by the House or any inquiry committee appointed by the Punjab Government since 1st April, 1937 ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : It is regretted that the information is not readily available. The time and labour involved in collecting the names and figures required will not be commensurate with the result.

Lala Deshbandhu Gupta : Does it mean that the figures are not available in the Accounts Branch ?

Parliamentary Secretary : Perhaps the honourable member has not heard my answer. What I said was that the time and labour involved in collecting the information required is not commensurate with the result to be achieved.

Lala Bhim Sen Sachar : Did the Parliamentary Secretary make sure how many members are involved, 5, 6, 8 or 10—how many ?

Parliamentary Secretary : I cannot give you any information off-hand.

Lala Bhim Sen Sachar : Did he not even take the trouble of knowing the number of members ?

Parliamentary Secretary : I did.

Pandit Shri Ram Sharma : Is there any party consideration underlying the idea of not supplying the information required ?

Parliamentary Secretary : Absolutely not.

Lala Deshbandhu Gupta : Will the honourable member please state the reason for not disclosing the names of these persons and the amounts received by them ?

Parliamentary Secretary : There is no question of not disclosing. We feel it will involve a lot of time and trouble with no result.

Lala Bhim Sen Sachar : Whom does he mean by ' we ' ?

Parliamentary Secretary : The Government.

Lala Deshbandhu Gupta : Do Government realise that it is necessary to supply this information to the honourable members of this House so that they may be in possession of full facts and they may utilise this at the time of the budget ?

Parliamentary Secretary : It is a matter of opinion. If I had thought so, I would have given a different reply.

CASTES AND SUB-CASTES INCLUDED AMONG AGRICULTURISTS.

*3311. **Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the castes and sub-castes in the Punjab that have been included among notified agriculturists after 1st April, 1937 ;
- (b) the number of applications for inclusion among notified agriculturists now under consideration of the Government ?

The Honourable Dr. Sir Sunder Singh Majithia : (a) Malians in Mianwali district, Labanas in Montgomery district, Labanas in Lyallpur district, Begri Kumbhars in Hissar district, Bairagis in Hissar, Rohtak, Gurgaon and Karnal districts, and Ahirs in Montgomery district.

(b) Seven.

Lala Deshbandhu Gupta : Have the Government considered the desirability of including all the members of the depressed classes in the list of statutory agriculturists as they are the real tillers of the soil ?

Minister : Government follow certain definite rules, for instance, whether the area is sufficient for their livelihood and so on.

Lala Deshbandhu Gupta : In view of the declarations of the Government that they are out to help the depressed classes, have they considered the desirability of including them in the list of statutory agriculturists ?

Mr. Deputy Speaker : The Honourable Member need not give a reply to this question.

Pandit Shri Ram Sharma : Does Government consider such questions on its own initiative ?

Minister : Yes, if necessary.

Pandit Shri Ram Sharma : May I, in the capacity of an agriculturist, ask the Honourable Minister as to whether the Government considers such questions without any request from the public to do so ?

Minister : If cases arise, Government does ; otherwise not.

Sardar Mula Singh : Will the Minister please state whether it is a fact that at Jullundur a resolution was passed in a conference even in his presence that the said community should be included among notified agriculturists ?

Mr. Deputy Speaker : It is not a supplementary question.

EXECUTIVE OFFICER FOR BHIWANI MUNICIPAL COMMITTEE.

*3312. **Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state whether he is aware of the fact that the Municipal Committee, Bhiwani, district Hissar, has unanimously passed a resolution recently to the effect that an Executive Officer for the Municipal Committee, Bhiwani, be not appointed in future ; if so, what action the Government proposes to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : A resolution on the subject has been passed but not unanimously by the Municipal Committee, Bhiwani. The resolution in question is under the consideration of Government.

✓ PROTECTION FROM FLOODS TO THE ABADI OF VILLAGE MAUHRA.

***3313. Lala Duni Chand :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he is aware that during the rainy season of 1937 floods from Tangari Nadi entered the *abadi* of village Mauhra about 4 miles from Ambala Cantonment and, besides doing much damage, made it impossible for men and cattle of the village to get out of the village ;
- (b) whether repeated representations have been made to the Government and the district authorities from time to time to make some provision for protecting the people of this village, from floods without any effect ;
- (c) whether he is aware that this year also the very first shower of rain in the beginning of June flooded the *abadi* of the said village ; if so, whether the Government is taking any action for giving relief or protection to the said village ?

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

(b) and (c) Yes, the matter is receiving the attention of Government.

Lala Duni Chand : May I enquire whether the residents of village Mauhra have been confronted with this calamity for the last two years and nothing has been done ?

Minister : Government has not got the power of the magician to do things overnight.

Lala Duni Chand : Is it a fact that each time there is rain this village becomes overflooded ?

Minister : Naturally when there is a heavy shower, places will be flooded.

Lala Duni Chand : Why is it then that no relief is being granted to these people ?

Minister : The damage is not special to this village.

Lala Duni Chand : Is it true that last year also a representation was made by the inhabitants of this village for protection and for relief ?

S.P.M.

Minister : I do not remember.

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

CHRISTIAN PATWARIS AND KANUNGOS.

***3314. Chaudhri Jalal-ud-Din Amber :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total number of patwaris and kanungos in the province ;
- (b) the number of Christian patwaris and Christian kanungos in the province ;

- (c) whether it is a fact that the number of Christians among the patwaris and kanungos is not according to their proportion in the population of the province; if so, what steps the Government intends to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation which honourable members may bring to my notice in a more informal way.

LAWRENCE SCHOOL AND INTERMEDIATE COLLEGE, GHORAGALI.

*3315. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total number of students in Lawrence School at Ghoragali near Murree and the annual expenditure incurred in maintaining that school during the financial year 1937-38;
- (b) the total number of students in the Intermediate College, Ghoragali, near Murree and the annual expenditure incurred thereon during the financial year 1937-38;
- (c) the total number of students in the Government College, Lahore, and the annual expenditure incurred thereon during the financial year 1937-38?

The Honourable Mr. Manohar Lal : (a), (b) and (c). The required information is given below :—

Serial No.	Name of Institution.	Enrolment on 31st March, 1938.	Net Expenditure to Government during 1937-38.
1	2	3	4
			Rs.
1	Lawrence School, Ghoragali—		
	(a) Boys' School	182	1,29,411
	(b) Girls' School	199	1,18,657
2	Lawrence College, Ghoragali ..	102	40,068
3	Government College, Lahore ..	1,290	1,74,102

MESSES AT THE GHORAGALI SCHOOL AND COLLEGE.

*3316. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state the number of messes for the Indian and non-Indian student boarders at the Ghoragali School and College?

The Honourable Mr. Manohar Lal : Number of messes (excluding the Chelmsford Training College)—

Four—

Intermediate College	1
Boys' School	1
Girls' School	1
Junior School	1

All students in these institutions use the same mess.

CONSTRUCTION OF DRAINAGE CHANNELS AT ABDULLAPUR.

***3317. 2nd Lieutenant Bhai Fatehjang Singh :** Will the Honourable Minister for Education be pleased to state whether it is a fact that the inhabitants of Abdullapur in the Ambala district contributed a sum of Rs. 8,600 in the year 1936 on an undertaking given by the Deputy Commissioner and the District Medical Officer of Health at Ambala at that time that if the inhabitants contributed a share of the cost, proper drainage channels would be constructed ; if so, whether the said drainage channels have been constructed so far; and if not, the reasons for the delay and the steps that the Government proposes to take to expedite the construction of the channels ?

The Honourable Mian Abdul Haya : *First part.*—Yes.

Second part.—In July, 1937, the District Board, Ambala, submitted plans and estimates amounting to Rs. 8,800 for the drainage scheme at Abdullapur Mandi and asked for a grant-in-aid of Rs. 5,200, the balance, viz., Rs. 3,600, being contributed by the people of the place. The scheme was forwarded to the Superintending Engineer, Public Health Circle, for scrutiny, who returned it in October, 1937, with certain technical directions to be complied with in its design.

In January, 1938, the District Board submitted the modified plans and estimates for Rs. 10,240 in accordance with the advice of the Superintending Engineer, Public Health Circle. As sullage was to be discharged into the Western Jumna Canal from the drains, a plan of the proposals was sent to the Superintending Engineer, Western Jumna Canal, and he has objected to the discharge of the sullage into the canal. The scheme was, therefore, returned for revision of the proposals.

CINEMA FILMS BANNED IN THE PUNJAB.

***3318. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to lay on the table of the House a statement showing the names and description of the Cinema Films banned during the last five years in this province, with reasons for doing so ?

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

RESOLUTIONS ADOPTED BY THE PUNJAB MEDICAL COUNCIL.

***3319. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Education be pleased to lay on the table of the House a statement showing—

(a) the resolutions adopted by the Punjab Medical Council during the last five years and vetoed by the Government, with

reasons for doing so, and the names of the persons at whose recommendations it was done ;

- (b) the resolutions not permitted by the President to be moved, and the reasons for doing so ?

The Honourable Mian Abdul Haya : I regret the answer to this question is not ready.

CLOSING DOWN OF THE FOUR PRIVATE SCHOOLS IN TAHSIL NAWANSHAHK.

*3320. **Master Kabul Singh :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the Inspector of Schools, Jullundur division, has under Government orders advised the authorities of all the four private schools in tahsil Nawanshahr to close down and has threatened that the boys from the said schools would otherwise be debarred from admission to any other recognised schools in the province; if so, reasons for the same ?

The Honourable Mian Abdul Haya : The Inspector of Schools, Jullundur division, administered a warning to the following unrecognised schools in the Nawanshahr tahsil :—

- (1) Khalsa A.-V. Middle School, Khan Khanna.
- (2) Public High School, Pharala.
- (3) Lalu Mal A.-V. Middle School, Kamam.

This action was taken in accordance with Departmental instructions which have been issued with a view to checking the growth of ill-equipped, ill-staffed, badly housed and unnecessary, unrecognised schools which are becoming a nuisance and which cause great worry and trouble to the established schools in the locality and to the Department.

ASSAULT ON HOLI PROCESSION AT ABDULLAPUR BY CONSTABLES.

*3321. **Master Kabul Singh :** Will the Honourable Premier be pleased to state—

- (a) whether the Deputy Commissioner, Ambala, the Superintendent of Police, Ambala, and the Honourable Premier have received reports from Abdullapur, district Ambala, against the use of abusive language and assault on a Holi procession by constables in uniform or in plain clothes ;
- (b) whether the Honourable Premier has made any enquiries into the matter as to whether the assault was made in the private or official capacity of these constables ;
- (c) the action the Government intends to take in the matter ?

The Honourable Major Sir Sikandar Hyat-Khan : (a) No. On the contrary, it is reported that the processionists on the occasion of the last Holi at Abdullapur, district Ambala, threw coloured water on certain police constables in uniform. Later, one of the processionists apologised to the senior police officer for the mistake and the incident was closed.

- (b) Does not arise.
- (c) No action is called for,

**ENCOURAGING PEOPLE IN MUDEKI TO CREATE DISTURBANCE IN
CONGRESS MEETINGS.**

***3322. Master Kabul Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Sub-Inspector of Police, Ghal, district Ferozepore publicly encouraged people in Mudki to create disturbance in the Congress meetings addressed by Munshi Ahmad Din and Comrade Tikka Ram Sukhan on the 9th March, 1938, to do what they like with Congressmen promising not to take any action on their reports ;
- (b) whether the Government intends holding any inquiry into the matter ; if so, when ; if not, why not ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No.

(b) Does not arise.

SHORT NOTICE QUESTIONS AND ANSWERS.

SELECTION OF SUB-JUDGES.

Dr. Gopi Chand Bhargava : Will the Honourable Premier be pleased to state the date when the examination for the selection of sub-judges was held last and the date when the result of the examination may be expected to be declared and also the manner in which the selection of sub-judges is to be made this year ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The last examination was held in February. The manner in which the selection of subordinate judges is to be made this year is under consideration but a decision will I hope be taken shortly.

Pandit Bhagat Ram Sharma : May I know whether the Government is making any departure from the old practice of making a selection ?

Parliamentary Secretary : The whole question is under consideration.

Mian Abdul Rab : When is the result likely to be published ?

Parliamentary Secretary : It is not possible to state at present the exact date.

Mian Abdul Rab : Can you state the approximate time ?

Parliamentary Secretary : In the near future.

RESTITUTION OF MORTGAGED LANDS BILL.

Lala Deshbandhu Gupta : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that a large number of the members of the Assembly stand to benefit personally if the proposed Bill regarding the restitution of mortgaged lands is passed in the form it is now proposed ; if so, the names of such members especially of the Parliamentary Secretaries, if any, who stand to benefit from the proposed Bill ?

The Honourable Dr. Sir Sundar Singh Majithia : Government has no information.

Lala Deshbandhu Gupta : Do Government intend to collect information on this point ?

Minister : I do not feel the necessity of doing so.

Lala Deshbandhu Gupta : Is the Honourable Minister aware that all sorts of rumours and reports are circulating against members and it is only fair that he should collect information ?

Minister : I will ask the honourable member not to believe in these rumours.

Lala Deshbandhu Gupta : Is there any data in the possession of the Government to contradict these reports ?

Minister : I will refer my honourable friend to the reply already given by the Premier in this connection.

Lala Deshbandhu Gupta : That was concerning the Parliamentary Secretaries alone and I want information with regard to members of the House.

Lala Duni Chand : Is it not in the interest of the Government and the Parliamentary Secretaries themselves that full and correct information is supplied to the House in regard to this matter ?

Mr. Speaker : That is a question of opinion. So, I disallow it.

Lala Deshbandhu Gupta : Are there any members who stand to lose if this Bill is passed and have Government any information on this point ?

Minister : I have told the honourable member that Government has no information and I cannot therefore satisfy his curiosity.

Lala Deshbandhu Gupta : What objection has Government to collecting this information ?

Premier : The Government do not consider it advisable to make any inquisitorial enquiries into the private transactions of members.

Lala Deshbandhu Gupta : Do Government fear any unpleasant or inconvenient exposure ?

Premier : No.

UNSTARRED QUESTION AND ANSWER.

ADMISSION TO J. A. V. CLASS, LADY MACLAGAN TRAINING SCHOOL,
LAHORE.

457. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Education be pleased to State :—

- (a) the number of girls community-wise admitted to J. A. V. Class of the Lady MacLagan Training School for Women, Lahore, this year with the number of those among them who have been granted stipends ;

[K. S. Ch. Sahib Dad Khan.]

(b) the number of those who applied for admission as non-stipendiary scholars and were refused admission this year with reasons for the refusal ?

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

PROGRAMME OF BUSINESS.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Before I make the motion that stands in my name, may I for the information of the House state that we shall sit from day to day till the 15th of this month subject to the proviso that if you consider that the rate of progress which we make is such that it would be desirable to have a day off on Wednesday, you will announce accordingly. Otherwise we sit from day to day till the 15th and thereafter, if necessary, an announcement will be made on the 15th or prior to that date, but with regard to that I shall be able to give a more definite opinion sometime about the end of this week.

PUNJAB REGISTRATION OF MONEY-LENDERS BILL.

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

That the Punjab Registration of Money-lenders' Bill as reported on by the select committee be taken into consideration.

Lala Deshbandhu Gupta : Before the Honourable Premier proceeds with this Bill I wish to raise a point of order. I find that in the report of the select committee one of the signatories is Mr. Sleem, the Advocate-General. I want to know whether it is in order for him to sign the select committee's report because it is only open to members of the House to sign these reports.

Mr. Speaker : The honourable member's objection is not in order. Section 64 reads as follows :—

"Every Minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings of the Legislative Assembly of the Province, or, in the case of a Province having a Legislative Council, both Chambers and any joint sitting of the Chambers and to speak in, and otherwise take part in the proceedings of any Committee of the Legislature of which he may be named a member, but shall not, by virtue of this section, be entitled to vote."

Lala Deshbandhu Gupta : He can take part in the proceedings but I object to his signature being placed on the report.

Mr. Speaker : According to section 64 quoted by me the status of an Advocate-General in the Assembly is different from his status in a committee of which he is named a member. In my opinion if he is placed by the House on a committee he is its member while in the Assembly he is not a member. So in a select committee he is entitled to exercise all rights and privileges of a member but he cannot vote. I, therefore, hold that he could sign the select committee's report as a member of that committee. But even otherwise he could sign the report in as much as to sign a report is tantamount to taking part in the proceedings and not voting.

Lala Deshbandhu Gupta : This point has been raised in other provinces also.

Mr. Speaker : May be. The honourable member is requested to consider the matter further and discuss it with me privately and if I am convinced that I am wrong I shall be only too glad to change my view.

But I may add that if as laid down in section 66 (2) of the Government of India Act, "any proceeding in a Provincial Legislature shall be valid notwithstanding that it is discovered subsequently that some person, who was not entitled to do, *sat or voted or otherwise took part in the proceedings*", there is no reason why the proceedings of a select committee should be held to be invalid simply because they are signed by the Advocate-General assuming that he was not a member of the Committee".

Premier : I move—

That the Punjab Registration of Money-lenders' Bill as reported on by the select committee be taken into consideration.

You might have noticed that the select committee was adhering to the basic principles of the Bill, but far-reaching changes in detail have been made with a view to meet certain objections and to mitigate certain hardships which were pointed out to me by members of this House in the select committee. I should like, with your permission, to pay a tribute to my honourable friend Rai Bahadur Mr. Mukand Lal Puri, for the very able way in which he gave his assistance to us in the select committee, and particularly to my honourable friend Munshi Hari Lal who must have given a great deal of time to this Bill and came fully prepared with his brief. He was thus of great assistance to the select committee itself.

Lala Deshbandhu Gupta : I hope his opinion will prevail.

Premier : As a matter of fact I think that the money-lenders who are going to be affected by this Bill could not have a better advocate than Munshi Hari Lal who, though he represents the Congress party, I think did full justice to his constituency by representing their point of view and safeguarding their interests in the select committee. (*Hear, hear from Treasury benches.*) (*Interruption.*)

Sardar Sohan Singh Josh : Is it damning him with faint praise ?

Premier : Even if he were not an advocate of money-lenders I think he has done justice to the cause of money-lenders even better than anybody on this side of the House could have done and my friend Rai Bahadur Mr. Mukand Lal Puri will bear me out that he fought every inch of the ground in favour of the money-lenders throughout the proceedings of the select committee.

Lala Deshbandhu Gupta : They are admittedly good fighters.

Premier : I do not propose to make a speech at this stage because I should like to hear my honourable friends who have given notice of several amendments but I hope that they will concede me one thing and that is this, that during the proceedings of the select committee, I tried to accommodate, as far as possible, without in any way damaging the basic principles of the Bill itself, my friends on my right and my friends opposite and I hope that that will go a long way in expediting the consideration of this Bill during its second reading stage. About 75 per cent. of the proposals

[Premier.]

put forward on behalf of the money-lenders were accepted by me and the remaining 25 per cent. which were turned down are such that I could not possibly accept because they were against the basic principle of the Bill itself. In the circumstances I hope that the House, having regard to brevity and also having regard to the importance of the Bill itself, will try to be as brief as possible so that we might get this Bill and the pending business quickly through the House.

In conclusion, I should like my friends, who have given notice of numerous amendments, to bear in mind that the comments made in this House and outside that the Government is rushing through with this particular measure, are uncalled for and unjustified for the simple reason that this question of registration of money-lenders has been before the province and before the legislature since the year 1923, when attempts were made to get some kind of measure for registration passed with a view to registering the money-lenders. Further attempts were repeatedly made to have such a measure passed. So, to say that this Government is rushing through a measure which has been before the country and the province and the House off and on for a period of nearly 15 years is, I think, to say the least, a most unwarranted and uncalled for assertion. Moreover, I may, for the benefit of the House, point out that in addition to similar legislation being enforced in other countries, there is at least one province in India which took the lead in the matter—the Central Provinces—which enacted a Registration of Money-lenders' Act in 1934 and amended it in 1936, and I believe that two other provinces—the Provinces of Bombay and Bihar—have got a Bill on the anvil at the moment.

Dr. Sir Gokul Chand Narang: Are you prepared to follow the Central Provinces Act?

Premier: No. That was passed by a bureaucratic Government (*laughter*).

Dr. Sir Gokul Chand Narang: And you are a democratic Government?

Premier: If my honourable friend wants me to follow the democratic Government of Bihar in regard to their Bill, there are several things which I will be glad to incorporate in my Bill. For instance, in the Bihar Bill—those who have studied it will have noticed—besides non-suiting the defaulting money-lender, they have also provided for penalty such as imprisonment, fine, etc. We have not taken such drastic steps in our measure.

Dr. Sir Gokul Chand Narang: Thank you for the small mercies.

Premier: If my honourable friend would only look at it from an unprejudiced point of view, he will find that the amendments which we have made in the select committee practically meet 95 per cent. demands of honest money-lenders. I do not speak for dishonest money-lenders who will not be satisfied with any legislation of the kind. With these few remarks I commend my motion for the consideration of the House (*loud applause*).

Mr. Speaker: Motion moved—

That the Punjab Registration of Money-lenders' Bill as reported on by the select committee be taken into consideration.

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

That the Punjab Registration of Money-lenders' Bill as reported on by the select committee be circulated for eliciting public opinion thereon by the 1st October 1938.

Sir, before I mention the grounds on the basis of which I think it necessary that the Punjab Registration of Money-lenders' Bill be circulated to elicit public opinion thereon by the 1st of October, 1938, I seek your indulgence to state three very important points with regard to my own self. *Firstly*, I have been taken ill recently and on account of this illness I will not be able to do as much justice to the subject by discussing the merits and demerits of this Bill as I have a mind to do or as the Bill in the present form (owing to so many severe provisions), demands from me.

Secondly, let me make it clear at the very outset that though I myself carry on the business of money-lending, yet I am wholly free, by the grace of Almighty God, from all such evils which are generally levelled against the money-lenders as I believe that income derived from dishonest means is *haram*. I can say without any fear of contradiction that my conduct is above reproach. (*A voice*: Self-praise is no recommendation). I have, Sir, stated this thing against my wishes to clear two misunderstandings, (1) it may not be argued afterwards that I being interested in it wanted to defend this class and (2) whatever I would be saying would be based upon personal and practical experiences and not on matters of hearsay.

Thirdly, though technically it does not become of me to oppose this Bill so long as I occupy a seat on this side of the House, i.e., the Government side, yet taking in view the hard, one-sided and partial provisions of this Bill, I cannot help recording my protest and dissent against it in accordance with the voice of my conscience. Hence I think it my duty to mention some of the very serious objections which reason and justice have against this Bill.

Now, Sir, I will submit before you in a nut-shell the history of this Bill. The honourable members are aware of the fact that this Bill was published in the *Punjab Gazette*, dated 21st June, 1938. As members of the Ministerial Party we expressed in the strongest words our resentment in the party meeting regarding this Bill as well as the other Bills moved by the Government in this session of the Assembly, but it was only a cry in the wilderness and we had no other alternative but to request the general House to adopt the motion of Rai Bahadur Mr. Mukand Lal Puri for circulation of the Bill for eliciting public opinion.

In answer to our request and reasonable demands we were told by the Honourable Premier and other honourable members that a similar Bill was also introduced in the previous House, that is, the old Council and that they had obtained many opinions about the Bill which could be made use of. The Honourable Premier urged, therefore, that this Bill might be referred to the select committee and discussed there, making it clear that the opinions already obtained would be laid before the select committee.

Thus under the circumstances, we had no other alternative but to wait and the Bill was referred to a select committee consisting of several members including Mr. Mukand Lal Puri and myself. We took part in the proceedings and proposed several amendments but all excepting a few were

[L. Sita Ram.]

rejected by the majority and we had to write our minutes of dissent now appended to the Bill. I may also state that neither the previous Bill nor the public opinion, referred to above, was placed before the select committee and that was the reason why we could not take notice or make use of them in the select committee. I have just now seen a copy of that previous Bill which was moved by the Honourable Chaudhri Sir Chhotu Ram in 1935. A sheer glance at the Bill has convinced me that the previous Bill was much less severe and was quite different from the Bill which is now under consideration. Though it was mild as it did not affect the debts previous to the passing of that Bill, yet even that was rejected. I do not, therefore, see any reason why a Bill of even more severe nature should be placed before us in 1938 again. This is my first reason why this Bill should be circulated for eliciting public opinion.

Now, Sir, let me draw your attention to the aims and objects of the Bill as given by the Honourable Premier. It is stated—

This is necessary in order to control money-lending transactions and to check malpractices on the part of certain dishonest money-lenders. It is also in the interests of honest money-lenders that the profession should be purged of dishonest members whose methods and exactions create a feeling of suspicion and hostility against the profession as a whole.

I have no hesitation in admitting that dishonest money-lenders and dishonest borrowers are to be found in this profession and this is not the case in money-lending alone. In every profession we meet honest and dishonest people. I am of the opinion that if the Government is really desirous of ousting the dishonest money-lenders, they should bring forward some direct measure, and I will whole-heartedly support them. I go further and say that if the object of the Bill is to check the dishonest money-lender, I would suggest that the Government, instead of bringing in this Bill, may propose certain amendments in the Indian Penal Code in order to deal severely with the dishonest money-lenders and dishonest borrowers, who are equally responsible for the alleged corruption. The Bill in the present form on the contrary compels the honest money-lender to go out of his profession and consequently a useful institution of society will be brought to utter ruin.

Obviously there are two objects of this Bill. The first is that the introduction of this Bill would encourage the honest money-lenders. Personally I have not been able to understand as to how this Bill will encourage the honest money-lenders. On the contrary, I am inclined to think that all these laws that are passed against the money-lenders would make the honest money-lender think twice before he could endanger his money under these adverse circumstances when the laws of land are against him. In fact, realising the difficulties and obstructions in his business, the honest money-lender is already going out of this profession and on the other hand the dishonest money-lender is busy devising ways and means in order to meet the new situation. I, therefore, submit that before this Bill is passed it would be better to give a chance to the honest money-lender for expressing his opinion. It would be but fair for us to see both sides of the picture. It is just possible the honest money-lender may submit proposals which would be acceptable to my friends over there. This is, Sir, my second reason why I am for circulation of this Bill.

Now, Sir, I would like to discuss two or three points which in my opinion are based on mere misunderstanding. Those objections are long standing ones. They are not new ones. The first is that money-lending, whether honest or dishonest, is regarded as a sin. The supporters of this contention say that whatever income is made from the interest is a sin. The second thing is that every money-lender is a dishonest fellow without any exception. I have already stated that all money-lenders are not dishonest. There are honest as well as dishonest people among them as it is the case in all other professions. The times have changed and day after day we see changes being effected in the existing laws, which have made the old type of usury come to an end. I make bold to say that the Government have already made so many laws to safeguard the interest of borrowers and have given them so many facilities regarding the payment of the loans that now there is hardly any need of passing a general measure like this. Let me give you examples of a few of them.

The first is the Regulation of Accounts Act. Secondly, there is the Insolvency Act. Then there is the Relief of Indebtedness Act. Last but not least are the so many facilities afforded to them. The salaries of the debtors in certain cases cannot be attached and so are the properties excluded from attachment. Sad is the plight of the honest money-lender. He lends money and when he asks it back, the dishonest debtor manufactures any number of excuses. When he resorts to court, the dishonest debtor files a number of petitions and tries to evade payment.

Why should the honest money-lender also not be protected from the dishonest borrowers? Justice should be sharp at both ends. My contention is that if the demands of the money-lender are illegal he should be dealt with accordingly but if on the other hand the debtor wilfully evades payment, the Government should undertake to protect the honest money-lender as well. Sir, we should also not overlook the fact that a section of the public and the press are demanding to be heard. We must hear them before we rush through. This is, Sir, my third reason for circulating the Bill for eliciting public opinion thereon.

Now, Sir, I take the point that interest charged on loans advanced is a sin. I really cannot understand how this view can be justified. You can object to the rate of interest, if it is very high and the Government, too, would not be said to be interfering too much in the matter, if it were to come to the rescue of the debtors who are being charged very high and unreasonable rate of interest. But if the rate of interest charged is quite reasonable then I think it is quite unjust to say that the taking of interest is a sin, which must be rooted out. Sir, I have studied economics and I know that unless the four factors of production combine, there can be no progress worth the name. These four factors are labour, land, capital and enterprise. I need not repeat that these four factors must co-operate to evolve any scheme of progress. If the owners of the lands were to insist on a particular price for the use of their land and the persons who possess brains and evolve out any profitable scheme were to try to keep all the profits to themselves ignoring the labourers and the capitalists, it will end in chaos and confusion and there will be no peace and progress. But if on the other hand each class of people were to demand a reasonable price for its activities and co-operation, things are sure to move in an orderly manner.

[L. Sita Ram.]

Now if like all other factors the capitalist asks for a reasonable rate of interest, which is in other words only a value or price of his capital, I think no one should grudge it. Need I remind the House that no person in this world can claim to combine in himself all the four qualifications of a land-owner, capitalist, labourer and the enterpriser? There must be four different persons or say classes of persons, one possessing one qualification and others possessing the others, to give us a harmonious blend of all the four. The capitalist is one of them and he must continue to exist to make the set complete and if he must exist, he must be allowed to charge interest for his capital. India cannot do without capitalists at this stage of her slow industrial and economic march. Under the circumstances it does not lie in the mouth of any reasonable man to say that taking of interest is a sin.

I have read the discussions on various enactments passed in recent years to afford protection to the debtors in the province and I find that the main argument advanced by the sponsors and supporters of those enactments is that the money-lenders having earned more than double the principal advanced, of course in the form of interest, there is no justification to allow them to have more interest from their debtors. But I am afraid that in advancing this argument one important point has been lost sight of. I fail to understand why these gentlemen should have taken only the interest charged into account and not the question of time also for which the principal advanced remained with the debtors. Sir, it is a well known fact that if a person were to deposit his money even in a Government bank and if he were not to withdraw it for a number of years, say for thirty or forty years, that money becomes *treble* and even four times the amount originally deposited and if that money were to be invested in some trade or industry it brings three, four or in some cases ten times the value of the money invested in the form of dividends and profits. Similarly, if a money-lender charges a reasonable rate of interest for the money that he has saved, I see no reason why he should be looked down upon by the society. In this connection I like to remove one more misunderstanding that is perhaps greatly responsible for bringing this class of money-lenders into disfavour with some of the people. It is believed, I do not know on what grounds, that the money-lenders are very rich and it is the interest on money that they charge that has made them so rich. To remove that misunderstanding I may say that it is not this interest that has made them rich if some of them are really very rich. It is that golden principle that has made some of them rich and which can make anybody and everybody rich only if he were to follow that principle—“living within means.” It is unnecessary for me to say that nobody, whatever his profession may be, can ever lay by money if he lives beyond his means. He may be a money-lender, a trader or an industrialist, he will not be able to save anything and become rich, if he spends more than what his income allows him to spend. Therefore, take it from me that if some of the money-lenders are rich, it is because they have been acting upon that golden principle.

Then I have one more complaint to make and it is that only one side of the picture has been considered while drafting this measure. Granting that there are some dishonest money-lenders, it should have also been frankly admitted that there is a pretty large number of dishonest borrowers as well

who borrow money without any intention to pay it back. If you propose to punish the dishonest money-lenders, there must have been some provisions made to penalise those who have made it their business to cheat the money-lenders. Justice and fair-play demand that all dishonest people whether they are money-lenders or they are borrowers should be equally treated. But I see that no such provision has been made in the Bill nor is it intended to make any whereby it will be possible to discourage dishonest borrowers. I know that at this stage I cannot go into the merits of the different provisions of the Bill and that I should wait for the proper opportunity to say something about those provisions, but one thing I cannot help saying and it is that it is repugnant to all canons of justice and equity to make this Bill take effect retrospectively. It is against good conscience to allow this Bill to cover even those transactions which were effected long before this Bill was even conceived of and which were quite legal and permissible under the existing law of the land at that time.

Now, Sir, I will give some more reasons why this Bill should be circulated for eliciting public opinion thereon. The remarks made by the Honourable Premier in his opening speech encourage me in urging for the circulation of this Bill. You will remember, Sir, that while moving that the Bill as reported by the select committee be taken into consideration, the Honourable Premier was pleased to say that 75 per cent. of the amendments moved in the select committee have been agreed to. Although I do not quite agree with him in this statement, yet taking him at his word I am encouraged to say that if, in a little time of two days during which the select committee has considered this Bill, 75 per cent. of the differences have been removed, it can be very well hoped that if two months more are given to consider this Bill, the remaining twenty-five per cent. of the differences can also be amicably settled. This is, Sir, my fourth reason for circulation. Therefore I earnestly request that the Bill be circulated for some time so that we may be able to have more time and think over the matter calmly from the public angle of vision with a view to settling the remaining points of difference. You know, Sir, that even the worst offender is given an opportunity by the courts to put forward his defence and I see no reason why the money-lenders or traders who are to be affected by this Bill, should not be given an opportunity to have their say in the matter. I hope that the Government will not hesitate to accede to this very simple request of mine.

One thing more and I have done. I understand from the speech of the Honourable Premier that it is intended to enforce this Bill along with another amending Bill which is yet to come before the House and which, may not be passed in this session. (Voices: That Bill has already been circulated among the members and is here before us). I was not aware of this fact. In any case I am sure that this new Bill is not to be taken into consideration in this session and if so, that is my fifth reason why the Bill under consideration should be circulated for eliciting public opinion thereon.

There is the sixth reason for my urging upon you that the Bill be circulated for public opinion and it is this. The Government also stands for minorities. Their rights should also be protected and the Government should not be a party to the majority who are openly out for sacrificing the rights of minorities.

[L. Sita Ram.]

The other objection which I would like to raise against the Bill is that the definition of "money-lenders" lacks precision. It does not differentiate a casual money-lender from professional one. Even the Honourable Premier had expressed this view in the course of his speech that no precise and comprehensive definition of the word money-lender could possibly be crystallised for the purposes of this Bill. My point is that this loose definition will hit hard some persons who are really not professional money-lenders. There is a section of people who are serving under the Government or in private firms of one kind or the other and other petty industrialists or businessmen, who have made savings in their life and who advance small loans out of their savings to needy persons. My apprehension is that if the proposed definition is adopted, these persons would find it practically impossible to advance small loans by way of investment out of their hard earned petty capital. Take for example, the case of railway employees who after 30 or 40 years' service are entitled to a bonus or gratuity amounting to two or four thousand rupees or more. Now, in their case if they deposit the money in some bank they could get interest at the rate of only one or two per cent. per annum. But if they lend that amount to others on higher and reasonable rate of interest, they can easily manage to subsist on that interest. It is a matter of regret that even a widow who manages to live on the interest accruing from the amount advanced by her deceased husband has been denied protection by the provisions of this Bill. Even the orphans and the invalid persons have not been exempted from its application. Let such persons be not classed as money-lenders within the meaning of this definition. My submission is that the definition of the term "money-lender" should be such which could easily distinguish a casual money-lender from a professional one.

I admit that usury is a vicious business but my submission is that honest money-lenders should not be penalised by the provisions of this tyrannical Bill. I am at a loss to understand why the licence of an honest money-lender should be cancelled for an inadvertent and in some cases intentional omission. The penalty proposed in the Bill is drastic and quite disproportionate to the acts of dereliction on the part of the money-lender. If the cancellation of the licence is inevitable the poor money-lender should be given time to wind up the transactions effected some time before the commencement of the proposed Act. There is undoubtedly a provision in the Bill that if the money-lender dies, his legal representatives and successors-in-interest have the right of realising and recovering his outstanding debts. But would it not be fair and just if such small mercies are extended also to those unlucky money-lenders who on account of such hard measures want to give up their business?

Sir, the penalty proposed in the Bill is drastic enough. For instance, if a money-lender is found guilty of any offence he will not only lose the interest and also the principal under the Acts already passed; but will also be liable to have his licence cancelled under this new Bill. His woeful tale does not end here. In addition to the above two heavy punishments he will not be entitled to even file suits against his debtors regarding his other debts which may become time-barred or necessitate the taking of immediate action against certain defaulters during the period of the cancellation

of his licence. We did not lag behind in pointing out this difficulty of ours in the meeting of the select committee. The principle involved was admitted by our friends and the Commissioner was empowered to issue a certificate to such money-lenders during the cancellation of their licence, for the purpose of realising their outstanding debts. But the difficulty of the money-lender still remains unsolved. He is at the sweet will of the Commissioner who may or may not issue such a certificate. In my opinion the money-lender should have this permission as a matter of right. Everybody knows the fact that if a person murders another person he alone suffers the penalty imposed by the law of the land, but his children are not subjected to any punishment. The provisions of the present Bill, however, propose the confiscation of the whole or a part of the assets of the money-lender in spite of the fact that they happen to be the only means of subsistence for his children who in fact are not responsible for the misdoings of their father. Now I ask the Government whether all these penalties and punishments are not too high. Justice and fairness answer that these are too severe. If the dishonest money-lender is taken to task I will not object to it. But the punishment should be in fair proportion to the offence committed. One should not be hanged for making a slip of pen in his account books and again the honest money-lender should be differently and better treated. Sir, my submission is that the provisions of the Bill now before the House are too severe. They should be amply toned down in order to avoid the possibilities of seeing honest money-lenders closing down their business. This is why I have tabled an amendment to the effect that the Bill should be circulated for eliciting public opinion thereon.

Now, I turn to the consequences that are likely to arise in the event of this Bill becoming the law of the land. The object in view of the Government may be to save the debtors from the clutches of the money-lenders but I assure the House that this Bill would prove harmful to the interests of the debtors even. In their anxiety to protect the debtors the Government are encouraging dishonest debtors who ruthlessly squander money advanced to them by the poor money-lenders. Matters will come to such a pass that money will cease exchanging hands and the trade and industry of the country would suffer a great set back. Another possible consequence of the Bill, which the Government have ignored is the withdrawal of all capital. The Government will see that all good-will which is the very backbone of business and economic progress will soon go away. Litigation, instead of decreasing, will increase. Society will be thrown out of gear. When business is closed down and industry is gone to dogs the poor labouring classes will be hard hit. They would add to the ranks of the unemployed and it will end in starvation and general discontent. It is sad to think that instead of proposing some scheme to help the poor labourers the Government are indirectly leading them to rack and ruin.

Sir, I have advanced so many arguments and furnished so many reasons why this Bill be circulated, before it is made a law and I have also pictured before you to the best of my ability the horrible consequences of this drastic measure. But in spite of all this if the movers of this Bill are not ready to listen to reason and fairness, the only conclusion that I can draw is that they are indirectly bent upon doing away with private money-lending altogether.

[L. Sita Ram.]

I am prepared for that alternative also. If the Government is thinking of stopping the very business of money-lending let them come forward with a real ambition of settling the whole question. I suggest that the Government should raise sufficient loans at a minimum rate of interest, i.e., three per cent. per annum for the sake of zamindars and debtors. This sum may be lent to those afflicted persons at a bit higher rate of interest say 5 or 6 per cent. by which they should pay their old Sahukars. In this way the Government will not only help the zamindars and debtors but will also be helping the money-lenders as well as earning profits for themselves. This Bill gives us a clear indication and the future money-lender will think twice before he makes another jump. I hope the Government will seriously consider this humble suggestion of mine.

One word more and I have done. I have tried my best to argue the question from every angle of vision. I hope the honourable members will support me in my motion for the circulation of this Bill. I have shown them both sides of the picture and now it is for them to take it in the light they choose for themselves. My role is that of the poet who says—

Mano na mano jan-i-jahan ikhtiyar hai

Ham nek-o-bad huzur ko samjhae jate hain.

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

That the Punjab Registration of Money-lenders' Bill as reported on by the select committee be circulated for eliciting public opinion thereon by the 1st October, 1938.

Khawaja Ghulam Samad : Sir, one honourable member has already spoken in favour of the motion and it seems desirable that some one who opposes the motion may now be called upon to speak.

Mr. Speaker : The only course open to me is to call upon members alternately from the different parties or different sides of the House. That much I can do and will certainly do. But I cannot anticipate whether a member will speak for or against a motion.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I must compliment my honourable friend, Mr. Sita Ram, on his reasoned and convincing speech in support of the motion and I hope that he will listen to my arguments with the same open mindedness which we have a right to expect from a reasonable member of his position. I feel particularly happy that to-day after 15 years of my life I support a measure for the registration of money-lenders of which I was privileged to give the first intimation to the Punjab Legislative Council 15 years ago (*hear, hear*) and I hope I would convince all fairminded members of this House that my motion then and the Bill now introduced are not prompted by any ill-will towards the money-lenders or the money-lending profession. I submit that the economic and the political circumstances prevailing in the country to-day are of a nature that they demand that all far-sighted Punjabis, whatever their party or political programme may be, should apply themselves to problems of this nature with the earnestness that they demand.

Now what is it that the Bill seeks to achieve? The Bill, to put it briefly in a nutshell, says that those persons who carry on the business of money-lending, not casual money-lenders as my honourable friend has suggested, but persons who carry on the business of money-lending, shall, if they wish

to continue in that profession, take a licence and get themselves registered and further that if these money-lenders suffer any of the disabilities cited in clause 7 of the Bill, they shall incur certain penalties. Now, before I go into the details of the arguments cited by my friend here, I beg to invite the attention of the House to the main purpose of clause 6 of the Bill. You will find that in clause 6 a money-lender who is registered and licensed runs the risk of losing his licence if he is found guilty under clauses 2, 3, 4 and 5 of clear cases of fraud or cheating. I feel confident that so far as these clauses are concerned, no fair-minded member of this House will get up and say that a money-lender who has been found by a court to be guilty of fraudulent practice or of cheating should be given an asylum. The only items which are not directly concerned with forgery or fraud are item 1 and item 6. My honourable friend in his speech laid particular emphasis on clause 1. He said that under clause 1 it may be that if an honest money-lender only casually or in a small particular omits to send a six-monthly statement or to keep a regular statement of account, it would be very hard if a man of that nature is non-suited with regard to various transactions. I hope my honourable friend will permit me to invite his attention to the explanation to section 3 of the Regulation of Accounts Act for which I was myself responsible. Section 3 calls upon the money-lender to keep regular accounts and to send six monthly statements and if he fails to do so, the courts impose certain penalties on him, but the explanation states—

4 P. M.

A person who has kept his accounts and sent his six-monthly statement of accounts in the form and manner prescribed shall be held to have complied with the provisions of this clause in spite of the errors and omissions if the court finds that the errors and omissions are accidental and not material and if the accounts have been kept in good faith with the intention of complying with the provisions of this clause.

In clause (c) of section 4 he will find that if a person omits to send his six-monthly statement once and does it later and there is sufficient reason for delay, the court shall allow him interest. Therefore I feel my honourable friends will realise that the penalty under clause (i) shall only operate in those cases where as my honourable friend Lala Bhim Sea said in his notice there is intentional evasion of that clause 2 and not once but more than once. With regard to clause 5 my honourable friend made a particular point of the statement that interest as such should not be penalized and said that it is only when the interest becomes unreasonable that he will be prepared to support us in any scheme to stop the money-lenders. Now, with due regard I challenge him to cite even a single instance from one clause of this Bill to the effect where interest as interest has been penalized.

Lala Sita Ram : Why this double penalty ?

Parliamentary Secretary : My honourable friend says 'why double penalty ? If in one case a person has incurred certain penalties and has lost his interest, why should he be deprived of licence ?' On this point with due deference to him I shall try to meet the main purpose of his argument. He will find that the whole of the legislation on indebtedness relief in this province and elsewhere works under one fallacy if I am allowed to say so with due deference and it is this that the relief can only be given when a person who has been hit goes to court and can prove that he has been hit. Now, Sir, I have worked out the figures from the annual reports of the

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High Court and the Civil Administration and I find that it is only in one case out of 480 cases that a money-lender goes to a court. There again it is very rarely that it is proved that he has transgressed the provisions of law. I submit that a money-lender—I am not talking of honest money-lenders who have not only my sympathy but my respect—goes to court only in one case out of 400 while he has been playing and juggling with accounts, while he has been depriving honest hardworking people of the only pittance with which they have to feed themselves, their families and children. In one out of 400 cases he goes to the court. Is it not in the interest of fairplay that in the other 399 cases the poor borrowers should also be given some relief when they are dealing with a man who has been proved to be guilty of fraud and cheating? I therefore submit that when they are dealing with questions of this nature they must in fairness see whether the Bill we are introducing is on merits a fair Bill and what advantages, if any, will be secured if the Bill is postponed. Now, Sir, the first point which I wish to emphasise is this and here let me again take a sentence out of a very fair speech made by my honourable friend on this side. He said that the money-lenders are a very important section of the Punjab and he said that there are good money-lenders and bad money-lenders and that there are good borrowers and bad borrowers. I do not hold brief for the bad borrowers and I would be entirely one with my honourable friend in any decent practical legislation which he brings forward to see that the dishonest borrower is not placed at a premium against the honest money-lender. Secondly, so far as the honest money-lender is concerned I am prepared to state now, as I have said more than once, that I regard an honest money-lender not only a necessity in the province, in the rural economy of the province, but an asset and I challenge my honourable friend or anybody else to cite one instance from one section of the Bill which in any way goes against the honest money-lender as such. Now what is the position of money-lending in this province? It was asked “why is it that we are bringing this legislation in this province?” Let me invite the attention of my honourable friends to certain figures with regard to this province. He will find that in the Punjab to-day—it has been calculated—we have 55,000 money-lenders and curiously enough while the Punjab population is one-eleventh of the whole of the population of India, one-fourth of the money-lenders in the whole of India are found in the Punjab. Therefore I think on this point there will be no difference of opinion that the Punjab is infested with money-lenders more than any other province. I am not in this figure including the casual money-lender. I do not plead that the increase of money-lenders as such is an evil, nothing of the kind, but when we think of the various accounts given not only by the courts, but by the Banking Committee and by our own experience that many of these money-lenders indulge in transactions which do honour neither to them nor to the province, it is but fair that we should try to purge this most important profession in the province of any chicanery or underhand dealings. That is my first point. Secondly, it is agreed, and I think there will be no difference of opinion on the point, that money-lending is the most important profession in the province. I say this on the authority of Mr. Daring that the profits of 55,000 money-lenders in the Punjab have been calculated to be almost equal to, if not exceeding, the whole of the gross profits of 1,88,00,000 of agriculturist cultivators in the Punjab.

Dr. Sir Gobal Chand Narang : On paper.

Parliamentary Secretary : My friend says "on paper". He is in the habit of seeing difficulties and trying to treat them on paper. This I agree is the mentality of a distinguished lawyer, but I appeal to him to look at this question with the fairness of a statesman. I refer him to another instance. Is it or is it not a fact that one out of every forty income-tax payers is a money-lender? Sir, I was submitting that so far as this one aspect of the money-lending transaction is concerned, it is almost conceded by all parties that 80 per cent. of the Punjab lives on agriculture and it has been found by competent authorities that 90 per cent. of these live almost in season and out of it in debt. Out of these only 11 per cent. deal with co-operative societies and casual money-lenders. The rest which means 70 per cent. of the population of this province have year in and year out to deal with 55,000 money-lenders. Therefore we have these 55,000 money-lenders with resources, with experience and the trickery which comes to them dealing with such things and we have seventy per cent. of the sweating starving population of the Punjab about whom it is stated that 80 per cent. of them have not more than 10 acres of land and the average income of whom is less than even the cost of feeding and clothing a prisoner in the Punjab prisons. Now against one money-lender you have 800 borrowers starving around him whose whole future career is almost in his hands and if he is honest, he is an asset—as they say in the villages he is *Sahakar padshah*—but if he is dishonest then all these 800 families with children, wives and mothers of the poor hardworking struggling agriculturists are at his mercy and after a year's hard work the agriculturist goes and at the dictate of one man surrenders the whole of his year's labour. I ask in fairness, I ask from those who till yesterday were speaking from house tops as the defenders of the poor men in the Punjab, I ask them, why oppose a measure of this nature which only seeks to save innocent borrowers from the trickery not of the honest money-lender but the dishonest money-lender? It has been said in the press that this measure is a communal measure. Here again, I do not want to waste the time of the House on such a flimsy argument but I submit that even if all the money-lenders of the Punjab—all the dishonest money-lenders of the Punjab—were Muslims or non-agriculturists and all the borrowers were non-Muslims or agriculturists, will that be an argument to satisfy the people who are starving? The position to-day is, and I have it on unimpeachable authority, that the borrowers of the Punjab who have to give their blood, with rare exceptions, to their money-lenders, include 33 per cent. Hindus, 15 per cent. Sikhs and 15 per cent. Muslims. I ask if for every Hindu money-lender—I exempt for the sake of argument all the Muslim money-lenders and there are good many of them and the Sikh money-lenders and there are good many of them—one hundred Hindu borrowers, fifty Sikh borrowers and fifty Muslim borrowers were assured, is that an offence which must be levelled at the face of the Premier? My honourable friend will find that we are not the first to be guilty of bringing such a preposterous proposition asking for the money-lenders to be registered in India and if they are not registered and do not satisfy certain conditions, they will be non-suited. I find that we are sinners in the happy company of no less a person than Dr. Sir Tej Bahadur Sapru who not now but 21 years ago

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speaking in the Imperial Legislative Council on 5th September, 1917, on the Usurious Loans Bill said as follows :—

I should like all money-lenders to be registered as in England, and I should also like a provision in the Bill that if an unregistered money-lender brings in a suit, the suit shall be dismissed; this is a crying evil and in dealing with this matter I am glad to be able to bear out every single remark that has fallen from the Honourable the Home Member. I am an enthusiastic advocate of the Bill and I do not think that the doctrine of freedom of contract can be left to run its course uninterrupted in a matter like this; I think the stronger the measure is the better it will be for the protection of the masses and for the land owning classes. With these few words, my Lord, I strongly support the motion.

(Hear, hear) Not only that but coming nearer to our more modern times my honourable friends opposite will find tabled a similar motion. They will find that a distinguished Minister of the Congress Ministry of Bombay—the Honourable Mr. Munshi—while introducing a similar Bill in the Bombay Legislative Assembly said as follows :—

Sir, the object with which Government has placed this Bill before the House is two-fold; first, to place the money-lenders' profession on the footing of a well-regulated and honourable calling. When I say this, I do not mean to suggest that all the money-lenders do not answer the description, but there is, as in all professions, a certain element in this profession also which requires to be raised to the status of an "honourable calling" by proper regulation by the State. The second object of this Bill is to protect the ignorant and helpless borrower from the clutches of the dishonest money-lender.

I would like to quote a small extract further in reply to my friend who said that we are condemning the money-lenders. I would submit, as the Honourable Mr. Munshi stated, that the condemnation does not begin with us. He said :—

It is a well-known fact that money-lending is one of the most ancient, the most important and perhaps the most abused profession from the earliest times. It is curious to find that even the Vedic Rishi refers to the money-lender as "the usurer who counted days for calculating interest" but found him rather too much for him. You will also find in the Old Testament, similar reflections on this important section of our community. At the same time we find various prescriptions given by ancient and modern authorities for curing people of usury. It is not really a modern habit to try to regulate them; even in old days they regulated them in curious ways. Sir, in the seventh century one Archbishop of Canterbury laid down that a person who extracted interest by usury must make penitence for three years one of which should be only on bread and water. Well, this Bill luckily does not prescribe any such remedy.

I, therefore, submit that it is not for the first time that an attempt is being made to regulate the malpractices of the money-lending profession. I feel confident that almost all members sitting on this side will not feel that we are charging all money-lenders of such malpractices. I am not one of those; rather far from it. There are, as I have already submitted, honest money-lenders and dishonest money-lenders. I hope I am divulging no secret when I say that in the select committee the Honourable Leader of the House laid it as a policy that he would accept every reasonable amendment which attempts to remove the difficulties of an honest money-lender and that has been the policy with which the whole thing has been done. I would appeal to my friends opposite in all fairness—not as a rhetoric—that if they have a single instance in this Bill where an honest money-lender stands to suffer let them come forward and point out but not by dilatory tactics deny these borrowers the privilege and advantage which underlies this Bill.

There is one very important point that was made by my honourable friend here. He said, "You should try to increase the income of the zamindars, you should try to find other ways of improving their economic condition, why hit the poor money-lenders? How will the agriculturists benefit?" I submit, if you will permit me to say, that his argument is ineffective. It was in 1900 that the Land Alienation Act was introduced. Why was it introduced? Because the foresighted administrators of that time found that in ten years preceding 1900 as much as about 10 crores worth of mortgages had taken place among the agriculturists. They found that in ten years the value of the agriculturists' land, which had been mortgaged, went up by ten crores and that was the reason why that Act was introduced. They thought that unless they stopped in time this new departure from the old practice, the time would soon come when all people will not stick in the country. What was the result of the Land Alienation Act? For sometime that tendency was arrested but unfortunately what has been the result due to world conditions and as a result of conditions in India? In the last ten years the amount of the mortgaged lands of the zamindars has increased by 30 crores. I submit that that is a call addressed to all patriotic Punjabis to forget the threats of the agriculturists or non-agriculturists and to try to solve this problem. What is the problem? My honourable friend says that their income should be increased. Certainly that is the problem of the Punjab. Even my honourable friend the Leader of the Opposition will agree with me that the basic structure of the whole of the Punjab must be built on sound foundations by increasing its purchasing power and that cannot be done unless the economic conditions are improved. What is the position? It has been calculated on reliable authority that according to the figures of 1928-29 the gross value of the agriculturists' produce of the province is 99 crores. It includes the value of stock but certain other items are not included. If they were all included, it would come to one hundred crores. Since then the index of prices has fallen. Moreover, as my honourable friend the Minister of Development told us the other day, very small portion of the actual price reaches the agriculturists. It has been calculated that on an average 55 to 60 crores per year in gross produce reaches the agriculturists. Therefore, I appeal to my friends in all sections of the House that if the poor Punjabi peasant were not to be given more than one-anna per head per day for his food, clothing, etc., he would still need 45 crores annually for his existence. In addition to that he has to pay four crores revenue and four crores expenses on litigation. That leaves him not a penny to pay towards the ever crushing burden of debt and it is calculated that on an average, I have calculated the average figure of 15 per cent. as suggested by Mr. M. L. Darling, he has to pay 25 crores as interest every year. I ask, is that not the problem of the Punjab? How can we solve it? (A voice: By increasing the expenditure of Government). My honourable friend says 'by increasing the expenditure of Government'. Out of the four crores which is the revenue of the Punjab, 25 per cent. comes from the pockets of those whom he is trying to protect; and I am surprised that this remark has been made by the honourable member. Among the poor zamindars I include both the Hindu zamindars and Muhammadan zamindars who do not get an average income of more than one anna a day, and with prices falling they are face to face with the great problem of indebtedness. (A voice: Raise the land revenue and taxes). Yes, certainly.

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The taxes come out of the pockets of those who pay to the money-lenders and the greater problem will stare them in the face. How to solve this problem? The only way to solve the problem is first to give them a new hope and a new vision of a new Punjab which we are trying to create in which, the depressed classes, the oppressed classes of the Punjab can raise their head. I am glad Sardar Sohan Singh Josh is smiling. I hope in the same spirit he will feel it his duty to stand by the people for whom he is pleading. I am very glad that not one of the amendments to the Bill stands in his name. I come to the problem how to solve it. It is not an economic problem: it is a human problem, and the only way to do it is by stopping leakage from the income of the zamindars, on the one side seeing that he gets full advantage for his year's labours and on the other seeing that his hard earned income is not taken away as much as is being done now. If I had my way I would not feel ashamed to wipe out all these debts (*hear, hear*). I will not be ashamed of it: I would be proud of it. But step by step I hope things will soon improve and there will not be any necessity to do it. When we are trying to do a little bit you say "no" and you say 'what is the result'. When we ask for the benami transactions to be removed you say 'no'. Not only that, dilatory amendments have been tabled and you say all companies should be exempted so that two money-lenders may join and may fleece the poor borrower. My honourable friend the honourable member for Ambala the great leader of the Congress party says "*hear, hear*". I say that it is not only in the Punjab that we are trying to do it: it has also been tried elsewhere: this problem is world-wide. This problem has been tackled in other countries also. Honourable members who believe in Rip Wan Winkle philosophy must plead that it is a contract. I have cited one instance. In a place like Bulgaria by one sweep all debts below 80 thousand were wiped out by 50 per cent. (*4 voice: I will be happy if you do it here*). My friend says 'I will be happy if you do it here'.

Dr. Sir Gokal Chand Narang: What happened to the rest of the debt.

Parliamentary Secretary: Three years later they were also wiped out. Then there was a deluge which my honourable friend wanted. In Denmark the Government offered a composition of 35 per cent. of the agricultural debts. In Russia by one stroke the Sikander of that place wiped out 50 per cent. of the debts. These are the measures which they adopted. When there is a national government here and similar suggestions are made, for the sake of petty ideals and individual considerations, I am sorry and I hope my honourable friend will forgive me if I use stronger language for expressing my feelings, these people who have money to dabble in dishonest practices are trying to stand in the way of the poor people.

Dr. Sir Gokal Chand Narang: Have you got any authority for Bulgaria?

Parliamentary Secretary: My honourable friend wants an authority. I would refer him to the Report of International Institute of Agriculture issued from Rome and supported by the authority of the League of Nations, for the year 1936. If he wants to know further, there are about 40 other countries which have adopted similar measures and if my honourable friend would care to go through their figures, I feel confident he would be

voting on this side of the House. Then my honourable friend suggested that there is already the law and 'when the law exists why impose this penalty'. In this connection I would invite my honourable friend Dr. Sir Gokul Chand, who is very anxious to read authorities, to read the report on the Administration of Justice in the Punjab for the year 1935-36. He will find there that not only agriculturist but non-agriculturist village money-lenders are openly disregarding the provisions of section 3 of the Regulation of Accounts Act. We have in all fairness in the interest of the borrower and in the interest of fairplay and honest transaction, enacted a law but that law will not work till matters come to the court. I am glad that the public conscience of the Punjab and the conscience of the Assembly has reached a stage when it cannot tolerate such a plain law.

Again, Sir, a great deal of stress was laid by my friend on the question of penalty. I would invite his attention on the floor of the House again to the penalty provided under the English Act. He will find that under the English Act they have not only provided non-suiting of the person concerned but went further. For the first offence they have provided a fine of one hundred pounds and for the second offence imprisonment up to three months and that is in addition to non-suiting of the defaulting money-lender. Not only that. On the question of penalty let us weigh on both sides the merits of the case. As I said on the one side you have a money-lender, I am talking of the dishonest money-lender, who has been proved by a court to have been dishonest. On the other side you have 300 of the victims who have been deprived of their yearly income and their whole families have been starving for the whole year; and instances are not wanting where one single transaction like that leads the whole family to a condition of starvation, poverty and hunger. Coming back to the question of penalty, I would submit—excuse my language—if there were to be even a greater penalty I feel confident, we would be justified. (*Interruption.*) I am sure that if the proposition can be put in some form before my honourable friend opposite, who is fond of interrupting me at times, and if it were said that all the money-lenders on that side happened to be agriculturists and all the gentlemen on this side happened to be non-agriculturists, he would have said that they must all be hanged by the nearest tree. But, Sir, I submit, what is this penalty for? The penalty, let me repeat, is for proved cases of forgery and proved cases of cheating of that nature. In this connection let me inform my honourable friends opposite, who have tabled amendments to certain clauses as to why we ask the Collector to deal with those cases. In the first instance, it was stated by the Honourable Mr. Munshi on that very occasion in the Bombay Legislative Assembly that in Bombay they had to follow the practice of the English Act, because experience has shown that such powers are given to the executive and they are being exercised effectively. This is what has been done in the Bombay Legislative Assembly. (*Hear, hear.*) Secondly, those of my honourable friends, who suggest that all those cases should go to a court, forget that the very plea which they suggest would create a new disaster in the body politic of the Punjab. I have already said that 4 crores of the hard income of the zamindar go for land revenue and 4 crores for litigation, and if we open for them the door of litigation, it will be a help worse than cure. Therefore, any one, who in fairness and in seriousness advocates for the well-being

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and relief of the poor agriculturists and asks them to go to courts by means of such a dilatory procedure which involves expenditure, is no friend of the Punjabi. What is more? I may appeal to my honourable friends opposite to kindly peruse clause 6 carefully. They will find that no penalty can be incurred unless a person has been found guilty. What is the use of bringing in such a procedure which involves the borrower in such huge expenses before he can get some relief? If they carefully analyse their amendments they will find that they are all out of order.

My honourable friend further suggested that once a man has committed a blunder and he has been given some punishment, why give him a double dose of penalty? I think that was his argument. I submit that it is curious enough. I happen to be a registered and licensed legal practitioner and there may be many others in this House who are licensed legal practitioners. If a lawyer, who deals only with a limited section of public opinion or people and a doctor who deals with a limited number of patients and charges fees from them, is found guilty of fraud or cheating, there is punishment for him under the Indian Penal Code and it is considered sufficient to cancel his license. If that is so, why all this sanctity to the money-lending profession, that is, 55 thousand people earning their livelihood by means of this profession? Why should they not be registered? Why should they be allowed to behave in a manner as they are behaving to-day and why should they be allowed to carry on their trade and get their earning by killing all these innocent, honest and simple folk?

A great deal has been made of the fact that in the case of widows, orphans and other assignees, there is a great hardship in this Bill. Now, Sir, I want that question to be dispassionately examined. I am one of those who have a soft corner in their heart for them. I feel that widows, orphans and all classes are entitled to special treatment. What is the position? You will find that if a widow or orphan does not want to carry on the profession of money-lending, they may do so, they are given ample protection under this Bill. But if a widow or an orphan wants to carry on the business of money-lending, I submit, where is the hardship in taking a licence? But if they do not want to carry on that business it is open to them to close it down.

A great deal of capital has been made of the fact here and also outside in the press that it is nowhere the practice as it is here. Under the English Act every money-lender, who assigns his land to anybody, has to give him a notice that he is a money-lender. He is a registered money-lender there. But supposing that he is not, then what is the position? It is on rare occasions that a *bona fide* person does a transaction without giving any notice. He is saved under the English Act. But there who is to pay the piper? Not the borrower but the money-lender. Under this Act the borrower and the assignee are the only persons who are definitely charged. I submit that we in this Bill have given far more chances to the honest money-lender so far as his chances are concerned.

One word more and I have done. It was the late Mian Sir Fazl-i-Hussain, who during the course of a very important speech dealing with indebtedness legislation said that whatever was being done was to invest on behalf of capitalists and the richer class, so that they might swamp the

social revolution that was coming. I hope that in fairness they may not shut their shops. We are bringing in this legislation and other legislation, and we would see that they may not shut their shops for ever. (Cheers).

Lala Duni Chand (Ambala and Simla, General, Rural) (Urdu): Before I proceed with my speech I would like to submit that I find it unnecessary to move the circulation amendment standing in my name. My party including myself is of the opinion that the amendment of the re-committal of the Punjab Registration of Money-lenders' Bill to the same select committee if accepted would serve the purpose. It is a matter of satisfaction to me that the framers of the proposed Bill have not made any discrimination in so far as this Bill is concerned between agriculturists and non-agriculturists as it applies to both. I am further glad to see that this Bill applies alike to the Hindu, Muslim and Sikh Money-lenders. It is a great pity that my party is being misrepresented in regard to this Bill and I feel that it is my first and foremost duty to clear its position.

Before the last general elections the High Command of the Congress had issued a manifesto for our guidance known as the Congress manifesto. For us it is an instrument of instructions, call it gospel or even a Code of Manu if you so choose.

Mian Abdul Rab: On a point of order Sir. I think the honourable member is trying to clear his position and the position of his party. How is that relevant to the amendment before the House?

Lala Duni Chand: I was submitting that this manifesto is our Bible or our Code of Manu.

Mr. Speaker: Objection is taken that the honourable member is not speaking to the motion before the House. May I ask him how his speech is relevant?

Lala Duni Chand: Some interested supporters of the present government have set rumours afloat—

Mr. Speaker: I notice that some honourable members are reading newspapers in the chamber. That is unparliamentary and I request them not to read newspapers.

Lala Duni Chand: The Honourable Premier has been so often pleased to say that there is a division in the Congress party on this Bill and thereby has attempted to drive a wedge between the rural and urban members of the party.

Mr. Speaker: In my opinion the honourable member is not speaking to the motion.

Lala Duni Chand: As far as the proposed Bill is concerned I think it is very necessary to clear the position of the Congress party first and then state the view of the party. Our position as stated in the manifesto is that we want whole heartedly to ameliorate the financial and economic condition of the poor peasantry by adopting every possible means. The Congress would wish to raise the level of the economic life of the peasantry and the labourer even before the sun sets to-day so that every one of them could have sufficient food, clothing and housing.

Mian Abdul Rab: The honourable member is still speaking about his position and the position of the Congress.

Mr. Speaker : Has the honourable member moved his amendment ?

Lala Duni Chand : The motion stands in the name of Mr. Dev Raj Sethi.

Mr. Speaker : May I point out that no motion for recommitment of the Bill contains any details which should be reconsidered by the select committee. Honourable members who move amendments for recommitment should confine themselves to the objects of recommitment and to the extent of the proposed recommitment. They should not go beyond. We have nothing to do at this stage with the Congress or its policy. The honourable member will please confine himself to the motion before the House. I cannot allow him to go beyond the limits I have specified. (*Hear, hear.*)

Lala Duni Chand : I would try my utmost to bow to every ruling given by you. I want to assure the Government on behalf of my party that we are at one with the Government in extending every protection to the debtors against the abuses and wrong doings of the money-lenders. I even concede that some evil minded money-lenders exploit simple minded debtors and in some cases accounts are tampered with. If the intention of the Government is really to help the debtors we are prepared to help them in every difficulty the Government may have to face. I wish the Government had moved a Bill to protect the tenants at the hands of their landlords and thereby removed injustice done to them. I admit that in this Bill there are provisions calculated to protect the debtors. The tenants at the same time are even more heavily in debt and therefore they deserve greater protection.

The creditors also deserve some consideration. Let the Government pay them four annas in a rupee and take themselves the responsibility of paying four annas by instalments and after this is done I would not mind even if money-lending is made a crime. In some other provinces the governments have come forward to legislate for the benefit of the indebted tenant. They have even applied moratorium in the matter of the payment of arrears of the land revenue and rent payable by the tenants and in the matter of suspending the execution of the ejectment decrees. Sir, the Unionist Government appears to be very solicitous about the agricultural indebtedness of this province. Has it done anything to protect the poor landless tenants ? They are being ejected in hundreds and thousands from lands that have been in their possession as tillers of the soil for long periods. They are being ejected from lands which are the only means of their maintenance. Have the hearts of the Unionists ever moved for these pitiable people ? In this matter they can take a leaf out of the book of the recent legislation of the United Provinces Congress Government which has greatly improved the economic condition of the poor tenants by passing suitable legislation.

Minister for Development : Sir, is the honourable member speaking to the motion ?

Lala Duni Chand : It is a pity that the Honourable Minister for Development should have thought it fit to raise this point of order. He is very much engrossed in debt legislation and cannot spare any time to attend to the landless tenants who are being turned out of the lands they have improved by the sweat of their brow.

Then, Sir, there is the case of arrears of rent to be paid. Here again the Government shows no practical sympathy to them. They have to live upon agriculture but own no land. When crops fail and they cannot pay the heavy rents to the landlord they are ejected and then have to wander from place to place to get fresh lands on lease. But the cruel landlord gives them no rest. Sometime they are forced to hand over all their produce to their landlords and are not left with any grain to feed themselves and their children. Cannot the Government wipe off the arrears of rent and thus win the gratitude of the poor tenants? In the Congress Governed Provinces of Bihar, Bombay and the United Provinces the condition of the tenants has been very much ameliorated. But in this province discrimination is being made between class and class. This differentiation is not due to economic but political consideration. The most objectionable feature of the Punjab Registration of Money-lenders' Bill is that the executive has been given wide powers to frame rules to cancel the money-lender's licence. The deputy commissioner has been given powers to cancel licences for violation of certain provisions of the Bill. The penalty provided is too severe. I am no friend of the dishonest money-lender and do not want him to go unpunished. On the other hand I want that deterrent punishment should be given to a dishonest money-lender who commits fraud upon innocent debtor and robs him of his hard earned money, so that he may have a warning in future. But I cannot be a party to the cancellation of a money-lender's licence merely because he could not submit his accounts in time. He is being proposed in the Bill to be punished even for minor faults. If this is the conception of justice of the present Government only Sir Chhotu Ram could be credited with such sense of justice. Notwithstanding these drawbacks in the Bill the Honourable the Premier characterises our amendments as dilatory tactics on our part. May I ask why Chaudhri Sir Chhotu Ram who has been holding responsible position in the Government during the last 15 years or so never thought of introducing such Bills in the past?

Judging from the point of view of the Congress this Bill is wanting in fairness and in justice. The Unionists claim to have great sympathy for the poor, the widows and orphans and in particular Mir Maqbool Mahmood among them always tries to make out that he is sympathy personified and his heart always melts for the poverty stricken people of this province.

Mr. Speaker : The honourable member is requested to speak to the motion.

Lala Duni Chand : I now respectfully appeal to the Government to carefully consider the minutes of dissent submitted. Particularly the minutes of dissent of Rai Bahadur Lala Mukand Lal Pari and Lala Sita Ram deserve consideration. It is no consolation to this party to be complimented in flattering words which can neither satisfy Munshi Hari Lal nor Lala Sita Ram. May I know what treatment has been meted out to their amendments? What is wanted is not lip appreciation but the recognition of their service and work. The praise that has been showered upon Munshi Hari Lal is not going to be of any use to him when all his amendments have been rejected. Sir, my honourable friend Sardar Lal Singh is as good a Jat as the Honourable Chaudhri Sir Chhotu Ram.

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

Lala Duni Chand: I am meeting the points made by Mir Maqbool Mahmood.

Mr. Speaker: He was irrelevant.

Lala Duni Chand: The House gave a patient hearing to him.

Mr. Speaker: Two wrongs cannot make one right.

Lala Duni Chand: I am referring to the minute of dissent signed by Munshi Hari Lal and another member. I am perfectly entitled to reply to that.

Mr. Speaker: I am not objecting to that.

Lala Duni Chand: Sir, I was submitting that several members of this House have expressed their views from different stand points. They have expressed the view that this Bill has not received that wide publication and consideration which it deserves. In this connection I have referred to the minutes of dissent of Lala Sita Ram, Sardar Lal Singh and Munshi Hari Lal, attached to the report of the select committee. I want that the Government should pay attention to these dissenting notes and see that the suggestions made by them are adopted and it should give more time to the reconsideration of the Bill. If my honourable friends opposite agree to this nothing extraordinary will happen. Heavens will not fall and the earth will not give way, if they would agree to postpone the passing of this Bill for two or three months more and circulate it for eliciting public opinion thereon. I would request them to recommit this Bill to the select committee for reconsideration in the light of fresh facts. A Bill of such a far reaching character and affecting the entire fabric of finance, agricultural credit and rural economy of the whole province should not be rushed through. It should receive an extensive circulation and the serious consideration of all sections of the public in all its aspects and implications.

We on this side of the House admit that the money-lenders should be registered and even licensed subject to reasonable exceptions. This Bill should apply equally to the agriculturists and non-agriculturists and be equally helpful to them and all such persons should be given an opportunity to submit their suggestions and after the suggestions are received the Government should consider the Bill in their light. It will be up to the Government to decide if any of the suggestions received would be acceptable to them or not.

The press in the Punjab can also put forward suggestions and the Government can see whether they are worth being adopted or not. It is not my intention to suggest that after the Bill is recommitted to the select committee the money-lenders alone should have an opportunity to put their case before the committee, the debtors should be equally given an opportunity to place their troubles and difficulties before it. It is just possible that the honourable members opposite may not be knowing all the ills and troubles of the public affected. If the public is given an opportunity to place its views and further evidence is secured, their hands may be further strengthened in regard to this Bill. The good of the country requires that

the Bill should be recommitted to the select committee and the people concerned given time to express their opinion about it. May I enquire what harm will come to the honourable members opposite if they agree to this proposal?

(At this stage Mr. Speaker left the chair and Mr. Deputy Speaker took the Chair.)

It is not fair that this House should deny all sections of the public to express their rights on this Bill. It is the duty of the Government to take into confidence all sections of the public by listening to their views and this will in my opinion strengthen their position.

Many a time it has been claimed by my honourable friends opposite that this Government is the government of the agriculturists. They are too enamoured of this phrase. The Government cannot be unaware of this fact that a great uproar is going on against the present Government. The Government should show by its conduct that it is not a Government of any particular class and the ministers should show that they are the ministers of the whole of the Punjab. If they give this proof I am sure that every member sitting on this side would be prepared to lend his whole-hearted support to them. It is the duty of the Government to see whether the different provisions of the Bill are capable of being improved or not. Six or seven conditions have been laid down in the Bill under which protection can be afforded to the debtors against money-lenders. In this connection I want to say a word which if attended to would help the honourable members opposite. If it is found that a money-lender systematically defrauds his debtors, then without a minute's delay his licence should be forfeited. If they give all sorts of latitude to the debtors then naturally apprehensions will arise in the minds of the people. If a money-lender files a suit for recovery of even 50 rupees the debtor would come forward and say that the suit is a false one. This kind of latitude given to debtors would mean that the creditors would be placed in a position in which it will not be possible for them to seek justice in law courts and they would be deprived of their dues. It appears the supporters of the Government are intoxicated with their power. We have done our best to free them from this intoxication. The object of this Bill is that the Unionist Government want to show that they are the real well wishers of *bizans* and debtors and thereby create misunderstanding in the minds of the people. The duty of the Government lies in observing the rule that both debtors and creditors are entitled to claim justice at their hands. I would request my honourable friends opposite to recommit this Bill to the select committee.

Further, there are several things, for example, the registration of money-lenders, which are being kept a close secret. This is not proper and it will be fair to the honourable members of this House to let them know what they are. The Bill is a narrow one. I am constrained to say, and a good deal of what is going to be incorporated in the rules is being withheld from it. Such is the Bill that has been moved. I am aware that similar legislation has been brought forward by the Bombay Government. In that Bill there is a provision for registration of money-lenders but that is not intended to be applied indiscriminately. According to that provision a money-lender will be required to apply on a prescribed form and fill in the specific particulars therein and after that his name will be registered. The importance

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of this provision lies in the fact that it is made clear therein in what cases a money-lender will be required to have his name registered and in what cases he would be exempted. It is not going to have an indiscriminate application. In this proposed Bill no exception has been provided for. It appears that the framers of the Bill have forgotten that there are certain persons who if compelled to have a license in order to do money-lending business will be hard hit. There are persons who live in hills at a distance of 60, 70 and in some cases even 80 miles from the headquarters of their districts. Those who are aware of the conditions prevailing in the country side must be knowing that there are villages where no newspaper goes, where no educated persons are to be found and where news of this kind take a year or two to reach. To apply this Bill to all such people all at once will be really very unjust. Then there are money-lenders whose total dealings do not exceed Rs. 100 or Rs. 200 and it will be well nigh impossible to obtain licences for such petty dealings. To include such persons among the money-lenders will be a great hardship. If passed into law it will seriously affect the lot of minors and widows who have inherited money-lending. It will prove an engine of oppression for such persons. This fact should also be borne in mind that it takes time for the people concerned to get used to the provisions of a legislation of this nature and in fact to those of every new legislation and therefore some provisions should be made in the Bill which should condone the usual shortcomings of ignorance, etc.

Before I close I must make an appeal to the Honourable the Premier. I know that he is a very clever man and is capable of even squaring a circle. He should take care to see that in this province an atmosphere is not created which should make people to fly at each other's throat. If he is anxious to help the agriculturists and the poor peasants, and this I consider a commendable thing, he should not lose sight of the good of the non-agriculturists. We have no objection if money-lenders are required to be licensed and registered and we shall demonstrate by our conduct that we would not stand in the way of the Honourable the Premier controlling the activities of such money-lenders but we want that this Bill should not work hard against those money-lenders that I have mentioned above. If this is done we shall not join issues with him. It has been said that there exists difference of opinion in our party and I can well understand this is said to discredit us in the eyes of the public. There are no differences among us and we shall show that during the next five years or so and till the life of this Assembly members like Sardar Sohan Singh and Chaudhri Kartar Singh will continue to sit with us and there will be no split in the Congress party. We are determined to demonstrate to our opponents and to the public at large that Sardar Sohan Singh Josh and Lala Duni Chand can continue to co-operate and that no differences would arise between Munshi Hari Lal and Master Kabul Singh.

Khan Bahadur Chaudhri Riazat Ali: In spite of so many speeches delivered on the other side, I must confess that I am unable to accept that there is any case whatsoever for circulating the Bill for eliciting public opinion thereon. There must be one of the two things—either I, with my humble lights, am unable to follow the logic put forth by the honourable members opposite or that there

is no logic in it at all. I think it is the latter and not the former. My friends over there forget that the motion to commit a particular Bill to a select committee is in itself a dilatory motion and the motion for circulation of a Bill for eliciting public opinion thereon is also a dilatory motion. It is only a question of degree. In the former case it is intended to proceed with the Bill while in the latter case it is intended to shelve it. It has been said that the Bill stands in need of further circulation in order to elicit public opinion thereon. I should submit at the very outset that no Bill in the history of legislation of this Legislative Assembly has got the widest possible publicity in so short a time as this measure. I would like—not taking a good deal of time of the House—to refer you to the various conferences of non-agriculturists held all over the Punjab, the *hartals* carried on in all the towns, and the donations and funds collected for the purposes of fighting the provisions of this Bill all over the province. You must have read what Professor Gulshan Rai—a man who is always ready to offer his opinion on any matter which is worth anything—has said in respect of this measure. He says that there is nothing wrong in principle so far as this Bill is concerned; that it is extremely essential that the interest of the poor illiterate, ignorant debtor should be protected against the greedy, fraudulent, usurious and unscrupulous money-lender. He says as follows in an issue of the *Tribune*—

"If banks, companies, co-operative societies and other bodies dealing with the public in general have to be registered, I see no reason why the money-lender should not be registered."

Again,

"I do not see anything wrong in the registration of money-lenders. I only object to the drastic punishment proposed. This is done in many of the civilized countries of the world. That would be one way by means of which this occupation could be improved and put on a sounder footing. I am sure the Congress party in the Punjab Assembly will not oppose the main principles of this Bill. Do not think this measure can be dubbed as a class measure."

In a leading article of the *Tribune* it is given :

In spite of some minor improvements made by the select committee the Registration of Money-lenders' Bill, as it has emerged from that Select Committee is substantially as bad and indefensible a measure as the Bill that was originally introduced in the Assembly.

Then there is the opinion of Mr. Brij Narain which I do not want to quote. There are the proceedings of the non-agriculturist conference held at Lahore on the 4th July and a copy of the resolution condemning these so-called iniquitous and obnoxious measures is included in this article. It was remarked in the *Tribune* that this Bill should have been discussed at Lahore and not at Simla, because the former is the centre of public opinion and the latter is only an official town. In this connection I would only refer to the names of the various associations and conferences which conferred at Simla, the so-called official town. The resolution passed says :—

This meeting of the residents of Simla strongly condemns the attitude of the Muslim League Government of the Punjab in bringing forth the Land Alienation Amendment Bill, the Restitution of Mortgaged Lands Bill and the Registration of the Money-lenders' Bill, that are designed to ruin the non-agriculturists of the Punjab.

The people who attended represented the following associations: the Arya Samaj, the Sanatan Dharm Sabha, the Brahman Sabha, Balmiki Sabha, Ahrti Association, Piecegoods Merchants' Association, General Merchants' Association, Jain Sabha, Sri Gurn Singh Sabha, House Owners'

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and Traders Association, Aggarwal Sabha, etc., etc. In the face of these opinions in the press, can it be said that the Bill should be re-circulated for eliciting public opinion thereon? Another aspect of the question, I would submit, is this that the Bill has been deprived of its fangs, the venomous teeth of the serpent as it is called. The Bill has been extremely toned down. I will not make detailed reference to the various clauses but a cursory survey will convince my honourable friends in this House that the Bill as it has emerged from the select committee has been extremely toned down and therefore there is no reason why the Bill should be published for eliciting further opinion thereon. In the definition there was originally only one exception made, i.e., a loan advanced in kind made by a landlord to his tenant for the purposes of husbandry. In the new definition there are no less than 7 exceptions, i.e., those 7 items are not covered by the definition of loan, and as the money-lender is the person, as we find in this Act who advances loans, therefore the provisions of this Act will not apply to these seven cases as distinct from the original definition of the word 'loan'. Another thing I would submit is that the definition of the word money-lender has been toned down. There was no exception whatsoever in the original Bill. Now there are two important exceptions. One is the person who is the legal representative and the successor-in-interest whether by inheritance, assignment or otherwise, of the person who advanced the loan, provided he does not advance further loans and simply winds up the accounts. The other exception is a *bona-fide* assignment by a money-lender of a single loan to a person other than a person (including his wife or husband as the case may be) who is descended from a common grandfather of the assignor. That is, if a man makes a transaction and gives one of the deeds to him in order to meet his own requirements he will not be covered by the definition of money-lender as it now stands. The third thing is that in clause 2 of the definition, the definition of the trader has been included. The fourth thing is, again in this respect the Bill has been toned down, that the money-lender has now been given an opportunity to get a certificate from the Commissioner in case of cancellation of his licence, to the effect that such and such transactions will not be covered by the cancellation, so far as it affects the barring of his suit for the realisation of his assets. The fifth thing is that in the licensing of money-lenders an explanation has been added and it is now in his discretion to apply for a licence as the word 'shall' has been changed to 'may'. A proviso has been added to the provision under which a licence may be cancelled and the Collector shall not cancel the licence unless he issues a notice in writing to the money-lender. In the original Bill he was condemned unheard: now he has been given an opportunity to put forth his case. Another important thing is that so far as the provisions of appeal are concerned, in the first place the appeal was only to be made before the commissioner after the cancellation of the licence. Now an appeal can be made for refusal to renew the licence. In this respect also the money-lender can within 30 days appeal against the cancellation of his licence and the time in getting the copies will not be reckoned and he will not be debarred from moving in the matter even after the expiry of 30 days. Another thing is about exemptions. The Provincial Government may, by notification, exempt any person or class of persons from the operation

of this Act or from any of the provisions thereof. Now if after working this Act the Government realises that certain sections of the people should be exempted from the provisions of this Act they can issue a notification under section 12. The provisions of the Bill have been so toned down that there is no further necessity to publish it for eliciting public opinion thereon.

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

Another thing I wish to submit is that it was stated by my honourable friend Lala Sita Ram, that this Bill will not apply to the people of his class. Sir, this Bill only aims at weeding out from society the dishonest and unscrupulous money-lender. If honest money-lenders exist in sufficient numbers they should not be afraid of the passing of this measure. As the Persian proverb says :

آن را که حساب پاک دست از حساب چه پاک

Those people should not be afraid of anything under these circumstances.

Only one word more and I have finished. It was asked why should people be deprived of getting interest. That argument has been sufficiently met by Mir Maqbool Mahmood. I have only to add that we are only trying to improve the paying capacity of the debtor and in this way helping the money-lender himself. We only want that sort of money-lender who used to exist in villages and called the "silent patriot". We want that money-lender who should be prompted by the same exalted sense of duty which prompts the crew of a life-boat to dash in the teeth of a savage gale to save the sinking ship. We want that money-lender who is prompted by those honourable motives which prompt the fireman who dashes into the flames to save a suffocating house-holder. We want that money-lender who is prompted with the same sense of duty which prompts a soldier to risk his life to bring any wounded comrade to refuge. With these words I oppose the motion.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) : Sir, I beg to move—

That the Punjab Registration of Money-lenders' Bill be re-committed to the select committee for reconsideration.

I would like to make it clear that these amendments are not dilatory at all. If the honourable members sitting on the opposite benches think so, they are mistaken. The Government should bear in mind that we people belong to that party whose creed is to sacrifice their lives for the sake of the poor labourers and *kisans*. (Cheers). I am at a loss to understand why the Government is rushing these measures through in such hot haste. I do not want to use the expression "indecent haste" but rather say "inscrutable haste". My learned friend sitting opposite has cited the English law relating to registration of money-lenders. He may know that the Bill was introduced in 1898 in England and the matter remained under consideration in the House of Commons for full two years. The Act was followed till 1925 and after 1925 it was reconsidered again and this reconsideration continued for 8 years. In this connection I would like to read out a few lines from the proceedings of the House of Commons—

Three Sessions ago, in 1925, Lord Carson, in another place and the honourable member for Bedford in this House introduced Money-lenders' Bills. The Bill in another place passed all its stages but in this House honourable member for Bedford

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was less successful. Here the Bill got a second reading and then Bills were referred to a very strong joint Select Committee under the chairmanship of Lord Darling. This Committee sat during 1928, and produced a Bill, which was a combination of the two Bills previously introduced. That Bill, last year, was introduced in this House by the honourable and gallant member Lord Carson. Once more it was successful in passing through all its stages in another place, but in this House, after second reading, it went to a committee and got no further. A number of very valuable amendments were suggested. These amendments have been incorporated in the present Bill, and it has been polished up in a variety of other ways and it is now presented to the House as the finished article and the result of three years' continuous work.

If our Premier says that these motions are dilatory, may I ask him what he has got to say in regard to the delay made by the Mother of Parliaments in passing similar legislation? May I know whether the Government have consulted Bar associations, Judges of the High Court, Traders' Associations, etc., in regard to the experience of the working of the last three enactments? Have any associations of zamindars or borrowers, or bankers or financiers been consulted in this matter? What is their opinion? I am surprised to find the Government in such hot haste and they do not care a bit for the public opinion. Even when a criminal is going to be hanged he is given an opportunity to plead his case before a tribunal, but I do not know what has happened to the Unionist Government in this respect.

I may clear my position at the very outset of my speech that I do not want to shield a dishonest money-lender. My honourable friends sitting on the Treasury benches may know that I appreciated what Dr. Narang stated during the introduction of Regulation of Accounts Bill that he would throw the flesh of dishonest and fraudulent money-lenders to hungry dogs. I may further submit that our conviction is that if the hard-earned money of a *kisan* goes into the pockets of a dishonest and fraudulent money-lender, the latter has no right to be recognised as a member of society because such a dishonest person is a menace to society. But I make no distinctions. No exploiter has any right to live amongst us whether in the shape of a Mahajan or a capitalist, a revenue collector or a high-salaried officer, a zamindar or a rentier. We deem it our duty to resist the encroachments of such persons. I am in favour of weeding out the dishonest money-lender, but I want to safeguard that the wheat is not destroyed along with the white ant. That the money-lender is an indispensable and useful institution is amply borne out even by Mr. Darling who is considered to be an authority on this subject. He says—

In an agricultural country like India, which is subject in a singular degree to pestilence and famine, the money-lender could always command a certain tolerance, and the guess may be hazarded that, had Islam arisen in the fertile plains of Hindustan instead of in the deserts of Arabia, its attitude towards the taking of interest would have been different. Financing the village, marketing its produce and supplying its necessities, the money-lender in India frequently stood between the cultivator and death; and, as Sir William Hunter remarks, he represents the one thrifty person among an improvident population, "without whose help the cultivator would have had nothing to depend upon, but the harvest of a single year." Whenever, therefore, we are tempted to revile him, we should remember that by his assistance to agriculture for 2,500 years he has made life possible for millions who must otherwise have perished or never been born.

Sir Harry Haig, *ex-Member of the Government of India* says:—

The whole result would be to interfere to a very great extent with the money-lending system of the country, and I would ask honourable members to remember, as no doubt they will remember, that, whatever hard things may be said against money-lenders as a class or individuals in particular, the fact remains that the money-lender is one of the most useful members of society in this country.

Agriculture cannot be carried on without borrowed capital. The honourable member says: "Co-operative Societies." How many Co-operative Societies are there as yet in this country? Does he not realise that co-operative money-lending in spite of the great strides that it has made, is still in its infancy, and that, if we are to strike a blow at the common system of lending money in this country, the result would be disastrous?

It may be necessary to regulate money-lending but it is not our object to throttle it. Co-operative societies were started some 34 years back. What is the result? They do not adequately meet the requirements of the zamindars. They can only provide 13 or 14 per cent. of agricultural credit and for the remaining 87 per cent. rural debt occasioned by some crop disease, famines, untimely rains or some damage the zamindars and the cultivators have to go to a money-lender for securing help. Under these circumstances, we shall have to maintain the institution of money-lending until and unless the Government find out some other useful and equally efficient substitute.

Coming to the subject matter of the debate, I may add that there is another side of the picture as well. The money-lenders are not always Shylocks. Let me now look at the other side of the question. The Honourable the Premier remarked the other day that when the Punjab Restitution of Mortgaged Lands Bill is enacted and comes into force it will prove a cup of poison to the non-agriculturists. He seemed to hold that the non-agriculturists were eating into the vitals of the agriculturists. I wonder how it entered into his head to say that the non-agriculturists were pariahs for the province. I, for one, must refute such an irresponsible statement. In my view a member of this Assembly does not represent in this House his own constituency only. He, in fact, represents the whole of the province. That is your ruling also, Mr. Speaker. But here comes our Honourable Premier, who is the Leader of the House and who is the Head of the Government of the Punjab, who does not feel any hesitation in declaring on the floor of this House that the measure he has proposed in this House is calculated to prove a cup of poison for non-agriculturists. Is not that making an invidious distinction between one class of people and another?

Khan Bahadur Mian Mushtaq Ahmad Gurmani: The Honourable the Premier is only making a distinction between the rich and the poor.

Mr. Dev Raj Sethi: Sir, we have been listening to such slogans for the last 15 or 20 years in this province. It is such things that ultimately lead to civil war in a country. Let the Unionists remember that those who sow the wind shall reap the whirlwind. I sound this note of warning out of sympathy for the Government and not out of any ill-will. What passes my comprehension, is the fact that the Government singles out the profession of money-lending for their target out of a large number of professions which are carried out in this province. An equal treatment should be meted out to all professions such as the medical profession, the legal

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profession, and others. Surely this Bill has been drafted in haste and rushed through the select committee. It should be now recommitted to the same select committee for necessary modification. My honourable friends would do well to take a leaf out of the constitutional history of England where Bills are sometimes recommitted to select committees.

The English Registration of Money Lenders' Act has repeatedly been cited as a model. This is what was said in Bombay :

The problem of dealing with money-lenders in England is totally different from that of dealing with them in this Presidency, and arguments from the success of Money Lenders' Act in England are in the view of the Governor in Council full of danger. In England a small and fairly well defined class of professional lenders catering for a comparatively small class of borrowers has been taken under control without difficulty and without interfering with or unsettling the whole of the credit system of the country. In India practically everyone with a little money in hand lends it out, and the agriculturist who has saved a few rupees is often quite as rapacious as any *sahukar*. Registration of money-lenders would represent enormous difficulties in India.

Mark these words—

and in fact may be said at once to be impracticable; even to arrive at a satisfactory definition of "money-lender" would be a hopeless task.

Sir, my submission is only this. Let us see if the Bill is in keeping with the economic and social conditions of our province. In the light of the previous legislation in the province, it is to be considered whether this Bill is necessary. The Provincial Banking Enquiry Committee has raised serious objections against the licensing of money-lenders. It has given its verdict against the proposal of licensing the *sahukars* who supply one of the greatest needs of this province. It objects to provisions which are calculated to crush the money-lenders. It need not be emphasised too often that the Congress party is out to ameliorate the condition of the masses. We are ready to do our level best for the poor, genuine, indebted agriculturists and will do everything for them.

Minister for Education : To-morrow.

Mr. Dev Raj Sethi : Not to-morrow, but, to-day and at this moment. The point is that the Government seems to have been actuated, in introducing this Bill, not by economic considerations but by political views. In fact the Unionists are out to strengthen their hold on every section of the population. If we compare the legislation of the United Provinces with our own legislation we shall come to the conclusion that the Unionist Government is bringing the old feudal system back into this country. It is left to the discretion of a deputy commissioner to grant a licence to a money-lender or cancel it. Even the time for which a licence can be cancelled by a deputy commissioner is not specified by the Government. It is entirely left to the whim of the deputy commissioner to renew a licence or not. The grant of such wide powers to the executive means an injustice to the judiciary. It shows that Government has no confidence in the judiciary. It is a sad reflection that Sir Chhotu Ram has been for the last dozen years also showing want of confidence in the judiciary of the province. I fear the same mentality has been brought to bear on this Bill. Let us take the example of Bombay where a similar measure is in force.

There a separate Registrar is appointed to supervise the working of the Act. But we find that our Government is not following that example. It has thought it fit to enhance the powers of the executive.

When we come to consider how this Bill, if enacted, will work, we cannot help recalling to our minds the state of affairs that already exists in our province. There is always to be found a gang of loyalists who haunt the premises of the bungalows of the deputy commissioners. If licences for guns are to be given by the officers, the said loyalists get the lion's share and report to the authorities against some other applicants holding different political views. The result is that political workers' applications are rejected. All clauses in this Bill resulting in increase of powers of the executive should be reconsidered. Again, other provincial governments are doing away with nominations but our Government is extending the principle of nomination. The Bill should be purged of these evils. The Reserve Bank report suggested the creation of a privileged money-lender class. We can consider two types of money-lenders, *viz.*, one only registered—not licensed—to deal with the villager and the other both registered and licensed to deal with the Reserve Bank. Again, the clauses which seek to give this Bill a retrospective effect, need reconsideration. For instance, if a money-lender is proved to have defrauded a debtor in one case, he will have his licence cancelled. This and various other facts mentioned by me necessitate the reconsideration of the Bill.

The Honourable Premier has assured us that so long as no law is framed for the control of agriculturist money-lenders, this Act will not be enforced. I may submit that there is no harm if 2 or 3 or even 6 months are taken up by recommitting the Bill to the select committee. At the most the consideration of the Bill can be postponed up to the November Session of the Punjab Legislative Assembly and then it is sure to come up before this House. I assure the Honourable Premier and my honourable friends over there that if any steps are taken for the welfare of the poor people, we would be only too glad to assist them and help them. But I request them that at this time the rushing through of this Bill is not fair, because no one has understood the real implications of the Bill now before the House. With these words I appeal to the House to recommit the report of the select committee to the same select committee for further consideration.

Subedar-Major Raja Farman Ali Khan (Gujarkhan, Muhammadan, Rural) (*Urdu*): Sir, the Government realised long ago that the zamindar is in a bad economic condition which is growing worse day by day. The Government extended its lip sympathy to the zamindar but nothing practical was done to ameliorate his condition. The Congress too has been carrying on propaganda against the Government that they have done nothing for the zamindar and have on the other hand, brought him to the verge of ruin. This ruination of the zamindar has been ascribed by everybody, who is competent to speak on the subject, to the machinations of the *bania*. It is an axiomatic truth that the *bania* is a hawk and the poor peasant a sparrow struggling in his talons. The poor sparrow is squeaking in despair but the hawk is slowly but surely eating into its vitals.

Sir, the zamindars constitute about 80 per cent. of the population of this province. They are completely paralysed and as such they are an obstacle in the way of the progress and advancement of the country. Now the question

[Subedar Major Raja Farman Ali Khan.]

arises as to who is responsible for this sad plight of the zamindars? The answer to this question is plain enough, *viz.*, the *sahukar* is responsible for the present unenviable plight of the zamindars. The *sahukar* has swallowed not only the earnings of the zamindar but he has swallowed the greater portion of his land too and yet this crocodile of a *shukar* is hungry. The poor peasant still owes him 135 crores of rupees. I will now discuss the ways and means employed by the *bania* to loot the poor peasant. In the first instance, I will describe the methods adopted by the so-called honest money-lender. He charges interest at the rate of 4 pies per rupee per mensem, which comes to annas 4 per annum. Supposing a money-lender is approached to advance Rs. 100. Before advancing this sum he charges annas 2 per rupee as *chhatt* from special clients and annas 4 per rupee from ordinary clients and this *chhatt* is deducted in advance. At the above-mentioned rate of interest the amount of Rs. 100 is doubled in three years. In the next three years this sum of Rs. 200 is re-doubled and becomes Rs. 400 and so on. Ultimately the burden of the debt becomes too irksome to be borne and the debtor is obliged to dispose of the whole of his property. What is worse, the debtor does not get any receipt for the sums repaid during this period.

Now, I will relate a story about a clever and dishonest money-lender of village Narali and Hosing, district Rawalpindi. A *bania* deposited 22 *pis* (a weight) of corn with a peasant and made him affix his thumb-impression on the *bahis* in recognition of the receipt of the deposit. He then lent him the self same weight of corn and caused the peasant to execute a deed to the effect that 33 *pis* of corn had been lent to his brother. The third brother took exception to it and ultimately he was prevailed upon to execute a stamped deed to the effect that he had borrowed Rs. 165 from the *bania*. And what is worse, the *bania* did not cancel the former deeds regarding this transaction. Some time afterwards the *bania* asked the peasant to return him the corn promising to give him an equal quantity of corn at the time of the next harvest. The *bania* distributed this corn amongst several people and quadrupled the amount by making his debtors execute deeds to the effect that they had received 88 *pis* of corn. When the next harvesting season came the promised quantity of corn was not returned to the original borrower. This led to litigation and the poor peasant was completely ruined. These are the ways in which petty money-lenders have become big *mahajans*. Most of these money-lenders persuade the zamindars to affix their thumb-impressions on the *bahis* and then make any entries they like in the *bahis*. In this they are helped by stamp-vendors also, who abet the crime by countersigning the *bahis* as witnesses. Some money-lenders cause their debtors to execute stamped deeds in the names of their relations while they themselves keep the accounts in their own *bahis*.

Ultimately this results in a double decree; one for the entries in the *bahis* and the other for the stamped deeds. It is a matter of common knowledge that a *bania* takes up his abode in a village and starts life as a petty shop-keeper, but in a few years' time he manages to loot the whole village and become a *mahajan*. His sons get the best education and become B.A., LL.Bs. The money-lender obtains all the amenities of life at the expense of the poor peasant, who has become destitute, so much so that he is not getting enough to keep body and soul together.

The Government has introduced this Bill with a view to protect the poor peasants from the rapacity of dishonest money-lenders, who have been paid twenty times or even forty times over the money actually lent by them. The money-lender is behaving like the wolf, who when deprived of his prey becomes all fire and brimstone. All the newspapers of the province are full of the supposed grievances of the money-lenders. Meetings are being held throughout the length and breadth of the province voicing the disabilities of the money-lenders and protesting against the introduction of this Bill. On the other side is the silent peasant, the tiller of the soil, who facing the inclemencies of the weather produces grain so that the money-lenders might flourish and who in order to protect his country from foreign aggression is not loathe to face a hail of bullets. I am grieved to find that well-educated advocates, most of whom are the progeny of the *baniyas*, instead of working for the uplift and advancement of the country are supporting the *baniyas* in their nefarious practices and are trying to make black look white. They are trying to bring pressure upon the Government so as to allow the *baniyas* to continue their fraudulent and dishonest practices.

I will now say a word about the Congress. The commander-in-chief of the Congress, *viz.*, Pandit Jawahar Lal Nehru has declared in unequivocal terms that the *sahukars* have completely ruined the zamindars, and that the time has come for wiping out the debts of the zamindars, but his lieutenants are playing a double game. These people were the loudest in their condemnation of the Government for its failure to help the zamindars but now they have shown themselves in their true colours. It has now been proved to the hilt that the Congressites are not the friends of the zamindars. They are the worst enemies of the poor peasants. The *sahukar* has sucked the life-blood of the zamindars. He is now at the point of death. It is, therefore, the foremost duty of the Government to pass and give effect to this Bill at an early date, so as to save the zamindars from the jaws of death. Any delay in giving effect to this Bill would result in increasing the rapacity of the *baniyas* and the utter ruination of the zamindars. With these words I lend my whole-hearted support to this Bill.

Mr. Speaker : Had the speeches of the honourable members, who have already spoken on the motion been relevant, I am almost certain that half a dozen more members could have spoken. As the Bill is an important one, I shall be glad if a large number of honourable members speak on the motion, but this cannot be done unless repetition and irrelevance are avoided.

Rai Bahadur Mr. Mukand Lal Pari : I want to say something new which has not been said on the floor of this House.

Mr. Speaker : If the House is prepared to sit for the rest of the month, I have no objection to allow any number of members to speak. But if we wish to finish our whole business as early as possible, only four or five members need speak on the motion before the House.

Sardar Sampuran Singh : We want only ten minutes.

Dr. Sir Gokul Chand Narang : Are you going to allow the discussion now for ten minutes altogether or this time limit is fixed for the speaker whom you were going to call? So far as I have been able to follow the debate, no one seems to have taken any notice of what has been said from the ministerial benches. I do not include the mover of the motion for the moment

[Dr. Sir Gokul Chand Narang.]

among the ministerial benches. I would, therefore, like to take some minutes in replying to what has been said on behalf of the Government. I do not think that my honourable friends here have taken notice of the points urged from the ministerial benches because they do not deserve any notice at all. Perhaps they have overlooked them for one reason or another. Personally I feel that it is necessary to say something in reply to what Mir Maqbool Mahmood said against the motion and I would, therefore, request you not to close the debate in ten minutes.

Mr. Speaker : Up to what hour is the House prepared to sit?
(Voices : Up to 8 o'clock.)

Premier : My honourable friend, I am afraid, should have got up earlier if he wanted to speak.

Dr. Sir Gokul Chand Narang : I got up three times.

Premier : I will have to make a few remarks with regard to the points raised by Messrs. Duni Chand, Dev Raj Sethi and Sita Ram, but I will not be long. I will not take more than ten minutes.

Sardar Sampuran Singh : We want ten minutes.

Malik Barkat Ali : I want ten minutes because I find that some very important points do require attention of the House and these have not yet been placed before the House. I assure you that I will not make any repetition of any argument that has been advanced. Every point that I shall place before the House will be entirely a new one. I beg of you that in view of the importance of this legislation and the outcry outside you may let me reply to some of the arguments of the other side.

Premier : There will be plenty of opportunities later on.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Punjabi*) : Mr. Speaker, I rise to represent the real feelings of that political party which holds the view that economic relief should only be given to the petty zamindars and that the big landlords should have no right to ask for such relief. Before I proceed with my speech I would like to inform the House at the very outset that so far as the question of principle is concerned my party is at one with the Government benches. If we had tabled an amendment to the effect that the Punjab Registration of Money-Lenders' Bill as reported by the select committee should be circulated for eliciting public opinion thereon, we did not mean at all to resort to any dilatory tactics. Our intention in doing so was to make the Bill still more useful and beneficial by further consideration. The provisions of this Bill should be such as to afford the greatest possible relief to the poor agriculturists. I assure the House that there is no question of delaying the passage of the present Bill. Owing to the present economic depression in the country the agriculturists have been hard hit. In many cases these agriculturists find it practically impossible for them to make both ends meet. Careful enquiries have brought to light this startling fact that in almost all cases the petty landlords are constrained to borrow money from the village money-lenders for the purpose of paying land revenue to the Government. My party would like this Bill to be passed, for we know that the passing of this Bill would mean the automatic extermination of the entire money-lending class. The result would be when the petty zamindars

would not find any money-lender to lend them necessary sums they would refuse to pay their dues to the Government. They are sure to escape the clutches of the fraudulent and dishonest money-lender. The proposed Bill has a two-fold advantage. On the one hand, the poor agriculturist would find it difficult to borrow money from any person, and on the other hand, he would not be expected to pay land revenue to the Government. I have reasons to believe that these agriculturists cannot pay their dues without the pecuniary help of the money-lenders. I have at present in my possession the report of the Punjab Board of Economic Enquiry. It is stated therein that in Lyallpur there are only 502 persons who pay land revenue to the Government. It is further stated that the total amount of land revenue paid by them is Rs. 71,684. Out of this total amount of land revenue, Rs. 10,098 was borrowed from the village money-lenders, Rs. 12,200 was lent as loan by the Co-operative Department and a sum of Rs. 2,947 was advanced by the 'airties' to the poor agriculturists. In a nutshell the major portion of the amount paid to the Government as land revenue by those 502 agriculturists had been lent by these very money-lenders whom you propose to harness by means of the Bill now before the House. It would not be out of place if I were to inform the House that the total loan advanced by the different classes of money-lenders was not lent at the rate of 5 per cent. per annum. You would be surprised to know that according to the statistics given in the report the average rate of interest charged on the sum was 30 per cent. per annum. Had there been in force any such measure as the one proposed by the present Government, these 502 men would neither have found any money-lender nor would have found it possible to pay their dues to the Government. That is why we appreciate the idea of introducing this extremely useful measure.

The argument advanced by the Treasury benches in favour of the present Bill is that a similar Act passed by the Congress Ministry is in operation in Bihar. Let me say in reply to my honourable friend Mir Maqbool Mahmood that in this province agriculture cannot be carried on without borrowed capital. So far as this is the case, money-lending cannot be stopped. My submission is that we want the proposed Bill still stronger. I would, therefore, request the Government to strengthen it further. If I had been in the place of the Government I would have gone into the villages of the Punjab and said to the zamindars, "Look here, there is only one way open to the zamindars to meet their emergencies and that is money-lending. You sleepy money-lenders and the needy zamindars should force the Government not to pass this Bill...."

Mr. Speaker : The honourable member may give reasons for recommending the Bill.

Sardar Partab Singh : The Punjab Government would receive so many bundles of telegrams and letters that at last they would be obliged to postpone the registration of money-lenders.

Mr. Speaker : The honourable member is again irrelevant.

Sardar Partab Singh : I pray, that in the next session so many telegrams and letters against the Bill may come to the Government for further strengthening the Bill that it would be very difficult for them to enforce it. One word more and I have done. How strange it is that even a camel can

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pass through the hole of a needle but these landlords and the rural magnates cannot pass through the same hole of the needle! Only these big landlords will reap the benefit of the proposed Bill and none else. I would challenge the Government that if they have not got the courage to circulate the Bill and they are afraid of public opinion they may entrust this duty to us. Our shoulders are strong enough to bear this heavy responsibility.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural.): Sir, only the day before yesterday I was talking to a foreigner, an American friend, who came to pay me a visit and who seemed to take great interest in the legislation which is now before the House. While we were discussing I said the method adopted by the Government seems to be a Russian one. He said Russian and rushing. He was absolutely an impartial judge and he had been noticing the haste with which the Government have been proceeding and rushing these Bills through this House. (*A voice*: Is he a zamindar?) I know he is a zamindar and not a money-lender. He is not a trader. (*A voice*: Is he a Jew?) Do not ask me what he is? He is certainly not a Jew. This indicates that even disinterested impartial people who have been watching the progress of these Bills are convinced that the Government is proceeding with them in great haste. My honourable friend over there, Mr. Dev Raj Sethi, in his beautiful maiden speech pointed out that a similar measure had taken three years for consideration in England. Now what we find here is this. Mir Maqbool Mahmood gets up and says that about ten years ago he moved a Bill in which the word 'registration' occurred and therefore it should be presumed that people know all about it and therefore circulation is not at all necessary. Then gets up another redoubtable member from the ministerial benches and he flaunts a few cuttings from the newspapers and says professor so and so has expressed such and such opinion. Whether that opinion is worth the paper on which it is printed, I shall not go into that question. What he means to say is that a certain professor had expressed an opinion and that another professor had expressed an opinion and that in Simla different associations had made a protest against this Bill and therefore the conclusion is clear that the people of the Punjab who are interested in the Bill are fully aware of its provisions. My submission is that that argument does not hold water. The Bill as it has emerged from the select committee does not show much improvement. In fact in one respect it is worse than the original Bill, because the original Bill gave freedom to the people to carry on their business in the form of companies and no restrictions were laid on the constitution of these companies. A company was simply a company incorporated under the Indian Companies Act or some other relevant law, and that has been changed. What is after all the aim and object of this Bill? It has been said by the Honourable Premier and with much greater force and eloquence by the Parliamentary Secretary, Mir Maqbool Mahmood, that this Bill is intended to help honest people and to destroy dishonest people. Now, it was pointed out by one of the speakers who went before me that many many years ago I expressed this opinion—a translation of which he quoted—that I would be the first to destroy a dishonest money-lender and expose him to any treatment that a dishonest man deserves. But the question is, does the Bill as it stands make sufficient provision for the destruction of dishonest money-lenders and for the encouragement

of honest money-lenders? If this Bill was placed before the money-lenders, they would have gone through the various clauses and been in a position to say how honest money-lenders can be protected and how dishonest money-lenders can be weeded out. I feel, Sir, that under the provisions of registration and taking out licences it is more likely that dishonest money-lenders would flourish and honest money-lenders would suffer. You are probably aware that once the High Court of the Punjab took some action against certain touts and after enquiry certain persons were declared to be touts and their names were published in the *Punjab Gazette*. The High Court of course intended that people should not deal with them but my honourable friends who go to Lahore with their papers under their arms are at once detected and they are pounced upon by undesirable persons. Those touts, whose names have been gazetted, purchased copies of the *Gazette* and with those copies in their hands they used to hover round about railway stations, rest-houses and other places which are frequented by litigants and used to say, 'Look here, our names have been gazetted. Government has recognised us. Now come to us, we shall take you to lawyers'. This was the result of that action. The High Court, no doubt, intended well but in the hands of dishonest people that action was put to wrong use. Now, the dishonest money-lender will not desist from his dishonest ways, simply because his name has been registered. He has obtained a licence. He will consider himself fortified and he will then use his position to much greater damage of the parties with whom he deals and he will be able to victimise more easily people whom he may be afraid to victimise at present. So, it is not that by registration or granting licences you destroy dishonest money-lenders, but you will drive out of the market honest money-lenders.

Then, Sir, I must take note of what was said by the Honourable Premier when he moved the motion to which this amendment has been moved. He said, "We want to be impartial and we want to deal with agriculturists and non-agriculturists alike," and he said something to that effect the other day also that before this Bill came into force he would put another Bill before this House. We find this scrap of paper, distributed to-day, in our hands. I do not know, Sir, if you have had a look at it or not. Presumably you have not. Then, Sir, I would just beg leave of you to read only the operative clause of this Bill, which, I believe, the Honourable Premier intends to put before the House. I am referring to it simply to show what the Honourable Premier means by placing agriculturists and non-agriculturists in a position of equality. This is what the operative clause of this Bill says :—

No member of an agricultural tribe (hereinafter in this section called the debtor) shall make.....

Mr. Speaker : That Bill is not yet before the House.

Dr. Sir Gokul Chand Narang : It has been distributed to us.

Mr. Speaker : It has been distributed no doubt; but it has not been introduced yet.

Dr. Sir Gokul Chand Narang : Then, I would not use the word 'Bill'. Sir, the proposal that the Honourable Premier made to-day is that no agriculturists will be allowed to sell or mortgage his land even to an agriculturist within 5 years after repayment in full of his debts to that agriculturist. I ask you, Sir, is this his idea of equality between the agriculturists and non-agriculturists? Is there any provision in the Bill which we are

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now discussing similar to this ? Does he place the agriculturist debtor in the same position *qua* a non-agriculturist ?

Mr. Speaker : The honourable member can discuss this when that Bill is placed before the House.

Dr. Sir Gokul Chand Narang : I was only making a passing reference to it. I thought it had been distributed to us because perhaps it had been published in the *Gazette* and that it was going to be moved soon. This is what I thought. I do not know of what value this paper at this moment is. It is a mere scrap of paper which has been supplied to us to give us an idea of what the Government intends to do. I would not discuss it. Let us see whether the Bill itself, even as it had emerged from the select committee, places all people in the same position. There are penalties in the Bill. For whom ? For the money-lender. Is there any penalty for the debtor ? The money-lender is penalised. He is sought to be deprived of his debts by forfeiture of his licence, if on one of the two occasions he failed to comply with some insignificant provisions of another Act. He is punished under the old Act for not having complied with a particular provision. He is, under this new Bill sought to be penalised in a far more serious manner, although he has suffered previously a penalty for non-compliance with some technical provision of the old Act. Is this equality ? Are you not aware that there are many debtors, both among agriculturists and non-agriculturists, who are not honest ? Though they receive money, when they go to a court and put in their written statements they make a total denial of the receipt of consideration. They say, 'This bond, or this pro-note or this *nawan* was got executed under undue influence. We do not know anything about this transaction and we do not understand it. The money-lender is a *chatak admi* and we are poor men, we are ignorant and so on and we were made to sign this bond'. Hundreds of such cases occur daily. If the debtor is once found to have submitted a false plea or a fraudulent *jawabdara* in a court of law, and it is held by a court of law to be fraudulent, a decree should, I beg to submit, be passed against him in any suit that may be subsequently brought against him. I know that it would be most absurd. The Honourable Sir Chhotu Ram cannot call it more absurd than I would, but equally absurd is the provision that they have inserted in this Bill that if a finding in a previous suit has been given against a man the suit in which this matter is brought to light should be dismissed and he should not only suffer this penalty, but his licence should be forfeited and he should be deprived of all his dues. There is no provision in the Bill even for safeguarding the limitation of other suits after the cancellation of the licence and no account has been taken of the fate of the loans which may be outstanding to the extent of thousands and lakhs and which may be endangered by the forfeiture of the licence.

Then, Sir, when a landlord makes a loan to his tenant for the purpose of husbandry, it is excluded. Is it not ? It is excluded from the definition of loan, if I am not mistaken. Is it not open to a landlord to carry on money-lending in the guise of helping his tenant in husbandry ? After all, what is the evidence ? How can it be discovered after 3 years or so that a sum of Ra. 100 lent by the landlord to his tenant was for extravagance or was for his daughter's marriage or was for the purchase of his bullocks.

and if a loan advanced by a landlord for this purpose is protected, why should not the same protection be extended to a loan advanced for a similar purpose by a person who is not a landlord? What justification is there for this discrimination? I am only giving an instance that even the Bill, as it has emerged from the select committee, is full of defects simply because people, who are likely to be affected by it and people who understand these matters properly and efficiently, have not been consulted and it has not been considered necessary to take them into confidence. No doubt there is an uproar, but that uproar will be much greater when these people come to know the actual provisions of the Bill. They have only heard incomplete accounts of the Bill and even now they are upset; but when they actually come to know the details of this Bill, it is certain their resentment will be much greater, because they will find that they have been placed in a position of great disadvantage.

My honourable friend, the Premier, said that there are similar laws in other countries and he gave the instance of the Central Provinces. I put him a question, but he evaded answering it in a clever way. I concede that in the Central Provinces law, there is a provision for scaling down the debts; but there is also a provision that when a debt has been scaled down Government would take up the responsibility for its payment to the *sahukar* and would recover the amount from the debtor in easy instalments as arrears of land revenue. Is the Honourable Premier prepared to include a provision like this in his Money-Lenders' Bill? If so, I am prepared to support him. (*Premier*: Hear, hear) We shall even then put up with this obnoxious measure if he would only introduce this clause in it that after the debts have been scaled down, it may be even to one-fourth, the Government would take the responsibility of paying that amount to the creditor and recover it from the debtors in easy instalments as arrears of land revenue. But he is not prepared to do that. He is not prepared to do what even a small feudatory State in India has done—I mean the State of Bawnagar—under the leadership of that great statesman who is unfortunately not amongst us now, and I pay him my whole-hearted homage on this occasion for the great act of statesmanship and benevolence that he did for his State. What did he do? He scaled down the debts and made the State take upon itself to pay those debts and recover the same from the debtors in easy instalments along with land revenue. Is the Honourable Premier prepared to do that for the Punjab? He has taken only one side. He wants to strangle one class of people and pamper another? Is this the justice he is doing, while he talks all the while of honesty and dishonesty? The other day he said that these money-lenders were thieves and that they were receivers of stolen property. (*Premier*: No, no.) He said so. When I moved an amendment in connection with a Bill and said that at least mortgages of less than 20 years standing should not be touched, he said, 'If a person has received stolen property only recently, should he not be touched'. Thereby he compared the people who took benami mortgages to thieves.

Mr. Speaker: Is the honourable member discussing the motion?

Dr. Sir Gokul Chand Narang: I am discussing the argument of the Honourable Premier. I say that these people are not thieves. If there are thieves among these people, then there are thieves among every class

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of people. (*Hear, hear*). Debtors are not always honest and money-lenders are not always dishonest. The manner in which, sitting on the top of this hill at Simla, the Government is rushing through this Bill may well remind a money-lender of the story in Saadi's *Gulistan* which we read many years ago beginning with—

طائفه دزدان بر قلعه كوه نشسته و غمخوار

i.e., a set of thieves sitting on the top of a hill, etc. That may very well apply to the present case where the Government in a clandestine manner is hurrying this Bill through so that people in the province may not know what is happening here and so may not create any agitation. It says, let us finish with this Bill now so that they may not raise any outcry. I think the House knows the story of the bullock that fell into the well and the treatment it was subjected to. (*Laughter*). I need not dilate upon that story; but the Government is acting on the principle of that story. (*Laughter*). It has got hold of the money-lenders and it wants to crush them and take the last blood out of them. This is the manner in which it is proceeding.

So far I have dealt with the argument of the Honourable Premier. Now I shall take up the case of the junior advocate of Government. I was just pointing out that the money-lending class is being treated in a most discriminatory manner though in a very indiscriminate way. What did Mir Maqbool Mahmood say? He said that it was the dishonest money-lenders that they wanted to deal with. But why single out a particular trade, the trade of money-lending out of a host of trades in the Punjab? Is the Government making laws only for the money-lenders and not for others? Discussing about penalties he asked, if a person failed to send a copy of the account to his debtor, why should he not be penalised? I have already discussed that point and so I do not want to repeat my arguments, but I may submit that the penalty proposed is unnecessarily severe. Besides, a double penalty is prescribed for the offence mentioned. Next, he said that one out of every four hundred persons goes to court and it is only very rarely that fraud is discovered. Does it mean that because 999 men escape, therefore the penalty of all the four hundred should be visited upon one man? Evidently he wants that one should be punished for the sins of 999 persons whom he fails to detect. Is this justice? Again, he said that the money-lenders make a very large sum of money, about 188 crores or some such amount. If this is the reason for bringing forward this Bill, then, certainly the Government should elicit public opinion on this point. My honourable friend has only taken into consideration what some one has recorded in some book about the estimated debt figures and the interest that accrues on this estimated amount of debt. My submission is that that interest is only on paper. If the Honourable Premier or any other Minister were to go to these money-lenders and ask whether they were prepared to sacrifice this huge amount and take only a fraction of it, they would be only too glad to do so. They will be very thankful to him if he can arrange to get them this fraction. They will bless him for this act of benevolence. What I am submitting is that all this amount is only on paper. When I remarked that all this was only on paper, Mir Maqbool

said that one out of every four income-tax payers in the Punjab is a money-lender. What then? My honourable friend must be an income-tax payer and he must know that the Income-tax Department does not take into consideration only the income that comes into his pocket. It looks at the income that accrues on paper and whatever income might have accrued you are taxed on that income, unless you write off a bad debt and do not include the interest on that written-off debt. If he knew that, he would have understood that the mere fact that one out of every four income-tax payers is a money-lender does not make the slightest difference to the remark which I made. Even that income is paper income. Then he does not know that if one year the money-lender makes a profit on paper and next year in some venture he suffers a loss and makes no income, no credit is given to him for the loss that he incurs. The difference between a money-lender and a landlord lies in this, that the money-lender may suffer a loss, he may become a pauper and an insolvent, while the land is always there and a landholder is never in danger of losing his capital; a money-lender is very often in danger of losing his principal and often loses it. This is the difference between a landlord and a money-lender. Then we have the landlord who takes one-half of the produce of the poor cultivator who also pays *abiana* to the Government, while the landlord who takes half the produce pays only land revenue. He does not contribute anything either in seed or in labour and yet when the crop is ripe, he goes with his *lathials* or club men and divides the crop half and half. What is this? Is this not tyranny? The landlord who takes away half of the crop is a bigger tyrant, a bigger blood-sucker than the greatest blood-sucking money-lender. (*Hear, hear and applause*). Retaliation would come. You may destroy the money-lenders but another class would arise and some of these people who are sitting here would lead that class and I would join them if I am alive (*applause*) for this purpose. (*Interruption*). Certainly I would join them and help the poor cultivator who, as was said by Raja Farman Ali Khan, gets up in the morning whether it is cold or whether it is hot, whether it is rainy or whether it is dry, whether it is night or whether it is day, and goes on ploughing and plodding whole day and night and then when the time comes the landlord with the big paunch comes and takes away half the produce. Is there any justification for this? Why are you making a distinction? Have you no conscience? Does your conscience rebel only against money-lenders? What have you done to put down this tyranny and these depredations of the landlord?

My honourable friend Mir Maqbool Mahmood referred to Dr. Sapru's argument. Dr. Sapru might have said something 20 years ago in the old Imperial Legislative Council where he was a member for some time. His remarks then were quoted, but my honourable friend did not tell us that that very Council did not agree to a legislation of this kind and the Bill which was brought forward was thrown out bag and baggage. No action was taken on it. Several attempts have been made in this House of a similar nature and every attempt was foiled and the Bill for registration of money-lenders was always thrown out. Even two years ago an attempt was made to include a clause in the legislation which is now an Act for the registration of money-lenders and that was also thrown out by this House, the old Punjab Legislative Council. Now, these gentlemen think that they have a majority and can do anything.

[Dr. Sir Gokul Chand Narang.]

My honourable friend has also referred to Bulgaria. He said that 80 per cent. of the debt was wiped out there a few years ago. I must take that statement with a very big grain of salt. (*An honourable member*: A lump). No, I cannot swallow a lump, but certainly with a grain of salt. I cannot believe that any Government in its senses can wipe out the total debt of a country. What he perhaps means is this: in the first place I find from this book in which Bulgaria is mentioned—this is for 1931 and I cannot get the latest book—that 80 per cent. of the debts which were owed by the agricultural classes were taken over by the Bank. What have you done during all these years and during the last 15 months? Has even an idea of an agricultural bank ever crossed your brain? There they established an agricultural bank. I do not want to take up the time of the House by reading a description given in this book—Report of the League of Nations Economic Committee on agricultural crisis, Volume I of 1931. He will find there what service the agricultural bank has rendered there and how it provided credit to the extent of 80 per cent. of the debt up to 1931; and it might be cent per cent. by 1936. If he had that in mind I am quite prepared to accept it. Why don't you set up a similar machinery here and provide credit? It will do good to the cultivator. Sir, I will close with a quotation from this book. After giving an account of the agricultural conditions and the conditions of credit in that country which is only about one-fourth of the Punjab, it says:—

From the above it may be concluded that Bulgarian economy and trade is based principally on agriculture. In order to improve the economic life of the country in future, agricultural production must therefore be developed with a view to obtaining a better yield both as regards quality and quantity and the Bulgarian farmer must be led to produce goods capable of quick and profitable sale. It is therefore evident that agricultural credit is closely bound up with any attempt to improve agriculture and that no useful result can be attained unless sufficient credit is available to cover all requirements.

I have read these lines because some members of the present Government of the Punjab think that credit is a curse and credit should be destroyed and my honourable friend who is still here should also remember that he would destroy his class if he destroys credit altogether. He says he is in a hurry to have the Bill passed so that even honest money-lenders should not be able to lend money and no credit should be extended to agriculturists so that they may not be able to pay any land revenue to the Government. What he wants is to strike a blow at the revenue policy of the Government. I do not think he was serious in saying that. With these remarks, I support Lala Sita Ram's motion. (*Applause*).

At this stage closure motion was put and carried.

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

7 P. M. I had hoped that after my brief opening speech, it would not be necessary for me to make another speech, but it seems that I must meet the points, although wholly irrelevant to the motion before us, made by my honourable friends, as otherwise a false notion with regard to them may be retained by some of the members here. My honourable friend Dr. Sir Gokul Chand Narang is unfortunately gone and I hope he will be back so that when I deal with his portion, he will be present here. I will run very briefly through the points raised by the various speakers.

I will start with my friend Lala Sita Ram whose main objection was that this Bill also applies to previous debts and he said that previous debts should be excluded. For what purpose, I could not gather from his speech, but if his idea is that all previous debts should be excluded, after the passing of this Act, then we might as well not proceed with this Bill, but I may assure him, if he is under a misapprehension, that so far as previous debts are concerned, they will not be affected unless the money-lender after the commencement of this Act commits any irregularity with regard to a transaction after the commencement of this Act. I think that he is either under a misapprehension or has not carefully studied the Bill. He went on to ask, 'how will this Bill encourage honesty?' I think that is a very obvious question and I do not think it is necessary for me to answer it. My answer, however, to it is simply this. I can put it in five or six words, 'by weeding out the dishonest money-lender'. That is how we propose to get at the honest money-lender. He said that the honest money-lender would disappear. I hold that only the dishonest money-lender would be taken out and not the honest money-lender. The honest money-lender will have a bigger and a larger business and a business which will flourish. Then my honourable friend Lala Duni Chand opposed the Bill and the burden of his speech was that this Bill is very harsh and it is going to hit everybody and that, very unfairly.

Lala Duni Chand : I never said that.

Premier : My honourable friend is anticipating me. I have not finished. I was about to say that his main argument was, supposing a man has got several transactions and in one transaction worth about Rs. 50 he commits fraud or dishonesty and then he goes into the court and the court holds that it was a fraudulent transaction. My friend asked, why should this fellow be pilloried or penalized, when only with regard to a small transaction he committed fraud and when with regard to other transaction worth about 10, 20 or 30 thousands he has been honest? Why should he be non-suited with regard to them? That was his main argument. Now, I am afraid, my friend has not carefully read the Bill or he would have found that what we actually want to do is that if anybody commits a fraudulent transaction his licence can be cancelled by the Collector for a specific period. Now, the Collector naturally will first see the magnitude of that offence and he will cancel the licence only for the period which will be proportionate to the offence. I met that objection in the select committee and we made a provision in the revised Bill which is before you now that in a case where he finds that it was just one transaction in which he committed the fraud after the commencement of the Act and that is his first offence, then he will not be punished severely. Even in criminal offences you give the benefit of section 562 of the Criminal Procedure Code. Similarly here he can go to the Commissioner and ask for a certificate and say that he has committed the offence or irregularity with regard to a small item of Rs. 50, Rs. 60, or Rs. 100, that he has got loans worth Rs. 20,000 and Rs. 30,000 outstanding and those would be time-barred if his licence is cancelled beyond a certain date. The Commissioner will naturally take into consideration the representation made by the money-lender and say, "Very well, I certify these loans and you can go to the court of law, after all the offence is not so extensive that I should deprive you of your money which you have lent to other people."

[Premier.]

That provision has already been made in the Bill. Apart from this, does my honourable friend think that because a man commits fraud with regard to a small amount, he can be called an honest money-lender? The main reason for bringing in this measure is that after the commencement of this Act money-lenders who are honest will be on their guard and see that their actions are properly guarded and they send regular accounts to their clients without any fraudulent or dishonest transaction by their agents or *kardars* or anybody else, and the dishonest money-lenders will set about trying to see how they can evade the provisions of this Bill. It is the dishonest money-lender that we want to check and not the honest one. My honourable friend also mentioned that no licence forms have been prescribed. There again, I must respectfully submit, through you, that he has not read the Bill. I am definite that he has not read the Bill, because the very last clause of this Bill says that the Government will prescribe certain rules, amongst others, with regard to forms in which an application is to be made or forms in which a licence is to be given. He also mentioned that it would be very hard for the money-lender if the licence is confiscated because of certain things which are mentioned in clause 6 of the Bill. Now let me read out to my honourable friends opposite the law in England. We have said in clause 6 that if a money-lender offends against certain provisions of the various Acts or is guilty of fraud or dishonesty then and then alone his licence is to be cancelled. But what is the practice in England? The Act to which my honourable friends opposite Mr. Sethi and several other friends also referred—they referred only to portions which suited them and very naturally ignored those sections which did not suit them—according to my friend Lala Deshbandhu Gupta—*Mitha mitha karrup aur karwa karwa thu*,—that Act lays down that a certificate can be refused if satisfactory evidence has not been produced of good character of the applicant. This is sufficient to refuse a licence or to grant it. Again, I find that satisfactory evidence can be produced that the applicant is not a fit and proper person to hold a certificate. That means that I can go to the court and say that such and such a fellow is a dishonest person and if I can prove it, his licence is cancelled. This is unlike what we have provided in our Act that he must be definitely found to have committed fraud. Thus our Act is much more lenient as compared with the English Act.

My friend, Mr. Dev Raj Sethi, again repeated parrot-like the argument put forward on the first day when I introduced this Bill, that the Government was trying to rush through this measure and that in England it took three years or nearly three years for the select committee to go through this Bill. I submitted when I made this motion to-day that this Bill had, off and on, been before the Government, and before the people of this province for the last 25 years or more. It has been before the people not once, not on one occasion, but on several occasions and on several occasions there was very exhaustive comment in the press itself. I might point out for the information of honourable members that last time when the Bill was moved and circulated for public opinion, we received no less than 224 opinions from the various *sabhas*, associations, merchants, individuals, and all kinds of people who were opposed to the Bill. We similarly received 201 opinions from various associations, individuals and highly placed officials

who were in favour of such legislation. After that I think that it is most unfair that my honourable friend should go on repeating day in and day out that the Government is trying to rush through this Bill of which nobody in this province or in this House knows. I have been submitting time after time that the Government has put this Bill before this House—I mean the predecessor of this Government—and every time the Bill was commented upon both in the press and by the public and on this particular occasion we received as many as 400 opinions from the various associations and people who were concerned and directly affected by this legislation. I hope that that hodge of rushing through the Bill and nobody knowing about it and our rushing through in the dark will no longer be repeated in this House. My friend Mr. Sethi went on to say that the money-lender was a necessity. I am at one with him and I entirely agree with him. As a matter of fact I have stated several times publicly in this House and outside that the money-lender is an institution which India cannot afford to see die out. He said that that institution had existed for 2,500 years. I entirely agree with him in that respect because that is a question of fact. It did exist but he became dishonest only during the past century or so. Why? As I explained the other day, because of laws that sheltered him. Formerly there was the sanction of society. The village panchayat and headman saw that the money-lender was not dishonest and if he was dishonest he was either hunted out of the village or else you know what happened in those days, I need not repeat it. Therefore, the money-lender was honest and he was held in esteem and was respected by the village community because he was a necessary adjunct to the village. I entirely agree that he is a necessary institution but that institution must be free from all kinds of dishonest practices and malpractices. That is what we are trying to achieve through this legislation. My honourable friend the Leader of the Opposition said that this Bill might probably turn honest money-lenders into dishonest ones. If that is his idea of his fellow citizens, then I am sorry for him and I am sorry for my province. (*Hear, hear*). My friend Mr. Sethi made another point. He said that it was an admitted fact that there were dishonest money-lenders and he further said that until we could find honest money-lenders, we could not possibly afford to remove them. How are we going to get at those honest men?

Mr. Dev Raj Sethi : I never said that.

Premier : My honourable friend did say so. He said that dishonest money-lenders should not be removed until we can get purely a hundred per cent. honest fraternity of money-lenders. My honourable friend did not try to explain how he was going to achieve that object. From where was he going to produce honest money-lenders? My submission and contention is, and I say it with all the emphasis that I can command, that even now amongst the money-lenders' fraternity there is a large number of honest money-lenders and it is that fraternity and that section of the money-lenders which we want to encourage and which we want to see duplicated or reproduced throughout the province. (*Hear, hear*). That is why we have brought this Bill. It is only by this legislation that you will be able to weed out dishonest men and allow honest men to earn an honourable and respectable living by means of money-lending and we are agreed that it is an institution which must not be killed or in any way discouraged. Only

[Premier.]

the dishonest people in it should be weeded out and reformed. (Interruption). As a whole it is a question of opinion.

I come now to my friend Sardar Partab Singh who made what he thought to be a very clever speech but which I think was a speech which showed the extreme weakness of some of my friends opposite with regard to these measures. He tried to convince the House that he was favouring this measure so that the money-lender would not lend any money to the agriculturist who will thus not pay land revenue to Government and there will be an upheaval and so the honourable member would go about from village to village and preach non-payment of taxes. My honourable friend, if he were in touch with the practical side of the life of an agriculturist and if, instead of going about and trying to preach hatred in certain sections against the Government or against my party, he had really entered into their life, he would have found that since 1929 we have passed through the biggest and the most unprecedented depression in this country? The credit of the agriculturist had absolutely dried up and if you look at the statistics you will find that practically only one out of every hundred agriculturists got money on credit from the money-lender after that depression and yet.....

Sardar Partab Singh : What is that Enquiry Report—that publication on economic conditions?

Premier : My honourable friend is talking of the publication on economic conditions. I am not talking of that report but I am talking of facts as they were in the province during and after the depression and these are the facts. Let me tell him that during this depression we were very hard up. He knows perfectly well that the price of wheat went down at a time to Re. 1-4-0 a maund. (Voices: 1½ annas a maund.) In villages you get at four to six annas less but in *mandis* it went down to Re. 1-4-0. My honourable colleague said the other day, when he was speaking of the Marketing Bill, that the poor producer in this province gets only 9½ annas. Therefore, so far as he was concerned he was getting purely ten or eleven annas for his wheat in the market and yet, Sir, he found no difficulty in paying land revenue and if he did find difficulty he bore it like a man, as a Punjabi agriculturist ought to do (*Hear, hear*) (*Loud cheers*). My honourable friend wants to make the Punjabi agriculturist as dishonest as the money-lender. I can assure him that even if he goes on like this for a century, he will not be able to change that honest mentality of the agriculturist, who will do everything possible but not in any way break his contract if he can help it and if he cannot help it I am here to see that his burden is reduced to such a level that he can pay and that he would not be pressed (*Hear, hear*) (*Loud applause*). That is the policy which we are adopting and which we will continuously keep before us so that his liability is such that he can meet it without any undue hardship or trouble if the money-lender does not give him any credit. As a matter of fact, my contention is that even now 90 per cent. of the agriculturists have no credit left in this province. (Voices: Wrong). My honourable friends say it is wrong. I am not prepared to take it from them because they do not know the condition of the province. Ninety per cent. of the agriculturists have got no credit

left. They cannot borrow any money and it is all to the good because they now only borrow for sheer necessity and not for extravagance or luxuries. I think it has done lot of good to the zamindar. It may be, as some people say, a blessing in disguise. This depression has taught the zamindar to be very thrifty and see that he does not spend money on useless ceremonies and on occasions when he could ill afford to spend money. My honourable friend went on to say that his object in making the speech was that he wanted the Bill to be further considered and that was the reason why he wanted it to go to the select committee. My honourable friend is a member of a well organised and professedly well disciplined body and either he has not seen the amendments sent in by his fellow members on those benches or if he has seen them he has very conveniently ignored them. What are the amendments sent in by my honourable friends opposite? Here is a specimen.

Munshi Hari Lal : On a point of order. These are amendments which may or may not come before the House. Can the Honourable Premier be allowed to cite them? They are not before the House at present.

Premier : My honourable friend who has just got up to interrupt me on a point of order which was fallacious as usual was not here when I paid him a tribute and which I think was a well deserved tribute when I said that money-lenders could not have a better advocate than Munshi Hari Lal who fought every inch of ground in the select committee and was of the greatest assistance to me in seeing the other side of the picture.

Munshi Hari Lal : I do not think that it is a compliment. I want to give my explanation.

Premier : I was referring particularly to my friend Sardar Partab Singh who said he wanted to strengthen the Bill. Is this the way to strengthen the Bill? Some amendments have been sent in by his own party, I hope with his knowledge and if not with his knowledge, I hope he will denounce the amendments when the time comes. One of them is to the effect that transactions other than promissory notes shall be exempted from the definition of loan. Another is that companies be exempted, so that every three or four persons can join, become a company and evade this Bill. Another is that the clause re cancellation of licenses be deleted, which means that the whole Bill will be thrown into the waste paper basket, and yet my honourable friend says that the object of his party is to strengthen the Bill. (*Hear, hear*). I do not think I need read all of them because I know my honourable friend Sardar Partab Singh and those who see eye to eye with him inside that party and also those who do not see eye to eye with him, and I hope that the final mandate will come in time for them to support every clause and they will not oppose the Bill or support the amendments.

Lala Deshbandhu Gupta : Is the Honourable the Premier working for the mandate of the high command?

Premier : No, my honourable friend can flout the high command when it touches his own pocket (*applause*). I believe that a few of them will do their best to evade it.

Lala Deshbandhu Gupta : Has the honourable Premier got the ear of the Congress high command?

Premier : I am only hoping that, for the sake of that great institution and for that great organisation, the Congress itself.

Lala Duni Chand : Mr. Speaker, my identical arguments were declared by you as irrelevant.

Premier : I would not dwell on that point for long. I was pointing out that I hoped that before we got on to the amendments, they would find it convenient not to oppose the clauses, not to support the amendments, because it might lead to very unfortunate consequences—from their point of view and not from my point of view. I hope it would not be necessary for them to resort to the device of walking out on the pretext of the amendments being thrown out.

Lala Deshabandhu Gupta : I had no intention of interrupting the Honourable the Premier but I think the expression 'resort to the device of walking out on the pretext of the amendments being thrown out' used by the Premier does not become of the Leader of the House.

Premier : I am very sorry. I think I have been misunderstood. What I meant was that it would not be necessary for them to resort to the device and I believe that there seems to be some truth in what I say because members are feeling very uncomfortable on the other side.

I come now to Dr. Sir Gokul Chand Narang. Unfortunately he is not here. I think I can hit him hard when I find that my honourable friend is most unfair and unjust not only personally but to the provisions of the Bill itself. His first remark was with regard to an American friend. I wonder whether his friend told him that in America a similar law exists and there a money-lender has to deposit £200 before he gets a licence and that deposit can be increased to £400 under the orders of the Registrar. I suppose he forgot to ask his American friend with regard to that aspect of the question. Then I am afraid I must, though reluctantly, submit through you to the House that I believe that either Dr. Narang has probably not seen or studied the report of the select committee carefully or else he was in a mood merely to get a certain amount of more stuff in the papers with glaring headlines. I do not impute any motives but very likely he has not studied thoroughly the Bill as it has emerged from the select committee. There are one or two printing errors in the Bill which he could not take into account but apart from that he has not seen the various provisions. If he had studied them he would have found that the objections raised to certain clauses of the Bill are wholly irrelevant and are not applicable at all to the Bill as it has emerged from the select committee. He went on to say that so far as the landlord is concerned he can make the loan as he likes and be not pilloried. I cannot possibly conceive how my friend, Dr. Gokul Chand Narang, came to make such a mis-statement of facts in this House. The only reason which I can find is that he has not read the report. Now a landlord, if he lends money or lends anything in kind with interest, will become a money-lender and will get a licence. It is only the loan in kind for the purposes of husbandry to a tenant and without any interest, that is not included in the definition of loan and will not come within the purview of this Act. I do not see how my friend, Dr. Narang, came to make such an erratic and erroneous remark about this particular provision. He also said that the definition has also been changed. It

has not been changed. Only those companies which came under the definition have been included. If they do money-lending business they will have to get a licence unless they get their accounts audited by a chartered accountant. That is what we have done. Again he tried to confuse everybody and he thought that it was very easy to hoodwink members of the House. He is doing great injustice to the House if he thinks that everybody has not carefully gone through the Bill. Then, Sir, he made a passing reference to the Bill so as to bring in agriculturists. I am afraid, there again, he tried to confuse the House. A money-lender, whether he is an agriculturist or non-agriculturist, if he comes within the definition of this Bill or this Act when it is passed, will be affected equally. This Act will be applicable to agriculturists just as much as to non-agriculturists, if they lend money on interest. It will affect me—although I am an agriculturist—if I lend money on interest just as much as it will affect my honourable friend, Dr. Gokul Chand Narang, if he also does that business. He further said that a money-lender, if he gave up his money-lending business, would be able to purchase from his victim after 5 years any land, because they are both agriculturists. Not only that but we are placing agriculturist money-lenders more or less on the same footing who are in certain circumstances in a worse position than ordinary money-lenders. I think, my honourable friend opposite is trying to more or less belittle our efforts in this respect.

Then, Sir, he tried again to earn the applause of my honourable friends opposite, who are also very fond of applause and to give applause where none is due, by trying to raise the question of tenants and landlords. As regards this question I would submit that no distinction exists between landlords and tenants in the Punjab, and if we do our duty to our province it will never exist in this province. Let me assure my honourable friends opposite that so far as the Government is concerned, with regard to the tenants in the Nili Bar, it has laid down certain restrictions. There are very strict restrictions and very generous conditions with regard to tenants and we propose to pursue that policy.

I have already taken a great deal of the time of the House and I think that everybody must be anxious to get on to the real business. I should like to say one word with regard to another remark made by my honourable friend Dr. Gokul Chand Narang. He said, "An uproar has been raised and even a greater uproar will be raised when they learn the actual provisions of this Bill." I entirely agree with him if this Bill is interpreted in the way my honourable friend has done. As I have submitted, he interpreted every clause of this Bill, to which he referred, in a most erroneous and misleading manner. I do not mean to say that he did it deliberately, but very likely it may be said that he did not see the Bill as it has emerged from the select committee, but which came into a different line-light of the picture through the press. I can assure, through you, the members of this House and my money-lender friends outside this House who are also citizens of this province, that it is only those dishonest money-lenders whom we want to weed out and whom we want to pillory under this Act. So far as honest money-lenders are concerned, we want, not only to encourage them, but I can assure you that after the passing of this Bill, if there is any real hardship which

[Premier.]

may be removed, I and my Government will sympathetically consider the proposal and we will remove any genuine hardship and obstacle which stands in the way of honest money-lenders. (*Hear, hear*). But I must also warn my honourable friends opposite that it is their duty just as much as it mine to see that dishonesty among this class, whether borrowers or creditors, is removed and that we should lead an honest and clean life with honest and clean citizens. (*Loud Applause*).

Mr. Speaker : The question is that—

The Punjab Registration of Money-lenders' Bill as reported by the select committee be circulated for eliciting public opinion thereon by the 1st October, 1938.

The motion was lost.

Rai Bahadur Mr. Mukand Lal Puri : Sir, I beg to move that—

The Punjab Registration of Money-lenders' Bill be recommitted to the same select committee, with a view to consider the question of reduction of penalty in case of cancellation of licence and to take steps to eschew casual lenders and loans to traders and industrialists from the purview of the Bill.

The motion was lost.

Mr. Speaker : The question is—

That the Punjab Registration of Money-lenders' Bill as reported by the select committee be taken into consideration.

The motion was carried.

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

Clause 2.

Mr. Speaker : The question is—

That the first three lines and sub-clauses (1) to (7) of clause 2 stand part of the Bill.

The motion was carried.

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

That for sub-clause (8) (c), the following be substituted:—

An advance in kind or cash made by a landlord to his tenant for the purpose of husbandry or to agricultural labour, provided that the market value of the return as estimated at the time of return does not exceed the market value of the advance as estimated at the time of advance and provided that the money does not carry interest.

I submit that if you be pleased to see the clause as it stands in the report of the select committee, you will find that what I propose is the addition of the words 'cash' and 'agricultural labour' and also 'that the money does not carry interest.' The rest of the addition is simply a verbal alteration to the existing clause. I propose that the word 'cash' may also be added to 'kind.' It is true that the landlord may advance something in kind to the tenant but cases may arise where the tenant has to purchase implements, cattle and other articles which are necessary for husbandry and the landlord in that case may have to advance him some cash. I therefore want to save the peasant from the clutches of money-lender who is so much abused here. The landlord has got the power to advance in kind

to the tenant without being registered or licensed as a money-lender. I submit that it is in the interests of the agricultural labourer—or tenant that when he wants to purchase cattle or implements or other things which are necessary for husbandry, he should have the money from the landlord and the landlord may advance the money without any necessity of his being registered or licensed as a money-lender. I therefore suggest in this clause that the landlord may advance money to a tenant or an agricultural labourer provided that the cash does not carry interest. It means that the landlord will be supplying funds to the tenant for the purpose of cultivation, for the purpose of acquiring what is required in tilling the soil without any difficulty. If the cash carries interest, then in that case the landlord will be advancing a loan; but if that cash does not carry interest, the landlord is only providing facilities to the tenant and saving him from not going to a money-lender.

Sometimes tenants are not employed but agricultural labourers are employed in order to carry on cultivation and if they require anything in kind or cash from the landlord and the landlord advances it, he must be exempted from the operation of the Act so far as that advance is concerned. In the definition of 'loan' as originally put in the Bill we find "but shall not include an advance in cash or kind made by a landlord to a tenant for the purposes of husbandry." But in the improved draft the words 'in cash' are omitted and the omission acts to the disadvantage of the tenant. I want that the tenant should be saved from the difficulty of getting money and facilities in this direction be provided for him.

The clause as it stands contains "provided the market value of the return does not exceed the market value of the advance as estimated at the time of the return." The words "as estimated at the time of the return" are not properly understood, whether they are adjuncts to 'return' or 'advance.' I want to make the meaning clear. I say that the words 'the market value of the return as estimated at the time of the return does not exceed the market value of the advance as estimated at the time of the advance' be added.

Premier : I think what the honourable member wants is that the word 'cash' should be exempted. I want to say that
 S. P. M. it is already done. This Act does not apply if cash is lent without interest. No transaction without interest comes under this Act. If a man lends money with interest, he is a money-lender but if he does not charge interest, he does not come within the purview of this Act. The only portion of his amendment which I think is relevant to this sub-clause is—

Provided that the market value of the return as estimated at the time of return does not exceed the market value of the advance as estimated at the time of the advance.

'Cash' is unnecessary. As a matter of fact, I am prepared to accept that portion of his amendment if he is prepared to leave it at that.

Munshi Hari Lal : Are you prepared to accept the earlier portion of my amendment relating to an advance to an agricultural labourer also? I admit that the word 'cash' is superfluous.

Premier : I cannot accept that amendment simply for the reason that agricultural labourer is not defined and cannot be defined and you might be leaving a loophole for payments to people who are not employed on agricultural labour. I think it would be very unfair both to the landlord and to the tenant if you bring in agricultural labour ; but I am prepared to accept that particular portion where you speak of the market value of the return not exceeding the market value of the advance.

Munshi Hari Lal : But that is only a verbal alteration. It is not difficult to ascertain who is an agricultural labourer.

Dr. Gopi Chand Bhargava : If it is put down "advance in kind which does not carry interest," so that if an advance is made to an agricultural labourer in kind and that does not bear interest, will the Honourable Premier be ready to accept the amendment ?

Premier : My difficulty, as I pointed out, is that "agricultural labour" has not been defined and you may leave a big loophole.

Dr. Gopi Chand Bhargava : Even though if it is made clear that it does not carry interest ?

Premier : If it does not carry any interest, you can lend money to anybody. If it does not carry interest, then it does not come within the Act.

Munshi Hari Lal : Is there any difficulty in defining who is an agricultural labourer ?

Mr. Speaker : As the agricultural labourer is not defined, the honourable member's amendment is not in order and, therefore, I am not going to put it to the House.

RULES OF PROCEDURE.

Deputy Speaker (Sardar Dasaundha Singh) : I beg to present the report of the Drafting Committee on Rules of Procedure.

The Assembly then adjourned till 2 p.m. on Tuesday, 12th July, 1938.

PUNJAB LEGISLATIVE ASSEMBLY

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 12th July, 1938.

The Assembly met at the Assembly Chamber, Simla, at 2 P. M. of the clock.
Mr. Speaker in the chair.

SHORT NOTICE QUESTION AND ANSWER.

RESOLUTION ON FEDERATION.

Sardar Hari Singh : Will the Honourable Premier be pleased to state whether the Punjab Government has forwarded the Resolution passed by the Assembly in the last session at Lahore on the question of Federation to the Government of India and the Secretary of State for India and if so, whether the Secretary of State for India has invited suggestions on the question from him or the Provincial Government ?

Premier : In reply to first part of the question, I have to say that a copy of the Resolution and the official record of the debates were duly forwarded to the Government of India. As to the second part, I have nothing to add to the reply I have already given to my honourable friend.

Pandit Shri Ram Sharma : What date ?

Premier : The last date when he asked.

Lala Duni Chand : Was there any covering letter or forwarding letter sent along with the Resolution ?

Premier : Yes, a covering letter was sent.

Lala Duni Chand : Did it express the opinion of the Punjab Government ?

Premier : No.

THE PUNJAB REGISTRATION OF MONEY-LENDERS BILL.

Clause 2.

Munshi Hari Lal (South-Western Towns, General, Urban) : Sir, I was submitting my argument yesterday with regard to the addition of the words 'agricultural labourer.' I think there would be no difficulty in practice to find out who is an agricultural labourer. Honourable members, who are zamindars, know that they are recorded in the revenue papers as *khudkash* while the cultivation is being conducted and carried on by the labourer who works under them. My submission is that there should be facilities provided to those also who work in the field on agriculture and who cultivate the land. I submit that if the amendment is accepted as extending to the 'agricultural labourer,' there will be absolutely no deviation from the principle and there will also be no material change in the sub-clause.

Mr. Speaker : Clause 2 under consideration, amendment moved—

That for sub-clause (8) (c), the following be substituted:—

An advance in kind or cash made by a landlord to his tenant for the purpose of husbandry or to agricultural labourer, provided that the market value of the return as estimated at the time of return does not exceed the market value of the advance as estimated at the time of advance and provided that the money does not carry interest.

Sardar Dasaundha Singh : I rise to a point of order. So far as this amendment is concerned it is out of order. It is not covered by the Bill because the definition of 'loan' is very clear on this point.

Mr. Speaker : Will the honourable Sardar Dasaundha Singh, please, explain why it is out of order ?

Sardar Dasaundha Singh : It is out of order because it does not carry interest and even if it is an advance in kind, even then the monetary value of that advance at the time is equal to the monetary value of the advance in kind at the time of return. There is no monetary benefit involved and it does not carry interest. Therefore, it does not come within the definition of 'loan.' When it is not a loan such an advance can be made and this does not fall within the purview of this Bill.

Premier : I think that if all the three things which my honourable friend desires had been put as separate amendments, it would have been possible for me to accept a portion of that amendment. So far as the first part of the amendment is concerned, as pointed out by my learned friend, the Deputy Speaker, it is out of order and in any case redundant, because my friend wants to include cash provided that the money does not carry interest. That is already covered.

Mr. Speaker : That is admitted by him.

Premier : The second thing is with regard to the agricultural labourer. I submitted yesterday that agricultural labourer is not defined in this Act and it would be impossible to distinguish an agricultural labourer from any other person to whom a loan is advanced. A man may very well say that he is an agricultural labourer because I have paid him money and I have asked him to work on my land for a day or so. That person would for ever become a debtor and that would be the difficulty which it may not be possible to overcome. My honourable friend is a lawyer and he knows perfectly well that in the case of *khudkasht* land in the ownership column it is the owner's name which is entered and the labourer's name is never entered in those columns. He might change from day to day.

Dr. Sir Gokul Chand Narang : Even the part as it stands in the Bill is out of order. Part (i) of sub-clause (8) seems to be out of order.

Premier : We are now discussing Munshi Hari Lal's amendment. He wants to make a verbal amendment with regard to that portion which relates to the market value of the produce given in kind or loan given in kind for husbandry. I am prepared to accept that.

Mr. Speaker : He may withdraw his amendment and move the other.

Premier : He may move just the words, " Provided that the market value of the return" "

Sardar Dasaundha Singh : That would be unnecessary because it is absolutely redundant. It is not covered by the Act. Definition of 'loan' makes it clear that without interest, without any gain, an advance can be made by anybody.

Dr. Sir Gokul Chand Narang : On a point of order. The Honourable Premier does not seem to have followed me. If I am not mistaken the amendment is being moved to sub-clause (8) (i).

Premier : It is sub-clause (8) (i).

Dr. Sir Gokul Chand Narang : Yes. Sub-clause (b) (5) seems to be redundant.

Premier : Why?

Dr. Sir Gokul Chand Narang : It simply says—

“An advance in kind or cash made by a landlord to his tenant for the purpose of husbandry or to agricultural labourer provided that the market value of the return as estimated at the time of return.....”

It means that if he takes one rupee he must return one rupee. That means no interest and, therefore, it is not covered by the definition of ‘loan.’

Premier : I think the honourable member has not quite understood this part of the clause. Supposing a man gives two maunds of wheat at the time of sowing when it costs Rs. 3 per maund; when he wants it back at the time of harvest it may be Rs. 2 per maund; he will then be entitled to get 3 maunds instead of two.

Dr. Sir Gokul Chand Narang : He gets six for six and there is no necessity.....

Premier : Somebody may say that for two maunds he has taken three maunds. We wanted to clear that point.

Munshi Hari Lal : I ask for the leave of the House to withdraw my amendment.

Dr. Sir Gokul Chand Narang : If the sub-clause is allowed to remain then there is no room for any amendment.

Mr. Speaker : That point will be taken up after withdrawal.

Is it the pleasure of the House that the amendment be withdrawn? (Voices : Yes.)

The motion was by leave withdrawn.

Munshi Hari Lal : I beg to move—

That for sub-clause (B) (5) the following be substituted :—

“An advance in kind or cash made by a landlord to his tenant.....”

Mr. Speaker : Please move the verbal amendment.

Munshi Hari Lal : I move the following amendment—

“An advance in kind made by a landlord to his tenant for the purpose of husbandry or to agricultural labourer, provided that the market value of the return as estimated at the time of return does not exceed the market value of the advance as estimated at the time of advance.”

I have withdrawn my amendment and am now putting forward a new amendment.

Mr. Speaker : I have not got the amendment.

Munshi Hari Lal : The conflict between me and the Treasury benches is with regard to the agricultural labourer.

Sardar Dasraundha Singh : On a point of order. The amendment would be out of order because the value of the grain at the time of advance will be equal to the value of the grain, etc., at the time of return. In that case there will be no monetary gain and it would not fall under the definition of ‘loan.’ Therefore this amendment is absolutely unnecessary.

Mir Maqbool Mahmood : May I be permitted to supplement what has already been explained by the Honourable the Premier?

Munshi Hari Lal : The idea is that if a return is made in kind that makes some difference. The question is if I get 10 maunds at the time of advance I should return 10 maunds at the time of return, but the difficulty would arise in the difference of prices on the two occasions. I 'therefore' submit that the grain returned in kind for the grain I have already taken should be equal in monetary value.

Mir Magbool Mahmood : Sir, the definition of 'loan' is a loan in cash or kind at interest, and if you will refer to the definition of 'interest' in sub-clause (7) you will find it includes the return to be made over and above what was actually lent not only in cash but it may be in cash or in kind. If I lend 9 maunds and take back 9 maunds it may be that while the quantity returned in kind may be the same, the market value may be different. It is, therefore, in order to provide for such differences that it has been thought necessary by the select committee to put in a proviso and make the position clear.

Dr. Sir Gokul Chand Narang : A sub-clause does not carry a commentary ; it is left to the people to interpret it. You never include a commentary in a section of the statute.

Malik Barkat Ali : May I suggest a slight alteration ? It will meet all the points. If the words 'in cash' are added after the words "market value of the return" it will meet all the points that have been explained by the Honourable Premier. In sub-clause 8 (i) an advance in kind made by a landlord to his tenant for the purposes of husbandry, provided the market value of the return does not exceed the market value of the advance is excepted. You will see that a case of interest will arise if the market value of the return to be made is over and above what was actually lent. If 10 maunds are advanced and returned the difference in price at the date of the advance and return would lead to interest and will alter the position. Therefore, if the words 'in cash' are added after 'return' that will make the position clear.

Premier : It will make the position clear from the point of view of my honourable friend opposite.

Munshi Hari Lal : Provided the market value as estimated at the time of return does not exceed...

Mr. Speaker : Is the rest of his amendment accepted ?

Premier : The rest of the amendment is not necessary.

Sardar Dasaundha Singh : May I submit that the words 'in kind' are unnecessary because it is the value of the return : if it is in cash these words would be unnecessary.

Premier : The clause as it stands meets everybody.

Mr. Speaker : I am proposing Munshi Hari Lal's amendment as worded. The question is that—

For sub-clause 8 (i), the following be substituted:—

"An advance in kind made by a landlord to his tenant for the purpose of husbandry or to agricultural labourer; provided that the market value of the return as estimated at the time of return does not exceed the market value of the advance as estimated at the time of advance."

The motion was lost.

Munshi Hari Lal : Sir, I beg to move that—

In the last line of sub-clause (8) (i) for the word "return" the word "advance" be substituted.

The motion was carried.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, I beg to move that—

At the end of sub-clause 8 (ii), the words "or with a registered and licensed money-lender or with any employer as security from his employees" be added.

Section 8 contains the definition of a loan and defines it thus:—

"Loan means an advance whether secured or unsecured of money or in kind at interest and shall include any transaction which the court finds to be in substance a loan, but it shall not include....."

Further you will notice from the succeeding exceptions in the Bill that several kinds of transactions, which otherwise would be loans, are excluded from the definition of loan in this Act. For instance, in sub-clause (ii), you will find that if a person deposits money in a Government Post Office Bank or any other bank or in a company or with a co-operative society, that deposit of money is not treated as a loan. That is not a loan within the meaning of this Act. My amendment only seeks to add two other kinds of deposits to this sub-clause. One is a deposit as security by an employee with an employer which usually carries interest. I understand that the Government would not object to this portion of my amendment and, therefore, I do not wish to advance any arguments with respect to this portion of my amendment which deals with the deposit with any employer as security by an employee. There is another portion of my amendment which deals with the deposit with a registered and licensed money-lender. Those of us, who have occasionally some spare money, know very well that in places where banking facilities do not exist, we do send our spare money to *arkhis* or money-lenders to keep it with them, not only for safety of the money but also with a view to earn something. They usually allow a low rate of interest. If you are excluding deposits in banks or with co-operative societies, why should you not exclude a deposit with a registered and licensed money-lender. I make my submission, not only in the interest of depositors, but also in the interest of licensed money-lenders, on whom certain kind of prestige would be bestowed by this amendment. After all, when you are recognising an honest money-lender as a banking institution, you ought to treat him on the same level as you treat co-operative societies, banks and any other institution. That is my reason for moving this amendment.

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

At the end of sub-clause 8 (ii) the words "or with a registered and licensed money-lender or with any employer as security from his employees" is added.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : Sir, May I submit that this amendment is absolutely unnecessary? May I draw the attention of my learned friend to the definition of money-lender? This Bill professedly deals with loans by money-lenders. This Bill has absolutely nothing to do with loans which are not advanced by money-lenders. My learned friend wants to exempt the deposits with money-lenders. These deposits with money-lenders are not advances made by money-lenders and the mischief that this Act seeks to avoid and prevent is only in case of

[Malik Barkat Ali.]

advances of loans by money-lenders. I would, therefore, respectfully submit that really there is nothing in this amendment. As a matter of fact, if the whole of clause (vi) were to go, it would not matter at all for the purposes of this Act, because this Act deals only, as I have submitted, with loans by money-lenders. A deposit of money or other property in a Government Post Office Bank or any other bank or in a company or with a co-operative society is not to be affected by this Act in view of the definition of money-lender because none of these loans are advanced by money-lenders. I, therefore, respectfully submit from the point of view of my learned friend, that this amendment really is no amendment and it has no purpose behind it.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I do not think that the criticism of my honourable friend Malik Barkat Ali is sound. The whole difficulty lies in the connotation of the word 'money-lender.' The only definition that we find here is—

'Money-lender' means a person, including a firm who carries on the business of advancing loans as defined in this Act.

Now 'loan' has been defined as an advance whether secured or unsecured, of money or in kind on interest and shall include certain things but shall not include certain other things. Now, if the human brain could have discovered a comprehensive definition of money-lender, perhaps there would have been some soundness in my friend's criticism. But the whole difficulty has been that during the last 15 years it has not been possible to define the word 'money-lender.' It is, therefore, necessary to make some exceptions in the definition of 'loan' as may be considered to be necessary in the interests of those whom this Bill when it becomes an Act is not contemplated to affect. Now, the amendment that has been moved by Mr. Puri is very necessary. I have received numerous letters and in one of them, I am told, that protection should be sought for such people as, for instance, widows and orphans. Now, suppose the husband dies leaving a widow and some minor children and also a sum of Rs. 2,000. She is not a money-lender herself nor was her husband during his life time. But she proposes to deposit the money with a registered money-lender who happens to be her neighbour and in whom she has got trust; or instead of depositing the whole amount with one money-lender she deposits with four such people at Rs. 500 each. What guarantee is there that if afterwards it becomes necessary for the poor widow to bring a suit to recover all her money that the sub-judge will not hold her a money-lender, because she has four monetary transactions, four deposits given out, unless those deposits are exempted from the operation of this measure? It is, therefore, very necessary that this protection should be given to people who deposit their money with a registered money-lender and to employees who deposit money with their employers.

Mr. Speaker : If deposits with registered and licensed money-lenders are excluded from the operation of this measure, as suggested by the honourable member, thousands of people, who possess money in large quantities, instead of dealing with the borrowers direct will deposit their money with these money-lenders and thus escape from this law and that would be against the spirit of the Bill. I am inclined, therefore, to hold that the amendment is out of order.

Dr. Sir Gokul Chand Narang : I submit that this amendment is not against the spirit of the Bill. The whole principle of the Bill is to protect the poor debtor, the poor agriculturist and so on, because for the past 15 years we have been listening to speeches in which the poor agriculturist, the poor zamindar has been looming very large and all the speeches which have been delivered in connection with this Bill also have related to the protection of the poor zamindar. I do not think that the object of the Bill will be frustrated by this amendment. Is it contended that the money-lender should not raise loans from anywhere for carrying on his business or that people should not deposit their money with the registered money-lenders? The principle of the Bill is not to make it illegal to make advances to money-lenders, in fact, not even to make it illegal for an agriculturist to make advances to money-lenders. All that this Bill aims at doing is to have an effective control on transactions defined as loans. The main object of the Bill is to protect the agriculturists. I never understood that the object was that even money-lenders were not to raise money from other persons or that persons who had some spare money should not invest it in some safe place. Is it the intention of the Bill that if a person has got, say Rs. 1,000, he or she should be compelled to deposit it in the Imperial Bank where not more than 1½ per cent. per annum will be allowed as interest? Why should people be prevented from going to merchants, registered money-lenders, who *ex-hypothesi* will become more reliable and honest according to the Honourable Premier if this Bill is passed? Why should they be prevented from going to them and depositing their money with them and receiving 4 or 5 per cent., or in any case more than what a respectable bank would allow on fixed deposits? The Honourable Premier suddenly got up and said 'You have hit the nail on the head.' Why? Because people who do not want to register themselves as money-lenders will give their money to registered money-lenders and would thus carry on their business. Well, but where is the nail and where is the hitting of that nail? If such a person goes and deposits money with the money-lenders, that person can never go to court, because there is no privity of contract between that person and the ultimate borrower. He deposits his money with the money-lender and it is the money-lender who alone will go to court and will get relief if he is a registered and licensed money-lender. Therefore, all the requirements of law will be fulfilled if the money-lender with whom the money of the widow or the orphan is deposited goes to court.

Mr. Speaker : If the money-lender does not return the deposit, what happens?

Dr. Sir Gokul Chand Narang : Then she is finished.

Mr. Speaker : The honourable member is talking of women.

Dr. Sir Gokul Chand Narang : Yes. That is the whole point of my speech. If she is treated as a money-lender she is then finished.

Now, let me, in the first place, say a word about this clause 12. In fact this clause 12 may prove a blessing or may prove an utter curse, because it will depend upon the sweetwill of some one who acts on behalf of the Government to grant exemption to an individual or a group of individuals. In fact, I think, it is full of mischief. A great deal of mischief can be done under

[Dr. Sir Gokul Chand Narang.]

the cloak of clause 12. The exemption may be granted only to favourites or to *zaidies* or to those who betray people or who do dirty work for the Government. There are plenty of people who are at one time or another engaged in such functions. Now let us assume that the Government will act more justly under clause 12 than it is doing with the whole of this Bill and it would be prepared to grant exemptions in right places. Do you mean to say that hundreds of widows and orphans will have to approach Chaudhri Sir Chhotu Ram and pray for exemption? You should realise what difficulties and hardships you are placing in the way of these people. They do not know where the Punjab Government sits, who represent it and how applications are to be made for exemption. If the object of this Bill is to prevent dishonest money-lenders from carrying on their business, it does not make any difference to the spirit of the Bill or those persons who are likely to be affected if this Bill was not enacted or those who will be affected if this Bill is passed into law, if deposits are allowed to be made with registered money-lenders; it is they who will go to courts.

Mr. Speaker : In that light the amendment is not out of order.

Parliamentary Secretary (Mir Maqbool Mahmood) : I am afraid there is some misunderstanding with regard to this clause. The real purpose why we had included this clause in the select committee has not been understood. Let me give an instance. Suppose, I, a money-lender with unscrupulous methods, want to advance loans to certain people in my village without coming under the provisions of this Bill. I could easily do it. If this amendment were accepted I have only to ask my poor victim to pay Rs. 5 and get registered as a money-lender. They need not keep any regular account, they submit any six-monthly statement, because they have advanced no loans but by getting registered and paying a nominal fee they can exempt the whole of the business of this unscrupulous money-lending from the provisions of this Bill. That is the reason why we did not include this in the exemptions with regard to deposits. When we are dealing with a matter of this nature we have to avoid possibility of wholesale evasions of the Act. Moreover, my honourable friend will find that we have taken this clause verbatim from a similar clause in the Regulation of Accounts Act. Another point raised by my honourable friend Dr. Narang was that casual people such as widows and others who want to deposit their money with money-lenders will suffer and that casual money-lenders will be harassed. I submit that if any casual money-lender or casual depositor of any class wishes to deposit his money with the money-lenders once, twice or three times, he does not come within the definition of carrying on the business of advancing loans. There has been a great deal of case law on the words 'carrying on the business of money-lending' under the English Act. It has been made clear there that it is a continued and systematic business to which this definition will apply. All this will be thrashed out by the courts. But if a person under the garb of advancing money to money-lenders carries on the business of money-lending, he should not be given protection.

Malik Barkat Ali : It appears to me that the fears expressed by Dr. Sir Gokul Chand Narang are really based on a complete confusion and a misreading of the Bill. If he will just turn to the definition of "Money-lender" he will agree with me that the committee felt the necessity of

defining the word 'loan', because the word 'loan' occurs in the definition of "money-lender." Money-lender means a person who carries on the business of advancing loans. Now the object of this clause 2, as I understand it, is this. Supposing a money-lender, who falls within this definition, deposits money with a Government post office or any other bank, you will agree with me that a deposit of that kind by a money-lender will not be a loan. The clause, as I see it, is in the interest of the money-lender. The object of the clause is to prevent a deposit of this kind made by a money-lender falling under the definition of loan. I invite my honourable friend's attention to the other clauses also. Clause (i) refers to the advance made by a landlord, the object being to prevent a landlord falling under the definition of money-lender. Similarly clause (iii) exempts the loan to or by or a deposit with any society or association registered under the Societies Registration Act, 1860 or under any other enactment, so that the Central Bank or any other bank may not be dubbed as money-lenders. Similarly other clauses also are there. A trader is not to be dubbed as a money-lender. Therefore, my respectful submission is that so far as clause (ii) is concerned, the object is really to protect money-lenders in regard to those deposits which they make with the banks.

Now, so far as it is a question of anybody depositing with a money-lender, I respectfully submit that there is nothing in the whole of this Bill which penalizes or prohibits unless the depositor is a money-lender himself. My honourable friend says that if a widow deposits some money with a money-lender, her deposit will be a deposit. Let it be so. I ask my learned friend and I challenge him to point out a single clause of this Bill which penalizes that, unless my learned friend says that the casual advances or these widows who deposit money, fall within the definition of a money-lender. Here I entirely differ from my learned friend and he must admit that the business of a money-lender is something different and cannot possibly include casual advances. I respectfully submit that the grounds of objection have absolutely no legs to stand upon and my learned friend should remember that the object is to protect these advances by money-lenders from falling within the definition of a loan.

Munshi Hari Lal (South-Western Towns, General, Urban): My object in supporting this amendment is that the definition of loan is not exhaustive. Definition of loan includes any transaction which the court finds to be in substance a loan. This means that we are left to the mercy of the court and the court may find, even though I may be an honest depositor, that I have lent the money and not deposited it. This is one point. My second point is that if money is invested with a licensed money-lender, should the investor be called a money-lender or not? A man who deposits money with a bank is not a money-lender. I submit that the man who deposits with a licensed money-lender should not likewise be deemed a money-lender as defined in this Bill. The objection taken is that the money thus deposited will further be lent by the money-lender. What does it matter? If I deposit money with one bank or more than one bank, I know that my money is not to be looked up in the bank, but will be lent to debtors' borrowers, and traders by the bank. Similarly if I deposit money with the licensed money-lender and he lends it out to borrowers, it would not make any difference. I tell the money-lenders outside that in the Bill there is a silver

[Munshi Hari Lal.]

lining also. A registered money-lender will in due course of time be brought within the banking structure. He will be linked with the Reserve Bank. He will enjoy advantages which under the Reserve Bank Act he may have. A person who is a licensed and registered money-lender would be certified as an honest man. Any body may deal with him. Supposing I am living in a village and I have got some money. I cannot go and deposit the money in a bank. I may deposit it with a village *sachar* who is a registered and licensed money-lender and who according to the statement of the Honourable Premier has been declared an honest man. I deal with him and thinking that he is an honest man, I deposit the money with him that I should not be called a money-lender. When I ever see him, I should not be deemed a money-lender plaintiff. I submit where there is a duty there is a corresponding right also. When a money-lender is under a duty to obtain a licence it should be his right to be treated as an honest banker and as such to receive deposits from those who like to deposit money with him. Those who deal with him as depositors should not be treated as money-lenders. Therefore I submit that deposits with a licensed money-lender, should not be considered as loans within the ambit of the 'loan' as defined in this Bill.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : We have not sufficient banking facilities in the province and when I say that I speak from personal experience. We have considerable difficulties in realising premiums. In places where there are banks, we can open our accounts with these banks and get our insurance premia deposited in those banks ; but there are places where there are no banks and if there is a registered money-lender who is considered to be a respectable person we can entrust that kind of work to him for receiving insurance premia. What would be the effect of this amendment ? The effect would be that it would give facilities to insuring public and at the same time not expose depositors to the risk of being money-lenders. From that point of view when we have a person recognised by the State to be a dependable, honest and reliable person, there is no harm if this person is also treated to be a part and parcel of the banking institution. From that point of view, my submission is that we might easily adopt this amendment given notice of by my friends.

Lala Sita Ram : Mr. Speaker, may I say a few words ?

Mr. Speaker : This is the second time that the honourable member has made a personal request to me to allow him to speak. This is against parliamentary etiquette ; so I have decided not to call upon him to speak.

Premier (The Honourable Major Sir Sikander Hyat Khan) : Sir, I have very little to say because most of the points made by Dr. Sir Gokul Chand Narang and other members have already been met with by my friends: Malik Barkat Ali and Mir Maqbool Mahmood. But the point raised by Lala Bhim Sen Sachar has yet to be answered. I think he has probably not very carefully read the definition of the term, for if you want some insurance money to be collected, there should be no difficulty and there is no bar against such a thing being done by the money-lenders. The deposit of insurance premia with the licensed money-lender will not be covered and it is unnecessary hair-splitting. If you make a casual deposit it does not matter.

Lala Bhim Sen Sachar : It will not be a casual deposit. There will be an account with the money-lender and he has got to send us accounts every month.

Premier : But he will not have to pay any interest.

Lala Bhim Sen Sachar : He may have to.

Premier : The payer of the premium will not be paid any interest nor will the money-lender be paid interest. As a matter of fact I believe that he has not carefully read the definition, as several others have not, except, perhaps, myself or the Hon'ble Speaker who have to burn their midnight oil over it. But the definition of loan is quite clear and then there is the definition of 'interest.' There are several ingredients and they have all to be there before the definition of loan as given in this Bill comes into operation. He must be a money-lender, the loan must be in accordance with the terms of this Act and it must be bearing interest and so on. If all these ingredients are there, then and then alone the person becomes a money-lender. So far as premia are concerned there is no danger, nor is there any danger so far as a casual depositor or a widow is concerned. In any event each case will have to be considered on its own merits in a court of law. What we want to see is that there is no loop-hole left in the definition so that a money-lender, a big money-lender in Lahore may not deposit money with a small village money-lender and evade the law. That is the thing which you must avoid if you want to make this law a success and do not want to make it a dead letter. The Act is not meant, as stated by my honourable friend Mr. Puri, to be harsh on any body or, as pointed out by Dr. Gokul Chand Narang, meant merely to safeguard the poor zamindars. Nothing of the sort. It is meant to see that the moneylending business is purged of all irregularities, dishonesty and fraud. This is the main object and having that object in view, I am sure the honourable members will agree with me that these amendments, although on the face of them, they look to be quite innocuous and harmless are likely to damage the whole framework of this Bill and, therefore, I request that if they want that the principle to which the House has agreed should be left in tact, it will be well to leave out these amendments and concentrate on the main thing which might from their point of view be a source of hardship to the genuine money-lender. Let us concentrate on those amendments. I may assure you that I have studied the Bill and, although I am not a lawyer, I will not allow any loop-holes which are likely to defeat the whole object of this Bill.

With regard to the second part of Mr. Mukand Lal Puri's amendment I do think that it is necessary but if he thinks that it would be safer to bring it in, I am prepared to accept it with regard to the deposit by employees with their employers. (*Voices :* Question be now put.)

Lala Bhim Sen Sachar : If that registered money-lender were to pay some interest to that Insurance Company for the deposits of the premium, will the Company then become a money-lender or not ?

Premier : No. It is specifically excluded.

Rai Bahadur Mr. Mukand Lal Puri : I want to reply.

Mr. Speaker : The honourable member may speak. He has the right of reply.

Rai Bahadur Mr. Mukand Lal Puri : I am very pleased to note that the Premier has been pleased to accept a portion of my amendment and, therefore, I would request you to put it in two parts. With respect to the other portion of the amendment I am prepared to say that the point of view put forward by Malik Barkat Ali, and which seems to have been accepted by the Government, is the correct interpretation on the subject. You would observe that the definition of the word 'money-lender' contains the words 'carries on the business of advancing loans' and, therefore, *ex-hypothesis* the deposit would not bring the person, who deposits the money, within the definition of the word 'money-lender'. I would not have moved this amendment if certain deposits had not been specifically excluded from the definition of 'loan' which forms an integral part of the definition of 'money-lender'. If you specifically exclude three or four kinds of deposits then the deposits which are not specifically named may be said to be inferentially covered by this definition, and, therefore, it was for this reason that I wished to add the words 'deposit with the money-lender'. As a matter of fact for my purpose it would be better if this clause were altogether excluded inasmuch as, according to the interpretation of Malik Barkat Ali and which I consider to be the correct interpretation and which for the present seems to be conceded to by the Government, a depositor even if he has actually deposited money and is not carrying on the *business* of lending money would be excluded. My reason for pressing this amendment is that since you have excluded from the definition three or four kinds of deposits, you should add this exception also, because it stands more or less on the same footing with the other deposits. (*Voices : Question be now put.*)

Mr. Speaker : I propose to put this amendment in two parts as suggested. The question is—

That at the end of sub-clause (8) (i), the words "or with a registered and licensed money-lender" be added.

The motion was lost.

Mr. Speaker : The question is—

That at the end of sub-clause (8) (ii), the words "or with any employer as security from his employees" be added.

The motion was carried.

Mr. Speaker : Now I propose to put the clauses that have been considered and finished.

Question is—

That the first six introductory lines of sub-clause (8) stand part of the Bill.

The motion was carried.

Mr. Speaker : Question is—

That sub-clause (8) (i) as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : Question is :—

That sub-clause (8) (ii) as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : Question is—

That sub-clause (8) (iii) stand part of the Bill.

The motion was carried.

Mr. Speaker : Now sub-clause (8) (iv) will be taken up.

Lala Sita Ram : I beg to move—

That in sub-clause (8) (iv), line 1, between the words "by" and "the" the words "or to" be inserted.

Premier : I am prepared to accept my honourable friends' amendment.

Mr. Speaker : Question is—

That in sub-clause (8) (iv), line 1, between the words "by" and "the" the words "or to" be inserted.

The motion was carried.

Lala Sita Ram : I beg to move—

That in lines 2-3 between the words "by" and "any" the words "or to" be inserted.

The motion was carried.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I beg to move—

That in sub-clause (8) (v), lines 3—5, the words "whose...Act" be deleted.

The idea of inserting these words is that the Bill ropes in private companies. Private companies registered under the Indian Companies Act have to keep regular accounts. It is compulsory for them to appoint auditors and in the case of private companies it is open to them to appoint auditors who are not certificated. In this Bill it is not the idea to audit the accounts of money-lenders. The idea is that the private companies who do money-lending business must get their names registered and must take out licences if they want to sue. Private companies are registered under the Indian Companies Act, an Act which been framed so very carefully and the provisions of which Act are bound all round by salutary restrictions. For such companies to make it obligatory to get a licence is not reasonable. Under this Bill money-lenders are not subject to audit. The *summum bonum* of the Money-Lenders Act is that they should register and should take out licences if they want to sue so that they should not easily commit a fraud on everybody. The provision against fraud by the private companies is also provided for. There are penalties for fraud, for irregular accounts and for wrong statements under the Indian Companies Act. I, therefore, submit that there is no reason to rope in private companies by saying that they are not companies which are not subject to audit by a certificated accountant. The words are 'subject to audit by a certificated auditor under the Companies Act'. A private company which appoints a certificated auditor need not be registered. How will that help the carrying on of the business of the company? I, therefore, submit that these words should be deleted.

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

That in sub-clause (B) (v), lines 3—5, the words " whose..... Act " be deleted.

Premier : Sir, I am afraid I must enter a caveat against this amendment. I may also through you point out to my honourable friend, the mover of the amendment that he has not understood the meaning of his own amendment and if he has understood it I am surprised that it should have come from Sardar Lal Singh : if it had come from Lala Deshbandhu Gupta I would not have been surprised. The fact is that by this amendment, if we accept it, you will be frustrating the whole object of the Bill. What we want to avoid is that two, three or four persons should join together and get themselves registered as a private company.

Munshi Hari Lal : Not less than 7.

Premier : The honourable member says seven persons. Four persons can sit together and get themselves registered and would be immune from all the provisions of the Act. Does my honourable friend want that consummation or not? Does he want that a private company or firm registered need not keep any account? Why should they not? If they come within the purview of this Act would they not be liable under the law to give account to their creditors or anybody else? My honourable friend has not seen the Indian Companies Act. Under the Companies Act they need not get their accounts audited and need not send a copy to the share-holders. A public company has not only to see that its accounts are audited by a certificated auditor but has to provide copies of the balance sheet to the Registrar where it is open to examination by every member of the public; but it is not so with a private company. Therefore, I think if my honourable friend would read the law along with the Act he will not move his amendment.

Sardar Lal Singh : Sir, I will read section 144 of the Indian Companies Act—

(3) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

Premier : Private companies are specifically excluded.

Sardar Lal Singh : I will read section 180 which says—

- (1) Every company shall cause to be kept proper books of account with respect to—
- (a) all sums of money received and expended by the company and the matters in respect of which the receipt and expenditure takes place;
 - (b) all sales and purchases of goods by the company;
 - (c) the assets and liabilities of the company.

Premier : My lawyer friends will be able to point out that it is not a fact.

Sardar Lal Singh : Again, the appointment of an auditor is necessary.

Premier : What is the object of your amendment—that they should have their accounts audited?

Mr. Speaker : The question is—

That in sub-clause (B) (v), lines 3—5, the words " whose..... Act " be deleted.

The motion was lost.

Mr. Speaker : The question is that—

Sub-clause 8 (iv) as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is that—

Sub-clause 8 (v) stand part of the Bill.

The motion was carried.

Dr. Sir Gopal Chand Narang (West Lahore Division, General, Rural) : Sir, I beg to move that—

For sub-clause 8 (vi), the following be substituted :—

“ a loan advanced to a trader.”

In order to understand the import of my amendment, a glance at the original part (vi) of sub-clause 8 would be necessary. It says :—

“ a loan advanced by a trader to a trader, in the regular course of business, in accordance with trade usage.”

Now my submission is that this exemption is very restricted. It does not go far enough, because it restricts the exemption only to those cases where, say, a wholesale cloth merchant sells some cloth to a retail cloth merchant on credit for, say, Rs. 500 or Rs. 1,000. That would be treated in the nature of a loan advanced by a trader to a trader in the regular course of business. Now the restrictions which I want to be removed are two in this part. One is that a loan must be advanced by a trader, as is provided in the clause as it stands and the other is that it must be advanced in the regular course of business. To me both these restrictions are not only unnecessary but mischievous. I do not mean mischievous in the sense that people who drafted the clause had any mischievous motives, but I mean that they are calculated to do injury to business. The object of the Bill is not to restrict the dealings between traders and traders. That is certainly not the object. The object, as I said only a few minutes ago, is to control the loans advanced by money-lenders to agriculturists, or in any case, to control the advances by professional money-lenders to other persons. Now a trader is not by profession a money-lender, whether he is a wholesale trader or a retail trader. Advancement of loans arises out of the necessity of their business and it was not a bad thing to exempt such a loan from the operation of the definition of loan, but as I have said, this is a much too restricted exemption. No reasons seem to have been given why a loan by a trader to a trader in the course of business should be exempted and not any loan given to a trader. Why should it be necessary that when a trader raises a loan he should raise it to avail himself of this exemption from another trader and that even in the ordinary course of business? If I am a shopkeeper why should I be prevented from going to a larger shopkeeper, to a more prosperous shopkeeper, and taking a straight loan of Rs. 50 or Rs. 100 to carry on my small business? Why should it be necessary that in order to have advantage of that exemption I should buy goods from that man? I may be hit very hard on account of this restriction, because that man, knowing fully well that I cannot pay in cash, may sell to me goods at much higher than the market price. If I had money in my pocket, I would buy anything in the open market much cheaper, cheaper by 5 per

[Dr. Sir Gokul Chand Narang.]

cent. or even 10 per cent. than I would buy on credit. The wholesale trader knows that I cannot pay and that I have to execute a pro-note in his favour; so he is likely to put up the prices, because, after all, though he expects to realise some interest on that advance, he will be running a certain amount of risk because he has already parted with his goods on credit. Therefore, the small trader suffers in consequence. So, my submission is that this restriction is not only unnecessary, but it is also fraught with mischief. It may cause a loss to the people later whom it may be intended to help. I would, therefore, submit that in place of this sub-clause the words "a loan advanced to a trader" should be substituted. It does not matter whether he receives this advance from a zamindar or from a *ghair* zamindar; whether he takes this advance from his brother or from a trader or from a clerk working in some office or from any other source. I would certainly like to hear from the Honourable Premier why it was necessary to impose those restrictions when obviously it is not intended to lay any restrictions on business, whether wholesale or retail. Is it the way of affording special protection to a trader? My honourable friend, Mir Maqbool Mahmood, when speaking on a previous amendment said, 'Why should not a poor trader also be protected? It is very good of him to be generous and to be merciful even to a trader. I am glad that my honourable friend has so much mercy for poor traders. It, is for the first time that I have seen someone, on that side, showing some inclination to be merciful to the poor trader. But my submission is that that poor trader does not want any help from any member of this House, so far as the system of credit is concerned. Even those who borrow and those who lend do not want any restrictions to be placed upon the credit so far as business people are concerned, because they know that business flourishes only when credit is in plenty. You may do anything you like to protect your agriculturist brethren, but for Heaven's sake, do not lay your hands on the poor trader and do not spoil trade by imposing restrictions in such a way. I would, therefore, submit that this is the most innocent and most necessary amendment and I expect that the Government would not oppose it if they can fully realise what I mean.

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

For sub-clause (8) (vi), the following be substituted:—

" a loan advanced to a trader."

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): It appears to me that the criticism of Dr. Gokul Chand Narang is essentially based on a complete misunderstanding. Dr. Narang has been pleased to characterise this clause as a kind of restriction. I should call it a concession. The point raised by the honourable member is that a trader advancing money to a trader in the course of business should not be treated as a money-lender and should not be required to register himself. If that is the intention, and I agree with it, if the object is really to facilitate trade, if the object is help in the matter of advances to traders by traders in the regular course of business, then I fail to understand the point of my learned friend's criticism that this clause which allows a trader to advance another in the course of trade is more in the nature of a restriction and a mischievous restriction at that. According to my learned friend's

amendment, a money-lender should be allowed to advance loans to a trader without regard to the provisions of the Act, and in fact, should be allowed to flout this Act. Is it fair that a money-lender who advances loans to a trader should stand on a different footing from a money-lender who advances loans to others? I must congratulate the members of the select committee on this very useful clause. As I have already submitted, this clause is a concession to the traders. It is in the interest of trade. I am not able to understand the view point of the honourable mover of this amendment. It appears to me that he has a certain obsession in his mind and that is that this Act is really directed against money-lenders and in favour of agriculturists. My understanding of the Bill is that it applies to all, whatever his vocation may be. I think that this clause is in the interest of trade and is more an enlargement than a restriction of liberty. (*Hear, hear.*)

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Malik Barkat Ali was pleased to say that the observations of Dr. Gokul Chand Narang on this point were based on certain misapprehensions. In order to understand the nature of the amendment it is necessary to know the history of this legislation. If you look at the section which was in the original Bill, you will find that the definition of 'loan' as given there did not contain any exceptions. In the select committee we considered that the definition as proposed was something which could not be worked in practice without great hardship and, therefore, we decided to look at the definition of 'loan' in the Regulation of Accounts Act; and we embodied the definition as given there practically in its entirety with two exceptions. One exception was that loans given on mortgage were excluded in the Regulation of Accounts Act, but they are included in this Bill. Again, there is a clause in the Regulation of Accounts Act, section 7, which defined 'loans' and this definition excluded loans given 'to a trader.' (*An honourable member*: By a trader). No, the exception was confined to a loan 'to a trader,' the object then was not to restrict his credit in any manner.

Dr. Sir Gokul Chand Narang: Is that so?

Rai Bahadur Mr. Mukand Lal Puri: Yes. Dr. Narang's amendment only wishes to reproduce the definition of loan as given in the Regulation of Accounts Act and which I pressed forward in the select committee. I tried to convince to the best of my ability the other members of the committee that whatever they might do to protect the interests of agriculturists, where the interests of traders were concerned they should not inflict a harm which might be irreparable. There were certain very good reasons, which I shall state presently, why 'loans to traders' were excluded from the definition in the Regulation of Accounts Act. I submit that those very reasons equally if not *a fortiori* apply to the present Bill also. Mir Maqbool Mahmood was very eloquent yesterday in pointing out the miseries of the agriculturists especially at the hands of the unscrupulous money-lenders. He seemed to indicate that the agriculturists wished that the money-lenders with whom they had to deal should be registered, licensed and quartered and punished very severely for any delinquency that may be committed by them. I do not wish to enter into a controversy as to how far this demand is legitimate on behalf of the representatives of the agriculturists. But so far as 'advances to traders' are concerned, they stand on an entirely different footing as they have never demanded that persons who give them

[R. B. Mr. Mukand Lal Puri.]

credit, should be registered or licensed. I ask, is there any section of traders who have ever asked for the registration of money-lenders who advance loans to them? After all, this legislation is either in the interests of creditors or debtors or both. Money-lenders who lend out money to traders, of course *ex-hypothesi* do not want registration nor do they want licensing nor the consequent punishment. The question is whether the traders who take loans, *i.e.*, borrowers want their creditors to be registered or licensed. The answer is an emphatic 'No.' Is there a single trader in this province who wants that the facilities for credit which are available to him in the market, which are the mainstay of his business should be restricted in any way? If the number of money-lenders, the number of banks and the number of credit facilities which exist for him are restricted, then he will have to pay higher rate of interest for loans raised. If a provision is desired neither by the creditor nor by the debtor of a particular class, why extend it to them?

The real difficulty is this. The facilities for financing trade do not exist in this country and every trader has to depend for his petty credit on the credit which he enjoys at the hands of money-lenders. Therefore, at the time of consideration of the Regulation of Accounts Act this point was advanced and it was accepted. Why is the Government going back on its previous well considered decision? The Government may do anything it likes to protect the interests of agriculturists, but they should not create unnecessary difficulties for others, particularly the traders. If the object is to protect the legitimate interests of anybody, achieve it by all means, but kindly do not act as the *pater familias* for those who reject this offer, who understand their own interests just as well if not better than you and who assert that this clause is meant to annoy them and not really calculated to help them in any way. Dr. Narang's amendment is not that loans by traders may be excluded from the definition of loans but only that a loan to a trader should be excluded. The same reasons which applied to the exclusion of loans to traders from the definition of 'loan' in the Regulation of Accounts Act apply to the present Bill also with much greater force.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I listened very carefully and attentively to the speeches made by my honourable friends, Sir Gokul Chand Narang and Mr. Puri. I must confess that I have not been able to find where the hardship comes in. My honourable friends want to protect a genuine trader. My honourable friend Mr. Puri wants to see that trade or business, genuine business, is not in any way restricted or hampered. I agree with them entirely. It is for that reason alone that we brought in that clause. My honourable friend Mr. Puri said that originally the definition in the Regulation of Accounts Act was as suggested by Dr. Narang. Very likely he took that definition from the Regulation of Accounts Act. (*Dr. Sir Gokul Chand Narang: This was tawarud*): I am glad that the *tawarud* was from the Regulation of Accounts Act and not from some other Act. The real object why we have put in this clause in this Bill in a different form is this. You are aware and I believe every member in this House is aware that in the Punjab every petty shopkeeper — almost every petty shopkeeper to be more definite and exact — is also a money-lender. Now my friend says why should not another person lend

money to that money-lender? I have not the slightest objection to somebody else lending money to that shop-keeper or money-lender. But I have an objection to a bigger money-lender lending money to that money-lender under the pretext that he is giving a loan to a trader. That is the reason why we have had this restricted definition in this Bill. My friend, Mr. Puri, is perfectly aware that we discussed this thing threadbare. As a matter of fact I was prepared to go to the extent of covering real genuine cases. As a matter of fact, originally I suggested a more restricted definition in accordance with trade requirements. You know perfectly well that credit in business circles and commercial circles is more or less governed by certain fixed rules. You have got drafts or notes of credit, bills of lading and things of that sort and a definite time is fixed with regard to the credit for each kind of those documents or negotiations. But my friend, Mr. Puri, pointed out that there may be other cases where for instance a commission agent is asked to buy goods on behalf of a trader in the Punjab at Karachi and he buys goods on his behalf. Later on he is asked by his client here or his principal buyer to sell a certain amount of goods and he sells a portion say $\frac{2}{3}$ or $\frac{1}{2}$ and he has still got another $\frac{1}{3}$ of his goods on hand and he advances money to his client on the security of those goods. As a trader he must charge some interest and therefore he must include the interest in his books against his client and under this Bill he would be coming within the definition of the money-lender because he had lent money on interest. To meet that object I have put in this exception in the clause—a loan by a trader to a trader in accordance with trade usage. Similarly the next exception is also put in. I am afraid that my honourable friends have not given them their consideration from all these aspects. (*Interruption*). If a big money-lender is registered and lends to another money-lender, there is no trouble. But supposing A lends to B, C, D, and E throughout the province or in a district and he says 'these people are petty traders and I have lent the money to a trader' and this gentleman, Mr. A, who lends the money might be the biggest money-lender in the province and he might be spreading his money through them. Why should he not be registered? It is to stop this loophole and so that these petty shopkeepers may not try to evade the Act under the pretext that they are traders and not money-lenders and similarly so that that other gentleman who advanced money should not evade the Act through these petty people, that we have brought in that clause. My honourable friend will probably see that this amendment is not so innocent as he thinks. As a matter of fact this definition also is not so mischievous as he probably thought it was in the sense that it was likely to do any damage to trade and commerce. It is to prevent evasion of the Act that we have brought in this clause.

Lala Duni Chand (Ambala and Simla, General, Rural): I only want to mention a point which I, think, has not been brought out up to this time. I understand one of the objects of the Bill is to extend protection to those traders or to that class of traders who are likely to be misled, deceived or exploited by the money-lenders. The object of the Bill is not to extend protection to those people who can take good care of themselves against the machinations of the money-lenders. That class is quite capable of protecting itself. That class is not going to be exploited by the money-lenders in any way. Therefore, this is an unnecessary restriction in the matter of

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advance of loans to traders by money-lenders. If there is the least apprehension of this class of people being exploited or being misled by the money-lenders then I can understand the Bill. But that fear does not exist. So I think the honourable Premier may be pleased to reconsider his position.

Parliamentary Secretary (Mir Maqbool Mahmood): I just wish to invite the attention of the honourable members to the fact that firstly even under the English Money-lenders Registration Act advances by money-lenders to traders are not exempt and secondly, under sub-clause (vi) of this clause, all loans advanced on the basis of negotiable instruments except on a promissory note, which include hundis, drafts, etc., by which trade negotiations are ordinarily carried on, are exempt.

Dr. Sir Gokul Chand Narang: I wish the Honourable Mr. Manohar Lal had replied to my motion. I would then have seen how he could oppose this motion of mine. I would not say that it is any kind of *Lajja ka-bhau* that is responsible for his absence from the House. He may have some business. All the same I am sorry.

Mr. Speaker: Order, order. It has already been ruled that that expression is unparliamentary.

Lala Bhim Sen Sachar: On a point of order. So far as my memory goes, you were pleased to hold that that expression was not unparliamentary.

Dr. Sir Gokul Chand Narang: I did not say that that was responsible for his absence. I said 'I would not say' that it is responsible.

Now coming to the speech of my honourable friend, Malik Barkat Ali, he thought that I was so incapable of understanding this clause that whereas it was a boon, I had taken it as a curse—a favour mistaken for a disfavour. He probably was not attentive to what I said. It is good so far as it goes, but it does not go far enough because it is hedged in by unnecessary and mischievous restrictions. If he had heard me, he would not have made the speech that he had made. Now, Sir, with respect to the Honourable Premier, I must say that with the best of effort, I was not able to follow what he really intended to say. His speech was so involved that I could not understand whether he meant that the smaller traders if they were free to receive advances from big money-lenders would themselves become money-lenders, because in one part of his speech he said 'in this province every small trader is also a money-lender.' If he sets up as a money-lender, catch him by the neck and ask him to get himself registered and do not allow him to carry on this business without obtaining a licence. But the question was not whether he should be allowed to set up as a money-lender or not, but whether he can receive credit from a money-lender to carry on his petty business. No ground whatsoever has been given why these restrictions should be laid upon him. Two restrictions, as I said, have been put and no justification for any of these has been given.

Malik Barkat Ali: Where is the prohibition?

Dr. Sir Gokul Chand Narang: Listen again if you did not listen before. The restriction lies in this that the loan that a trader should take should be from a trader to enjoy this exemption. Just see the provision, 'loan by a trader to a trader.' Then this loan should be in the ordinary

course of business. Why should you make a poorer trader a victim of the larger trader? None of the three gentlemen who spoke on behalf of the Government has touched this point which really goes to the root of the matter. If you compel him to receive a loan from a larger trader, why allow him to be victimised by an unscrupulous larger trader who would not give credit unless he sells it at five or ten per cent. higher than the market rate? These gentlemen do not know the details of business and therefore they skip over the essential things in the question. Then the Honourable Premier said, 'there is nothing to prevent him from taking a loan from a registered money-lender.' When a registered money-lender gives a loan to a trader we do not want that these penalties should fall upon the money-lender because then the money-lender would be chary of even advancing to a trader. Let us say that there is a person who has money. He does not want to deal with agriculturists. He wants to deal only with traders. Why should he be compelled to register himself when his clients are traders and his debtors do not want any protection whatsoever? Mr. Mukand Lal Puri was perfectly right when he said that not a single trader has ever asked you for protection in this respect. All traders want facilities of credit and my honourable friend has been a director of some companies including the People's Bank, if not of some other banks also and he should know that petty traders cannot receive any facility of credit from banks. Banks do not advance small loans of fifty, sixty or two hundreds. They deal in thousands and petty traders cannot get anywhere near these incorporated banks or companies. Therefore, in order to receive credit they have to go to smaller people, private people and if you make it necessary for private people to take out licence and get themselves registered, even when they want to restrict their business only to traders, you do a great injustice to the persons who want to invest their money like this and to those traders who receive credit which they cannot get from anywhere else.

Now let us come to Mir Maqbool Mahmood's argument. My submission is that even if it were a fact that in England even those money-lenders who want to lend money to traders have got to register themselves, I would submit that the case in England is entirely different because in England there is no distinction between an agriculturist and a non-agriculturist and so on and who knows the petty traders might have asked for protection. Have the shop-keepers or petty traders or *arkhis* and others in the Punjab ever asked for such a protection? If they had asked, there would have been some justification in restricting their credit. Then again, Mir Maqbool Mahmood said, 'refer to clause 7, there loans advanced by means of negotiable instruments are exempted.' It seems that Mir Maqbool Mahmood had only in view towns like Amritsar or Lahore. We are visualising advances to a small trader in far lying districts where the purchase of a *hundi* is as difficult as the purchase of much more rare things. They have prohibited loans by means of promotes, because it is easier to execute promotes. They have exempted loans to be advanced by means of other negotiable instruments. Now, what are those other negotiable instruments? They are only bills of exchange and *Aundis* and I do not know if Mir Maqbool Mahmood knows it or not, though he ought to know it, he is a barrister and a resident of a big town, he ought to know that in order to execute a *hundi* a certain amount of stamp is to be got and there are *hundi*.

[Dr. Sir Gokul Chand Narang.]

papers which are on sale; they have to be purchased. Now, where is the man to have these stamped *kuzki* papers from in a village like Ghugamitri in the tahsil of Wazirabad, district Gujranwala, even the name of which place you might not have heard and in villages like Dhekas, and Bulewala and such other small places lying in the outside districts like Mianwali, Shahpur, Dera Ghazi Khan and Gurgaon? Therefore the provision in clause (vi) does not remove the difficulty. I am really surprised that even such an amendment should not be accepted by the Government.

Premier (The Honourable Major Sir Sikandar Hyat-Khan): I am not surprised that my honourable friend did not understand me when I spoke last. I cannot claim to be an eloquent speaker; but I think I can claim this much that I can make myself clear. But the trouble is that if somebody does not wish to understand me, it is beyond my power to make him understand. I can only repeat Ghalib's verse—

یارب نہ وہ سمجھے ہیں نہ سمجھیں گے مری بات

دے اور دل اُن کو جو نہ دے سمجھے کو زبان اور

(Hear, hear).

This is all I can say in answer to that harangue which he made. My friends Mr. Duni Chand and Dr. Gokul Chand Narang both tried to stress the point that we were going to exclude agriculturists. This Bill is not meant merely to protect agriculturists. We have said several times that this Bill is meant to protect only honest debtors and is meant to elbow out or weed out every dishonest creditor. This is what the object of this Bill is. It is not confined to agriculturists. It is confined to every class irrespective of caste, creed or profession and that must be quite clear and they must not try to confuse this issue any more. Now, my honourable friend asked, how is it that a money-lender would evade this law if he lent money through petty shop-keepers? I tried to explain before and I will try to do so again. I said that in the Punjab in every village there is one or more shop-keeper and it is also my information and if he knows his Punjab he should also know that these shop-keepers are also money-lenders. They start in a very small way. They set up a shop by putting in a

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rupee worth of goods and gradually, by dint of their labour, perseverance, and you might call it acumen and instinct, they expand and eventually become big money-lenders or *sabukars*. That is the genesis of the money-lenders' class in this province and I believe elsewhere also. What I want to avoid and stop is this, that a big money-lender—in Lahore, Amritsar, Rawalpindi or some other big town—should not lend money to these shop-keepers under the pretext that he is lending to trade. It is quite simple as two and two make four but my honourable friend would not admit that two and two make four. He would say that it is impossible to be understood. That is what we want to avoid. So far as genuine business is concerned, I have assured my honourable friends there and here as well that I would be the last person to restrict it. He referred to my connection with certain commercial concerns including the People's Bank. I have been a Director of the People's Bank and several other

commercial concerns and I have burnt my fingers in several of those concerns, because, as my friend knows, even the best intentioned people sometimes have to suffer for the acts of commission or omission of others. For instance, in the Punjab Film Company I lost a little money, but I do not worry. I lost money in a sugar company but I do not worry about it at all. In the People's Bank case I have been dragged into several proceedings but I know perfectly well that it is for the acts and commissions of others that people have to suffer and if I have to suffer ; I am not worrying about it.

Dr. Sir Gokul Chand Narang : I was not referring to that.

Premier : So far as I am concerned, whatever interest I have had with any business, my conscience is clear before man and God and as a businessman I have got.....

Dr. Sir Gokul Chand Narang : On a point of order. The Honourable Premier has sought to create an entirely different impression. What I said was that being a banker he ought to know that small traders are not given credit by banks and he went off at a tangent as if he were on his defence.

Premier : I am not on my defence and I never will be. My honourable friend knows it perfectly well. I have told my honourable friend that, as a businessman, I know something about business in spite of the fact that my honourable friend may not give me credit for that. I can assure him that I will be the last person to do any damage to legitimate business or commercial interests and it is for this reason that we have brought in several exceptions to avoid any harm being done to commercial interests or to real trade. But my honourable friend in spite of this has made a long and vitriolic speech. Naturally when a man is thwarted he gets bitter and I am afraid my friend is getting bitter.

Dr. Sir Gokul Chand Narang : As you are now.

Premier : But that does not matter at all. Yesterday he made a speech and then went away. His speech was wholly irrelevant and not based on facts.

Dr. Sir Gokul Chand Narang : I repudiate that.

Premier : If I cannot explain to him, I hope I will be able to make it clear to my other colleagues that what I want to avoid is this, evasion of the Act by these big money-lenders on the pretext that they are lending money to a trader.

Dr. Sir Gokul Chand Narang : On a point of personal explanation. The Honourable Premier intended obviously to cast an aspersion on me that after having made what he considers to be an irrelevant speech, I went away as if I did not like to hear him. I told him before I left that I had an important function to attend so that he might not misunderstand me and knowing that I had told him so he has sought to cast this aspersion on me. I am never afraid of hearing him because I know that he can never meet an argument. He only delivers a harangue.

Mr. Speaker : Question is—

That for sub-clause (b) (e), the following be substituted—
“ a loan advanced to a trader.”

Assembly divided : Ayes : 7 : Noes 80.

AYES.

Binda Saran, Rai Bahadur.
Girdhari Das, Mahant.
Gokul Chand Naraog, Dr. Sir.
Gopal Das, Rai Bahadur, Lala.

Mukand Lal Puri, Rai Bahadur, Mr.
Narendra Nath, Diwan Bahadur
Raja.
Sita Ram, Lala.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
Abdul Rahim, Chaudhri (Gurgaon).
Atzaalali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Fir.
Ali Akbar Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Badar-Mohy-ud-Din Qadri, Mian.
Barkat Ali, Malik.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
Faqir Hussain Khan, Chaudhri.
Farman Ali, Khan, Subedar Major
Raja.
Fateh Jang Singh, 2nd Lieutenant
Bhai.
Fateh Muhammad, Mian.
Fateb Sher Khan, Malik.
Fazal Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Ghulam Rasool, Chaudhri.
Ghulam Samad, Khawaja.
Gopal Singh (American), Sardar.
Habib Ullah Khan, Malik.
Haibat Khan Daba, Khan.
Hans Raj, Bhagat.
Hari Chand, Rai.
Het Ram, Bai Sahib Chaudhri.
Indar Singh, Sardar.
Jagjit Singh Man, Sardar.
Jalal-ud-Din Amber, Chaudhri.

Jogindar Singh Man, Sardar.
Karamat Ali, Sheikh.
Khizar Hayat Khan Tiwana, The
Honourable Nawabzada Major.
Kishen Das, Seth.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Mubarik Ali Shah, Sayed.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Akram Khan, Khan
Bahadur, Raja.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Fiyaz Ali Khan, Nawab-
zada.
Muhammad Hassan Khan, Gur-
chani.
Muhammad Hayat Khan Noon,
Nawab Malik Sir.
Muhammad Hussain, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Qasim, Chaudhri.
Muhammad Saadat Ali Khan, Khan
Sahib Khan.
Muhammad Sarfraz Khan, Chaudhri.
Muhammad Sarfraz Khan, Raja.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Muhammad Wilayat Hussain Jee-
lani, Makhdumzada Haji Sayed.
Mushtaq Ahmad Garmani, Khan
Bahadur Mian.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Nasrullah Khan, Raja.
Naunihal Singh Mann, Lieutenant-
Sardar.
Nawazish Ali Shah.
Nur Ahmad Khan, Khan Sahib-
Mian.

Pir Muhammad, Khan Sahib Chaudhri.

Pritam Singh Siddhu, Sardar.

Rashida Latif Baji, Begum.

Risnat Ali, Khan Bahadur Chaudhri.

Sahib Dad Khan, Khan Sahib Chaudhri.

Shahadat Khan, Khan Sahib Rai.

Shah Nawaz Mrs. J. A.

Sham Lal, Rai Bahadur Chaudhri.

Sikandar Hyat-Khan, The Honourable Major Sir.

Sultan Mahmood Hotiana, Mian.

Sumer Singh, Chaudhri.

Sundar Singh Majithia, The Honourable Dr. Sir.

Suraj Mal, Chaudhri.

Talib Hussain Khan, Khan.

Tara Singh, Sardar.

Tikka Ram, Chaudhri.

Ujjal Singh, Sardar Bahadur, Sardar.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I beg to move that—

At the end of sub-clause (3), the following paragraph be added :—

A transaction which is in effect a mortgage of agricultural land provided the mortgagor has after the transaction three-fourth of his whole estate left free from all encumbrances.

My reasons for presenting this amendment are these. As soon as this Bill becomes an enactment, there is going to be a rush for money and money-lenders and creditors will be rushing to the courts for liquidating all their demands. I would submit that the burden of this demand will fall upon the petty landholder who will be at a loss to find wherewithal to pay his dues. That is one thing.

Then, Sir, this is quite in consonance with the Regulation of Accounts Act. In the definition of the word "loan" in the Regulation of Accounts Act, a transaction which is in effect a mortgage, is exempted from that definition, and transactions like those do not fall within the purview of money-lending, because money-lending lends itself to all sorts of malpractices, whereas lending of money on security of immoveable property which carries small interest is free from such malpractices. Then, again, Sir, it looks like capturing the trade, which is going out of one hand into some other hand. Then why not the agriculturist? The result of this registration would be that there would be no credit and no money in the market.

Mr. Speaker : Will the honourable member please explain what he means?

Sardar Lal Singh : I mean that a transaction which is in effect a mortgage, provided the mortgagor has three-fourths of his property, should be excluded from the definition of the word "loan."

Mr. Speaker : If I understand him aright, what the honourable member means is that a debt advanced by a money-lender on agricultural land, shall not be a loan if the mortgagor is left, after the transaction, with three-fourth of his whole estate, free from all encumbrances. But that is not expressed by the amendment as worded. The honourable member may use the word 'loan' instead of the word 'transaction.'

Sardar Lal Singh : I have taken these words from the Regulation of Accounts Act. I was going to say that there will be a great demand for money, besides, the small agriculturist is always in chronic need of money, and when this Act comes into force, capital will become shy and there will be dearth of credit in the market. The result will be that the very aim of the Government will be defeated. The Government wants to protect the agriculturists, specially the petty agriculturists. The result of all this will be that the petty agriculturist will be thrown back into the hands of the same money-lender who is not an agriculturist and he will have to pay a higher rate of interest. Therefore, I am asking the Government to accept, if not the whole, a portion of my amendment, that is, "A transaction which is in effect a mortgage of agricultural land" should be exempted from the definition of the word "loan," so that they can get loans when they want and they can tide over the difficult times.

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

At the end of sub-clause (8) the following be added :—

A transaction which is in effect a mortgage of agricultural land provided the mortgagor has after the transaction three-fourth of his whole estate left free from all encumbrances.

Munshi Hari Lal (South-Western Towns, General, Urban): Sir As I have got a similar amendment standing in my name, I would, with your permission, like to discuss it now. The question is with regard to the definition of the word 'loan.' You will kindly see that 7 exceptions are already given to this definition. I submit that if with a small amount of money, a tiller of soil wants to enter into a mortgage transaction and thus to make use of his money, that transaction should not be covered by the definition of the word 'loan.'

The definition of the word 'loan' is any advance "whether secured." and I submit that an exception be added. The word 'loan' should not cover such mortgage transaction. I want that some convenience should be provided for the tiller of the soil for investing his small sums of money earned and saved from agriculture. He might save small sums of money from agriculture and he may like to invest them in mortgages. He should not be denied but encouraged to do so without his being a money-lender.

Mr. Speaker : The question is—

That at the end of sub-clause (8) the following be added :—

A transaction which is in effect a mortgage of agricultural land provided the mortgagor has after the transaction three-fourth of his whole estate left free from all encumbrances.

The motion was lost.

Munshi Hari Lal : I beg to move—

That at the end of sub-clause (8), the following new paragraph be added—

Money invested by a tiller of soil in a petty mortgage transaction concerning agricultural land.

The motion was lost.

Munshi Hari Lal : I beg to move—

That at the end of sub-clause (8), the following new paragraph be added—

A loan advanced before the commencement of the Act but not renewed.

My submission is that this Act has got retrospective effect. It will cover those loans that were advanced before the commencement of this Act. My contention is that loans advanced before the commencement of this measure should not be brought within its purview. I may point out that according to my amendment loans advanced before the commencement of this measure but which are renewed after its commencement may be brought within the ambit of this measure. But, if they are not so renewed, then this provision should not cover such transactions.

Mr. Speaker : Clause under consideration, amendment moved—

That at the end of sub-clause (8), the following new paragraph be added—

A loan advanced before the commencement of the Act but not renewed.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General Rural): This amendment wishes to prevent wholesale retrospective effect which the present measure proposes to give. If this amendment is accepted it would enable those persons who do not wish to carry on the business of money-lending any longer to retire, if I may say so, with honour. One effect of the present legislation, whatever else it might do, will certainly be to reduce the number of persons who would carry on this profession because the penalties and the disabilities which this measure imposes would certainly induce many money-lenders to give up this profession and to take to another. This amendment, if accepted, will not in any way interfere with the main purpose of the legislation. The money-lenders who wish to carry on their business in future will have to get themselves registered and will have to get a licence and will be liable for any breach of conditions of the licence. The persons to whom this amendment is specifically restricted are those who do not advance any loans to new or even old customers after the commencement of this Act. This amendment is really intended to exclude those persons from the necessity of registration who wish to close their business definitely.

It appears that appetite grows by what it feeds on. The Honourable Sir Chhotu Ram when he brought forward a Bill which subsequently became the Debtors Protection Act, did not provide for its retrospective effect. I place before you the actual section in the Act. It runs as follows:—

No claim for the recovery of debt advanced after the date on which the provisions of this Act in regard to the licensing of money lenders came into force shall be entertained by any court.

Thus that Act was definitely restricted to loans advanced after it came into force. Yet, in this Bill no provision is made to exempt transactions

[R. B. Mr. Mukand Lal Puri.]

prior to its coming into force. This amendment, if accepted, will only reproduce the provision which has been made by the Honourable Sir Chhotu Ram in his Bill of 1935. I, therefore, commend it for the consideration of the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan): This very suggestion was made by Lala Sita Ram in his opening speech on this Bill and it was my privilege at that time to point out that it was not acceptable, for, if that suggestion was to be accepted we might as well not proceed with the Bill at all. You are aware that the present debt is approximately 135 crores in the province. If this is excluded from the purview of this Bill, I do not see any reason why the valuable time of this House and public money should be wasted in discussing a measure which would be only of academic interest. If all the past transactions are to be excluded, we might as well put a lighted match to this Bill and go home. (*Dr. Sir Gokul Chand Narang*: A very good thing.) My honourable friend Mr. Puri, tried to argue that because another Bill sponsored by my friend, Sir Chhotu Ram, did not contain a provision for retrospective effect, therefore, we should amend this Bill also in the same way. We have discussed the question of giving retrospective effect to certain of the provisions of this Bill both in the select committee and outside in the lobbies and I have already given an assurance to my friends that wherever it is possible to meet them I have already met them either in the select committee or by giving notice of amendments which should cover practically any irregularities or any offence against this Act or other Acts prior to the commencement of this Act. I am prepared to go thus far and no farther. If Sir Chhotu Ram's Act did not contain a sufficiently strong provision in this respect, I can only say that it was a matter of compromise with all the disadvantages and disabilities attached to all compromises in whatever sphere they may be, and I believe that Act also was a compromise in the old Legislative Council, because he had to carry with him the various sections of the House and naturally with a view to avoid resistance and even the risk of his Bill being shelved or thrown out, he had to accept certain compromise which he would not have accepted if he had been his own master at that time. So, I do not think that that argument holds water and therefore I hope that the House will not accept this amendment.

Mr. Speaker: Question is—

That the following paragraph be added at the end of sub-clause (8) :—

A loan advanced before the commencement of the Act, but not renewed.

The motion was lost.

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

That at the end of sub-clause (8) the following be added :—

(*omit*) A loan by persons *bona fide* carrying on any business not having for its primary object the lending of money in the course of which and for the purposes whereof they lend money.

This exception you will be pleased to observe is taken from the English Money-lenders Act and for reference I may quote Volume XXI of Halsbury's Laws of England, page 45, paragraph 84. As I have submitted, this is not an amendment which in any way defeats the main purpose of the

Bill, because it is not intended to affect any transaction between the agriculturists and the money-lenders, nor does it in any way affect the main principle of licensing and registering of money-lenders who live even in urban areas. This is really intended to protect, as you would find, the trader and if it is a necessary provision in the English Money-lenders Act, I think you would agree that the same amount of protection might be afforded in this country also. A milkman, for instance, or a halwai, who has to get milk from persons who own cows or buffaloes or goats, has, in the course of his business, to advance money to those people. A butcher who wants to see that the supply of meat is made to him at regular intervals has to make advances to certain persons who supply animals to him at regular periods. Numerous other trades could be enumerated where in the course of the business it is necessary that advances should be made by that person to his constituents. Of course if he lends money to other than his actual constituents, it would be money-lending and he will have to register. Therefore, what I am suggesting is an exemption in the interests of *bona fide* traders. Do you expect a butcher or a halwai who is *ex-hypothesi* to make such advances and who cannot carry on his business without such advances to take a licence for lending the money? Should he necessarily be compelled to register? As I have submitted, what I am anxious for is not to protect in any way dishonest money-lenders, or even any money-lender. What I am really anxious for is that unnecessary and irksome restrictions should not be created which would prevent the small and petty trader, who already ekes out only a miserable existence, from having a profitable occupation for himself on which he feeds himself and his family. If you do not create exceptions of this kind, no butcher would be able to advance money, no milk-man would be able to advance money, no hosier who is carrying on hosiery factory, say at Ludhiana, would be able to advance money or material for manufacture of socks to men working in villages without registration and licensing. No seller of sewing machines or other articles, on credit and on instalment system where interest is charged on unpaid instalments, would be able to carry on his business without registration. Therefore in the interest of the small and petty traders and in the interest of trade I request that this exception be incorporated along with other exceptions which Government has itself incorporated. Further, no reason has been given for departing from the English statute, which embodies the ripe experience and expert knowledge of the mother of Parliaments. If you do not even accept such amendments, your object does not seem to be the regulation of money-lending but, to create difficulties for the legitimate business of a class whom some members of the Government are fond of denouncing in season and out of season.

Mr. Speaker : Clause under consideration, amendment moved—

At the end of sub-clause (6), the following be added :—

(viii) A loan by persons *bona fide* carrying on any business not having for its primary object the lending of money in the course of which and for the purpose whereof they lend money.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : We have already discussed this question of providing facilities to businessmen thread-bare while discussing several other amendments, but my honourable friend has again repeated that argument that agriculturists will not be affected

[Premier.]

I have told him and my honourable friends several times that this Bill has nothing to do with agriculturists and non-agriculturists. It is a measure which is applicable universally to every one concerned. He has referred to the English Money-lenders Act. You will see that the English Money-lenders Act contains that clause, but it does not contain the exceptions which we have already provided in this very clause of the Bill. We have excluded loans by a trader to a trader, negotiable instruments, loans advanced on the basis of negotiable instruments as defined in the Negotiable Instruments Act, loans according to trade usages, and so on and so forth. We have made all these exceptions. He has given the instance of a butcher. He says, what would happen if a butcher gives an advance to an Ode who provides goats to him? I personally am not sure whether they will come within the purview of this Act, but if they do, it is not clear to me why they should not take out a licence if they want to do their business. But I am almost certain that these cases will not be affected by this Bill. They would be at perfect liberty to lend money, because they are not carrying on the business of money-lending. My honourable friends will say, how would you decide whether they are carrying on the business of money-lending or not? There would be test cases in the courts and perhaps several of them and the courts will have to decide whether they are instances of loans as defined in this Act and if it is in substance a loan it will come within the purview of the Act. If the courts decide that this is in substance not a loan covered by this Act, then they will be able to do so. As a matter of fact I myself pointed out in the select committee that we do not want to bring within the purview of this Act men for instance like my tailor. I go to my tailor and I say that I want a suitable cloth to be made into a garment for me. The tailor makes the suit and sends it to me and sends a bill and I pay it after a month or two months or even six months, and if he advances money to me on credit, do you want to penalize or in any way pillory the tailor? No, certainly not. I have satisfied that it will not be covered by any of the provisions of this Act and the tailor will be immune from this Act.

Rai Bahadur Mr. Mukand Lal Puri : But if he charges interest?

Premier : Then it is possible that he might be affected provided he carries on the business of money-lending.

Lala Bhim Sen Sachar : He might have so many customers.

Premier : It must come under the definition of loan as defined here and he must be carrying on the business of money-lending and not of a shop-keeper. If therefore there are any such cases, our courts are there and my honourable friend knows that they will have to be adjudicated upon and I am almost certain that their decision would be, as I have told you, that these people will not be in any way embarrassed under this Bill. I beg to oppose the amendment.

Munshi Hari Lal (South-Western Towns, General, Urban) : I submit that the amendment moved by Rai Bahadur Mr. Mukand Lal Puri has a bearing on clause 9. I submit that in the absence of precise definition of 'carrying on business of advancing loans,' the case of persons who carry on their business on credit is very risky. It leaves everybody at the mercy

of the court. A milk-man supplies milk to many persons. He does not take money in cash every day. At the end of the month, he takes money from his customers with interest. Is that milk-seller a money-lender? Is this the meaning of 'carrying on business of advancing loans'? Similar is the case of brick-sellers. There may be vegetable sellers and others also, even motor-car sellers 'carrying on the business of advancing loans.' Loans have been defined as advances of money which carry interest with a few exceptions. There are persons who are in the habit of selling their goods to their customers on credit, they may be vegetable-sellers or milk-men, and who do not realise their money every day. They realize the money at the end of the month; what will be their position? Will they be called money-lenders 'carrying on the business of advancing loans' or will they be exempted? 'Carrying on the business of advancing loans' is I submit a very ambiguous term. If they 'carry on the business of advancing loans as a profession,' then they may be called money-lenders, but when they only sell their goods on credit and are placed in such a position that they are creditors of purchasers they should not be considered as money-lenders or persons who "carry on the business of advancing loans." If you will kindly see the English Money-lenders Act you will find that the language there is 'bona fide carrying on any business not having for its primary object the lending of money.' These words 'not having for its primary object the lending of money' saves the person from the definition of money-lender as given in that Act. Though the definition of the word money-lender as given in the English Money-lenders Act is so exhaustive that it leaves no loop-hole, yet the commentators and rules say that the question who is a money-lender is a question of fact and is not a question of law. I submit that in the Punjab where many difficulties are bound to arise, only such persons should be considered as money-lenders who carry on the business of money-lending as a profession. I want that there should

S.P.M. be an addition of the words "as a profession" so that it may be clear to everybody that a person whose profession is to lend money and to advance loans is a money-lender and not any other person. With these words I support the amendment.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) (*Punjab*): Sir, as I have already stated on more than one occasion that the amendment moved is very important. I think many of the honourable members will agree with me that it is very difficult to define exactly the word *salakar* and I will not be exaggerating if I say that to define this word is as difficult as it is difficult to hold wind or water in a net. Therefore every effort should be made to define this word in a manner that no room is left for doubt in its application. If it had been possible to define this word as we can define a right angle, a triangle, a square or a circle, then the case would have been different and there would have been no difficulty in coming to a settlement about this point. But, as it is, the question defies all attempts at its solution. I am aware that the Honourable Premier was pleased to say that the matter was very simple and that the speech that he made was as easy to follow as it is easy to understand that two and two make four. But I wonder why we, who have all our lives been dealing with very intricate problems of mathematics, should have taken that two

[Dr. Sir Gokul Chand Narang.]

and two make five or three. But this is only by the way. What I want to impress on the House is that it being very difficult to exactly define the word 'money-lender' it is very necessary that some qualifying words should be added in this clause in order to make the matter as clear as possible. It has been said that the definition of this word should be left to the courts which after two or three such cases coming up before them will be able to come to a definite conclusion about this matter. It is really a very funny argument. Does the Honourable Premier mean thereby that some of the traders and money-lenders should meet at a place and decide among themselves which of the two or three cases should be taken to a court to obtain a pronouncement as to the definition of money-lender? Does he think that any one of them will be prepared to take the risk and if any of them does agree to take that risk, who will compensate him for the loss that he must suffer? That person who becomes the target of the experiment will certainly be ruined and for no fault of his but because the legislators here in a very light mood left the thing vague to be decided by the courts. I am here reminded of a nurse who asked one of her neighbours how to judge, when giving bath to a child, whether the water was too cold or too hot. The reply given by that neighbour was as funny as this argument advanced by the sponsors of this Bill. She said to the nurse "if on lowering the child in the tub of water you find that the child has turned all blue, you should understand that the water is as cold as ice but if the body of the child becomes red take it that the water is hot." This is exactly the reply given by the Government benches to our objections to this matter. I really fail to understand why this decision should be left to the courts. Why is it that we, while sitting here, should not try to remove all defects in the Bill? Why should we behave like that foolish person who says, "let me have this building constructed and taken up to the second and third story even if the foundation is very weak; I shall make the foundation strong and fill it with lime and concrete only after I see that the building so constructed has fallen or is about to fall."?

This word money-lender and its definition, I need not remind the Government and the House, is the rock foundation of the whole structure of this Bill and it will certainly be very dangerous to leave it to the courts of sub-judges, particularly in the *mufassil* where men like Rai Bahadur Mukand Lal and Malik Barkat Ali will not be available to argue such cases and to put before such courts all the material to enable them to come to a correct decision on the point. Need I also say that judgment given by a sub-judge at Gurgaon is not binding on the sub-judge at Dera Ghazi Khan and in fact any other sub-judge unless of course the matter is brought to the High Court in appeal and the High Court confirms that judgment? It is, therefore, very likely that different sub-judges will interpret the word 'money-lender' differently to the detriment of the *sahukars* concerned. Under the circumstances it is only fair that we should all join to make this point clear here and leave no room for doubt in it. I wonder why my friend Mir Maqbool Mahmood does not now get up and say that this point certainly requires clarification when on another amendment moved by me he waxed so eloquent and pressed that the matter must be made clear now and at once although that matter was not so important as the one under

discussion. I fail to see what harm will come to the Bill and which of its principles will be adversely affected if the amendment moved is accepted and if the words 'as a profession' are added to the definition of the word 'money-lender.' I would like the Government to explain where the defect lies in the amendment that has been moved and that is now under consideration.

Parliamentary Secretary (Mir Maqbool Mahmood) (Urdu): Sir, it appears that my honourable friends Dr. Narang and others who have moved and supported this amendment are labouring under some misunderstanding with regard to the definition of the word 'money-lender.' I think it will be admitted that it is for the first time in the Punjab that it is being urged that the words 'as a profession' be added in the definition of money-lender. I know as well as other honourable members of the House know that no such necessity arose when in 1930 the Regulation of Accounts Bill was passed and when on another occasion in 1935 the Debtors Relief Bill was enacted and we had to define the creditor or the money-lender. These Acts have worked quite well just as the English Registration of Money-Lenders Act has worked during the last 38 years without the addition of the proposed words in the definition of the word 'money-lender.' And as has already been said the operative portion of this definition has been taken word for word from that English Act which was passed in 1900 and which, as I have said already, has been working quite satisfactorily. Perhaps it would have been possible for the Government to agree to the addition of the words proposed in the definition if the conditions here in the Punjab had not been what they are. Luckily or unluckily there are very few persons in this province who exclusively do money-lending and the number of such money-lenders is very large. In fact most of the money-lenders do this business in addition to so many other things. Besides lending money they are shopkeepers, they deal in cloth and buy and sell goats and sheep and carry on various other subsidiary professions. In the circumstances it will amount to striking at the root of the Bill if the amendment proposed were accepted.

Sir, now I would draw the attention of my honourable friends, through you, to a sentence in Halsbury's Laws of England. Here we find in the commentary on the words "carrying on business" the same words which are to be found in the Bill which is now under our consideration. It states that the word 'money-lenders' shall apply only to those persons whose business of money-lending has a system or continuity. The factor of continuity alone guides the law courts in the matter of determining whether a particular lender is a money-lender for the purpose of the law. Munshi Hari Lal has said that the English Law on the subject makes an exemption in the case of all traders. It is not so. There the exemption has been made only in a restricted number of cases, and that too under special circumstances. We, in our legislation, have made a better, a more liberal provision for the trading classes. In the English law the continuity of transactions is the determining factor. The words "as a profession" do not occur there and if we have put in the word "profession", the courts will have to decide whether a person is lending money by way of profession or not. This is bound to lead to a lot of misunderstanding and confusion.

Mr. Speaker : The question is—

That at the end of sub-clause (8) the following be added :—

(iii) A loan by persons *bona fide* carrying on any business not having for its primary object the lending of money in the course of which and for the purposes whereof they lend money.

The motion was lost.

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

Munshi Hari Lal : Sir, I beg to move—

That in sub-clause (9), line 3, between the words "business" and "of" the words "as a profession" be inserted.

The motion was lost.

Raj Bahadur Mr. Mukand Lal Puri : I beg to move—

That in sub-clause (9), line 4, between the words "Act" and "and" the words "in the Punjab" be inserted.

If you turn to the clause it would read as follows :—

Money-lender means a person, including a firm who carries on the business of advancing loans as defined in this Act in the Punjab....

The idea of the Act is to insist on registration and licensing of money-lenders who carry on the business in this province and not elsewhere.

Mr. Deputy Speaker : The question is—

That in sub-clause (9), line 4, between the words "Act" and "and" the words "in the Punjab" be inserted.

The motion was lost.

Munshi Hari Lal (South Western Towns General, Urban) : I beg to move.—

That in proviso (a) of sub-clause (9), line 4, the word "licensed" be omitted.

The proviso will then read as follows :—

Provided that nothing in this definition shall apply to—

(a) a person who is the legal representative or successor-in-interest by inheritance of the estate of a deceased money-lender together with all his right and liabilities.....

Now, sir, I want that the word 'licensed' be deleted here. Its retention should not be insisted upon. There appears to be a misapprehension. The principle appears to have been acknowledged and admitted. If a money-lender dies, and his legal representative and successor-in-interest does not want to carry on the business of money-lending, he should not be obliged to be registered and licensed. Supposing a money-lender dies, his son is in public service and does not want to carry on the business of money lending and wants to wind up, why should he get himself registered and licensed? The principle appears to have been admitted in the select committee but restrictions have been laid down and it is only the licensee's legal representative who is exempted. The licensed money-lender will come into existence after this Act. What will be the fate of the legal representative of the money-lender who dies unlicensed before the commencement of the Act or after? Supposing before the commencement of this Act, a money-lender, whose profession or business was lending money, has died and his son is in public service and he does not want to carry on this business,

Would he be exempted from registration and licence or not, though he may be fulfilling all the conditions—he only winds up the estate of his father or of his predecessor-in-interest, realises outstanding loans and does not renew any existing loan nor advances any fresh loan? Supposing, there is a money-lender who dies before the commencement of this Act and his successor-in-interest or his legal representative wants to close the business of money-lending for one reason or another, should that person apply to the Collector for being registered and licensed in order to recover the loans of his predecessor-in-interest, that is, of his father? When they are exempting the legal representative of a deceased licensed money-lender why should not they, on the same principle and on the same lines, exempt the legal representative of an unlicensed and unregistered money-lender, who dies before the commencement of this Act or after and whose successors-in-interest or the legal representatives are not at all carrying on any business of money-lending? They are only 'winding up the estate of their predecessors-in-interest and they are only realising outstanding loans'. The principle is clear from this proviso but it is only limited to the legal representative of a deceased licensed money-lender. I submit that if the word 'licensed' is deleted, then the legal representative of a money-lender, who does not want to carry on the business of his predecessor-in-interest in any respect will be exempted and will enjoy the benefits of the exemption.

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

In proviso (a) of sub-clause (9), line 4, the word "licensed" be omitted.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I am afraid, here again, my honourable friend opposite has been working under some misunderstanding. He will find that the Act is intended to deal with the case of a person who was a money-lender and who having failed to get himself licensed dies; in other words, it deals with a money-lender, who should have been licensed when the Act has come into operation, but does not get himself licensed and dies. Can he, by the accident of his death, pass a better title to his successors than he would himself have enjoyed? It seems to me that if the word "licensed" be deleted a person who is an unlicensed money-lender and dies, will pass a better title to the persons succeeding him than he could have enjoyed if he had been alive.

As regards the second point, I think, my honourable friend might have been absent when the Honourable Leader of the House made a statement that he proposed to accept the amendment that only those omissions on the part of money-lenders will be penalised under this Bill, which take place after this Act comes into operation. That being the position, no legal representative of a money-lender who may have died, before the commencement of this Act, would in any way suffer. But if the Honourable Member opposite has something else in view let him make out a case. We have an open mind.

Munshi Hari Lal : Sir, I have not been able to follow the argument of my learned friend opposite when he said that we ought to depend upon the statement that has been made by the Honourable Premier. This is a settled rule of interpretation in courts that the proceedings of the Legislative

[Munshi Hari Lal]

Assembly are not at all looked into for construing the law. I would be, I think, within my rights if I say that our statements and proceedings are thrown into the waste-paper basket by the courts. They have to look to the wording of the Act and nothing else. Therefore, I would ask the Government to think twice before they hand over this Bill to the outside world. We should be consistent with our principle. What does it mean? A person, who is the legal representative or successor-in-interest by inheritance of the estate of a deceased licensed money-lender, is not to be licensed; then why should the legal representative of any unlicensed and unregistered money-lender, who has died before the commencement of this Act or after, get himself registered and licensed? I have given a concrete instance for the satisfaction of the House.

Now, as to the statement made by the Honourable Premier, I would submit, that it may be respected and it may have some effect in the Assembly and I bow down to that statement in this House, but outside the walls of this Assembly Chamber, I think, the statement made by the Honourable Premier, has got absolutely no value. This is what the law unfortunately says. It is an irony of law. It has been so laid down by the Privy Council and it is followed by every court. It is not my construction. It is the construction of the law as laid down by the Privy Council.

I would again submit that when you recognise the legal representative of a licensed money-lender, who does 'not carry on the business of his father' and when he is exempted from being registered or licensed, why should not the legal representative of an unlicensed money-lender, who dies before the commencement of this Act, be exempted when the question of licensing does not even arise? The question of licensing arises after the commencement of the Act and a money-lender does not get himself licensed. My honourable friend may be in order to say that the money-lender evaded the provisions of the law and committed a sin and therefore, his legal representative also should sink in the same sin. If before the commencement of this Act any money lender dies should his legal representative, after the commencement of this Act, be considered as a 'money-lender' within the definition of this Act or not? Should he be required to produce a licence or not in suits lodged after the inauguration of the Act? The amendment which I have proposed is the most innocent amendment and it is quite consistent with the principle which they have laid down in this law.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I have great sympathy with my honourable friend opposite. He has taken a case which may never happen. I am afraid that he did not follow or understand what my honourable friend, Mir Maqbool Mahmood, said. He did not mean that you should go on my words. It is not going to help you in a law court later on if there is any suit or case with regard to any transaction under this Bill. What Mir Maqbool Mahmood meant was that we are moving an amendment with a view to avoid any retrospective effect and disability to the money-lender. Therefore, my honourable friend's amendment would be out of order and I think that it would serve no useful purpose and that it would be only of academic interest. It is probably intended to affect the successor of a money-lender if he dies now or

to-morrow, because irregularities, which would be responsible for such restriction will only come into operation, if he commits them, after the commencement of this Act. Since the money-lender would be dead before the Act comes into force, naturally he would not be liable to any disability. That was what he meant. However, I do not think that my honourable friend's misgivings are well-founded, because I quite agree with him that it would be a good thing if we could make an exception with regard to that particular money-lender, but it would not help him or his successors. It would certainly improve the language, but it would be difficult to dovetail it without leaving a loophole for licensed money-lenders. In view of the fact that we are moving amendments to clauses 6 and 9, I do not think it is necessary for me to elaborate the point any more.

Dr. Gopi Chand Bhargava : Will the Honourable Premier please make one point clear? Suppose a man is carrying on money-lending business to-day, but he does not want to carry on that business after the commencement of this Act. Shall he be entitled to file suits for his past transactions without obtaining a licence?

Premier : He will certainly require a licence.

Dr. Gopi Chand Bhargava : Therefore, under this section, if that person dies his successor cannot be exempted from this clause even though he does not want to carry on the business after the commencement of this Act.

Premier : But where is the hardship? He may get a licence for filing suits for recovery of past loans, but he need not renew the licence after he has closed his business.

Dr. Gopi Chand Bhargava : I am sorry I have not been understood. I shall put my difficulty in this way. Suppose A who has been doing money-lending business dies before the commencement of this Act and his son wants to recover the loans advanced by his father. Also suppose that the son happens to be a Government servant and as such cannot take to any other trade. How can he recover the money advanced by his father, unless he is exempted from the operation of this clause?

Premier : May I suggest that this amendment may be left for vote at a later stage, because I want to further consider the point raised by my honourable friend.

(The further consideration of the amendment was accordingly postponed.)

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I beg to move—

That proviso (a) (ii) of sub-clause (9) be deleted.

Proviso (a) (ii) relates to realisation of outstanding loans. I think it is absolutely unnecessary and redundant and may create complications. The exemption is granted to a person who is the—

Legal representatives or successor-in-interest by inheritance of the estate of a deceased licensed money-lender together with all his rights and liabilities provided that each person only—

(i) Winding up the estate of such money-lender and (ii) realises outstanding loans.

Supposing he does not realise outstanding loans. These words can at best mean 'attempts to realise loans'. What else can they mean? Looked

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at from every point of view, the whole thing seems superfluous and redundant and I think that this proviso may be omitted. It simply looks ridiculous to have a redundant clause in a statute.

Mr. Deputy Speaker : The question is—
That proviso (a) (ii) of sub-clause (9) be deleted.

The motion was lost.

Munshi Hari Lal : (South Western Towns, General, Urban) I move the following amendment :—

That in clause 2 (9) (a) (iii) between the words "loan" and "nor" add the following—

Except those loans the limitation of which expires within three months of the death of the money-lender and renews them without interest.

I will explain my amendment. Supposing a man dies to-day. His son steps in and inherits the property. There are loans to which he cannot attend all at once and they may be loans which may get time-barred on the following day. He cannot go into the court and sue the debtors for the recovery of those loans. But it is just possible that he may secure an acknowledgment from the debtors with regard to those loans. I want to give time to him to wind up his estate, to wind up his business and to get into touch with the debtors and I give him only three months. If the limitation of any loan expires within three months, instead of his going into the court and suing for the recovery of those loans, he may be empowered to get them renewed or to get them acknowledged from the debtors but without interest. Only I want to give him time so that if any loan expires within the period of three months after the death of his predecessor-in-interest, he may have the power to get them renewed, as immediately after the death of his father or predecessor-in-interest he may have to attend to the funeral ceremonies and cannot at once go to the court to sue for the recovery of the loan. According to the clause as it stands he cannot renew any loan. But I want to put him in a position to renew those loans the limitation of which expires within three months of the death of the money-lender.

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

That in clause 2 (9) (a) (iii) between the words "loan" and "nor" add the following :—

Except those loans the limitation of which expires within three months of the death of the money-lender and renews them without interest.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I am afraid I have not been able quite to catch the point of my honourable friend opposite. What he said was that if the money-lender dies, his son is to look after his funeral ceremonies and therefore the period of limitation might expire. It is necessary therefore that we should give him a little latitude for about three months provided he gets this loan renewed without interest. I believe there are money-lenders now and they do die and if they die even now, what do their sons do ?

Diwan Bahadar Raja Narendra Nath : More will die hereafter.

Premier : Money-lenders are also human beings and what do their sons do when they die under the present conditions ?

Munshi Hari Lal : They can get their loans renewed.

Premier : If he puts down that he must renew within three months he is encouraging people not to renew. If the money-lender has got to get a licence within three months and the debtor says I am not prepared to renew this loan you have got to go to the court of law. This is the position. Why do you want to encourage him not to renew? If he knows that he does not renew and very likely he would refuse to renew, then you only force him to get easier terms from him. I am afraid that I cannot possibly accept this amendment.

Dr. Gopi Chand Bhargava (Lahore, General, Urban) : I want to explain this thing. We are making exceptions to the rule. There is a rule that such and such legal heir of a licensed deceased money-lender shall be exempted from taking a licence and shall be entitled to sue in a court of law provided that he winds up his business and he realises only the outstanding loans and does not renew any existing loan nor does he advance any fresh loan. On the death of his father money-lender, the man must be engaged in ceremonies which are necessary after the death of the father or the relation from whom he inherits these loans. He does not want to carry on this business any further, but when he approaches the debtor, he says, please give me some more time. In this case he will be bound to go to the court of law. Now if he renews it he becomes a money-lender, because that is a loan and it comes under the definition of a loan and he cannot be exempted because he renewed that loan. We say that if there is a loan the limitation of which shall expire within three months of the death of the father money-lender and if the son approaches the debtor and says, if you cannot pay I do not want to go to the court and I want to settle it outside the court, you simply renew the loan, then it should not be necessary for him to take out a licence. Particularly when he says that it will not carry any interest it should not be considered a loan, for it is only a renewal of the existing loan. Therefore we want exemption of this particular kind of transaction.

Diwan Bahadur Raja Narendra Nath : His only remedy is to file a suit immediately.

Mr. Deputy Speaker : Question is—

That in clause 2 (9) (a) (iii) between the words "loan" and "nor" add the following:—

Except those loans the limitation of which expires within three months of the death of the money-lender and renews them without interest.

The motion was lost.

Premier : Sir, I am prepared to accept the previous amendment of Munshi Hari Lal to delete the word "licensed" in part (a) of the proviso.

Mr. Deputy Speaker : Question is—

That in proviso (a) of sub-clause (9), line 4, the word "licensed" be omitted.

The motion was carried.

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

That in sub-clause (9) (b), line 2, between the words "loan" and "to" the words "or decree" be inserted.

Exemption has already been granted in the case of a *bona fide* assignment by a money-lender of a single loan. If you will be pleased to look to

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the definition of a money-lender, it includes a legal representative and successor-in interest whether by inheritance, assignment or otherwise of the person who advanced the loan. In the case of assignment there is an exception made in sub-clause (b) in favour of a *bona fide* assignment by a money-lender of a single loan. I submit if a money-lender assigns a single decree to a person, the assignee should also enjoy the same privilege as in the case of a single loan. In the case of assignment of a single loan by a money-lender, the assignee is not a money-lender and he can however recover that loan without getting himself registered and without obtaining a certificate. Similarly in the case of assignment of a decree by a money-lender to a person, the assignee should also be exempt from obtaining a certificate. As it is, in the case of the execution of his decree, a person has to get himself registered and secure a licence before he can go into the court of law, I submit that in the case of assignment of a single decree by a money-lender the assignee should not be obliged to get a registration certificate and a licence. It is, for this reason, that I submit that in the case of a *bona fide* assignment

6 P. M. by a money-lender of single loan or a decree to a person other than a person (including his husband or wife as the case may be) the assignee should be exempted in the case of assignment of a decree.

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

That in sub-clause (b) (b), line 2, between the words "loan" and "to" the words "or decree" be inserted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): The Premier would recollect that we brought it to his notice in the select committee that it should be possible for a money-lender to dispose of his assets or at any rate a portion of his assets to the other person in order to meet his own pressing liabilities. After all a money-lender stands as much in need of money on occasions as any other person as he may have to pay the money to his own creditors or may require it for the purpose of his business. He may not have ready cash but may have large assets. His assets consist of the loans which he has advanced to other persons whether those loans exist in the form of pro-notes and *hundis* or whether they have been adjudicated upon by courts and have been transformed into a decree. It was contended by some members of the select committee that supposing a money-lender has committed some undesirable practices and in order to get out of the consequences of those undesirable practices he transfers all his assets to a third person, such a thing should not be permitted. Therefore, the select committee unanimously accepted that it should not be possible for a money-lender to transfer all his assets, but he may transfer a single loan transaction to anybody else that he likes and the person who in good faith purchases that loan, should not be required to get a licence or he should not be required to be registered as a money-lender. You would observe, the words there are are—

A *bona fide* assignment by a money-lender of a single loan to a person other than—

A "single loan" includes either a loan due on a pro-note or a loan which has been adjudicated upon by a court and has been found to be due. Therefore, this word would ordinarily include a decree but Munshi Hari Lal, with a view to place things beyond all doubt, has put forward an amendment

so that the intention of the select committee may be carried out. I would respectfully ask the Honourable Premier, was it his intention that it should be possible for a money-lender to assign a transfer or sell one loan which is due to him on a pro-note but it should not be possible for him to sell a decree which has been passed in his favour? In fact, with respect to a decree greater reasons exist for a transfer than exist in the case of a pro-note. The judgment-debtor may belong to another district and it may not be possible for the decree-holder to go and execute his decree in the other district and, therefore, he might assign it to a person who can easily realise it. There is no principle involved in it. It is merely elucidation of what has been accepted by the select committee and, therefore, the words "or decree" may be added. My own idea is that if this amendment had not been put forward by the honourable member opposite, the court would in the light of common-sense interpret the word 'loan' to include a decree but it is capable of two opinions and it is certainly doubtful after the discussion which has taken place whether the decree would be included in the word 'loan'. Therefore, it is necessary that the words "or decree" be included.

Premier : My friend Mr. Mukand Lal Puri has referred to the proceedings of the select committee. I do not recollect that that was the intention of the select committee. What we decided in the select committee was on his motion when he suggested that supposing, I am quoting him, there was a money-lender who wanted money for his business and he wanted to pass on property mortgaged with him or some other immovable property to somebody else and if you do not exclude him you will be doing hardship because that fellow will not be able to raise money elsewhere definitely and, therefore, his business will suffer. We said, "Very well, we will allow one *bona fide* transaction to each one of those people if those transactions were *bona fide*". That is what we decided but now he wants to bring in the words 'or decree'. After his speech we would have naturally thought that there would be no harm in including the word 'decree' there. He has also said that probably decree is included in a loan. If it were included in a loan, it is no use our trying to discuss that point here but I want to avoid inclusion of the word 'decree' for this reason that a money-lender may get a decree and to avoid the consequences of this Act he can pass on the decree to somebody else.

Rai Bahadur Mr. Mukand Lal Puri : Same with respect to loans.

Premier : With respect to loans he will have probably to give some property or something else to a third party. In the case of a decree it might be merely with a view to evasion of that decree. I, therefore, think that he should not insist on it.

Munshi Hari Lal : I submit that in the case of a decree there will absolutely be no difficulty because the money-lender, before he obtains a decree in the court after the commencement of this Act, will be producing a registration certificate as well as a licence. It is only then that the decree will be granted to him. He wants to assign that decree to another man. I do not understand that there would be any contravention of any principle. Where would the principle be contravened and where would it be evaded? Assignment of a single loan is conceded by the Premier. He says that there is absolutely no harm if a single loan is assigned by a money-lender

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and the assignee can go into the court without being put to the trouble of being registered. He can recover the money on the basis of the assigned loan in the law court. Supposing a money-lender obtains a decree and he assigns that decree to a person, should that assignee in order to get the execution of the decree get himself registered and get a license? I put him the question whether it will be providing any facility or creating hardship in his way?

Premier: My honourable friend has said that after the passing of this Act all decrees could be secured only after a man has got himself registered as a money-lender. There might be decrees outstanding before this Act is passed and those decrees will not be affected. Therefore, my honourable friend is not correct in saying that. (Voices: It affects executions also.) They will be affected and he says that they will not be affected.

Munshi Hari Lal: You may take that case also into consideration.

Mr. Deputy Speaker: The question is—

That in sub-clause (9) (b), line 2, between the words "loan" and "to" the words "or decree" be inserted.

The motion was lost.

Dr. Sir Gokul Chand Narang: I beg to move—

(i) That in proviso (b) to sub-clause (9), line 4, for the word "husband" the word "wife" be substituted.

(ii) That for the word "wife" the word "husband" be substituted.

The motion was carried.

Dr. Sir Gokul Chand Narang: I beg to move—

That in proviso (b) to sub-clause (9), lines 3-4, for the words "a common" the words "the paternal" be substituted.

This is somewhat verbal because I do not think it carries much sense to say who has descended from a common grandfather of the assignor as if one could have many common grandfathers. I believe what they meant is this that the assignment should not be given to a collateral, descendant of the grandfather. What I would substitute for the words 'a common' is 'the paternal' grandfather so that it would read—

... as the case may be who is descended from a paternal grandfather of the assignor.

Premier: What about the maternal grandfather?

Dr. Sir Gokul Chand Narang: Who cares for the maternal grandfather? At least remove the word 'common'.

Premier: That is only a drafting amendment.

Mr. Deputy Speaker: The question is—

That in proviso (b) to sub-clause (9), lines 5-6, for the words "a common" the words "the paternal" be substituted.

The motion was lost.

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

That at the end of the proviso to sub-clause (9), the following be added—

"(c) An unregistered money-lender who winds up his business of money-lending and does not renew any existing loan nor advances any fresh loan after the commencement of this Act, but confines himself to the realisation of the outstanding loans subsisting before the commencement of this Act."

My amendment is simple and needs no explanation. My object in moving this amendment is that those money-lenders who on account of the debtors' mentality prevalent in these days and the day to day legislation in one form or the other in favour of the debtor are already fed up with the profession may get an opportunity to discontinue their business if they so desire. In my opinion such persons should also be given the same facilities which have been given to the legal representatives of the deceased money-lender in proviso (a) of sub-clause (9) of clause 2 on the very same conditions, namely—

- (1) they wind up their business ;
- (2) realise their outstanding loans ;
- (3) do not renew any of their existing loans nor advance any fresh loans.

I hope that the Government would have no hesitation in accepting this amendment as the principle underlying is the same. The only difference between the two is that in the one case a person has died a natural death while in the other a constructive one.

With these words I move my amendment, and hope that the House would kindly lend its appreciation to it and thus give time to the honest money-lender to wind up his business in case he does not want to carry on his business any further under such hard conditions.

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

That at the end of the proviso to sub-clause (9), the following be added :—

"(c) An unregistered money-lender who winds up his business of money-lending and does not renew any existing loan nor advances any fresh loan after the commencement of this Act, but confines himself to the realisation of the outstanding loans subsisting before the commencement of this Act."

Rai Bahadur Mr. Mukand Lal Puri : Sir, the House should form and lay down a clear opinion as to what the object of this legislation is. Is it the object of this legislation to regulate money-lending in future and to register and licence money-lenders or is it also the intention of this legislation to wipe out any old debts? It appears to me that the real intention of the framers of this Bill is not merely to regulate the money-lenders but is an indirect attempt in some cases to wipe out the old debts by getting the licences of some of the money-lenders cancelled. When I was putting forward my point of view with respect to the previous amendment against retrospective application of the Act the Honourable the Premier in reply to my arguments said, "if you are not going to make the Act retrospective you might as well put a match to the whole Bill." Yesterday Mir Magbool Mahmood while discussing the provisions of this Act mentioned the indebtedness of the peasantry of this province and pointed out that several other countries like Bulgaria and others had wiped out the entire debts. Let us therefore make our position clear. Is it the intention to regulate money-lending in future or is this Money-lenders' Act to be used to wipe out debts which have already been advanced and debts with respect to most of which decrees may have already been passed? I most respectfully submit that if the intention of the framers of the Act even remotely is to achieve that

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object then it is one of the most dishonest objects that could possibly be imagined. If you want to wipe out old debts and scale down the debts you ought to do so by a proper legislation. I would like to point out that this House has already taken sufficient measures in that direction with respect to scaling down the debts or with respect to wiping out old debts, i.e., the Relief of Indebtedness Act, the Debtors Protection Act, the Land Alienation Act, and several other amendments of the Civil Procedure Code which have made it impossible to realise any money by execution of decrees. It is not a question of scaling down the debts. The entire unsecured debt of the province has already been wiped out. The difficulties created by the recent legislation in the realisation of debts have resulted in wiping out the entire debt of the statutory agricultural tribes of this province. Let this legislation not be indirectly used with a view to wipe out decrees which have already been passed. Supposing a decree for three lakhs or 20 thousands has already been passed against any person, whether he is a member of the notified agricultural tribe or not, is it the intention of the Government to get the license of the money-lender cancelled and then wipe out the decree? If this is even remotely the intention of this legislation then to say the least it is not honest. This is not the alleged object of the legislation and I don't think, even this Government will admit this, in spite of a lurking hope in the mind of debtor members of this House. Therefore let us get rid of the idea of wiping out the old debts by means of this legislation and let us confine ourselves to evolving the best method and laying down correct provision for regulating the money-lending business only. Look at this amendment. What does it say? It says that a person who does not wish to carry on the business of money-lending should not be registered. Kindly peruse the amendment again. It runs thus :—

"An unregistered money-lender who winds up his business of money-lending and does not renew any existing loan nor advances any fresh loan after the commencement of this Act, but confines himself to the realisation of the outstanding loans subsisting before the commencement of this Act."

What is the idea of registering this man? Do you want to injure him in the advances which have already been made and which may also have already been adjudicated upon by courts and which may exist in the form of decrees? Why do you insist upon registering such a person who does not wish to carry on the business of money-lending? After all when you insist upon registration, you can only ask those persons for registration, who are carrying on at present the business of money-lending and who propose to do so in future. Here is a man who says, "I do not wish to carry on the business of money-lending. I will not advance a single penny in future to any one. No doubt, I have some old loans existing before coming into force of this Act and I will only realise them. I will not advance a single penny even to them. I will not even renew these loans so that the business is wound up expeditiously". Why insist upon registration in this case, if the object is only to regulate money-lending, and to weed out dishonest money-lenders? He is weeding out himself. Why not let him do so? So, I most earnestly commend this amendment to the consideration of this House.

Lala Duni Chand (Ambala and Simla, General, Rural) (Urdu): Sir, I hope that the Honourable Premier believes in the theory of penitence.

That is, if a man commits a sin and sincerely repents having committed that sin at a later stage, he should be pardoned for his sins howsoever serious they may be. If the Premier really believes in this theory that a penitent man should be forgiven, then I put it to him that when a money-lender comes to him and says that, "I am very sorry for having carried on all these years the business of money-lending which you have now declared to be a sin. I hereby undertake to desist from this business and promise that I will never in future indulge or dabble in this trade, but, kindly let me realise my old debts," should I hope that the worthy Premier will kindly accept the penitence of this man?

Khawaja Ghulam Samad : His repentance and the repentance of the honourable members sitting on Opposition benches lies in their accepting this Bill.

Dr. Sir Cokul Chand Narang (West Lahore, Division, General, Rural) : Sir, I think my honourable friend, Lala Duni Chand was too optimistic if he really thought that he would get from the Ministerial benches any opportunity for his friends, the money-lenders, for making even *toba*, assuming that money-lending was a sin. I do not believe that money-lending is a sin, nor do I think that it is necessary to make *toba* or to do *toba* for having been a money-lender. But the question is, does the Government really think that people, who do not want to carry on this legitimate and profitable business after the commencement of this Act, should also be penalised and trouble should be created in the way of realisation of their debts. I think a remark was made by the Honourable Premier that there was an amendment going to be moved probably by one of his supporters to the effect that the Bill would not have retrospective effect. But I have not been able to discover that amendment yet. (*Premier* : I never said so.) I might have misunderstood him, but he did make a remark of some kind to that effect that this Bill would not affect the past debts. (*Premier* : Past delinquencies.) I do not know what he means by past delinquencies, unless he means that if a person has failed to send the copies of his accounts to the debtors before the commencement of this Act, he will not be punished under this Act. If that is what he had in his mind, then it is something. I think there is a provision somewhere in the clauses as they exist at present, if I am not mistaken, with regard to penalties. If you refer to clause 6, you will find this :—

" A licence may be cancelled by the Collector and shall not be renewed for such period as may be specified by him, if after the commencement of this Act, a money-lender—"

does so and so. That provision is already contained in clause 6. I think that is what the Honourable Premier was presuming. I do not know really what the amendment is? When it comes before the House, we shall see. But if that amendment does not make a provision for protecting those money-lenders, who give up the profession of money-lending after the commencement of this Act, I can assure him that that amendment will not satisfy us, because it is only just and fair that if people who have been carrying on the business of money-lending when it was not considered a sin to do so and when there were no provisions like those embodied in this Bill, give up the profession of money-lending after the commencement of this Act, they should not be prevented from realising their dues by compelling them to get

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themselves registered and obtain a licence. My honourable friend Mr. Puri pointed out with reference to the definition of the word "money-lenders" that a money-lender is a person who carries on the business of money-lending. From my point of view perhaps this amendment was unnecessary because it might be expected that courts would not include such a person in the definition of money-lender, whom my honourable friend Lala Sita Ram, by his amendment, wants to protect, because for the present tense no sensible court would read past tense. The words "who carries on the business" would not be read by any court as "who carried on the business." So a sensible, honest and just court would not penalise that kind of person who has been a money-lender, when he goes to the court to realise his past dues. But we know the vagaries of courts quite well. We cannot depend entirely on the good-will and good sense of sub-judges before whom those cases may go. I believe that it is as a precaution against any possible misunderstanding and danger that Lala Sita Ram has moved this amendment. It is always said that the object of this Bill is to weed out the dishonest money-lender and the Honourable Premier is never tired of repeating this expression and my other friends opposite also have been repeating this pet phrase that the object of this Bill is to weed out the dishonest money-lender. If the person weeds himself out, then why put your *khurpa* on him? You can only weed out a thing if it exists. Why do you use your *khurpa* or spade to no purpose? The money-lender says that he is sick of this business and he believes that this money-lending business cannot flourish in the Punjab and so he wants to adopt some other profession. Then, for heaven's sake let him try to get back the money which he has advanced. There seems to be no justification whatsoever for putting obstacles in his way. The learned Premier said that I was growing bitter against him. I may assure him that there is no bitterness in me. But he cannot expect me to bless him for making these laws for us. Unless he wants us to adopt the attitude of those people in poetry who say—

سر در سال سلامت که تو خدیو آزمایی

If you like I shall always repeat it before every amendment I move in this House, but certainly he cannot expect that people would bless him for stopping their business, for closing the avenues of realisation of their just dues and for closing the doors of livelihood at them. Does he expect us to be sweet, complimentary and grateful to him for all these things and does he expect us to present him with addresses as our saviour? Certainly he cannot expect that from the very people whom he wants to strangle. Even his own henchmen have turned against him on account of the laws which he has brought forward in this House, because they are convinced that he is doing an injustice. They have got up and shown some courage in opposing him. I would therefore, say there is no question of bitterness. We are trying to do him service. We want to save him from bad name. We want to prevent him from tarnishing his reputation which he at one time possessed of being just and fair.

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

Dr. Sir Gokul Chand Narang : This is the main part of the motion. Otherwise what is there in the motion? (*Laughter*). Please allow us to

have our full say in the matter. You know the fate of this motion. Let us at least give full vent to our feelings about them. I may assure the Premier that I have no personal animus against him. I do not say that he is not acting honestly. I only say that he is not acting wisely. And it is our duty as members of this House to warn him against the mistake before it is too late. If such an amendment which seeks to exempt a person who does not want to do the business of money-lending, but only wants to be permitted to realise his old outstandings and for that purpose wishes to be exempted from the operation of this clause, is not accepted by Government, what hope is there of getting justice and fairness from these gentlemen?

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, this Bill has been brought forward in order to give effect to the recommendation for regulation of money-lending and registration of money-lenders contained in paragraph 11 of the Report of the Reserve Bank of India (Agricultural Credit Department) made under section 55 (1) of the Reserve Bank of India Act. The honourable mover of the Bill has expressly stated that as the Reserve Bank desires that money-lenders should be registered that is why they are getting them registered. In other words they are acting as the agents of the Reserve Bank inasmuch as they are giving effect to its recommendations. In view of the Report the Reserve Bank sent letters to all the provinces in which it was stated that all the provincial Governments should pass a law in order to regulate money-lending. When we pass an Act with this end in view, it means that all those people who do money-lending will have to carry on their business under the new Act and in quite a new way. Therefore it is but fair that when we compel any money-lender to work in a new way and in accordance with the provisions of a new Act, we should give him opportunity to adapt himself to the new surroundings. Moreover, it is our duty to give him time so that he should decide for himself, whether he would be prepared to carry on his business under the new Act and in a new way or not. If he wishes to carry on his business of money-lending he would adapt himself to the new surroundings and would prepare himself to carry on his business in accordance with the provisions of the new Act. If, however he does not want to carry on his business of renewing existing loans for advancing fresh loans, he would then wind up his business and would try to invest his money in some other business. After all, Sir, we do want that everybody who has some money in his possession or even those who do not possess money, should be able to make their both ends meet. We do not like to reduce anybody to a state of beggary. We do wish that every Punjabi should be able to live decently by doing either mental or manual labour. I, therefore, submit that it is quite fair and proper that when we pass an Act, which is supposed to affect the money-lenders, we should see that if any one is carrying on the business of money-lending previous to the passing of that Act, he should be given opportunity to wind up his old business and to realise his outstanding loans subsisting before the commencement of the Act. In order to explain this point I would like to cite an example. Last year the Insurance Companies Act was passed in the Central Legislative Assembly. Under the provisions of that Act new legislation has been framed for the Insurance Companies. It is provided in this Act that the

[Dr. Gopi Chand Bhargava.]

Insurance Companies shall have to deposit securities with the Government of India. But Sir, the Government of India has given to the Insurance Companies and the Provident Companies probably 2 years of grace to wind up their old business if they do not propose to carry on their business any further, and if they wish to start their business afresh they should do so in accordance with the provisions of the Insurance Companies Act. There is another provision in that Act that if two or four small companies who are unable to pay their securities individually, wish to form one company they can join together and are allowed to carry on their business. If however, these companies wish to close their business they have been given time to wind it up. In the same way we do not like to prevent you from passing this Act, but we desire that after the assent of the Governor has been given to this Act, a period of time should be fixed in which money-lenders should be allowed to wind up their business if they so desire. On the other hand if they desire to carry on their business they should prepare themselves to carry it on in accordance with the provisions of the new Act. Further if two or three money-lenders join hands and wish to start their business they should be also allowed to do so. I submit that this can only be done if after the assent of the Governor has been obtained for the Act, my friends over there declare that this Act will come into force after such and such a date and those who wish to wind up their business should do so within that time. Again, if my friends do not wish to give any time to them for adapting themselves to the new circumstances; they should at least allow those people who do not wish to carry on their business of money-lending to wind up their business without getting the required licence and they should be permitted to institute cases in order to recover their loans advanced before the commencement of the proposed Act and the provision regarding taking out of a licence must not be enforced in their cases. Besides, they may also be allowed to settle other business in connection with their outstanding loans subsisting before the commencement of the Act. True, that all those persons who wish to carry on money-lending shall be required to take out licences and without them they would not be allowed to carry on their business, but the amendment that we wish to move will go a long way in order to solve the difficulties of the money-lenders who do not wish to take to money-lending in future.

It is claimed by my friends opposite that this Bill has been moved with a view to regulate money-lending so that in future if anybody wishes to pursue this profession, he would have to carry on his business in accordance with the provisions of this Bill. They have also remarked that this Bill will purge dishonest money-lenders out of the class of money-lenders and those who will start their business shall have to act in accordance with the provisions of this Act. Moreover, it is urged by my friends opposite that as the dishonest money-lender cannot do his business except by indulging in dishonest dealings and thus paying the penalty, therefore, they are ousting them from the field of money-lending business and they are making rules for the honest money-lenders so that if they think it worthwhile to carry on their business they should do so. As the Honourable Premier has stated, if any money-lender is found guilty by a court.

his licence will be cancelled. But I may submit that it is not fair to punish him on account of a mistake in law. In the end I once again request the Government that a money-lender who does not want to continue his business as a money-lender, should be allowed to wind up his business and I am sure that this will not in any way adversely affect the provisions of the Bill now before the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, this amendment has created a certain amount of discussion and an unnecessary discussion in this House. My honourable friend, Mr. Puri, knew fully well that his case was not strong and like a good advocate what he lacked in reasoning and argument he made up by use of vehemence in language and my honourable friend, Sir Gokul Chand Narang, said, 'it does not matter if it is not relevant but I must have my say in any case.' All the time he knew perfectly well that the arguments put forward by him were not strong. My friend, Mr. Puri, said that if the object of the Government is to wipe off all debts, then why should they not say so; they should say that that is their object and they should not do so dishonestly under the guise of this Money-lenders Registration Act. My honourable friend knows perfectly well that this Bill cannot possibly wipe off the debts. It has got nothing to do with the wiping off of debts. It is intended merely to regulate the business of money-lending in this province and to see that the money-lenders do honest business and regular business in their own interest as well as in the interests of every one concerned. Now, my honourable friends, every one of them, have said it would be a great hardship if people who want to give up the profession of money-lending are not allowed to wind up their business. By all means let them wind up their business. But I am sure only those who would not like to do honest business would like to wind up their business. But an honest money-lender, I am sure, when he reads the provisions of this Act will welcome it, because he will then be on a pedestal higher than what he is now on because of his dishonest colleagues. I have already submitted this. Now what will be the position if this Bill comes into force? Suppose a money-lender has dealings worth about 10 or 15 or even 20 lakhs. My honourable friends say that he winds up the business. If he wants to wind up let him do so. I do not stop him from winding up. He has to bring in a suit within three years. That is the period of limitation. If he can do so within three years, he will have to pay a registration fee of Rs. 5 and a small licence fee. That is all. It is a big bogey to say that he will suffer. That is the only penal clause which this Bill provides. Why should he shirk that? But the real object is not that. The reason at the bottom of it is this. He may be a dishonest money-lender and he may be afraid that during those three years several of his dishonest dealings might come to light in a court of law and he may be debarred from carrying on his profession. That is the real object of this amendment. But if the man were honest, he will have nothing to fear and it would only cost him a registration of Rs. 5 and a renewal fee whatever it may be, a very small amount and I can assure him he can wind up his business within three years and three years is the maximum limit. (*Inter-ruption*). This amendment will allow him to wind up. The winding up of a big business involving 20 or 30 lakhs may take several years or even one or two generations. Then my honourable friend wants to exempt

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those people so that they might commit frauds and malpractices during this period. (Dr. Gopi Chand Bhargava: He is not going to be hauled up for any frauds committed before the commencement of the Act). I entirely agree with the honourable member. Suppose this Act comes into force on the 1st of January, 1939. (Dr. Sir Gokul Chand Narang: I hope not). I hope my honourable friend is hoping against hope. But suppose the Act comes into force on the 1st of January, 1939 and a money-lender wants to wind up his business. He may take 8 years or 5 years or 10 years or 20 years. I say he will not be liable for any acts of omission or commission prior to the commencement of the Act. But during this period of 10 or 20 years he might do some dishonest act. Instead of 1,500 he may make it 15,000, instead of 8 per cent, he may make it 18 per cent, or he might do such other acts which dishonest money-lenders are capable of doing. Does my honourable friend mean to say that if that man goes on committing dishonest acts for all these years he should be immune for that period, while his honest colleague who has got a licence should be put more or less at a discount as compared with that dishonest money-lender? That is an aspect of the question which my honourable friend has not properly understood. Now what has he got to do under this Bill? He has to pay a little fee of Rs. 5 to get himself registered as a money-lender. It would not be a great hardship on him if he is not committing any dishonesty or any fraud. But if he commits a fraud, my honourable friend opposite says he should not be hauled up or he should not be brought under the provisions of this law. That is an aspect of the question which my honourable friend, the Leader of the Opposition, has probably not taken into consideration. Now as a matter of fact, as a result of the amendment which I have suggested to clause 6, to which my honourable friend, Dr. Narang, referred, a money-lender would not only have time between the notification and the actual promulgation of the Act, but he would have a further period of 5 years at least. (An honourable member: How?). It is like this. Now he will not be liable for any omission or commission before this Act. The Act comes into force in 1939. The man applies for licence within six months or whatever the period is. If he commits any fraudulent act say about the end of 1939 or in the beginning of 1940 then the Act does not bar him still to carry on his business with impunity. It is only when a suit is filed in a court of law and that court of law adjudicates that that transaction is fraudulent that he comes under the purview of this Act. And then if the original court holds him guilty, he can go to the appellate court and then eventually to the High Court. (Dr. Sir Gokul Chand Narang: "Which Court.?"?). He must be adjudicated as having done or committed a fraudulent action by a court of law. That is what I mean. So, by the time the case is decided by the High Court it will take 4 or 5 or 6 years. Therefore he would have ample opportunity, in addition to the time which the notification in the gazette will give him, may be 8 or 4 or 6 years, to put his house in order and he will not be touched by this Act during this period. Is that not sufficient? Is that not just? Six years are ample for anybody to put his house in order, but my honourable friends are still pressing that this amendment is harmless and if we accept it, it would be innocuous, but I am afraid it would mean that we would be opening the door for all dishonest

money-lenders to continue their money-lending business for a long period and they can have a very long rope at the expense of their more honest brethren. I therefore am not prepared to accept this amendment.

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

Lala Sita Ram (Trade Union, Labour) (Urdu): Sir, there seems to be some misunderstanding about the amendment I have moved. I wanted to impress that as we are not penalising the transactions entered into before the commencement of the proposed Act, there would be no harm if we exempt also those people from the operation of this Act who intend to wind up the business of money-lending. The Honourable Premier has observed that the money-lenders will have ample time to set their houses in order before the Act applies to them. But Clause (9) only reads like this :

"Nothing in this Act shall apply to suits or applications for execution already pending at the commencement of this Act."

I want to urge that some of the loans advanced by the money-lenders are covered by those about whom suits are instituted and some about which applications are pending. But besides this some more loans remain which do not come under the above category and it is to them that my amendment relates. I would request therefore, that those money-lenders should be exempted who are neither prepared to renew old loans nor are ready to advance new ones but are simply going to close down their business for good. The Honourable Premier has lightly asked, where is the difficulty of getting ourselves registered on payment of five rupees? My reply is that besides the monetary consideration the limit of which would be known only after the rules have been framed, there would be several other considerations which would certainly compel the money-lender to say good bye to his profession if the Bill is allowed to remain in the present form. I personally am of the opinion that if this Bill is passed there will be certainly not much difficulty for the dishonest money-lenders as they can always devise their own methods with the connivance of dishonest borrowers. But the real difficulty will be experienced by the honest money-lenders who will be compelled to close down their business. I now therefore can very well anticipate the object of this Bill. It is this, that the people should bid good bye to this profession. The Government wants to make it clear that if the people want to resort to money-lending even after such a hard measure here are the risks which they must face. And if they are still willing to indulge in their trade of money-lending they will be doing so on their own responsibility.

Premier: The honourable member is merely repeating his own arguments.

Lala Sita Ram: Sir, in the end I would say that in case even that amendment of mine is not accepted the condition of the money-lenders would resemble that of the proverbial adventurer who jumped into the river mistaking a bear for a blanket and then wanted to escape but the "blanket" would not let him escape.

Premier (Urdu): I think I have not succeeded in convincing my honourable friend, Lala Sita Ram, that honest money-lenders will have nothing to complain on account of this Bill. He himself admits that a money-lender will be able to take out the licence easily on payment of a

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sum of five rupees. An honest money-lender will not feel any difficulty if he has to take out a licence. But so far as the dishonest money-lender is concerned, why should we feel perturbed about him? The fact of the matter is that it is only the guilty conscience which feels perturbed and is anxious to commit any number of fraudulent acts till the commencement of the proposed Act. I am, therefore, unable to accept this amendment.

Mr. Speaker : Question is—

That at the end of the proviso to sub-clause (9), the following be added :—

(c) An unregistered money-lender who winds up his business of money-lending and does not renew any existing loan nor advances any fresh loan after the commencement of this Act, but confines himself to the realization of the outstanding loans subsisting before the commencement of this Act.

The motion was lost.

Mr. Speaker : Question is—

That sub-clause (9) of clause 2 as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : Question is—

That sub-clause (10) stand part of the Bill.

The motion was carried.

Dr. Sir Gokul Chand Narang : I move—

That in sub-clause (11), line 13, between the words "sells" and "his", the word "only" be inserted.

One sentence only to explain. The clause as it stands says that assignee includes a person who sells his own agricultural produce or cattle or buys agricultural produce for his own use. A man may be selling his own agricultural produce, he may be selling his own cattle, but that should not give him the benefit. What is intended, I am sure is if he sells only his own agricultural produce and I think my amendment will carry out the object, unless it was intended to discriminate between those persons who may be agriculturist and those who are not—

Premier : What is the force of the word 'only'? The object is clear. It means that he sells his own produce.

Dr. Sir Gokul Chand Narang : The Premier has just asked me to make myself clear. As the clause stands it will not prevent a man from carrying on money-lending while he is selling his own agricultural produce. As the clause stands he can sell his own agricultural produce and also carry on money-lending and give or receive loans, but if the object is to give protection only to that person or exempt that person only who sells only his own produce, etc., then I submit that my amendment should be accepted.

Mr. Speaker : The question is—

That in sub-clause (11), line 13, between the words "sells" and "his", the word "only" be inserted.

The motion was carried.

Mr. Speaker : Question is—

7 P. M.

That sub-clause (11) of clause 2 as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That Clause 2 as amended stand part of the Bill.

The motion was carried.

Clause 3.

Munshi Hari Lal : I move—

That in lines 5—8, the words " or an application.....a loan " be deleted.

My amendment is very simple. They are providing in the Money-lenders Bill that for the execution of a decree when a decree-holder is going to put an application for execution he should attach a certificate of registration and licence. I submit that when a decree-holder has obtained a decree there should be no obstacle between the execution of the decree and the decree-holder. When he has come into the court and sued for his claim, and has got a decree, that decree becomes rule of the court and it is the duty of the court to see that it is properly executed and the decree-holder enjoys the fruits of the decree without any hindrance whatsoever.

Premier : You should go on enjoying the fruits and we should go on providing the fruits.

Munshi Hari Lal : I wish that you had provided so, but the fruits that you are providing are that you are licensing me and registering me as if I am a criminal.

Premier : As a lawyer I hope you were not a criminal when you got the licence.

Munshi Hari Lal : My submission is that for the execution of the decree there should be no necessity of producing a certificate of registration as well as the licence. With these very few words I beg to move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 5—8, the words " or an application.....a loan " be deleted.

Rai Bahadur Mr. Mukand Lal Puri : I wholeheartedly support the amendment which has been moved by Munshi Hari Lal. Once an adjudication has been made by a court, that adjudication should be respected. The relation between the money-lender and his customer, between the creditor and the debtor is at an end and a decree or an order of a court, once it has been passed and upheld on an appeal is the only thing which stands. A decree or order of a court is not a transaction between a money-lender and his debtor.

Shaikh Faiz Muhammad : I invite your attention to amendment No. 63 to clause 2 which was discussed and rejected. I, therefore, doubt of the honourable member is in order.

Munshi Hari Lal : But I do not know if the honourable member is in order.

Rai Bahadur Mr. Mukand Lal Puri : This gives an indication that one of the ideas underlying this legislation is really to get rid of the old debts, otherwise how is the regulation of money-lending in any way improved by imposing restrictions in the execution of old decrees? No fraud can possibly be committed with respect to this realisation by the creditor. He is not allowed to charge a higher rate of interest than that which has been decreed to him. No payment made to him at home can be counted towards the satisfaction of the decree unless it is certified by the court. Therefore, there is no possibility of even the most astute and even the most fraudulent person committing any fraud in that transaction. If you look at the history of legislation on money-lending, you will find that after the money-lending transaction has been transformed into a judgment by the court, those judgments are decrees and are always excluded from any penalty which might be entailed under the money-lending legislation. A great deal has been made of the British Money-lenders Act. Does the British Money-lenders Act place any restrictions on the execution of judgment? The only restriction it places is that a suit for the recovery of money may not be allowed to persons who are not registered but absolutely no restrictions are placed on the execution of decrees. Sir, in this matter of registration of money-lenders, we have got no other precedent except an Act in the Central Provinces which I respectfully submit again, places no restrictions whatsoever on the execution of decrees, and the proposed Bombay Bill is equally silent on the point. Why should we include a thing which appears on the face of it to be outside the purview of money-lending legislation? Once a decree has been passed the decree or order of the court has superseded previous relationship. No court has the right to go behind that decree as to whether that decree arose out of a transaction between the money-lender and the debtor, or between the 'arti' and his principal or on account of breach of contract, it is a decree for the realisation of money. Therefore the inclusion of this does not advance the object of this legislation, and, as I have already submitted, gives support to the accusation which is being levelled by uncharitable critics of the legislation that this legislation is partly intended to wipe out old debts, even those debts which have been transformed into decrees on the off-chance of the creditor's licence being cancelled.

Premier : My honourable friend is worried about those uncharitable critics who say all kinds of things about me and my Government which have brought forward this measure. I am very grateful to him for this small mercy; but I am afraid that he continues to flog a dead horse. What actual hardship do those persons incur under this Act? Either that person is a money-lender or is not a money-lender. If he is not a money-lender this Act does not apply to him and his decree will be quite safe; he can go and lodge a suit. If he is a money-lender then he must possess a certificate of registration and a licence, and if he has got that, what hardship is there in his producing that certificate in a court or a copy of the certificate?

Rai Bahadur Mr. Mukand Lal Puri : The hardship is this that if that licence is cancelled, he not only loses other debts but also his decree.

Premier : Exactly, I was coming to that point. I am glad he has anticipated me. I was going to say that they are again trying to shelter the dishonest money-lender. That is what their object is. If he is an honest money-lender he has got a certificate and a licence, goes to the court and says : here is my decree and licence and certificate, please get it executed. The court will order the execution. If he is not a money-lender he does not require a licence and the court cannot do it. My honourable friend says he might have committed a fraud with regard to another transaction. That is the thing which we want to eliminate : that is our object and I have told my honourable friend that if the moneylender is guilty of dishonest transaction after the commencement of the Act, then and then only he would be liable. The decrees which were passed during the past six years would not be affected. It is only the decrees after the commencement of this Act which might be affected if he has committed any fraudulent act during that period. Having that in view I am afraid it is no use saying that the decrees sanctioned by the High Court would be affected : these are not going to be affected. It is only a deterrent provision against committing fraud after the commencement of this Act with regard to new transactions. That is the position and I do not see what is worrying my honourable friend unless he wants to shield dishonest and fraudulent money-lenders.

Munshi Hari Lal : The Honourable the Premier has proceeded on wrong premises. It is the money-lender whose honesty he wants to ensure. The question is that as soon as a person obtains a decree he loses the character of a money-lender and he does not remain a money-lender, he becomes a decree-holder and a judgment-creditor. I wish the word ' money-lender ' should be altogether removed in the case of a decree-holder. The person who obtains a decree does not retain that status at all. He is not then a money-lender. The question is, should a decree-holder for getting his decree executed get a certificate or a licence or not ? To say that he is not an honest money-lender.....(Interruptions). If the Honourable Premier had allowed me to finish the sentence he would not have felt the necessity of interrupting me. (Premier : I never interrupted you). He says that he is shielding the honest money-lender. He says he is providing for the existence of honest money-lenders. My point is that as soon as a money-lender obtains a decree he does not remain a ' money-lender.' The word ' money-lender ' does not at all apply to him. The question of honesty or dishonesty does not at all arise in such a case when he has only to get his decree executed. Another point is that if after obtaining a decree a judgment-creditor is called dishonest, it is a fling at the court which decided his case and gave him a decree. The court has settled all the points that arose between the defendant and the plaintiff and after deciding all the points the court has given him the decree and that decree, if it is an honestly obtained decree, would make the decree-holder an honest decree-holder and if the decree is not honestly obtained, I leave it to the Premier to say whether it is the fault of the money-lender or the fault of the court that has awarded him the decree.

Mr. Speaker : Question is—

That in lines 5—8, the words " or an application a loan " be deleted.

The motion was lost.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, I beg to move that—

Sub-clause (b) (ii) be deleted.

Sir, I would refer you to clause 3 (a) and (b). It reads as follows—

- “ A suit shall be dismissed unless the money-lender—
- (a) at the time of the institution of the suit or presentation of the application for execution ; or
- (b) at the time of decreeing the suit or deciding the application for execution—
- (i) is registered ; and
- (ii) holds a valid licence, in such form and manner as may be prescribed.”

My amendment is that this sub-clause (b) (ii) should be deleted. I said in my speech proposing the circulation of this measure that licensing of money-lenders, apart from registration, was unnecessary. Why have two things, first registration and then licensing ? Why duplicate the same process ? Why sub-divide the same act into two ? This clause says that a person should be registered as well as licensed. Why not coalesce both these operations into one ? If you think that a particular fee or a higher fee is necessary, then it can be levied at the time of registration. Why insist upon another process of licensing before the money-lender would be entitled to function ? It appears to me to be a pure act of duplication, apart from the merits of the matter, as to why a simple process of registration should be divided into two parts ? First, a money-lender shall apply for registration and after he has applied for registration, he shall be licensed. I am glad to find that in the Act itself the action of registration is automatic. It is not left to the discretion of the Collector to refuse registration. Once a man is registered, then he has again to apply for a licence. Why should it be so ? Why not do both the things at one time ? Again, licensing is also automatic. The Collector has got no power to refuse a licence. Why not combine both these operations into one, for the sake of convenience and avoid the useless waste of time and expense and trouble ? It will be a more feasible and better proposition. Again, Sir, the reason why this licensing should not be insisted upon is—and that is on sentimental grounds—that money-lending should not be treated as a prohibited trade, which requires licensing. We have now got registration of partnerships. A partnership in this country now requires compulsory registration on payment of a fee. No licensing is necessary there. No licensing is insisted upon by the Government of India Act in order to enable a partner to carry on that business. Therefore, I submit that the procedure of licensing should be entirely left out both on the ground of convenience and simplicity.

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

That sub-clause (b) (ii) be deleted.

Premier (The Honourable Major Sir Sikandar Hyat-Khan) : Sir, my honourable friend wanted to press the point as to why have two processes of registration and licensing. I was rather surprised that he has not quoted the English Act, as it was quoted on every occasion, whether it was relevant or irrelevant. (*Rai Bahadur Mr. Mukand Lal Puri* : There is no licensing under the English law). My honourable friend says that there is nothing in it. In the English Act there is not only licensing, but I may say there is

licensing, there is registration and there is also a certificate, a third thing which we have not got here. Why have we provided two things is because registration is a preliminary thing and once you get yourself registered it is not necessary to get yourself registered again, unless your name is removed from the register. But a licence would be an annual thing. That is the difference between registration and licensing. Licence is a periodical thing. You can get yourself registered only once, but you will have to get your licence renewed every year. That is why we have laid down this provision.

Rai Bahadur Mr. Mukand Lal Pari : Sir, I am glad that the Honourable Premier has supplied me another reason for proposing this amendment. I seriously object to the money-lenders being required to renew their licences every year. The business of money-lending necessarily is of a permanent character and with respect to a loan, necessarily 2, 3 or 4 years would be required in recovering it. Therefore, Sir, the system of renewal of licences every year would cause unnecessary hardship and that is also one of my main objections to this licensing because this licensing is going to be used as a method of taxation of money-lenders, which is certainly not the object of this Bill. Therefore, I strongly oppose the licensing of money-lenders as distinguished from registration.

Mr. Speaker : The question is—

The sub-clause (b) (ii) be deleted.

The motion was lost.

Dr. Gopi Chand Bhargava : We have been working ever since 2 P.M. to-day and we have so far worked for 5½ hours. We have never worked so long continuously before. Formerly whenever we had to work for such a length of time we used to have an interval of about an hour in the middle. I would therefore suggest that we should adjourn now. Another point that I wish to draw your attention to is that it is very hard for us to work without a definite programme before us. I would therefore suggest that the further programme of work be fixed.

Mr. Speaker : What has the Honourable Premier to say?

Premier : I am extremely sorry that the question of the hours of working should have been raised now, because we already decided on a previous occasion that instead of meeting at 11 o'clock in the morning and adjourning for one hour for lunch, we should sit in the afternoon so that if anybody had any other work to attend to he may do so in the forenoon. It was also decided that we should sit from 2 to 8 P.M. That answers the first part of my honourable friend's suggestions.

With regard to the programme of work, it is for you to decide in view of the progress we have made whether we should have an off-day to-morrow or not. I suggest that we should sit from day to day to finish our business expeditiously. If my honourable friend wants a holiday to-morrow and the House agrees with him, then we will have to sit on Saturday. I think the House realises its sense of responsibility and duty towards the province and I hope that it will decide to work continuously for a few days more.

Mr. Speaker : The House will not sit to-morrow. It will sit on the 14th and 15th, and, if necessary, on Saturday the 16th.

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

That in sub-clause (b) (ii), lines 1-2, for the word "Commissioner" the words "senior sub-judge or district judge" be substituted.

Mr. Speaker: This question has already been discussed at length and therefore it does not require a long speech to commend it to the House.

Rai Bahadur Mr. Mukand Lal Puri: I have only one argument to advance in support of this amendment and it is this. The Commissioner exercises jurisdiction over several districts and is not always present at headquarters of any district. A person who wishes to get a certificate will find it more convenient to approach the district judge who is usually available in the district or the sub-judge who is invariably in the district, apart from the desirability or undesirability of entrusting this work to judicial officers instead of to revenue officers. On the ground of convenience alone, an officer on the spot is more useful.

Mr. Speaker: Question is—

That in sub-clause (b) (iii), lines 1-2, for the word "Commissioner" the word "senior sub-judge or district judge" be substituted.

The motion was lost.

Munshi Hari Lal (South-Western Towns, General, Urban): I beg to move—

That in sub-clause (b) (iii), lines 1-2, the words 'from a Commissioner' be deleted.

The clause will then stand thus—

"holds a certificate granted under section 11," etc. There is a series of amendments to clause 11. Whatever may be the decision of the House with regard to the question of the 'officer' to grant a certificate under the clause, I submit that it must be left an open question until clause 11 comes up for consideration. Otherwise if we consider the question now, we will be prejudicing the amendments to clause 11. We should not prejudge even now what the attitude of the House will be when the amendments to clause 11 are moved. If we do not omit the words 'from a Commissioner' then we will be barred from moving amendments to clause 11 relating to the 'officer' who can issue certificates, because it will be contended that the House has already agreed in this clause to the grant of certificates by the Commissioner. If these words are now deleted it will then remain an open question for us to discuss under clause 11. We should not therefore tie our hands on this point at this stage.

Mr. Speaker: Amendments to clause 11 no doubt depend upon the decision of this amendment.

I will put the amendment slightly changed, so that it may cover both amendments under consideration. The question is—

That in sub-clause (b) (iii), line 1, the word "Commissioner" be deleted.

The motion was lost.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): I do want to move my amendment. I would like the Advocate-General to kindly read my amendment and also the clause as it stands in the Bill and if he thinks that my amendment is an improvement on that clause, then it may be accepted. But if he thinks that the clause as it stands is sufficiently clear and fair, then I shall have really nothing to say.

My amendment is—

That for the proviso the following be substituted :—

Provided that in such a case the suit or the application shall not be finally disposed of until the application of the money-lender for registration and licence pending before the Collector is finally disposed of.

In order to enable him to judge the effect, I would just like to read out the amendment as well as the clause as it stands. The proviso as it stands reads—

Provided that in such a case, the suit shall not be decreed or the application for execution of a loan granted, unless at the time of such decision, the money-lender is registered and licensed as prescribed.

You will notice that this proviso goes with paragraph (iv) of sub-clause (b) of clause 3. Paragraph (iv) reads as follows—

If he is not already a registered and licensed money-lender, satisfies the court that he has applied to the Collector to be registered and licensed and that such application is pending.

So that the position is this. A person has filed a suit. But at the time of filing the suit he was not a registered money-lender and did not possess a licence. This is permissible because part (b) says 'at the time of decreeing the suit or deciding the application for execution.' It is therefore permissible for a money-lender either to get himself registered and take out a licence at the time he files the suit or to get himself registered and take out a licence at the time the case is ripe for a decree. That being so, another position arises when he applies but has not yet been granted a licence. What is to happen then? The proviso as it stands, with all respect to the gentlemen who drafted it, is very crude and almost unworkable. It says that in such a case the suit shall not be decreed or the application for execution of a loan granted unless something happens. Now what is going to happen? Is he going to dismiss the suit, because the clause says the suit shall not be decreed? Should he dismiss it or should he keep it pending? What is he to do during that interval? In fact it would have been much better to use the word 'until' in place of the word 'unless' because it refers to time and not to a mere condition. Now, if he looks at my amendment he will find it to be very clear and definite. It says that in such a case the suit or the application shall not be finally disposed of until the application of the money-lender for registration and licence pending before the Collector is finally disposed of.

Premier : I am prepared to accept it, but may I suggest one verbal alteration that after the word 'and' and before the word 'licence,' the words 'grant of' be added.

Dr. Sir Gokul Chand Narang : That makes little difference, but I have no objection.

Mr. Speaker : I shall put the amendment as amended by the Honourable Premier. The question is—

That for the proviso the following be substituted :—

Provided that in such a case, the suit or the application shall not be finally disposed of until the application of the money-lender for registration and grant of licence pending before the Collector is finally disposed of.

The motion was carried.

Mr. Speaker : The question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 2 p.m. on Thursday, 14th July, 1938.

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 financial matters. The text notes that without clear documentation, it becomes difficult to track expenses, revenues, and other critical data points.

2. The second section addresses the challenges associated with data management and storage. It highlights the need for secure and scalable solutions to handle large volumes of information. The document suggests that investing in robust IT infrastructure is crucial to ensure that data remains safe and accessible over time. Additionally, it mentions the importance of regular backups and disaster recovery plans to mitigate risks.

3. The third part of the document focuses on the role of technology in streamlining operations. It describes how automation and digital tools can significantly reduce manual errors and improve efficiency. The text provides examples of various software applications used for project management, communication, and data analysis. It also discusses the benefits of cloud-based services, which offer flexibility and ease of access from anywhere.

4. The fourth section discusses the importance of collaboration and communication within an organization. It stresses that effective teamwork is key to achieving common goals and overcoming challenges. The document suggests implementing regular meetings and open communication channels to foster a supportive work environment. It also mentions the value of cross-functional teams in driving innovation and problem-solving.

5. The final part of the document provides a summary of the key points discussed. It reiterates the importance of record-keeping, data security, technological adoption, and collaborative work. The text concludes by encouraging organizations to continuously evaluate and improve their processes to stay competitive in a rapidly changing market.

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 14th July, 1958.

The Assembly met at the Assembly Chamber, Simla, at 2-30 P.M., of the clock. Mr. Speaker in the Chair.

MOTION FOR ADJOURNMENT.

RELEASE OF Ooty BANK RAID CASE PRISONERS.

Lala Deshbandhu Gupta (South-Eastern, Towns, General, Urban) : I beg to move that leave be granted to make a motion that the business of the Assembly be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the obstacles created by the Punjab Government in the release of the prisoners convicted in the Ooty Bank Raid case in Madras.

Premier : May I, before I make any submission, ask my honourable friend opposite as to what is his authority for this motion ?

Lala Deshbandhu Gupta : My authority for the motion is the A. P. I. report of a speech delivered by the Premier of the Madras Government wherein he says—

Premier : I have read that report.

Dr. Sir Gokul Chand Narang : Let us hear that also.

Lala Deshbandhu Gupta : It is as follows :—

At Pandi, the Premier, referring to the release of the Ooty Bank Case prisoners, said :
" Four people, who came from different places, raided the Ooty Bank, thinking that by raiding it they could serve the country. If they had taken money, they would not have distributed it among the people. I want to release them. They do not belong to our province. The Punjab Government state that I should release them on the condition that they would not go over to the Punjab. I am putting it to the Punjab Government that it is not my business. They had the right to keep them off and they might do so. On account of these differences, the release of those prisoners is delayed; but you may expect that they will be out

[L. Deshbandhu Gupta.]

soon. I shall fight for that. I know how to fight. I must decide when to fight and how, considering the responsibility on my shoulders."

I think, Sir, that this needs no comment.

Premier : It does not. Of course my honourable friend can start giving notices of adjournment motions merely on press reports and I might also give notice of an adjournment motion on the strength of what appeared in the *Statesman* with regard to your resignation. That is the substance of such adjournment motions. I would draw your attention to page 193 of *Campion* where it is stated :—

(*) It must not deal with a hypothetical case, or be based on uncorroborated report.

I submit that this is an uncorroborated report and I think that it is doing injustice to my friend the Premier of Madras because I cannot possibly conceive that he can make a statement like that or express himself in these terms. I cannot for a moment concede particularly with regard to my friend, Mr. Rajgopalachari, who we all know is held in great esteem and who is an administrator of great calibre, and acumen, that he can make such a statement. So far as the actual merits of the case are concerned, if my honourable friend wants to know what is the exact position then I might inform him that these prisoners are Madras prisoners and they are in the Punjab jails and we are keeping them as a matter of courtesy here. It is for Madras to release them. We sent some of our prisoners to Bihar and the Bihar Government told us that their health was such that they should be released. We issued orders and they were released and the Bihar Government had nothing to do with them. They were released on our orders. I understand that the Madras Government has ordered their release and if so, they will be released. That is all. I do not think there can be any question of fighting with the Punjab Government or anybody else.

Lala Deshbandhu Gupta : May I ask the Premier to throw light on that part of the report which concerns the Punjab Government whether—

Mr. Speaker : May I know whether those prisoners are in the Madras Presidency or in the Punjab ?

Premier : They are in the Punjab.

Lala Deshbandhu Gupta : They are here as guests, Sir. (*Laughter*). As you will see from the wording of the adjournment motion the object of the motion is to find out and to criticise if it is true, the attitude of the Punjab Government in asking—

Mr. Speaker : I do not know under what circumstances they have been sent to the Punjab, but they are here and must have been sent by the Madras Government. If the Madras Government releases them, how can the Punjab Government detain them ?

Lala Deshbandhu Gupta : That is exactly my grievance.

Mr. Speaker : If the Punjab Government, after orders of their release are passed by the Madras Government, detains them, an adjournment motion might then be moved.

Lala Deshbandhu Gupta : The point at issue is whether or not it is a fact that the Punjab Government has written to the Madras Government that they should not release these prisoners unless they give an undertaking that they will not come back to the Punjab after they are released. The matter can end easily if the Premier throws light on this point and declares that the Punjab Government has not made any such suggestion to the Madras Government. I am only concerned to the extent of finding out as to whether the Punjab Government has or has not made a request of that nature to the Madras Government. If they have, I think that they deserve to be censured by us on the floor of this House. If on the other hand, they have not, then the matter ends there and I would not press for the adjournment motion. I would request, through you, the Premier to say either yes or no ; whether they have or they have not asked the Madras Government to impose those conditions on the prisoners.

Premier : I might inform my honourable friend that we have had no official communication from the Madras Government at all on the subject. There was certain correspondence between the Madras Government and the Government of India —rather the Governor-General who in turn informed the Governor of the Punjab with regard to these prisoners. As a matter of fact a prisoner released in the United Provinces under orders of the Madras Government, was allowed to go on his giving a certain undertaking and it was suggested that a similar undertaking be taken from these prisoners. So far as I am concerned, I told them that I did not attach any importance to the undertaking that a gentleman, who has more or less given his views about violence, gives and that so far as I am concerned it is purely of an academic interest whether an undertaking is taken or not. That is the position of the Punjab Government.

Lala Deshbandhu Gupta : I am sorry the matter has not been made clear. The undertaking referred to is not about giving up non-violence or violence.

Mr. Speaker : The adjournment motion appears to be premature and is, therefore, disallowed.

ACTION TAKEN AGAINST CORRUPT OFFICIALS.

Secretary : A statement showing the action taken against corrupt officials in the Punjab during the period from 1st April, 1937, to 31st March, 1938, is laid on the table.

Statement showing the action taken against corrupt officials in the Punjab during the period from 1st April, 1937, to 31st March, 1938.

Head of Department or office.	Number and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks, if any.
1	2	3	4	5
CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT, IR. RIGATION BRANCH.	One Gauge Reader	Found guilty of bribe taking from Zamindars	Dismissal.	
	One Patwardi	Ditto ditto ..	Do.	
	Ditto ..	Concealment of irrigation ..	Dismissal and proscription from Government service.	
	Ditto ..	Falsification of khatauni and demand slips under Section 167, Indian Penal Code.	Dismissal (and 6 months' imprisonment and a fine of Rs. 100).	
	Ditto ..	Ditto ditto ..	Dismissal (and one year's imprisonment and a fine of Rs. 100).	
	Ditto ..	Concealment of irrigation in Masra 627, Upper Ganges Branch.	Dismissal.	
	Ditto ..	Concealment of irrigation in Masra 168, Rajah Branch.	Do.	

Inspector-General of Police, Provas.	One Foot Constable	For extorting Rs. 10-4-0 from a complainant in a case under Section 147, Indian Penal Code.	Do.	
Superintendent of Police, Keral.	Ditto	For threatening an illegal prosecution.	Do.	
Superintendent of Police, Bhojwary.	Two Head Constables	For having been convicted and sentenced to 6 months' rigorous imprisonment in a case under Section 384, Indian Penal Code (Extortion).	Do.	
Superintendent of Police, Ludhiana.	One Foot Constable	For accepting an illegal gratification.	Do.	
Ditto	Two Foot Constables	For beating and extorting Rs. 15 from a person suspected to have been concerned in a burglary case.	Do.	
Superintendent of Police, Mysore.	One Foot Constable	For extorting a bribe of Rs. 1.	Dismissed and warned that a second offence of this nature would entail dismissal.	A lesser punishment than dismissal was awarded because the charge of extortion though not proved was confessed to by the constable.
Superintendent of Police, Amritsar.	One Assistant Sub-Inspector.	For having been given two successive "B" reports as being a corrupt officer.	Annual increment stopped for 2 years with permanent effect on future increments. He was subsequently invalided from service.	
Ditto	One Sub-Inspector	For incorrigible corruption and inefficiency.	Dismissal.	

Head of Department or office.	Number and designation of officials punished.	Offences.	Nature of punishment awarded.	Remarks if any.
1	2	2	4	5
Inspector-General of Police, Punjab— <i>continued.</i>				
Superintendants of Police, Gurdaspur.	One Sub-Inspector	For general inefficiency and being incorrigibly dishonest.	Dismissed.	
Ditto	One Foot Constable.	Complaint lodged in the Criminal Court under Section 332-161, Indian Penal Code.	Sentenced to 6 months' rigorous imprisonment under Section 337 of 336, Indian Penal Code. The sentence was upheld on appeal by the Sessions Judge.	Will be dismissed if his petition for revision is not accepted by the High Court. He is under suspension.
Superintendent of Police, Gujranwala.	Ditto	For failing to challan a lorry-driver promptly while on traffic duty and subsequently dropping the case after accepting a bribe of Rs. 4.	Dismissed.	
Ditto	Ditto	For detaining in unlawful custody a party of 10 Indian Christians and extorting Rs. 6 while on patrol and taking <i>bandi</i> duty.	Do.	
Superintendents of Police, Lyallpur.	Ditto	For absence and extorting Rs. 8 from 2 villagers.	Do.	

Ditto	One Head Constable	For illegally detaining a person in a breach and extorting Rs. 200 under threat of prosecution.	Do.
Ditto	One Foot Constable	Ditto	Do.
Superintendent of Montgomery.	One Assistant Sub-Inspector.	For preparing false documents and extortion.	Sentenced to nine months' rigorous imprisonment and a fine of Rs. 200 under Section 384, Indian Penal Code (Extortion).
Superintendent of Police, Multan.	One Foot Constable	For beating and torturing halloo cart drivers with the intention of extorting money.	Dismissal.
Superintendent of Police, Gujrat.	Ditto	For extorting Rs. 7 from a person present in a brothel.	Do.
Superintendent of Police, Gujrat.	Ditto	Ditto	Discharged under Police Rule 12-31.
Ditto	Ditto	For extortion and causing hurt to 5 persons.	Dismissal.
Superintendent of Police, Muzrahal.	Ditto	For extorting Rs. 28 from gamblers.	Awarded a severe censure ..
Superintendent of Police, Rawalpiri.	Ditto	For accepting a pair of cowrie shells from a desperado whom he allowed to escape from his custody and entering a false report in the Daily Diary.	The money was returned and the complainants subsequently refused to make any statement involving the constable (no proof).
Ditto	Ditto	For attempted extortion ..	Do.

Head of Department or Office.	Number and designation of officials punished.	Offence.	Nature of punishment awarded.	Remarks, if any.
1	2	3	4	5
Inspector-General of Prisons, Punjab.				
District Jail, Gurdaspur ..	One Warden ..	Introducing prohibited articles.	Dismissal.	
Ditto ..	Ditto ..	Ditto ..	Dismissed, being on probation.	
Central Jail, Lahore ..	Ditto ..	Attempting to take out from the Jail an unsanctioned letter written by convict official.	Dismissal.	
Ditto ..	One Gate-keeper ..	Introducing prohibited articles.	Do.	
Old Central Jail, Multan ..	One Warden ..	Ditto ..	Do.	
District Jail, Rawalpindi ..	Ditto ..	Receiving illegal gratification.	Do.	
District Jail, Ambala ..	Ditto ..	Introducing prohibited articles.	Do.	
District Jail, Ferozepore ..	Ditto ..	Ditto.	Do.	
Do. ..	Ditto ..	Receiving illegal gratification.	Do.	
Central Jail, Montgomery ..	Ditto ..	Removing 8 control watch keys and being in possession of 2 opium pills and 6 little soap.	Do.	
Sub-Jail, Sangodha ..	Ditto ..	Introducing prohibited articles.	Reduced to the lowest time-scale.	Given the benefit of the doubt and in view of his 17 years' good record of service.

STATEMENT OF ACTION TAKEN AGAINST CORRUPT OFFICIALS.

1099

FINANCIAL COMMISSIONERS, PUNJAB.						
Ambala	One clerk	Corruption .. .. .	.. .. .	Sentenced to six months' rigorous imprisonment with a fine of Rs. 100.	Further inquiry is being made whether the official has been dismissed.
Do.	One Postman	Do. .. .. .	.. .. .	Dismissed by Deputy Commissioner, but appeal accepted by Commissioner and reduced to the bottom of Assistant Postman's.	The reasons why the major punishment of dismissal was not inflicted are being called for.
Lahore	One Copying Branch person	Corruption .. .. .	.. .. .	Dismissed.	
Rawalpindi	Two Postman's	Illegal gratification and mis-appropriation .. .. .	.. .. .	Do.	
Do.	One Exercise Clerk	Corruption .. .. .	.. .. .	Do.	
Multan	One Mahal and two Canal Postman's	Illegal gratification .. .. .	.. .. .	Do.	
REGISTRAR, HIGH COURT, LAHORE.						
High Court, Lahore	One Sub-Judge	Receiving illegal gratification .. .. .	.. .. .	Do.	
Do.	One Junior Clerk	Ditto .. .. .	.. .. .	Do.	
District and Sessions Judge's Court, Lyallpur	One Daffri	Corruption .. .. .	.. .. .	Do.	
District and Sessions Judge's Court, Multan	One Clerk of Court	Receiving illegal gratification .. .. .	.. .. .	Do.	
Ditto ditto	One Madad Nalib-Nasir	Ditto .. .. .	.. .. .	Do.	

PUNJAB ALIENATION OF LAND (THIRD AMENDMENT) BILL.

Premier : I do not propose to introduce the Punjab Alienation of Land (Third Amendment) Bill at the moment and will introduce it on a later day, because it requires certain corrections. The last portion of the Bill refers to the Punjab Registration of Money-Lenders Act, 1938, which has not been passed.

THE PUNJAB REGISTRATION OF MONEY-LENDERS BILL.

Clause 4.

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

That in line 1, between the words "apply" and "for" the words "in person or by post or otherwise" be inserted.

My object is quite clear. I want that the money-lender may not appear in person before the collector for putting in an application for registration. He may send it by post, by a messenger, or by his agent or in any other legal way.

Mr. Speaker : The question is—

That in line 1, between the words "apply" and "for" the words "in person or by post or otherwise" be inserted.

The motion was lost.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): I beg to move—

That in line 4, between the words "district" and "and" the words "or the tahsildar of the tahsil" be inserted.

My object is to facilitate the application for the obtaining of a licence. As the clause stands, you will see, it says—

Every money-lender may apply for registration of his name at the office of the collector of the district; and his name shall be registered on furnishing such particulars as may be prescribed and on payment of a fee of Ru. 5.

The office of the collector of the district may be at a distance of 50 or 60 miles and there may be no railway communication and there may not be even motor communication. This means that the person must give up all business for days and must go there personally and apply at the office of the collector for registration and stay there for some time. I would not refer to other things which he may have to face there in the office of the collector and the expenses, I need not mention, which he may have to incur while there. But apart from anything else it would certainly facilitate the putting in of the application and obtaining the licence, if the words, which I have suggested, are inserted, because the headquarters of the tahsil are supposed to be nearer than the headquarters of a district. I do not think any harm would be done if the tahsildar is also authorised to issue these licences. The tahsildar is a responsible officer. He is the collector of one-third or one-fourth or even half of a district and I do not think there can be any objection in principle to his being authorised to give a licence. If Munshi Hari Lal's amendment, which has just been rejected, had been accepted, perhaps my amendment would not have been necessary; but considering that Government is not prepared even to allow this facility that people may obtain a licence by sending their application by post and sending in the registration fee that may be necessary by money order, I think they ought to accept

this amendment at least. I know that in other countries to take out a licence for certain purposes a person has only to go to the nearest post office, pay a fee of 10 shillings or so and take a licence. Just as you buy stamps you buy licences by paying the requisite fee. But I do not see the philosophy of compelling every half-penny twopenny money-lender from the remotest village to come to the headquarters to have his name registered. Even a graduate of a university can get his name registered by sending a letter and the requisite fee; and even pleaders are not required personally to appear before the High Court for registration. They can ask some lawyer friend to pay the fee, and send their application and get themselves registered. I do not understand whether it would be necessary for the collector to study the physiognomy of the money-lender and see whether he is an honest money-lender or he is a dishonest money-lender and after putting him under the microscope would come to the conclusion that he is a person who deserves registration. Well, if that is the case, a microscope may also be supplied to the tahsildars so that they may also put them under the microscope and ascertain from the appearance of the money-lender, whether he deserves or does not deserve to be registered. But what is the reason that the man should be compelled to come at a distance of 70 miles or so to have his name registered when he is prepared to send the fee and send his application by post or through some messenger? If that is not accepted, why should he not be allowed to go to the tahsildar and have his name registered? I have no doubt that Government would issue some instructions about the qualifications and disqualifications of persons who should not be registered as money-lenders. Those disqualifications or qualifications, whatever the case may be, or any rules that may be framed on this point, for the guidance of the collector, can also be sent to tahsildars and they can study those rules fairly intelligently before they register the name of a money-lender. It is a very innocent and at the same time a very important amendment and unless the Government is bent upon giving all sorts of possible troubles to money-lenders, whether dishonest or honest, they ought to accept it.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 4, between the words " district " and " and " the words " or the tahsildar of the tahsil " be inserted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, whether the Government intends to incorporate the suggestions which have been made by Munshi Hari Lal or Dr. Gokul Chand in the rules, or whether the Government accepts at this stage and incorporates them in the Bill, it is very necessary to bring to the notice of the Government that a real hardship will be caused if facilities for registration are not afforded either by means of registered letters or by means of applications which may be put in at the nearest place. You will see, Sir, that the principle underlying both these amendments is the same that when the registration and licensing of money-lenders has been made automatic by the Government, no more difficulties ought to be placed in the way of registration and licensing and the licence should be obtainable with the minimum amount of trouble and inconvenience. That this is no mere imaginary difficulty would be apparent from the attitude adopted by the Amritsar Debt Conciliation Board, where the Board insisted upon creditors residing, say in Bombay, to appear personally for mere formal proof of debts and has

[R. B. Mr. Mukand Lal Puri.]

dismissed the claims although the proofs were submitted by duly appointed attorneys. I invite the attention of the Government to the vagaries of this Conciliation Board. I am, therefore, anxious that no room be left for such vagaries by collectors. Legislation or rules should provide for registration by post or through attorneys. Therefore, Sir, these are the matters which are real difficulties of detail and I have every hope that while framing rules, if this amendment is not accepted now, at least the Government will, under the rules, permit registration by less difficult methods.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I think my honourable friends have laid an unnecessary stress on this motion. As a matter of fact all these matters will have to be dealt with in the rules. You cannot possibly bring in tahsildars, naib-tahsildars or kanungos, because during the select committee stage, strong opposition was taken to the inclusion of the assistant collector first grade. But it was with a view to facilitate the grant of these licences that we included somebody else because the collector may, sometimes, be not free to do so and, therefore, somebody is authorised to do certain things. So far as the question of applications is concerned, it is obvious that Government must provide other reasonable facilities to these people to get their licences. I would submit that licences will be available automatically on application. We can lay down and include tahsildars and naib-tahsildars, but then they may be authorised, under their own signatures to verify that the application sent by registered post is signed by such and such person, and he can get the licence unless the collector wants to take some action. It should be automatically sent to the headquarters of the collector. I do not think that my honourable friend need worry about that particular point. We will try to give all reasonable facilities to them to apply personally or through agents or through post.

Dr. Sir Gokul Chand Narang: There is one thing which I want to say in reply. The Honourable Premier said that others have been authorised to act for the collector. If he would turn to sub-clause (2) of clause 2 to the definition of 'Collector', he would find this—

“Collector means the Collector of the District or such other officer not below the rank of Assistant Collector, first grade, as may be specially empowered. . . .”

So, it is generally the assistant collector, first grade, who would be deputed to do this work. So far as my information goes no assistant collector of first grade can be found in a tahsil. Tahsildar is not an assistant collector of first grade. Therefore, that facility will not be afforded at tahsil headquarters, but an application will have to be made to the collector at the headquarters of the collector and so far as the language of this clause is concerned, the application is to be made at the office of the collector. From another point of view also I think that it is better to distribute this work because if all applications from the whole district have to go to the collector, it would take a longer time than if the money-lenders filed their applications with tahsildars. In fact, I could have suggested even sub-inspectors posted near a village in which a money-lender resides. He can go to them, and pay the necessary fee and get a licence. Where is the harm? If the intention is really to make this system automatic, then why was the amendment of Munshi Hari Lal rejected and why is this not being

accepted? I do not know whether under the rules, they can even say that the *sadr kanungo* might be authorised to register. I do not know if they have any such intention. If not, serious difficulties might arise.

Premier: I am afraid I have not been able to make myself clear to my honourable friend. What I said was that it would not serve any purpose if they put their applications at *tahsil* headquarters, if we can under the rules provide that they might send their applications by registered post to the deputy commissioner. You have to centralise the work in one place instead of spreading it over several *tahsils*. If you do that, there will be duplication of work and there might be some inconvenience to money-lenders, because a *tahsildar* is not so responsible as an assistant collector, first grade or the collector himself. This matter was thrashed out in the select committee. I think my honourable friend is merely flogging a dead horse. I have told that we will consider all these questions when we frame the rules.

Dr. Sir Gokal Chand Narang: If these things are in view and the Government think that they can do that, I have no pleasure in insisting upon my amendment. I only wanted to draw the attention of the Honourable Premier to this matter. I therefore, withdraw my amendment.

The amendment was by leave withdrawn.

Dr. Sir Gokal Chand Narang (West Lahore Division, General, Rural): I beg to move—

That in line 7, for the words "Rs. 5" the words "Rs. 1" be substituted.

This may look rather a puerile amendment in the eyes of rich people but there are many money-lenders to whom a difference of Rs. 4 will mean a good deal. There is another point also. I want to ask whether the object of this Bill is fiscal or only reformatory. From all the speeches that have been made it appears that the object is only reformatory, that is, to weed out dishonest money-lenders—to repeat that much hackneyed expression—and to help the honest money-lenders in plying their legitimate trade. If that is so, why should any fee for registration be fixed at all? The money-lenders are already put to one hardship of registering themselves. Why should they be put to another hardship of paying for the registration? It has never been said that one of the objects of the Bill is to raise revenue. If that is not an object, it should serve the purpose of the Government, if at all they should fix a registration fee, to fix a nominal fee, say a court fee or stamp fee of two annas or four annas or at the most Rs. 1. The Government should have no objection in accepting my amendment.

Mr. Speaker: Clause under consideration, amendment moved—

That in line 7, for the words "Rs. 5" the words "Rs. 1" be substituted.

Premier (The Honourable Major Sir Sikander Hyat-Khan): My friend is quite right in believing that this is not a fiscal measure. I believe that my honourable friend will remember that when I introduced this Bill I made it clear that for the present the Government has no intention of making this measure a fiscal one. I may also point out that Rs. 5 is not after all a very big figure considering that this payment is to be made only once. The money-lender has to pay Rs. 5, only once to get himself registered. My honourable friend will realise that we have to set up a machinery with a view to avoid inconvenience to money-lenders. We will have to

[Premier.]

employ several clerks to see that there is no avoidable delay in registering these money-lenders and in order to cover the cost of this establishment a small fee of Rs. 5 is proposed. If we wanted to put in a bigger figure as has been provided in the Bombay Bill, starting from Rs. 10 to Rs. 4,000, it would then become a fiscal measure. From my point of view, although the Bombay Government does not consider it a fiscal measure which proposes to levy a fee in accordance with the amount of the turn over or the gross income of the person concerned, still from my point of view it is a fiscal measure. But as I have already said, there is no intention on the part of Government here to make this a fiscal measure for the present. We have fixed a minimum figure compatible with the expenditure which would be necessary for the proper working and operation of this Bill.

Dr. Sir Gokal Chand Narang : It may appear as if I am quarrelling for Rs. 4. But that is not so. I am quarrelling for Rs. 2,20,000. It was said by Mir Maqbool Mahmood the other day that there are about 55,000 money-lenders in the Punjab. If the fee is reduced by Rs. 4 the money-lenders save in the aggregate a sum of Rs. 2,20,000. If the amendment is not accepted, the Government will mulct the money-lenders in an additional sum of Rs. 2,20,000. (*An honourable member :* But doctors pay Rs. 82.) But how many doctors are there ?

Then, as regards overhead expenses, if we divide these 55,000 money-lenders over 29 districts, we get an average of about 2,000 for each district. That means that if the fee is only Re. 1, then the Government will have Rs. 2,000 for each district and if a clerk is employed on Rs. 25 per mensem, then these Rs. 2,000 can cover his salary for eighty months.

Again, a fee of Rs. 5 may not be a big figure for a person who spends so much in the Davico's tea room, but I know from personal knowledge that there are several money-lenders to whom a fee of Rs. 5 is really a big figure. I remember when I was at school the fee for all the primary classes was one anna. Then some educational authority increased the school fees fixing them at one anna for the first class, two annas for the second class and so on. The result was that some boys were withdrawn from school, boys who belonged to the non-agriculturist classes to which the money-lenders mainly belonged, because they could not afford to pay so much in school fees. Our people are poor and we cannot dream of comparing ourselves to Bombay which is a province of millionaires. Therefore, we must consider the position of our own province. Finally, I would close by saying that it is not for Rs. 4, that I am fighting, but I am really trying to appeal to Government for Rs. 2,20,000.

Premier : I am afraid I am not a mathematician, but I can assure my honourable friend that, as I have already repeatedly said on the floor of the House, it is not intended to make this a fiscal measure. The number of money-lenders, according to my honourable friend and also of several of my friends on this side will be reduced when this Act comes into force. As a matter of fact one member went so far as to suggest that no money-lenders would be left in the province. My own calculation is that 30,000 money-lenders would be left in the province and if you work out the figures the income per district from these registrations will be only about Rs. 400.

This is just sufficient to meet what I may call out of pocket expenses of Government.

Mr. Speaker : The question is—

That in line 7, for the words "Rs. 5" the words "Rs. 1" be substituted.

The motion was lost.

Dr. Sir Gokul Chand Narang : I shall move the next amendment without making a speech and you may put it to vote.

Mr. Speaker : It is out of order. According to parliamentary practice as well as the practice of this House no amendment can be made in the first part of a clause after its latter part has been amended or has been proposed to be amended, if a question has been proposed from the Chair upon such amendment.

Lala Bhim Sen Sachar : The matter rests in your discretion.

Mr. Speaker : The question is :—

That clause 4 stand part of the Bill.

The motion was carried.

Clause 5.

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

That in lines 3—4, the words "subject to the provisions of section 6" be deleted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I may at once inform my honourable friend that I have already pointed out to the House that this is one of the printing errors which are to be rectified. I am, therefore, prepared to accept this amendment.

The motion was carried.

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

That in lines 4—5 for the words "for such period" the words "for five years" be substituted.

I submit that the period for which a licence has to be granted should be five years. It would save the money-lender a lot of inconvenience and annoyance and would ensure stability of his business for some time. When he gets the licence he should be sure that it would not be necessary to worry for a period of at least five years. It is, therefore, that I propose that the words 'five years' be substituted for the words 'for such period'. 'Such period' should not be left undefined in the Act. 'Such period' should be defined so that the money-lenders may know it that they have got the licence for a period of so many years. I know that the Government is bent upon turning down even the most reasonable of amendemnts. It does not even consent to the application being made by post or otherwise. I know that it does not like to save the money-lender from this little worry even. But I submit that it should well consider the present amendment before it rejects it. The period for which the licence is to be granted should be fixed and should not be left to the mercy of the collector.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 4—5 for the words "for such period" the words "for five years" be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): I wish just to say a few words to show the desirability of the omission of these words. The clause as it stands, says that money-lenders may apply to the collector for a licence which shall be granted for such period, in such form, on such conditions and on payment of such fees as may be prescribed.

Premier: Unless he is removed.

Dr. Sir Gokul Chand Narang: Again he has to pay in that case.

Premier: If his name is removed.

Dr. Sir Gokul Chand Narang: Quite right. That means double payment. Still if registration is to be made permanent. Subject to contingencies which might make it necessary for the collector to remove the money-lender's name from the register, why should not the licence also be made permanent, unless the licence-holder commits some offence which necessitates the cancellation of that licence. My submission is that in olden times there was no doubt a rule that the licences of pleaders were renewed from year to year or for some time, though the advocates' licences were not liable to renewal. Then a rule was made that on payment of certain fee in a lump sum, the licence is granted to all the advocates once for all and no renewal from year to year or from time to time is necessary. My submission is that just as registration of money-lenders is to be made only once for all, but is liable to cancellation on the commission or omission of certain things so the licence should also be permanent being only liable to cancellation when a certain thing has been done, but if he goes on honestly and regularly and does not commit any offence or dishonesty or does not omit to do what he is required to do under this Act, why should he be put to the trouble of renewing his licence and to the expense of having to do it every year. If I am not mistaken, in this Bill no fee has yet been mentioned for the grant of a licence, I do not know whether this is also to be made a source of income to the Government or it is only going to be a nominal fee although I suspect from certain speeches and writings of the Honourable Minister of Development that he had in view this tax on the money-lenders for the augmentation of the revenues of the province and it is probable that this idea is working in the minds of the Government when they are prescribing these fees and these periodical renewals of licences and periodical payments of fees. I do not know what fees they are going to fix, because they have left it to the rules and it may please Chaudhri Chhotu Ram to say, 'Well, money-lenders *ex-hypothesi* are very rich and *ex-hypothesi* very dishonest, so let us get a little share of their wealth and also punish them for their dishonesty and ask them to pay Rs. 500 as licence fee or Rs. 50'. My submission is that there is no justification for making this licence only a temporary one. Why should not they be given a licence once for all when they are made subject to cancellation on the omission or commission of certain things?

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): I pointed out the other day that under the scheme of the Act as it has now developed, licensing is practically useless. It is unnecessary duplication of work when registration and licensing have both been made automatic. It is absolutely undesirable that a person should be made to go through two procedures under the scheme of the Act. A person has now, in order to get himself registered, to apply and on payment of certain amount

of fee and on filing in a certain form, he will be automatically registered. Similarly if he wishes to obtain a licence he has only to apply and the grant of licence will be automatic. The words 'subject to conditions in section 6,' have just now been deleted. If the period of licence is over and he wants to renew his licence then also he has only to put in an application and the renewal of the licence is also automatic. Therefore, separate licensing appears to me to be entirely useless. Such duplication of procedure is entirely uncalled for. Therefore, the motion of Sir Gokul Chand Narang that licensing might be permanent should in the circumstances commend itself to the House but if that is not acceptable, the lesser of the two evils would be the motion of Munshi Hari Lal that licensing may be for five years.

It appears that those who are responsible for the Bill have, in spite of the protestations of the Premier to the contrary, an intention of making it a fiscal measure. That would appear from section 13, sub-clause 2 (b) where it is laid down that the provincial Government may make rules for determining the scale of fees payable for the issue or renewal of a licence of a money-lender. I submit that after the statement of the Premier it would be entirely wrong to presume that the Government has any other intention except that openly and deliberately expressed by the Premier on the floor of this House and, therefore, if the fiscal aspect of the question is ruled out, then the licences to be granted every year would only mean additional work to the collector and unnecessary and avoidable hardship to the licensee. Therefore, I wholeheartedly support the amendment in the first instance of Dr. Sir Gokul Chand Narang and, if that is not acceptable, the amendment of Munshi Hari Lal.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I am afraid I have to trouble the House every time these amendments are moved. I thought that I had made myself quite clear on the previous amendment. The objects of keeping these words in this particular clause are to give Government an opportunity to provide in the rule itself the methods of licensing and the period of licensing. I have, as my honourable friend Mr. Mukand Lal Puri just stated, deliberately on the floor of this House declared that the Government has, at present, no intention of making this Bill a fiscal measure; and I can assure them that it is not with a view to making it a productive measure, as you might call it, from the point of view of helping the exchequer that we would frame those rules. I am not prepared at this stage to commit myself that they will not provide for annual renewal—that the licence will not be annually renewable. In England the period fixed is one year. The licence there has to be renewed annually. Here also, very likely, we will have to make it an annually renewable licence.

Dr. Sir Gokul Chand Narang: Horrible.

Premier: But there are several other considerations which would have to be kept in view in framing rules and laying down conditions. For instance, a money-lender may be doing business in a particular area only. Therefore, subject to any decision which the Government might later take, my own tentative view is that it would be unfair to charge him the same fee as from a money-lender who operates throughout the province. It is obvious that a money-lender whose business is restricted within the limits of a tahsil or a district, should be asked to pay less than a money-lender who has got his business connections or ramifications throughout the province.

Lala Bhim Sen Sachar : Lawyers pay the same fee.

Premier : We are not talking of lawyers. Let us take the case of a game licence. If you take it for a district you have to pay a smaller fee, but if you want it for the province you pay a bigger fee and if you want one for the whole of India you have to pay a still bigger fee. On that analogy money-lenders also, if they restrict their trade to a district, should have to pay a smaller fee and if they decide to extend it to the whole province, they ought to pay a bigger fee.

Munshi Hari Lal : Will it be more lethal than a gun ?

Premier : It might be more lethal for a certain type of people. I am talking of the dishonest money-lenders and not of honest money-lenders, who are friends of the people. I can give this much assurance to my friends opposite that when the rules are prescribed, we will keep all these various factors in view and I can again give an assurance that we do not at the moment propose to convert it into a fiscal measure. Beyond that I am afraid I cannot give any undertaking.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Trdu) : Sir, I may submit that the need for such an amendment has arisen, because we want that that form and period should be fixed under which a money-lender shall have to apply for a licence. On reading the report of the select committee one feels that the Government have reserved the right of determining the form and making rules to themselves. Moreover, when the Government frame these rules, they will not bring them before the House. It is, therefore, felt that we should express our ideas by moving this amendment. The Honourable Premier has given an assurance, but I submit that if he gives us this much assurance that when the rules are framed, he will place them on the table of the House, then this amendment would not be required at this stage but we would move this amendment at the time when the rules come before the House.

There is the question whether the licence should be taken annually or after five years or only once for all. If the Honourable Premier gives us the above mentioned assurance, then it will not be necessary to discuss this question at this time. If, however, he is not prepared to give that assurance, then we have no other alternative but to discuss the amendment just now, whether the licence which would be given to the sahukar under this Act, should be renewed after one year, five years or ten years.

I am of opinion that after we have registered the money-lenders, it is not good that we should renew their licences annually unless and until a new rule is framed under which it would be necessary to renew the money-lender's licence. For example, if once a form is adopted for the granting of a licence and a money-lender, whether he is an agriculturist or a non-agriculturist, agreeing on that form decides to take it after signing his name, its renewal would be required only when that money-lender wishes to affect any change in that licence or when any change is affected in the rules. In the latter case, we can only ask the money-lender that such and such a rule has been newly framed and that he should get his licence renewed. As long as one of the two situations does not arise, I do not see any reason why the licence of a money-lender should be renewed annually. If the Honourable Premier were to let us know why this taking out of licences is necessary annually,

then, of course, we can decide whether the licence should be renewed annually, after two years or after five years. We have suggested that for the present the licence should be given for five years and if during that time it is found out that this period is not sufficient, then, of course, we will ask the Government to amend the section. For the present we feel that the period of five years must be fixed, after which a money-lender may be required to renew his licence and if after some time we come to the conclusion that the taking of a licence periodically is not necessary, we shall have to make a request to the Government to provide that a licence taken once will hold good for ever. I may assure the Government that I see no reason why it should be necessary for a money-lender to renew his licence every year and in fact no reasons have been given on which we could agree to this provision. Because no such reasons have been given and we ourselves are not convinced that renewal is necessary every year, we cannot permit the Government to do whatever it likes so far as this matter is concerned.

One thing more that I would like to say in this connection is that no responsible Government should reserve to itself very extensive and arbitrary powers and flout the opinion of those who have come here in the Assembly to advise the Government with a view to facilitate the work of administration. Of course, if there is some secret motive behind this provision, then it is different but if that is not so, why should we leave this entirely to the discretion of the executive? I may as well say that I shall be too glad to withdraw this opposition and leave the matter here if we are assured that before finally framing the rules on the point an opportunity will be given to us to have our say and to suggest improvements in those rules.

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, two similar amendments stand in my name. In connection with this amendment I have to lay before this Honourable House only one aspect of the question: namely either a particular period should be fixed for which it would be necessary for the money-lender to obtain the licence or it should be left to the discretion of the money-lender to decide the period for which he wants to obtain the licence. It would be extremely harmful and undesirable to the money-lender that he should be required to obtain the licence every year. I may point out in this connection the classes and the variety of money-lenders who would be required to obtain the licence. A petty money-lender shall be required to obtain a licence as well as a very big money-lender. Sir, you can well understand how extremely inconvenient and to some extent how expensive it will be for the small money-lender. You should also take into consideration the fact that the money-lenders of all classes shall have to come to the collector from distant parts of the district and they will be subjected to a good deal of inconvenience. The Government is going to lay down certain rules in regard to the licensing of the money-lender. Let them lay down such rules and if he complies with those rules there is no reason why he should be forced to obtain a licence every year or every second year. You take as many precautions as you want and after that has been done the money-lender should not be forced to obtain the licence every year. There will be lot of money-lenders who do not carry on money-lending themselves, for instance, a minor, an orphan or a female. Some of the

[Lala Duni Chand.]

money-lenders will inherit money-lending from other people. It may not be very difficult for men who attend courts every day to go to the collector's office but it will be extremely difficult for a minor or a female to obtain a licence. Therefore, at least this concession should be shown that it should be left to the money-lender to decide the period for which he wants to obtain the licence. In the case of a licensee it is a general rule that a licence is given to a licensee for the period for which he wants to practise a particular profession. Supposing a money-lender wants to practise money-lending business only for a stated number of years, if he wants to give it up, there is no reason why the period should be fixed. It is a very reasonable amendment and all the amendments which are going to be considered collectively are reasonable. The fixation of the period should be left either to the money-lender or a particular period should be fixed.

Munshi Hari Lal : Sir, in spite of the statement made by the Honourable the Premier the House is in the dark as to the period which is going to be fixed for a licence. The Honourable the Premier does not say one way or the other. I submit that the period is uncertain. We do not know what will be the period for which a money-lender should get a licence. If it is yearly, it means the money-lender has to dance attendance on the collector every year. He will be put to an expense, and there will be corruption, jobbery and nepotism and slavery. I submit that the money-lender, who is so much abused by the Unionist party, should be saved from this worry at least. He should know for how much period his licence stands so that at the end of this period he may think of getting it renewed.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, I have already made the position of the Government very clear in this matter and even on this occasion I was about to say that the members would do well to send in their proposals before these rules are actually framed and published. I can assure them that their suggestions will be carefully considered and it is possible that they might be of help to us in framing the rules. But if they mean only to criticise the rules when we have framed them and when they are published in their final form, then I can only say that they will be acting like the person who would not assist in cooking meal but is always ready to find fault after it has been cooked.

Dr. Sir Gokul Chand Narang : But who is going to listen to what we may say?

Premier : As I have already said the the suggestions received from the honourable members will be duly considered. Let my friends Dr. Narang, Rai Bahadur Mr. Mukand Lal Puri and Dr. Gopi Chand send in their suggestions and they can take it from me that very careful consideration will be given to them.

My honourable friend, Lala Duni Chand, made a complaint that it would be very inconvenient for the money-lenders if they were to be required to get their licences renewed every year. I concede that this renewal business will cause some inconvenience to the money-lenders just as it causes inconvenience to the pleaders, and particularly those practising in the mufassil and those who have sometimes to appear in the courts for a trifling fee and

yet they have to renew their licences every year and to pay as much as Rs. 25 for that renewal.

Dr. Sir Gokul Chand Narang : Please do not insult them like that.

Premier : I am not talking of those who are practising at the headquarters and who like my friend, Munshi Hari Lal, may be earning several hundred rupees a month but of those who may be really finding it difficult to get their licences renewed every year. Some honourable members appear to think that Government will derive a substantial income by means of this measure. That is not correct. It is not the intention of the Government to make money out of it. Our object is to regulate business. By doing so we might drive out of the profession dishonest money-lenders but will try to provide all facilities to the honest money-lenders and it is for this reason that we want time to consider how best we can secure that object. It is for this reason that we have not fixed any period in the Bill itself because we want to see in what way we can legitimately assist the honest money-lender in his business. Let me illustrate my point. Supposing we fix five years as the period for renewal of a licence. In that case naturally the fee will be bigger than if it would be for an annually renewable licence. (*Voices :* But why?) The answer is obvious. Government is not to be run by subscriptions. We will require money to administer efficiently. To-morrow you will ask, why have police at all? (*Voices :* But the Police Department is not a revenue paying department.) Under the Police Act, Government derives some income and if all the wishes of some of the honourable members opposite were to be accepted it would become very difficult to carry on the work of Government.

I have already explained more than once that it is not the present intention of Government to make this measure a fiscal one. It is intended to be an administrative measure and it will be worked as such. But how can I accede to the requests of my friends opposite who want me to tax the zamindar to find money to work this Act? It will be sheer injustice if the money-lender is allowed to carry on his profession and the burden of the Government expenditure with respect to that profession is made to fall on the shoulders of the zamindar.

My honourable friend, Dr. Gopi Chand Bhargava, has observed that the Government should not take any responsibility for such a measure. I want to impress upon him the fact that carrying on the Government necessarily entails certain responsibilities and there is no escape from them. Does my honourable friend mean to say that we should leave the responsibilities of Government to other people? If I am not to assume responsibility for the acts of my Government, I should like to know who will? My shoulders are broad and strong enough for such responsibilities and I mean to bear them.

Mr. Speaker : The amendment is that—

In lines 4—5 for the words "for such period" the words "for five years" be substituted.

But I would put it as follows. The question is that—

In lines 4-5, the words "for such period" stand part of the clause.

The Assembly divided: Ayes 66, Noes 41.

AYES.

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|--|--|
| Abdul Hamid Khan, Sufi. | Muhammad Hassen Khan Gurchani,
Khan Bahadur Sardar. |
| Abdul Haye, The Honourable Mian. | Muhammad Hussain, Sardar. |
| Abdul Rab, Mian. | Muhammad Hussain, Chaudhri. |
| Ahmad Yar Khan Daulatana, Khan
Bahadur Mian. | Muhammad Nurullah, Mian. |
| Ahmed Yar Khan, Chaudhri. | Muhammad Qasim, Chaudhri. |
| Akbar Ali, Pir. | Muhammad Shafi Ali Khan, Khan
Sabib Chaudhri. |
| Allah Baksh Khan, Khan Bahadur
Nawab Malik. | Mushtaq Ahmad Gurmani, Khan
Bahadur Mian. |
| Amjad Ali Shah, Sayed. | Muzaffar Ali Khan Qazilbash, Sar-
dar. |
| Badar-Mohy-ud-Din Qadri, Mian. | Muzaffar Khan, Khan Bahadur
Captain Malik. |
| Chhotu Ram, The Honourable Chau-
dhri Sir. | Muzaffar Khan, Khan Bahadur
Nawab. |
| Dasaundha Singh, Sardar. | Nasir-ud-Din, Chaudhri. |
| Faiz Muhammad, Shaikh. | Nawazish Ali Shah. |
| Faqir Hussain Khan, Chaudhri. | Nur Ahmad Khan, Khan Sabib
Mian. |
| Farman Ali Khan, Subedar Major
Baja. | Pir Muhammad, Khan Sabib Chau-
dhri. |
| Fateh Jang Singh, 2nd-Lieutenant
Bhai. | Prem Singh, Mahant. |
| Fateh Muhammad, Mian. | Ram Sarup, Chaudhri. |
| Fazl Ali, Khan Bahadur Nawab
Chaudhri. | Rashida Latif Baji, Begum. |
| Fazal Karim Baksh, Mian. | Riasat Ali, Khan Bahadur Chaudhri. |
| Ghazantar Ali Khan, Baja. | Ripudaman Singh, Thakur. |
| Ghulam Mohy-ud-Din, Maulvi. | Sahib Dad Khan, Khan Sabib Chau-
dhri. |
| Haibat Khan Daba, Khan. | Shah Nawaz, Mrs. J. A. |
| Hans Raj, Bhagat. | Sham Lal, Rai Bahadur Chaudhri. |
| Harnam Singh, Captain Sodhi. | Sikander Hyat-Khan, the Hon'ble
Major Sir. |
| Het Ram, Rai Sahib Chaudhri. | Singha, Mr. S. P. |
| Jagjit Singh Bedi, Tikka. | Sultan Mahmood Hotiana, Mian. |
| Jagjit Singh Man, Sardar. | Sumer Singh, Chaudhri. |
| Jogindar Singh Man, Sardar. | Sundar Singh Majithia, The Honour-
able Dr. Sir. |
| Karamat Ali, Shaikh. | Talib Hussain Khan, Khan. |
| Khizar Hayat Khan Tiwana, The
Honourable Nawabzada Major. | Tara Singh, Sardar. |
| Manohar Lal, The Honourable Mr. | Tikka Ram, Chaudhri. |
| Maqbool Mahmood, Mir. | Ujjal Singh, Sardar Bahadur, Sar-
dar. |
| Mubarik Ali Shah, Sayed. | |
| Muhammad Akram Khan, Khan
Bahadur Raja. | |
| Muhammad Ashraf, Chaudhri. | |
| Muhammad Asam Khan, Sardar. | |

NOES,

- | | |
|-------------------------|---------------------------|
| Baldev Singh, Sardar. | Binda Saran, Rai Bahadur. |
| Bhagat Ram Choda, Lala. | Chanar Singh, Sardar. |
| Bhim Sen Sacher, Lala. | Deshbandhu Gupta, Lala. |

Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur, Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Muhammad Abdul Rahman Khan,
 Chaudhri.

Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalra, Pandit.
 Narandra Nath, Diwan Bahadur
 Raja.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Sibri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Lal, Rai Sahib Lala.
 Sohan Singh Josh, Sardar.

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

That in line 6, between the words "period" and "in" the words "as may be fixed by the money-lender" be inserted.

The motion was lost.

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

MOVE—

That in line 6, the words "and on such conditions" be omitted.

My point is that already too many hardships have been placed on the money-lender in the matter of obtaining a licence. No further hardship should be placed on him. It is with that object that I move this amendment. After all money-lending has been acknowledged as a legitimate profession to pursue. I can understand if it is considered a crime to pursue the profession of money-lending. But it has been recognised as one of the legitimate trades in which a person can engage himself and it is considered as honourable as any other. There are honest money-lenders as there are honest people in other walks of life. The general presumption also is that every person carries on his profession honestly until it is proved to the contrary. When that is the case and when it has been recognised that a money-lender is an economic asset to society, I do not see why further restrictions should be imposed on him. It is unjust, unfair and inequitable. With these words I commend my amendment for the acceptance of the House.

Mr. Speaker: Clause under consideration, amendment moved—

That in line 6, the words "and on such conditions" be omitted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): I rise to support the amendment. I may point out that if these words are retained in the clause it will give rise to many flaws. As it is, we do not know what those conditions are going to be. The Premier has again and again said that he will frame rules and provide for everything there. These rules are going to be framed behind our back and it is not even provided that they will be placed before the House for its approval.

[Dr. Sir Gokul Chand Narang.]

They will come into force on publication in the Gazette. That will not meet the situation at all. One of the rules may say that a licence shall not be renewed if the person is disloyal. Who is to interpret what is loyalty and what is disloyalty? It will be one of those gentlemen sitting on the Treasury benches. He may interpret loyalty to mean personal homage to be paid to the Ministers and disloyalty may mean criticising the Muslim League which might soon develop into a ruling organisation in this province. The present clause therefore is fraught with all sorts of evils. I do not know what the Honourable Premier has up his sleeves. He is not placing all the cards on the table. Why should he not put in a few more clauses in the Bill and disarm those people of all kinds of suspicions, doubts and misapprehensions? Keeping everything for the rules and not placing those rules before this House will certainly not satisfy the members of this House.

When Dr. Gopi Chand said it is a responsible Government and it should do this and that the Honourable Premier said: 'Yes, we are a responsible Government, we do not shirk our business, we have got broad shoulders and we are prepared to take the burden on ourselves'. This is not what Dr. Gopi Chand meant. What he meant was that you are our servants. (Premier: We are here to carry out the behests of the people.) We also belong to this province and you have to carry out what we say. The Honourable Premier said: "Let Dr. Gopi Chand make rules and send in, let Mr. Puri send in the rules." Why, only to be insulted? All these gentlemen who have not the guts to argue properly and are not fairminded enough to accept even reasonable proposals, invite us to make suggestions. What are we doing now? Are we not now making suggestions? We are making suggestions. But how are our suggestions being treated? You ask people privately, ask members of your own party privately, they say, 'yeh zulum to hai.' (Voices: Question. Who are they?) I am not going to name them. They are voting with you, because they consider their party discipline is perhaps even more important than their own conscience.

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

Dr. Sir Gokul Chand Narang: I have finished.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General Rural): Sir, on the face of it this amendment appears to be of a very ordinary character and as it relates to the inclusion or non-inclusion of certain words—three words—it appears to be of an insignificant character. But I respectfully submit that these three words 'on such conditions,' meaning that the collector may grant the licence on such conditions as he thinks fit, takes away in the first instance the entire legislative powers of this House. It has been pointed out that in England the executive is assuming powers and depriving the legislature of its legitimate functions. When there are certain conditions which can be imposed on the exercise of the profession of money-lending by money-lenders, let them be laid down here and let them be voted upon by the House. It is very necessary that permissible "conditions" should be placed before the House and should be voted upon by the House rather than that they should be left to the discretion of an executive officer. Again, this is a matter which should never be left to the discretion of the executive Government. Fancy such:

a matter being left to the discretion of 25 collectors in this province, who might exercise their discretion on entirely different grounds and in totally different manners. It is broadly stated that the collector is authorised to grant the licence to the money-lender "on such conditions as he thinks necessary." To one money-lender he may grant the licence saying, "you are permitted to lend on bonds and promotes alone." To another he might say, 'you are permitted to lend money on *bahi* account alone.' To yet another he may say, 'you should carry on money-lending in towns and small towns of this district but not in notified areas.' (*Interruption*). I hear voices of 'no, no.' If that is not so, provide it here. Is the collector, for instance, entitled to lay down any such conditions? If you allow these words to stand, there is nothing to prevent the collector from doing so and certainly it is not the intention of the House that such vast powers should be vested in any individual. Again, we are all familiar with the provision which exists in the licences of certain professions. For instance, those of us lawyers, who practice in courts, have a foot note printed on the licence of the second grade pleaders, which states that one of the conditions of the licence is that the licensee shall not take part in any movement of a subversive character or in any seditious movement. Now what is there, if these words are allowed to stand in this Bill, to prevent the collector from putting in a condition that this licence is subject, as Sir Gokul Chand Narang put it, to the loyal behaviour of the licensee? Therefore, I respectfully submit that it is very necessary that these words should be omitted. They should be omitted on the broad ground that if any conditions are to be laid down they should be put before the legislature and passed by it. In the interests of uniformity also it is necessary that those conditions should be laid down. Further, if you allow these words to remain, you will be practically negating the effect of the various clauses of the Bill which you have already passed. You have laid down that the original registration and licensing is to be automatic and that the renewal of the licence is also to be automatic. If at the time of the granting of the licence or its renewal, in the case of five out of 100 money-lenders in a district, you lay down a restrictive condition, the automatic nature of the licence or registration or of the renewal goes out altogether. Therefore, if the intention of the Government is that these things should be automatic, they should be pleased to accept the suggestion of Lala Duni Chand and delete the words 'on such condition.' In any case it is up to the Government to lay down in the Act itself, if they so desire, that the registration or licensing or the renewal should be on such and such conditions. They ought to lay down what precisely those conditions are. Even if they are not prepared to do that, they should at any rate take the House into their confidence as to what their intention is, as to what the nature and extent of those conditions can and might be. Therefore, I whole-heartedly support the amendment moved by Lala Duni Chand and request the Government that they should not give such a *carte blanche* to their collectors who at the best of times are over-burdened officials.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, my honourable friend, Dr. Sir Gokul Chand Narang, used strong language in supporting this motion.

Dr. Sir Gokul Chand Narang : Which word ?

Premier : But this is not going to provoke me. He can rest assured that nothing by way of strong language can provoke me, because I believe in that well-known adage that strong words are no substitute for good arguments. He said that we do not even answer his arguments. I confess that. I have no capacity or inclination to answer arguments which I consider wholly fatuous and irrelevant. For instance, another capable lawyer got up a few seconds ago and tried to convince this House that these words in the clause are likely to give power to the collector which he will use arbitrarily. I am surprised that a lawyer of his calibre should try to confuse the House and confuse issues like this. There is no such intention. If you read that clause, you will find that it is not the collector who will lay down the conditions but it is the Government which will lay down such conditions and if my honourable friend studies clause 13 (c), he will find that the conditions under which the collector will grant the licence will be prescribed by Government. Nevertheless ignoring this specific clause the honourable member was on his legs for ten minutes trying to convince this House that we are giving this power to the collector which he will be using arbitrarily and to the detriment of the money-lender. If these are the arguments which we are not capable of meeting, I am at one with my honourable friend and I confess my incapacity. But as regards the merits of the motion, if my honourable friend has seen clause 13 of the Bill, he will find that we have made the necessary provision there. We have used these words in this clause, because we have not laid down any period for this renewal in the body of this Bill, that would be one of the conditions to be prescribed. We will lay down this condition in the rule itself that the licence shall be renewed for a period of one year or two years or may be for five years. Unless we reserve that power for ourselves in the Act itself it may subsequently be questioned whether we have the power to make these rules and these rules may be considered *ultra vires* as going beyond the scope of the Act itself. It is for that reason that we want to put in these words, but I can assure my honourable friend, that it is not our intention to give that power to the collector. The collector will obey the rules which we prescribe and it is for this reason that we have used these words. My honourable friends who are lawyers know that if an Act were to contain all the working details under which it is to be applied then it would become a cumbersome measure and even in spite of its cumbersomeness it may yet be found later to be unworkable because we might miss just one small screw or rivet. It is for that reason that in all enactments the rule making power is taken by Government subject to certain limitations and these limitations are contained in clause 3 (2). If you see the English Money-lenders Act, you will find that the Secretary of State has rule making power and under that power he frames rules and you will also find that under that Act penalties are laid down for any infringement. Therefore, I hope that after hearing me my honourable friend, Lala Duni Chand, will agree that these words are essential in order to give Government power to lay down necessary instructions for the collector. (*Hear, hear.*)

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : The Honourable Premier has tried to assure the House that this power is intended to be taken because he does not want to leave the period of the licence in the hands of the collector. If this is the only idea—

Premier : No. Not the only idea. There are several other things.

Lala Bhim Sen Sachar : Then why not say so ?

Premier : I have said so.

Lala Duni Chand : If it had been possible for me to agree with the Honourable Premier, with regard to the interpretation that he seeks to put on this clause, I would have gladly done so. I do not claim to be as capable a lawyer as Dr. Sir Gokul Chand Narang or Rai Bahadur Mr. Mukand Lal Puri, but so far as the interpretation of the Honourable Premier goes, I join issues with him. I submit that if the words had been 'conditions as may be prescribed' the Honourable Premier would have been perfectly right and in that case it would have been in the power of the Government to make rules, but there are no such words. The plain meaning of this clause is that these powers are given to the collector to impose such conditions as he likes. I suggest to the Honourable Premier and I think that Mr. Manohar Lal and Sir Chhotu Ram would agree with me, that so far as you do not qualify such conditions, it would mean that these conditions are to be prescribed by the collector. This is the clear meaning of the words as they stand. If he is prepared to add the words as prescribed, I shall be glad to accept the clause. It appears there are three kinds of authorities that are going to put as many halters round the neck of a bania, as they can. There is the Premier as the legislator. He has put as many halters round the bania's neck, as he could. Then power has been given to the rule-making committee. That would be an executive conclave and there you can make any rule you like and then you have given further power to the collector. Be fair and straightforward. Do what you like here in this House, but do not take further powers and give them to the rule making committee or the executive conclave or the collector. I say, come out in the open and put as many halters as you like round the neck of the poor bania, but you should not act in this way. That is not a fair game. The Honourable Premier very often refers to cricket in support of fairness. I appeal to the sense of fairness of the Premier. If you want to impose conditions, do so by all means, but do so openly and in this House and not in the committees and do not take more and more powers.

Premier I am not a lawyer and, therefore, may not be inclined to join issues with my honourable friend on legal matters, but the point now raised is a simple one of following the King's English. I wish to convince my honourable friend that the words which he wants to be added are already in the clause. If he will kindly follow me, I will read the clause very slowly. It reads—

"shall be granted for such period, in such form, and on such conditions, and on payment of such fees as may be prescribed."

Now if my honourable friend's contention is that 'may be prescribed' should have been after 'such conditions', I will join issue with him that it is not necessary. Therefore, so far as the construction of

[Premier.]

English is concerned, for the reasons that you suggest, the addition of the words 'such condition' as proposed will make no sense.

I might also point out to my honourable friend that the word, 'prescribed' is already defined in this Bill. No doubts or misgivings therefore, should exist on this point. Other points I have already explained.

Mr. Speaker : In my opinion the word 'and' in the last but one line of the clause is superfluous and it is that which is creating confusion.

Premier : I submit that it is not superfluous, because it relates to a definite matter contained here, and there are several different things and therefore 'and' is used there. Even if it is superfluous, the drafting committee can look to it. Perhaps a comma after the word 'fees' will make it clearer.

Mr. Speaker : Commas and punctuations are not part of legislation. Therefore commas do not matter.

Premier : It is the commas that have confused my honourable friends opposite. If you remove all the commas the clause would be quite clear and the use of the word 'such' before 'period,' 'form' 'conditions' and 'fees' makes it obvious that the words 'as may be prescribed' qualify them all.

4 P.M.

Mr. Speaker : Question is—

That the words "and on such conditions" occurring in line 6 of clause 5 stand part of the clause.

The motion was carried.

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

That in lines 6—7, the words "and on payment of such fees" be deleted.

There is no doubt about the fact that the fee in the Money-Lenders Act of England is fixed and, similarly, I submit that in this Act also the fees should be fixed. The fees should not be left to the discretion of the provincial Government. We should know definitely what is the fee that has to be charged and what is the principle that is going to govern the fees. We know nothing at present. We are leaving it to the provincial Government. The words 'as may be prescribed' indicate that the Government may make the rule on a principle which is not even known to the House and about which we are quite in the dark. Are they going to fix a specified fee or are they going to fix the fees on a sliding scale? Are they going to fix the fee for the tahsil, for the district, for the division or for the province? What is in the mind of the provincial Government we do not at all know. My submission is that it will be to the advantage of the moneylender if we know in the Act itself as to what is the fee that he has to pay. It will be seen that there is a series of amendments bearing on this question, some relate to Rs. 5, others to Rs. 10 and others to Re. 1. In the Insurance Act that was recently passed by the Government of India, only one rupee has been fixed as the fee for the licence of an insurance agent but here we do not know what multiple of one will be the fee fixed by the Government. I submit that in order to be clear to the money-lenders, the fee should be fixed. I submit that the words "and on payment of such fees" should be deleted. Licensing

and registration should go hand in hand. It should be the registration and not the licence that should confer the right upon the money-lender to go to the court. When he has paid the registration fee, where is the necessity for paying for the licence? The registration fee and the licence fee should be one and the same. So, I sum up my arguments on all the amendments that have to be moved. I submit that the words "and on payment of such fees" should be entirely deleted. There should be only one fee fixed for registration which should suffice for licensing also. If the Government is not prepared to show this favour to the money-lender, then the fee to be fixed should not be more than one rupee as it is in the case of the insurance agent. With these words I move the amendment that the words 'and on payment of such fees' be deleted and that the fee, if it is to be fixed should be only one rupee.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 6—7, the words "and on payment of such fees" be deleted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I have also an amendment and lest I should forget it I shall move it even now. I move—

That in line 7 between the words "fees" and "as" the words "not exceeding Rs. 5" be inserted.

Mr. Speaker : One amendment is already moved.

Dr. Sir Gokul Chand Narang : You may then take it as not moved. I will move it later if necessary.

There are two principles involved in a discussion of this kind. One is whether the Government should withhold from this House their intention regarding the amount of fees and condition with respect to the grant of a licence. The other is the amount that should be charged. The first one is much more important as it involves a constitutional question. The only reply that the Premier had to give to this part of the argument was, "if we do not leave it to the rules, the Bill will become or the Act, when the Bill is passed, will become too cumbersome." We have had Acts which are very lengthy and which have hundreds of clauses and we have Acts which have very few clauses, say, 10, 12 and sometimes even less than that. But my submission is that when a piece of legislation affects the monetary interests of a large class of people—interests of some 55 thousand people or, even according to the Premier 30 thousand people—who, according to him, are sure to get themselves registered and would apply for a licence, there seems to be no reason why the Government should not lay its cards on the table and allow this House to have a voice in the matter. I urged it then and I urge it again, why do they fight shy of taking the House into their confidence and then appeal to the members to send in their suggestions? The Honourable the Premier was certainly very lucky when he pounced upon one slip made by one of the honourable speakers or rather where there was some room for a difference of opinion at the utmost. He was not really fully justified in subjecting Mr. Puri and Lala Duni Chand to the castigation to which he subjected them. There is room for difference of opinion, but even if there was not, any one can make a slip. That does not mean that all the arguments urged by this side are unsound or are simply urged in order to waste the time of the House. My submission is that it does involve a very important and serious principle. If they are frank and if they are honest, why do they not say, "this is our opinion". Then we shall be in

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a position to express our opinion. Sir, you will see that in the previous clause they have actually prescribed Rs. 5. They have said so, although in the original clause Rs. 5 was not mentioned. It means that somebody made a suggestion in the select committee. It was a reasonable suggestion and they accepted it ; but here they seem to have something else in their mind. Why did they not accept the suggestion if it was made or why do they not accept the suggestion now being made ? Let them take the House into their confidence and say, "This is the amount of licence fee that we are going to charge." The Honourable the Premier said in another place, "We do not know whether a money-lender is going to extend the operations over the whole province or over one or two districts or over a tahsil or over a more restricted area." My submission is, they can say, "Well, for a provincial practitioner they will charge so much fee for the licence, for a district practitioner they will charge so much and for a tahsil so much." But let us know in any case what they intend to do. Why are they keeping it back from the House ? Secrecy always creates suspicion and it is in their own interest that they should say what they intend to do. I may tell you, Sir, that when the Honourable the Premier came out with, what he said to be an assurance, he said that the licences would in all probability be renewed every year. Now I was simply surprised when the Honourable the Premier said it was an assurance, as if it would re-assure the people who had some doubts or suspicions on the point. No arguments have been given why a licence should be renewed every year and then again, if it is to be renewed every year what fee is to be expected. If they do not intend that the fees should be excessive, why do they not say so ? If they want high fees, why do they not say that this is a fiscal measure ? It becomes a fiscal measure if high fees are charged. My submission is that instead of leaving the matter to the rules they should make it clear in the sub-clause.

Lala Sita Ram (Trade Union, Labour) : Sir, I have stood up to lend my support to the motion moved by my honourable friend, Munshi Hari Lal. As a good deal of discussion has already taken place on this subject, I do not propose to speak at length. I have to simply draw your attention to a few points which I urged even in the select committee.

It has been said on behalf of the Government that it is not their intention to increase taxation by introducing this measure. They simply want to make it hot for the dishonest money lenders to carry on his bad business. On the other hand, it is intended to encourage the honest money-lender. So far so good. But what do we find in practice ? Even the honest money-lender is put to a lot of trouble. He is to be taxed twice at least—once at the time of registration and again at the time of taking out a licence. I want to urge upon this House and on the Government that the money-lender is already paying sufficient taxes. He is paying a lot by way of income-tax. I shall give you an instance. If a money-lender realises one rupee as interest on the loan advanced by him he has to pay as much as two or two and-a-half annas out of this one rupee by way of taxes. Over and above all this, the Government is imposing a double penalty or double punishment, as I shall prefer to call it, in the shape of registration fee and licence fee. One word more and I have done, and that is that the fee payable for the issue of a licence should be of a uniform nature. It should not vary with

the position of the money lender as the object of the Bill is not a fiscal one as assured by the Honourable Premier more than once. With these words, I support Munshi Hari Lal's motion.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, I am afraid there appears to be some unnecessary misunderstanding with regard to this clause. The Honourable the Leader of the House has made it definitely clear that it is not the intention of the Government at present to treat this measure as a fiscal measure. That, I submit, should be enough assurance to all fair-minded sections of the House so far as the intentions of the Government are concerned. Moreover, they will find in clause 18 that it is definitely provided that the rules will be notified and that they will be subject to previous publication. As such, the rules will be in the possession of the members of the House and of the province before they are enforced. That being the position, there should be no misunderstanding. If any honourable member feels aggrieved with regard to any draft rules it will be open to him at the next session or at the proper time to come forward with an amendment or a resolution as he may consider necessary. Moreover, it is ignored by my honourable friend opposite that the business of moneylending in this province is a very complicated affair. There are firms, joint families, there are money-lenders doing more than one business. There are money-lenders who deal with certain parts of the districts or divisions or the whole of the province. All these factors will have to be carefully considered before Government prescribes the fees for licensing. Therefore it would not be fair at this stage to expect the Government to put forward clear-cut rules which would apply to all such cases. Secondly, let it be frankly recognised that the whole problem of taxation in the province is just now in the melting pot. There is the Resources and Retrenchment Committee whose report is expected and it would not be proper for the Government at this stage to rush into a definite commitment. The Bill is not a fiscal measure to-day. It may be so three years hence, and if it is then decided with the concurrence of the House to raise the fees, why should it be necessary to go through the rigidity of an amending law and why should we not in the beginning leave matters to rules which can conveniently be altered? Then, it may be found that the fees are too high for certain type of money-lenders and they may have to be revised. Sir, there is another point to be considered. You will find various amendments cited by my friends opposite suggesting different principles of assessment, in certain cases fluctuating and in other cases a fixed scale is suggested, in still other cases some other principles have been introduced. All these matters will be carefully gone into by Government before the Act is finally enforced. I am sure after the statement made by the Honourable the Premier the House may rest assured that it is not intended at present to impose heavy fees. My honourable friend has referred to the English Act. I am sure he does not desire that we may provide the fees prescribed in the English Act which is a fee of £ 15 annually and £ 10 for six-monthly licensing.

Munshi Hari Lal: Sir, there are certain points which require reply from this side of the House. The Honourable Premier as well as the honourable member, who has just spoken said, that there is at present no intention to make the Bill a fiscal measure. What do these words "at present" mean? Do they mean to-day and not when they are making these rules?

[Munshi Fari Lal.]

They say that at present it is not the intention to make it a fiscal measure, but this will hardly satisfy any member in this House, much less anybody outside. I submit that these very words will create an alarm when we say that to-morrow the Government's intention might change and this Bill might be converted into a fiscal measure.

We are told that the rules will be before us. Quite right. They will be put before us and opinions may also be invited, but where is the guarantee that those opinions will be honoured? They may be turned down.

It is also said that in the English Money-lenders Act, the fee is £ 15. But I was drawing upon that Act from the only point of view that there the fee is fixed. It may be according to the average income of an individual, but here the Government is going to fix a fee, which may be beyond the income of an ordinary Punjabi.

Then, Sir, it is said that taxation problem is in the melting pot. That is exactly why we fear that at the time when fees are going to be fixed, something by way of taxation may enter the mind of the Government. Then, Sir, it is said that principles would be different. What are the principles? We want to know the principles on which the fee is going to be fixed. The argument that there is absolutely no necessity for charging a separate fee for licences because there is a fee for registration, is not at all being answered or challenged. Why should there be two fees charged for registration and licensing. One fee will suffice in the present circumstances of the Punjab and keeping in view that the income of the Punjabi is not so high as it is in England, a separate fee for a licence should not be charged and if charged it should be slight and fixed. My point of view is that when you are passing this Act, make it as attractive as you can possibly do. But you are giving us your mind that in future you might convert it into a fiscal measure and impose a greater burden upon us. Why not proceed slowly? Why not content yourself with charging only the registration fee and not charging the licensing fee? With these remarks I support the motion.

Mr. Speaker : The question is that—

In lines 6—7, the words "and on payment of such fees" stand part of the clause.
The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I beg to move that—

In line 7, between the words "fees" and "as" the words "not exceeding Rs. 5" be inserted.

The motion was lost.

Mr. Speaker : The question is that—

Clause 5 up to Explanation as amended stand part of the Bill.

Dr. Sir Gokul Chand Narang : You will see, Sir, that during the discussion on numerous amendments moved and rejected, no argument has been advanced directly and definitely on the question of the necessity for this clause. This clause as it stands says—

"Every money-lender may apply to the Collector for a licence, which, subject to the provisions of section 6, shall be granted for such period, in such form, and on such conditions, and on payment of such fees as may be prescribed."

The language as it stands does not make it obligatory for a money-lender to apply for a licence, but as a matter of fact, we find that no money-lender can bring a suit nor can even put in an application for execution of a decree which he might have obtained even before the passing of this Act, unless he not only gets himself registered, but also holds a licence either at the time of the institution of the suit or before he asks the court to pass a decree in his favour or to pass a final order on his application for execution. In other words, this section has been worded in a most suspicious form, so that if one were to read this section it might look very innocent. It is not obligatory for a money-lender to apply for a licence. He may or may not, because the word used in the clause is 'may.' It does not say 'shall.' They could not say 'shall', because a money-lender may say, 'As there is no hope of realising anything, why should I waste Rs. 5 on taking out a licence? Thanks to Chaudhr Sahib or Sardar Sahib, there is no possibility of any money being realised, why waste even Rs. 5, on taking out a licence?' So the only word they could use was 'may.' As I have pointed out, it is full of great mischief, because unless one takes out a licence, one cannot take the help of the court at all in realising his debts. Then again, when the money-lender takes out a licence, he has to get it renewed, because we find a reference to renewal and we find a reference to the conditions on which a licence is to be granted and the conditions on which a licence is to be cancelled and conditions on which it is to be renewed and so on. So, this clause really, I would say, is the crux of the whole Bill because without saying that it is obligatory, it makes it absolutely necessary for a money-lender if at all he cares to realise his debts, to take out a licence. It has been argued that this Bill is based on the recommendations of the Banking Enquiry Committee. If you will turn to the Banking Enquiry Committee's Report you will find at page 142 the question of taking out a licence is discussed. It seems that the members of this Committee made extensive enquiries, heard many people interested in the matter and after hearing them they arrived at this conclusion. The conclusion is embodied in paragraph 217 of their report. With your permission I shall read a few lines therefrom--

With a view to providing cheaper credit facilities for those who are not members of co-operative societies, it has been suggested that selected money-lenders should be licensed and given special facilities for carrying on their business on condition, *inter alia*, that they should not charge more than a certain rate of interest, say 12 per cent. We have carefully considered this suggestion; and, though we realise that the co-operative thrift and credit movement has so far touched only 11 per cent. of the population, and that, even if the proposals made in Chapter XI are accepted, it must be twelve to fifteen years before every suitable village obtains a co-operative society, we are of opinion that the suggestion is not practicable. Few money-lenders, we think, would be willing to submit to any restriction in their charges unless they were given special facilities for recovering their debts from defaulters. At present, as explained in Chapter XII, when they sue a client, they have two main difficulties to contend with: decrees cannot be obtained either promptly or cheaply; and, when obtained, they cannot be executed either promptly or fully.

In fact as has been remarked by the Privy Council in some cases the difficulties of a money-lender or decree-holder really begin when he has obtained the decree, because it is then that all sorts of difficulties are thrown in his way. So long as execution proceedings last, declaratory suits are filed by sons, wives and other relations of the judgment-debtors so that

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These gentlemen were perfectly right when they made these remarks. To go on with the Report:—

The last (that is realisation of debts) is much the greater difficulty of the two; and if licensing is to make any appeal to the money-lender, it would have to be removed, or at least greatly mitigated. This could not be done without prejudicing other interests of equal, if not greater, importance; for instance, co-operative societies, which have been given no special facilities in this respect. Nor could it be done at all unless the number of money-lenders licensed were restricted to comparatively few in each district, a course to which there are obvious objections. We do not therefore support the proposal (of licensing money-lenders).

During the course of this debate you must have noticed that the Honourable Premier has been referring sometimes to the English Money-lenders Act and sometimes to parts of speeches of Premiers and Ministers of other provinces. If you had observed carefully you must have noticed that our Government has been very careful in selecting what was bad in the legislations of other provinces and omitting what was good in them. They have taken all the provisions that are calculated to create difficulties in the way of poor money-lenders and have scrupulously omitted what might have helped them to any extent whatsoever. Only the other day the Honourable Premier referred to the debt legislation in other parts of the country and he referred in particular to the legislation of the Central Provinces. I at once asked him whether there was any provision in our Bill corresponding to the provision in the Central Provinces legislation which after the debts were scaled down helped the creditors to realise their money.

Chaudhri Tikka Ram: The honourable member has already referred to this in his previous speeches and he is repeating the same again.

Dr. Sir Gokal Chand Narang: There is no point of order. I am only illustrating my point that the Government has chosen only those provisions which would strangle the money-lenders but have omitted all those provisions which would have done good to them. My submission is that if the Government really wanted that people should be obliged to take out a licence, something at least should have been done to facilitate the realisation of the debts. The Punjab Banking Enquiry Committee rejected the question of licensing on that very ground, namely, that the money-lenders would not like this unless some facilities are afforded to them for the realisation of debts. But those gentlemen were really counting without their hosts, if I may use that expression. They did not know at that time that within a few years of their writing the report a revolutionary change would take place in the constitution of the country and that a government would come into the province which would not care for their opinions nor for the interests of the money-lenders in the least degree and would only do things which would make the position of the money-lenders absolutely untenable in the province. There seems, therefore, to be no justification why people should be compelled to take out licences. I may submit that if the object is not to make the position of the money-lenders difficult there is no justification for charging double fees from them. The only object in asking them to register themselves is to get control over them and to see that they are not allowed to ply their trade without being known who they are. The second object could be that their services might be utilised as middlemen between the Reserve Bank and the

rural people, that they might serve as the vehicle of rural credit from the Reserve Bank to the rural people. That object can be achieved by merely asking the money-lenders to register themselves. In fact it was not even necessary to compel them to register themselves. It might have been left to their option, people wishing to derive advantage from registration being allowed to register themselves and those who did not want to derive any advantage from registration and acting as agents of the Reserve Bank for the purposes of extension of rural credit not being compelled to register themselves. In any case mere registration was sufficient for the fulfilment of the purpose of Government. It is very difficult to see the purpose of this double process of registration and licensing. Again, if as pointed out by the Honourable Premier the object of the measure is not fiscal, there is no reason why any fees should be charged as is provided for in this clause. I think Mir Maqbool Mahmood was more candid than his chief when he said that the Government did not want to include any definite amount of fee in the clause, because circumstances might change, a committee is sitting to find out additional sources of revenue and it is possible that that committee might recommend that five or ten lakhs should be recovered from these money-lenders. At any rate this is what I understood him to say: If that has to be done, the Government would not be put to the necessity of coming to this House for altering the amounts, but could itself alter the figures by the rule-making power which it has reserved to itself. But that is exactly the question on which I have to raise objection against this measure. We do not want that Government should have power to alter the rules without any notice being given to this House or even after giving notice to this House. My honourable friend said that the rules would be framed and any honourable member could then bring forward a resolution to amend or rectify any fault in the rules. Apparently he is quite all-right. But let us examine it. Suppose the rules are framed. According to the provisions of this Bill it is not necessary that these rules should be placed before the House for its approval. The only requirement is that it should be published. There is nothing in it compelling the Government to come forward with a motion for the approval of the rules. Now, assuming that any member can bring in a motion in regard to these rules, that he can bring forward a resolution for the amendment or modification of the rules framed by the Government, we all know what the fate of the resolution moved by the Opposition will be. In the first place it is not necessary nor likely that any resolution of which notice is given by a member of the Opposition would survive the ballot. But let us assume that it survives the ballot and is placed before the House. It is bound to be rejected. There is a great difference between a resolution and a Bill which is to be passed into an Act. They may say, "If we can defeat a resolution we can also defeat an amendment to a Bill, we have got the majority and we can amend a Bill whenever we like." But there is a difference. The passing of a Bill does not end here, does not rest entirely and finally with this House. There are some other people who are outside this House and who have some say in the matter and by reserving this thing for the rules they are trying to keep the higher authorities out of the show altogether and depriving the opposition of the benefit of drawing the attention of those who can veto a Bill. So far as the modification of a rule is concerned, nobody else outside this House or outside the

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Government has any voice, and even if these rules are placed before this House, they can be carried. There is no power to veto them. It is only a Bill on which somebody else outside this House and outside the Government can have a say. I am sure I have made the position clear that the reserving of the power of making rules to the Government in this Bill would not satisfy the Opposition. Our contention is that the position should be made clear on the floor of this House and all these things should be embodied in the Bill. This contention is perfectly sound and reasonable and it is only the high handedness on the part of the Government not to accept amendments moved by the Opposition.

Then I come to the provision as to renewal. Now I think this is potential of great mischief. If a licence is to be granted for a year, as the Honourable Premier says it is likely to be so, then it means that every money-lender has to lick somebody's shoes to have his licence renewed. Is not this encouraging nepotism? Will it not encourage favouritism? Will it not encourage slavery? (*An honourable member*: That is not before the House.) You will see that I am absolutely relevant. You will see that the expression 'for such period' comes to this. I am justified in objecting to the retention of these words 'for such period' which have been passed by this House.

Premier: Then my honourable friend is discussing what the House has already passed. All these arguments with regard to renewal, etc., have already been discussed threadbare on the substantive amendments moved to this clause and my honourable friend is repeating the arguments. He may be perfectly relevant; but he is repeating the arguments which have already been advanced and which have been met with from this side. If he merely wants to waste the time of the House he may do so. But I must appeal to you that he is repeating the arguments already advanced under the garb of opposing the whole clause.

Mr. Speaker: I request the honourable member not to repeat arguments.

Dr. Sir Gokal Chand Narang: I will try not to repeat them. But let me meet the argument of my honourable friend the Premier. He says these words 'for such period' have been passed. My submission is that what we are discussing is the whole of clause 5 and the mere vote of this House that the words 'for such period' should stand part of the Bill or part of the clause does not stand in my way, because if this clause is defeated you are quite welcome to have the words 'for such period' if they can stand by themselves. Therefore, when I oppose the whole clause the words 'for such period' which have been passed become absolutely useless. Therefore, I am not irrelevant.

Premier: But my point is that the arguments are being repeated.

Mr. Speaker: The honourable member should not repeat arguments.

Dr. Sir Gokal Chand Narang: You can stop me when I am repeating an argument. I have certainly no pleasure in exhausting myself or wasting the time of the House by repeating arguments. What I was saying was this. When you are having these words 'for such period' you are opening the way to nepotism, favouritism and slavery.

I would simply say that the very idea of compelling money-lenders to take out a licence is calculated to demoralise them, to demoralise the whole province, so far as the trading classes and money-lending classes are concerned. Let me explain how. Now if I have to take out a licence and have to renew it again and again it means I must try to keep myself in the good books of the authorities. My political convictions may be entirely different.

Mr. Speaker : Has not the honourable member used this argument before ?

Dr. Sir Gokul Chand Narang : No. You can point out to any such argument used before. I used these words only three minutes ago and I am now elaborating them. What will happen will be that the money-lenders will be so afraid of approaching even two penny a half-penny official, not to speak of Ministers, and all political activities in this province will come to an end. According to Government it is these moneyed-classes or the trading classes or these money-lenders who encourage political activities, who are at the back of political propaganda. My submission is that by making it obligatory for the money-lenders to take out licences they will be demoralised and they will always be in terror and then if the grant of licence or the renewal of licence depends upon the discretion of the collector, although he acts according to conditions and rules prescribed by Government, it means that all the money-lenders will be under the thumb of the collector and of the higher authorities.

Mr. Speaker : All this has been said already.

Dr. Sir Gokul Chand Narang : I never discussed this point in this way. I submit that for these reasons, that it is demoralising, that it is creating unnecessary difficulties in the way of money-lenders and that it was never recommended by the Punjab Enquiry Committee, the provision as to licence should be deleted and for this reason I oppose clause 5.

Mr. Speaker : The question is—

That clause 5 up to Explanation as amended stand part of the Bill.

The motion was carried.

Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban)
(Urdu) : Sir, I beg to move—

That in line 3 of Explanation between the words "Money-lender" and "before" the words "a fortnight" be inserted.

Sir, the object of clause 4 of this Bill is that a person who wants to do money-lending shall apply for his name being registered as a money-lender and that if his licence is cancelled according to any of the provisions of clause 6, he will according to the Explanation to clause 5, be at liberty to apply for the renewal of the licence. But no period is specified within which he should apply for the renewal of that licence and the object of my amendment is that a period of at least a fortnight may be fixed during which the application for renewal should be submitted. This is all that I want to say and I think there will be no difficulty in accepting this motion.

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

That in line 3 of Explanation between the words "Money-lender" and "before" the words "a fortnight" be inserted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) : Sir, I quite appreciate the object of this amendment which says that at least a fortnight must expire before an application for the renewal of a licence is made and if the House is very keen on its being accepted I have no objection to include the words proposed in the Explanation. But I must point out that the amendment, if accepted, is likely to create some administrative difficulties. It may happen and it does happen many times that the collector and even the assistant collector of the first grade, who are being vested with the powers of issuing licences, are very busy otherwise and have little time to dispose of such applications within the period proposed and consequently if in any case the period of a fortnight expires before a licence is renewed, the money-lender concerned will become liable to penalties provided in the Bill and that is what I wish to avoid. I feel that even without this amendment the object which the honourable mover has in view will be amply served and, I therefore, see no justification why we should place unnecessary restrictions on our officers who are already overworked. In the circumstances I hope that the honourable mover will not press this amendment.

Khawaja Ghulam Samad : In obedience to the wishes of the majority of the House I beg leave to withdraw my motion.

The motion was by leave withdrawn.

Mr. Speaker : Question is—

That Explanation to clause 5 stand part of the Bill.

The motion was carried.

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

Clause 6.

Munshi Hari Lal (South-Western Towns, General, Urban) (Urdu) : Sir, I beg to move—

That in line 1 for the word "Collector" the words "court of senior sub-judge of the district" be substituted.

Sir, it is right that the power to issue licences should be vested, as these have been vested, in the collector as it is purely an executive affair and I may say that the House and even the Opposition has nothing to say against this power being given to the collectors. But I see no earthly reason why the same authority be empowered to adjudicate on a very delicate matter like the cancellation of licences. It is against all canons of jurisprudence that the same person should be empowered to issue and cancel licences. I need hardly remind the House and the Government that the cancellation of licences is a sort of punishment that will be inflicted upon the money-lenders for breaches laid down in clause 6 of the Bill and it is only fair that the authority other than that which is to issue such licences should be required to deal with this matter. This matter must necessarily come before a court of law. And the reasons for my contention are quite obvious. The senior sub-judges, who are apparently free from bias and who possess a judicial mind, will not be actuated by any extraneous considerations in deciding such cases and will see that injustice is not done in any case.

But similar treatment cannot be expected from the collectors and assistant collectors of first grade. In the first place, they do not possess a judicial mind as strong as the senior sub-judges are expected to possess. As the executive head of the districts, they have to go about and meet people in their *ilqas*. They have to and they do listen to all sorts of stories true or untrue. The number of such persons in every district who backbite and who take pleasure in bringing into disfavour others is not small. The result is that these officers are prejudiced against those who are complained against. It is natural, therefore, that if a money-lender happens to be one of the persons complained against and is ever found guilty of a breach of any of the provisions of clause 6 of the Bill, it is not very unlikely that he will not have proper justice at the hands of the collector concerned. This is what I fear and it is to protect the interests of the money-lender that I have thought it fit to bring forward this amendment. I may as well say that this is not an imaginary fear. It is the result of my experience and experience of others who have had to deal with the collectors.

This fear of mine is augmented when I find that the matter does not end at the cancellation of the licences. The collector will have, according to the clause under consideration, unfettered discretion to cancel the licence for any period that may be specified by him. This is really too much in the hands of those who are at the helm of affairs in the district. Even according to the English Act, on which the Government members fall back for support so often, provides that civil courts will have powers to decide such cases.

Premier: Not only that. The criminal courts have also been given these powers according to that Act.

Munshi Hari Lal: The Honourable Premier has come to my rescue and solved my difficulties. If that is admitted, there should be no reason for rejecting my amendment. I do not want criminal courts but only civil courts to be substituted for the collectors. It has been said that the collector is also a deputy commissioner. Granted that it is so, my friends should bear in mind that the collectors in deciding such cases will not be acting as district magistrates but only as collectors and, as it very often happens, when they have to decide cases as a collector, they decide them summarily. Some of my honourable friends who have the experience of collectors will bear me out that in exercising powers of discretion the collectors act very differently from sub-judges and for the simple reason that the collectors being more or less executive officers show very little patience to go into the cases calmly and human beings, as they are, they have also to act under certain prejudices and pre-possessions in their minds which are worked upon them by their free contact with all kinds of persons in their *ilqas*. This fact should not be lost sight of when considering my amendment. To be a little frank, my submission is that the case of a money-lender, who has committed a breach of some of the provisions of this Bill, may be prejudiced by what may pass in an interview between the collector and a humbardar or a *zaidar* inimically disposed towards the money-lender of his *ilqa*. You can judge for yourself what will be the fate of a money-lender in such a case. But if this power to punish is vested in the senior sub-judges, it may be used judicially as they do not move out, as they remain at the headquarters and as people seldom

(Munshi Hari Lal.)

meet them. They may be open to outside influence but very much less than the collectors. We can, therefore, expect full justice from them and that is why I am pressing that these powers should be vested in them.

This is a universally recognised principle of jurisprudence that if an infringement of law is committed, the court to adjudicate upon that infringement must be other than the one which has got any connection with the breach of law. It is only then that an unprejudiced decision is possible. The power of cancelling a licence or the power of deciding for how long a period the licence is to be cancelled, is being given to the collector who is the issuing authority of licences. The collector being an executive officer may consider these questions with an executive mind, and the money-lender may consequently suffer. It is in view of these considerations that I have proposed that in the place of the collector the power should be given to a senior sub-judge. The English law on the subject is referred to many a time during the discussion. But there in England the power of registration is vested in the Commissioner of Inland Revenue and the power of adjudicating upon the alleged infringement of the conditions of licences vested in the courts. My submission is that some of the good points in the English Law may also be introduced here in the Punjab with advantage. May I hope that at least this point of mine will be conceded. The powers now proposed to be given to the collector should be vested in the court of the senior sub-judge. With these words, I move my amendment.

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

That in line 1 for the word "Collector" the words "court of senior sub-judge of the district" be substituted.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, I am surprised to see this proposal emanating from my learned friend Munshi Hari Lal. I am afraid that he has not paid full attention to the wording of the clause. If he does so now he will find that it is not the collector who has been given plenary powers to decide whether the licence of a money-lender should be cancelled or not. His powers are only automatic and consequential. If a court holds that a money-lender has infringed certain provisions of the law or has gone against the conditions laid down in his licence, the collector will automatically cancel his licence. He has only to follow the finding of the court. Of course, he will see to it that the licence is cancelled for a short time for a small offence and for a longer period for a more serious offence. Under these circumstances, I am surprised as to why objection is being taken to the provisions of this clause. Then, an objection has been raised that in the English Act the power of cancelling a licence is vested in a civil court but here it is proposed to vest it in the collector, a criminal court. But even in England the power of cancelling the licences is vested in the police magistrate so far as bigger cities are concerned. So, that does not help my honourable friend very much. Does my honourable friend contend that the civil courts are more sympathetically inclined towards the *sahukars* than other courts, and therefore, these cases should go to judges with a particular bias? I hope that an able and experienced lawyer like my friend does not seriously advocate that and will

not raise objections based on such considerations. He should bear in mind that the licence of the sahukar will be cancelled by the collector only if a competent court will have adjudicated upon the case and found the sahukar guilty. In these circumstances, there can be no reasonable objection to the clause under consideration.

Lala Duni Chand (Ambala and Simla, General, Rural) (Urdu): Sir, in view of the rigidity of this clause, it would be only fair and just that the power of cancelling licence of a money-lender be not vested in a collector but in a court of senior sub-judge. My honourable friend Mir Maqbool Mahmood has said that it will be the civil court which will adjudicate upon any offence alleged to have been committed by the money-lender and which will be responsible in fact for the cancellation of the licence of the money-lender. But as a matter of fact the civil court will only decide under section 87 if section 3 has been infringed or a money-lender has made any change in some important document. After that it will be the collector who will decide whether the punishment awarded by the court is sufficient and whether it will not be proper to cancel the licence of the money-lender. I hope my honourable friend Mir Maqbool Mahmood will admit that it is so. I would request this Honourable House to consider how unjust and unfair are the conditions laid down for the cancellation of a money-lender's licence. The first is that a licence may be cancelled if it has been held by a court that a money-lender has contravened the provisions of section 3 of the Regulation of Accounts Act. But under section 3 of this Act sufficient punishment has already been provided. Why should we add to the power already sufficiently drastic by empowering the collector to cancel the licence of the money-lender? Secondly, the licence may be cancelled if a suit of the money-lender is dismissed, in whole or in part, under section 87 of the Punjab Relief of Indebtedness Act. Such a suit would be dismissed on account of the money-lender having committed some fraud or forgery or a material change in some important document. Moreover, the money-lender may be hauled up under sections 198, 472 and 465 and may be punished for forgery. Over and above all these drastic provisions of law the provision now proposed seems to be unnecessarily harsh. Furthermore, there is section 35 (A) which provides equally harsh punishment. In view of these rigidities of clause 6, the amendment to give the power of cancellation of the licence of a money-lender to the court of a senior sub-judge and not to the collector, has been moved. It is, therefore, in the interests of justice and equity that we claim some protection for the money-lender.

We all know that if it is established that the money-lender has committed some fraudulent act not only his suit will be dismissed under section 35-A of the Code of Civil Procedure but he can also be directed to pay damages amounting to Rs. 1,000.

Mr. Deputy Speaker: The honourable member is going beyond the scope of the amendment.

Lala Duni Chand: It is only a small amendment. The Government should have no objection to it. I was submitting, Sir, that we should have taken both sides in view. If the money-lender goes beyond the limit, does not the debtor follow suit? If we admit that money-lenders are dishonest we should not lose sight of the fact that the debtors also pay them

[L. Duni Chand.]

in the same coin. It is quite obvious from the cases in the courts that the money-lender and debtor both do not play a fair game with each other. So far as dishonesty is concerned both are sailing in the same boat. It has been said that the money-lender sometimes makes false or forged entries in his books. It is also true that the plaintiffs put their debtor's thumb-impressions on documents. When the case goes to a court the debtor refuses to accept that thumb-impression, even if it is a genuine one. The defendant says, "I did not fix this thumb-impression on this document as a debtor, I did it as a witness." So the conduct of both the plaintiff and the defendant is objectionable. Sometimes it so happens that a debtor sends for the creditor to his place and beats him severely. I think Chaudhri Chhotu Ram is well aware of it and he knows how many creditors are murdered at the hands of debtors. I leave this matter in your hands and you better judge for yourself, who deserves more justice, the creditor or the debtor. I submit that the Government should have considered the conduct of both the debtor and the creditor. I think Chaudhri Chhotu Ram should have enacted a Bill for the safety of money-lenders who are frequently murdered at the hands of his supporters. (*Interruptions*).

I was submitting that in reality dishonesty is innate in man's nature to some extent whether he may be a defendant or a plaintiff. In these circumstances, I request that a licence may be cancelled by the court of a senior sub-judge and not by a collector. The suits are generally filed between an agriculturist and a non-agriculturist and in most cases as our experience shows, the collector gives his decision against non-agriculturists. Moreover, the collectors are not likely persons to take a judicial view of a case. As the amendment moved by Munshi Hari Lal is very reasonable, I hope that Chaudhri Chhotu Ram would be pleased to lend his appreciation to this amendment.

I would like to submit one word more, namely, that cancellation of a licence is a question of life and death for a money-lender. The poor fellow would not be able to file a suit in the court and his loans would be lost. May I in the light of the above arguments, request the Government to be more soft-hearted in this particular matter? In these circumstances, I do not think there is any harm if the cases be sent to the civil courts.

Chaudhri Ram Sarup (Rohtak Central, General, Rural) (*Urdu*): Sir, what I can understand from the irrelevant speech in which my friend Lala Duni Chand has wasted his breath is that he wants to vest powers to decide cases under the Money-lenders Act in the civil courts and neither in collectors nor in assistant collectors as has been provided in the Bill. I did not expect such an objection being raised by an honourable member who is a lawyer himself. I would like to submit for the information of my honourable friend, Lala Duni Chand, why the Government have drafted this measure and why it has been proposed that all the cases regarding money-lending should be dealt with by the executive and not by the civil courts. Strictly speaking the decisions given by the civil courts were such that they necessitated non-agriculturists to send their cases to the executive and not to the civil courts. How strange it is that the honourable member wants to take the patient back wherefrom the poor fellow caught the disease ?

The honourable members sitting on the opposite benches want to defeat the very purpose of this Bill. Let me tell my honourable friend who has just sat down that we know what he has in his heart; he wants to defeat the proposed Bill.

Mr. Deputy Speaker : The honourable member should not ascribe motives.

Chaudhri Ram Sarup : Sir, he was ascribing motives, not I. I was simply submitting that if cases of money-lenders be decided in civil courts there would be a chance of dishonesty being done to the debtors because the senior sub-judges do not take the consideration of hard facts. It has happened sometimes and I think it might be within your knowledge, Mr. Deputy Speaker, as you are also a lawyer, that the civil courts have given decisions against the plaintiffs in false cases brought by the money-lenders. On the other hand, collectors and assistant collectors would be the first to take judicial view of the case. I would like to submit that the mentality of collectors and sub-judges also differs. We can easily go to a collector, but in case we go to a sub-judge, he would at once think that we have come to recommend somebody involved in such and such a case. This is the lesson which our experience has given us. Moreover, if cases are decided by the executive according to file and in courts according to facts—

Lala Duni Chand : I rise to a point of order. The honourable member says that the matter should not be entrusted to a court, because the court decides according to facts and the collector decides the case according to file. Is he justified in saying that?

Mr. Deputy Speaker : No doubt it is a bad argument but there is nothing objectionable.

Chaudhri Ram Sarup : It has been stated by Lala Duni Chand that Chaudhri Chhotu Ram has brought forward a Bill with a view to put a stop to the murders of sahukars.

Mr. Deputy Speaker : The honourable member is irrelevant.

Chaudhri Ram Sarup : No, Sir, I am not irrelevant. I think this sort of statement would affect the proposed Bill and therefore it is very necessary to reply to such a statement. Why did you not stop the honourable member when he was advancing such a defective argument? I was submitting why it has been thought necessary to introduce this Bill. The honourable member has stated that it has been introduced in order to stop the murders of sahukars. It is absolutely wrong. The present Bill simply seeks to stop dishonest money-lending and if by stopping it the murders of dishonest money-lenders committed by debtors come to an end this is an advantage of the Bill and not the very opposite of it. This measure has been brought forward with a view to put a stop to the dishonest practices of the money-lenders. If cheating by the money-lenders comes to an end, no one will ever be tempted to murder a sahukar. But if some of my honourable friends wish that money-lenders should continue to be harassed and murdered as a result of their dishonesty, I have no quarrel with them. But I must make it clear that this Bill is calculated to benefit money-lenders.

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

Chaudhri Ram Sarup : Sir, I am already speaking to the motion. I was explaining the circumstances which have necessitated the introduction of this Bill.

Mr. Deputy Speaker : This point is not before the House.

Chaudhri Ram Sarup : Sir, the point is that civil courts sometimes take too much time in deciding such issues, and it may be noted that justice delayed may mean justice denied in certain cases. Some civil courts indulge in legal quibbles and put up new interpretations of law, which may be contrary to the aims and objects of the Act.

Mr. Deputy Speaker : The honourable member should not reflect on courts.

Chaudhri Ram Sarup : Sir, I was submitting why it has been thought necessary to introduce this Bill. My honourable friend Lala Dani Chand proposed that powers to decide cases under the Money-Lenders Bill should be vested in the civil courts and not in collectors, as has been provided in the Bill. If we accept this proposal, we will be defeating the very purpose of this Bill.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, the real reason for this amendment and for this legislation has been given by an honest member of this House. In spite of repeated hints from the Ministerial benches, that he should not advance this argument, he has had the courage to place it before the House. He has said that we do not want these matters to go to civil courts because even if we approach the house of a sub-judge, we are likely to be taken for having gone to him for *sufarish*, i.e. (recommendation) and further the sub-judges have to decide things on evidence and the materials which may be placed before them by either party and cannot decide in their own discretion or on the information which they may get from their friends. The Government wants these matters to be placed before collectors, not because they consider and honestly consider that collectors are a better authority than district judges, but because collectors are their henchmen and also because they would decide matters on instructions issued to them and not on any judicial principles.

Mir Maqbool Mahmood : On a point of order, Sir. I am sorry to say that my honourable friend is imputing motives to the Government that they want all these matters to be decided by collectors because they are their henchmen and that they would do according to the wishes of the Government. I would appeal to my honourable friend to withdraw that insinuation.

Mr. Deputy Speaker : I would request the honourable member to use dignified language.

Rai Bahadur Mr. Mukand Lal Puri : Sir, the words used by me were the chastest words of the English language. I have absolutely no intention to attribute any motives to this Government or to any Government. I must, however, state facts. You wish to ask the collector to decide between the claims of two individuals, one a highly placed officer of

Government or a friend of a highly placed officer of Government or let us say an influential supporter and an elector—let me say of the Honourable Premier himself—because I know that he would not misunderstand me and therefore I use his name. You place the decision of the dispute between that individual and the ordinary *royyat* before a collector, who depends upon Government with respect to his transfer, with respect to his promotion and with respect to his allowance, and who is also taking daily instructions from the headquarters of the Government, not by letters, but verbal instructions or even telephonic messages. Is it fair that the decision of such matters should be placed in the hands of that individual or is it proper that such matters should be placed in the hands of an agency, which, as was pointed out by Chaudhri Ram Sarup, is professedly a non-partisan agency? Therefore one reason for giving the duties of cancellation of licences to the district judge or to the senior sub-judge is that he is professedly a non-partisan agency. To-morrow this Government may not be in office and the Congress Government may be in power. Would you like that this decision should be influenced by the Government of the day? Would you like the collector, as Chaudhri Ram Sarup said, to act in accordance with the wishes of the persons who interview them and in accordance with the wishes of the persons who give them information and in accordance with the wishes of the party in power. That is my reason for withdrawing these powers from collectors.

Take another view of the matter. Take, for example, the question of cancellation of licences. The Honourable Premier has repeatedly stated that the cancellation of licences is made dependent upon some kind of judicial finding of the court. If you study clause 6, you will find that under every sub-clause of this clause some kind of judicial finding is necessary. Therefore, if you make judicial finding of the court the basis of punishment, is it not proper that the person who interprets that finding must be a person experienced in law and a person who should be dealing with judicial findings, and not a comparative layman who cannot interpret a judicial finding at its proper value. Again, Sir, the collectors after all are not going to be super-human beings. Are your collectors at present under-worked? We know very well that collectors have to work very hard. They themselves even feel the burden placed upon their shoulders. You are placing a further burden of dealing with *benami* transactions, which would extend to thousands of transactions in each district. You are also placing upon their shoulders the burden of dealing with mortgages before 1901. Do you wish to add this function of cancellation of licences, which would be of the nature of a judicial function, on their heads? Do you think that an over-worked official like him would be able to carry on this work efficiently? It is more or less a routine work and in practice it resolves itself into the opinions of the superintendents or head clerks who always write their reports and the collector signs them as a matter of routine. It is really a matter of indifference, whether Mr. Darling or Mian Hakim-ud-Din decides this matter as a district judge or decides this as a collector. But if he sits as a district judge to decide the matter of rights between two individuals, he would proceed on a judicial principle and would proceed without fear or favour in the matter. As a collector, he is to proceed on instructions and instructions are freely given to him as a collector which no one would dare give to him while he is working as a district judge or in any other judicial office.

[B. B. Mr. Mukand Lal Puri.]

In the other atmosphere many matters come up before him in his executive capacity, merchants and various other, people applying for all sorts of licenses and we all know that in such cases it is really the head clerk getting Rs. 70 or Rs. 80 a month who really decides the case. I do not imagine for a moment that the district judge is more likely to favour the money-lenders than the collector. As a matter of fact a district judge is more likely to give effect to the finding of the sub-judge than the collector who may not care for the finding of the sub-judge of the fourth class. But when I say that the district judge or sub-judge should be vested with this power, I am not speaking for the money-lender. I do not believe that the district judge or the sub-judge would be more favourable to the money-lender; rather the reverse will be the case, that is, the collector will be more favourably inclined towards the money-lender. But my real object is that I do not wish to increase the judicial functions of the collector or that the judicial functions should in future be discharged by executive agency. This point was very prominently brought out when Chaudhri Ram Sarup stated that he did not want the courts to interfere with his business but that the matter should rest with the collector. There is the fundamental difference of opinion between his and my outlook and therefore it is that I wholeheartedly support the amendment.

Khan Sahib Raja Fateh Khan (Bawalpindi East, Muhammadan, Rural) (Urdu): Sir, before I oppose this amendment I would request you to allow me to say a few introductory remarks like Lala Deshbandhu Gupta and Lala Duni Chand although the subject matter may be quite different. This is a fact that my friends of the Congress party have supported this amendment, but I am constrained to remark that though it is written quite clearly in the Congress Manifesto that they would support the cause of the zamindars, still my friends have exhibited their true non-agriculturalist spirit and capitalist mentality.

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

Khan Sahib Raja Fateh Khan: Instead of helping the poor they have thought fit to plead the cause of the money-lender. I may submit that there is an Arabic proverb that: *كل شيء يرجع إلى أصله* i.e. truth is always out. This is but natural and that is why they have supported the cause of the capitalists and aristocrats. It is also a fact that if zamindars are not saved from ruin surely they will go into the jaws of death. If the provisions of the Bill are weakened or this Bill is suspended, it would mean nothing less than that the zamindars should wait for Doomsday. It is the duty of the Government that they should treat justly all the sections of the public and that they should frame laws for protecting the lives of the poor and down-trodden people, and I urge them to pass this Bill without any fear and hesitation.

My honourable friend Chaudhri Ram Sarup has suggested that senior sub-judges should not be appointed in place of collectors to make inquiries regarding the matters now before the House. He never meant that these

senior sub-judges do not do justice and therefore they should not be appointed to institute inquiries. What he meant was that the senior sub-judges were not in touch with the zamindars and were generally unaware of the fraudulent practices of the sahukars. Further, the zamindars were not in a position to bring all the details before the senior sub-judges in connection with the malpractices of the sahukars. Therefore, he suggested that the senior sub-judges should not be appointed to institute inquiries into the loans and debts of the zamindars. I also whole-heartedly support that contention that the executive officers know rural conditions more than any other official and therefore they should be given these powers. With these words, I oppose the amendment now before the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I will not take more than a few minutes to answer the points raised by honourable members on this amendment. I regret I was absent from the House when several speakers spoke on this amendment, but I heard a portion of the speech of my honourable friend Mr. Mukand Lal Puri. His main arguments are these. Firstly, he said that the collector is a very hardworked person and therefore it is not desirable to saddle him with further work or duties. He probably forgot that we have provided in the definition of 'Collector' that it would also include the assistant collector of the first grade specially empowered in this behalf. This was deliberately included with a view to provide the much needed assistance to the hardworked collector. Secondly, he said that the collector being hardworked may not be able to give that care and consideration to the adjudication of these various items mentioned in the sub-clause, and these matters were of far reaching importance to the money-lending section. My honourable friend, is no doubt aware that the collector has got extensive powers under the Land Alienation Act, which might affect a person's whole career financially and yet he has been satisfactorily discharging those powers and we have not heard any complaints that he has not been acting judicially or that he is prejudiced or has bias against any particular community. Mr. Puri's argument in favour of the amendment was that the district judge who is judicially minded will be able to give more care, more judicial care to these matters which will come up under this Act. Now, apart from the question of time which both the district judge and the collector will have to give if either of them is appointed to adjudicate on these matters, I beg to invite attention to the specific matters on which the collector will have to adjudicate under this Bill. They are not matters involving intricate legal problems. There are no complex points of law at issue. He will mainly have to decide matters of fact. If you examine the various sub-clauses you will find that he will have to adjudicate whether a person has been held by any court to have contravened the provisions of section 3 of the Regulation of Accounts Act in more than two suits. That is a question of fact. Any person who puts in an application will have to put in certified copies of judgments. Therefore it becomes purely a question of fact and not of law on which the collector has to adjudicate. The next point on which he has to adjudicate is whether a suit had been dismissed in whole or in part under section 87 of the Punjab Relief of Indebtedness Act. Here also no question of law is involved. The next item is whether he has had his suit dismissed with the finding that he has made dishonestly or fraudulently

[Premier.]

a material alteration in any document. That is also a question of fact based on the judgment of a court of law. Similarly item 4 is—'has had his suit dismissed with a finding that it is fraudulent.' That means that a court has to give a finding to that effect, and that finding has only to be brought to the notice of the collector. So also in the case of the other two sub-clauses. All these involve only matters of fact and not of law. In view of these considerations I think that it is wholly unnecessary to complicate this Bill by giving this power to a district judge. The collector would be perfectly capable with the assistance of the assistant collector to adjudicate all these matters in the light of facts produced before him and based on the findings of the courts. (*Hear, hear and cheers*).

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Munshi Hari Lal (Urdu) : Sir, in considering my motion this fact has been lost sight of that collectors are being given unfettered discretionary powers in this matter and it is being left entirely to them to cancel licences for any length of time. This is really very objectionable. It is strange that one of my friends sitting on the Government benches was pleased to remark that it is due to the behaviour of the civil courts in general that such legislations have become necessary. No one should take notice of this remark as it is obviously beside the mark. But it makes one feel that it is perhaps in a retaliatory spirit that the power of cancellation of licences for an indefinite period is being given to the collector. For God's sake do not let this spirit creep in this legislation which will affect so many people. This measure which is being passed into law at the Simla heights is to apply equally to all zamindars and non-zamindars. It makes no discrimination between one and the other. It is, therefore, necessary that we should consider it calmly and dispassionately. This enactment should be absolutely free from the spirit of vengeance. Before I close I may as well remind the House that where a collector is the executive head of a district, a senior sub-judge is the head of administration of civil justice in his district. The two authorities are, therefore, parallel and on that account also there should be no hesitation in accepting my amendment. With these words I commend my motion for the acceptance of the House.

Premier : Sir, my honourable friend was perfectly right when he said in the course of his speech that this Bill is not intended to benefit the zamindars at the cost of non-zamindars or *vice versa*, and that its provisions will apply to agriculturists and non-agriculturists alike. Undoubtedly, it is not the intention of the Government to differentiate between man and man so far as the application of this measure is concerned.

So far as the motion under consideration is concerned, I submitted in my last speech that the collector would give his decision with respect to the cancellation of the licence of a money-lender on the basis of facts proved during the proceedings before a court and he, therefore, would not be acting arbitrarily when passing an order under this Act. To this submission of mine the honourable member has made no reply and in fact he had no reply to make.

Munshi Hari Lal : But it is in the power of the collector to decide for how long a period of time the licence is to be cancelled.

Premier : It will be more advantageous for my honourable friend to listen to me than to interrupt me. True, in the English law provision is made to empower a civil court to cancel the licence of an erring money-lender. But the provision of the Bill proposed by us is all to the good of the money-lender. In accordance with this provision the licence of the money-lender will not come up for cancellation even if the court makes adverse remarks about him. The judgment of the court will have absolutely no effect on the cancellation of his licence. It will be only on an application made in the court of the collector in this behalf, that the question of the cancellation of the licence will be taken up by itself. I think that this provision is more favourable to the money-lender. On the other hand, if my honourable friends wish that the adverse remarks of a court should *ipso facto* involve the cancellation of a money-lender's licence, I have no objection. I am prepared to get a law framed so that the courts may be empowered to cancel the licence of the money-lender there and then, if they find that he has offended against the law. (*Voices from the Opposition :* Yes, do make such a law). Then, my honourable friend has said that *zaildars* and *lambardars* have access to the collector and by poisoning his mind against the money-lenders they will be able to influence his judgment. I am surprised to see that a capable lawyer like my friend should have put forward such an argument which has no basis in fact and which is absolutely untenable. The collector will give his order, if at all he has to give it, in view of the certified judgment of the civil court before him. After carefully going through the judgment, he will decide whether a licence should be cancelled for a fortnight, or for a period of three months or for six months or longer. Where does the influence of the *zaildar* and the *lambardar* come in? I am sure my honourable friend has ignored this point.

Mr. Deputy Speaker : The question is—

That is line 1 for the word "Collector" the words "court of senior sub-judge of the district" be substituted.

The Assembly divided : Ayes 87 : Noes 87.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Binda Saran, Bai Bahadur.
Chaman Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.

Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.

Muni Lal Kalia, Pandit.
Narendra Nath, Diwan Bahadur
Raja.
Partab Singh, Sardar.
Raghoir Kaur, Shrimati.
Rur Singh, Sardar.

Sampuran Singh, Sardar.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sodarsohan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rah, Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
Abdul Rahim, Chaudhri (Gurgson).
Atzaalali Hasnie, Sayed.
Ahmad Yar Khan Daultana, Khan
Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Allah Baksh Khan, Khan Bahadur
Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar-Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dina Nath, Captain.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar Major
Raja.
Fateh Jang Singh, 2nd.-Lieut. Bhai.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fateh Sher Khan, Malik.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Maulvi.
Ghulam Rasul, Chaudhri.
Ghulam Samad, Khawaja.
Gopal Singh (American), Sardar.
Habib Ullah Khan, Malik.
Hans Raj, Bhagat.
Hari Chand, Rai.
Harnam Das, Lala.
Het Ram, Rai Sahib Chaudhri.

Inder Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Mann, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Jogindar Singh Mann, Sardar.
Jugal Kishore, Chaudhri.
Karamat Ali, Shaikh.
Khizar Hayat Khan Tiwana, The
Honourable Nawabzada Major.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Mubarik Ali Shah, Sayed.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Hassan Khan Gurchani,
Khan Bahadur Sardar.
Muhammad Hussain, Sardar.
Muhammad Hussain, Chaudhri.
Muhammad Nurullah, Mian.
Muhammad Qasim, Chaudhri.
Muhammad Raza Shah Jeelani,
Makhdumzada Haji Sayed.
Muhammad Saadat Ali Khan, Khan
Sahib Khan.
Muhammad Sarfraz Khan, Chau-
dhri.
Muhammad Sarfraz Khan, Raja.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Muhammad Wilayat Hussain
Jeelani, Makhdumzada Haji
Sayed.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Ali Khan Qizilbash,
Sardar.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Nasir-ud-Din, Chaudhri.
Nasrullah Khan, Rana.

Nawazish Ali Shah.
 Nur Ahmad Khan, Khan Sahib
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sham Lal, Rai Bahadur Chaudhri.

Sikander Hyat Khan, The Honour-
 able Major Sir.
 Singha, Mr. S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumar Singh, Chaudhri.
 Sunder Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur, Sardar.

Lala Bhim Sen Sachar : I move—

That in lines 2—4 for the words "for each period as may be specified by him" the words "for a period not exceeding one year" be substituted.

The reason why we have proposed this amendment is that we want to impose a limit on the discretion of a collector. We stand for the separation of executive and judicial functions. We are of the opinion that executive officers are not constitutionally the proper persons for deciding matters which should be entrusted to the decision of persons with judicial training. There is no doubt, as the Honourable Premier has observed, that a collector will cancel a licence after a finding of a court but then the collector has to determine the period for which a licence may be cancelled.

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

Lala Bhim Sen Sachar : The motion before the House is that the licence may be cancelled for a period not exceeding one year. I was giving my reasons for having this limitation on the powers of a collector and why a collector should not be given unlimited power in the matter. This is a measure over the general principles of which there is not much ground for criticism or counter-criticism. This measure will embrace all classes who deal in money-lending. The cancellation of a licence is and will be a serious matter. When a person who carried on a certain profession is debarred from carrying on that profession and is to fall back upon other resources and has to leave a line which he is pursuing, it will be agreed that it is a very serious matter. That order will deprive that individual, who is following a certain profession, of a substantive right and it is, therefore, natural that there should be a curb on the unrestricted discretion of an executive officer.

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

Say what we may, it cannot be denied that an executive officer is bound to be influenced by extra-judicial considerations in passing his orders.

Those of us who have experience of courts of law have not the slightest hesitation in saying that an executive officer, more often than not, is not suited to discharge the functions which should be entrusted to judicial hands. When a certain act is committed which entitles a collector to cancel

[L. Bhim Sen Sachar.]

a licence, the licence shall be cancelled. There is no option. What we want is that the collector should not be given an absolutely free hand in the matter, as we know that these executive officers when they pass orders allow themselves to be influenced by extraneous circumstances. There must be a large number of honourable members of this House who know that the district magistrates have not unoften called upon even legal practitioners to render accounts of their activities simply because those activities were not palatable to those executive officers. Those of the lawyers who took part in the national political activities were always out of favour with the executive authorities and when an executive authority had to mention a particular lawyer in official documents it was influenced by this fact whether he was connected with the Congress movement or not.

Mr. Speaker : That is not relevant to the motion.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Does the honourable member believe that all money-lenders are Congressites and disloyal and all debtors are loyal ?

Lala Bhim Sen Sachar : The amendment is—

.....for such period as may be specified for a period not exceeding one year.

We say that the powers of a collector should be restricted. Why should they be restricted? Because when he will view the problem he will, more often than not, permit extraneous circumstances to enter in the matter; and I am supporting my arguments by reference to the experience which we have of the executive officers. When I say this my reason is that the collector by the very nature of his duties would be connected with some group or the other. (*Premier* : Question). We have seen some very responsible people set at naught constitutional conventions, and come forward to tell the people that they stand for this or that party only. There is therefore no reason why a collector will not follow suit and exhibit such a tendency which is anti-national. We have our experience of executive officers. These executive officers may not take a judicial view and will be often influenced by the considerations whether a man is a help to the Government or not. I am reminded of a small anecdote. An independent extra assistant commissioner while talking to a district magistrate was told by the latter "پولیس آپکی شکایت کہنی ہے" "ہاں کہنے ہوئیے کہ رشوت" he retorted. "No, no, that is out of the question. They say "بد-عاشوں کا ہم چالان کرتے ہیں انکو آپ چھوڑ دیجئے ہیں" "بد-عاشوں کو تو نہیں چھوڑتا ایتنے [نہ] دفعی کے بد-عاشوں کو چھوڑ دیجئے ہوں"—replied the extra assistant commissioner and explained himself saying "the question is very simple. The superintendent of police has to go on tour. A *robkar* goes to the inspector and through him to the sub-inspector and in turn to the *zaildar* and the *lambardar*. Thereupon responsibility for the *sahib's murghis* and *andas* is distributed amongst various persons, and those of the persons who do not supply *murghis* and *andas* are then challenged." Sir, those of us who have experience of the executive know that the executive is not always capable of a judicial view.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is that your experience of the Congress provinces ?

Lala Bhim Sen Sachar : That is our experience in this province. High sounding statements are thrown in our faces and yet what do we see? Do you not see executive tyranny committed.....

Premier : On a point of order. Is that all relevant?

Lala Bhim Sen Sachar : Yes, it is perfectly relevant. I am adducing my reasons for restricting the discretion of the executive officers. I am sure my honourable friends over there who have got considerable experience of the high-handedness of the executive would be able to support my view that very often executive is not capable of taking an independent judicial view of a case.

Mr. Speaker : That matter is not now before the House.

Lala Bhim Sen Sachar : The point is why we want to prescribe the limits. I was saying that we do not want to give unlimited authority in the matter of cancelling of licences. Of course there will be absolutely no objection to entrusting all the powers we have.....

Mr. Speaker : The words of the original clause are for 'such period as may be specified'. The honourable member proposes a period not exceeding one year. So, he should confine his speech to that point.

Lala Bhim Sen Sachar : The Premier has his own notion of a responsible government and it consists in not being responsive to the people.

Mr. Speaker : What has that to do with the motion?

Lala Bhim Sen Sachar : The relevancy is that the executive not being responsible is bound to go astray and take a view of things which a judicial officer will not take. That is the point which I wanted to stress.

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

That in lines 2—4 for the words "for such period as may be specified by him" the words "for a period not exceeding one year" be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) Sir, I would like to say a few words on this amendment. My reading of the Bill shows that there is no provision for saving the limitation of the suit which might be brought by a money-lender for the recovery of his loan during the period when his licence has been suspended. If I am wrong I would like to be corrected. I shall make myself a little more clear to enable the Honourable Premier to follow me. Now, when the collector cancels—let us assume it for good reasons—a licence of a money-lender say, for a year, there does not seem to be any provision to save the limitation for those loans which might be due to become timebarred during the year for which the collector cancels the licence. If there is any, I should like to be pointed out, but I believe there is none. (*Premier :* There is. He can appeal to the commissioner for a certificate). That I know. I have submitted an amendment with respect to that clause which deals with the certificate to be issued by the commissioner and that is clause 11, I believe. But there is no provision to save the limitation even there because even in that clause the word is 'may' and not 'shall'. Therefore, even if a money-lender, whose licence is cancelled by the deputy commissioner, goes to the commissioner in appeal, it is not obligatory on the commissioner to issue a certificate to save limitation.

Mr. Speaker : That is not now before the House.

Dr. Sir Gokul Chand Narang : Listen to me Sir. I most respectfully submit that you were a little too hasty. What I was going to say was this. I am adducing a reason to support the amendment moved by Mr. Sachar. I say that as there is no provision to save the limitation, the amendment of Mr. Sachar, if accepted, will reduce an evil. Supposing there are 50 suits which may become timebarred, if licences are cancelled for 2 years, there may be 100 suits which may become timebarred if licences are cancelled for 3 years and 70 suits will be saved if the period of cancellation is reduced to one year and only 30 may become timebarred and not 100 suits. Therefore, I submit that in order to reduce the evil which arises from the absence of safeguards for limitation, Mr. Sachar's amendment should be accepted, because if we cannot remove the evil altogether, the best we can do is to at least reduce or minimise it. It is from that point of view that I support Mr. Sachar's amendment.

Mr. Dev Raj Sethi (Lyallpur Jhang, General, Rural) (*Urdu*) : Sir, I have not been able to understand the objects of giving indefinite and unlimited powers to the collector. The Honourable Premier has stated that collectors in general are very honest and just officials. Even granting that, I submit that such wide powers should not be given to the collectors at all.

Mr. Speaker : Repetition should be avoided.

Mr. Dev Raj Sethi : I was submitting, Sir, that we on this side of the House are on principle opposed to the collector being invested with the powers to cancel a licence. I am of the opinion that it is absolutely unnecessary to give such wide powers to an executive official. It would be better if we define the powers of the collector as regards the cancellation of a licence and the maximum period should also be fixed for which the collector should be allowed to cancel the licence of a sahuakar. I, therefore, suggest that in lines 2—4 of clause 6 for the words "for such period as may be specified by him" the words "for a period not exceeding one year be substituted.

(*Voices :* Question may now be put.)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The amendment moved is that—

In lines 2—4 for the words "for such period as may be specified by him" the words "for a period not exceeding one year" be substituted.

The question is that—

The words "for such period as may be specified by him" stand part of the clause.

The motion was carried.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Sir, I beg to move that—

In line 6, after the word "money-lender," the following be added :—

"Commits an act or is guilty of an omission with reference to which he."

Sir, as the honourable members will realise, the object of moving this amendment is to provide that punishments, prescribed in this Act which

we are now going to pass, will not be inflicted upon any person who has acted against the provisions of this Act previous to its coming into force. I am sure that this amendment will be unanimously supported because it is based on equity and justice.

Mr. Speaker : The question is—

That in line 8 after the words "money-lender" the following be added:—

'Commits an act or is guilty of an omission with reference to which he.'

The motion was carried.

Mr. Speaker : The question is—

That the opening six lines of clause 6 as amended stand part of the clause.

The motion was carried.

Munshi Hari Lal (South-Western Towns, General, Urban) (Urdu) :
Sir, I beg to move

That in sub-clause (4) lines 1—2 between the words "have" and "contravened" the word "intentionally" be inserted.

I want to submit that only the licence of that money-lender should be cancelled who intentionally contravenes the provisions of section 8 of the Regulation of Accounts Act. If he does not *intentionally* contravene the provisions of section 8 of the Regulation of Accounts Act his licence should not be cancelled. Day before yesterday my honourable friend Mir Maqbool Mahmood referred to section 4 of the Regulation of Accounts Act and stated in the course of his speech that the word "intentionally" is provided in section 4 of the Regulation of Accounts Act. I have myself studied section 4 and I read it out to you :

"A person who has kept his accounts and sent his six-monthly statements of accounts in the form and manner prescribed in clauses (a) and (b) of sub-section (1) of section 3 shall be held to have complied with the provisions of these clauses, in spite of errors and omissions, if the court finds that the errors and omissions are accidental and not material and that the accounts have been kept in good faith with the intention of complying with the provisions of these clauses."

Sir, much stress is being laid by my honourable friend on the word 'accidental', but if it is any omission or error in the issuing of notice under section 4 of the Regulation of Accounts Act, that the court can condone and can decide that the costs should not be given to the money-lender. It is provided in that section that a money-lender's licence shall be cancelled if he "has been held by a court to have contravened the provisions of section 3 of the Regulation of Accounts Act." Under the Regulation of Accounts Act if a money-lender issues any notice to the debtors and if in the judgment of the court there is any omission which is 'accidental' and not material, then it can condone the omission. The case is different if no notice has been given at all. If any money-lender does not give any notice to his debtor the consequence would be that he would lose his interest as well as his costs. But according to this section the licence of a money-lender will be cancelled if he has been held by a court to have contravened the provisions of section 3 of the Regulation of Accounts Act in more than two suits. If we insert the word 'intentionally' after the word 'have', then it will make the position fair and just. So long as a person does not commit any breach of law 'intentionally' he is not punished. If a money-lender intentionally contravenes the provisions of section 3 of the Regulation of Accounts Act, his

[Munshi Hari Lal.]

licence should be cancelled. If any money-lender does not give notice with an honest view to forego his interest and costs in the event of a suit he should not be punished. With these words I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (i), lines 1—2, between the words "have" and "contravened," the word "intentionally" be inserted.

Rai Bahadur Mr. Mukand Lal Puri (Bawalpindi Division, General Rural) : Under section 6 you will find several conditions which would lead to the cancellation of the licence. These relate to acts of omission and commission. You will also see that all of them do not stand on the same footing. Some are omissions or commissions about whose gravity no two opinions can be held. There are others which are merely technical non-compliance with a particular law. Now with respect to these technical non-compliance of the provisions of particular statutes, it is necessary to prove that the act was intentionally committed. Now, for instance, take the first sub-clause. It refers to a money-lender who has been held to have contravened the provisions of section 3 of the Regulation of Accounts Act. Section 3 of that Act requires two things of a creditor. One is that he should keep his accounts in a particular form. The second is that he should send six-monthly copy of accounts to his debtors. Now, supposing a person keeps his account in a particular form, but due to some accident or oversight or due to the negligence of his agent he has failed to send the six-monthly statement of accounts to two out of a thousand debtors. The question is whether his licence should be cancelled on this account. He will not only be deprived of his means of living, but it may possibly lead to confiscation of his entire assets. Therefore I wish to commend to the House this amendment. If the word 'intentionally' is added, it would be carrying out the wishes of the House.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, we are frightened by the remarks which you were pleased to make that you would keep us in this House until the consideration of the Bill is finished. It creates an uneasiness in the minds of the members—though it may not be justified—as if you want to hustle and hurry through. I hope you did not mean to carry out the threat.

Now I would just say a few words in support of the motion. The importance of the word 'intentionally' would be apparent when we consider a hypothetical case. Suppose a money-lender goes to England and gives directions to his clerk. (*Premier :* Has the honourable member read the section in the Regulation of Accounts Act ?) If there is a provision in that Act which we passed a few years ago that the omission or contravention should be intentional before he is penalised, then there is no question. But I would ask the Honourable the Premier, what is the justification for the omission of the word in this Bill ? Now let us read the section in that Act. Section 8 of the Regulation of Accounts Act says :

A creditor shall in order to comply with the provisions of this Act—

- (a) regularly record and maintain an account for each debtor separately, of all transactions relating to any loan advanced to that debtor, in such manner as the Local Government may prescribe ;

- (b) furnish each debtor every six months with a legible statement of account signed by the creditor or his agent of any balances or amount that may be outstanding against such debtor on the 30th day of June or 15th *Har* and the 31st day of December or 15th *Pak* in each year. This statement of account shall include all transactions relating to the loan entered into during the six months to which the statement relates and shall be sent—

Then I come to section 4 relating to penalty with which I am concerned. It says :—

Notwithstanding anything contained in any other enactment in force for the time being—

- (a) in any suit or proceeding relating to a loan the court shall, before deciding the claim on the merits, frame and decide the issue, whether the creditor has complied with the provisions of clauses (a) and (b) of sub-section (1) of section 3 ;
- (b) if the court finds that the provisions of clause (a) of sub-section (1) of section 3 have not been complied with by the creditor, the court shall, if the plaintiff's claim is established in whole or in part, disallow the whole or a portion of the interest found due, as may seem reasonable to the court in the circumstances of the case and shall disallow costs ;
- (c) if the court finds that the provisions of clause (b) of sub-section (1) of section 3 have not been complied with by the creditor, the court shall in computing the amount of interest due upon the loan exclude every period for which the creditor omitted duly to furnish the account as required by clause (b) of sub-section (1) of section 3 : provided that if the creditor has after the time prescribed in that clause furnished the account and the plaintiff satisfies the court that he had sufficient cause for not furnishing it earlier, the court may, notwithstanding such omission, include any such period or periods for the purpose of computing the interest.

Explanation.—A person who has kept his account and sent his six-monthly statements of accounts in the form and manner prescribed in clauses (a) and (b) of sub-section (1) of section 3 shall be held to have complied with the provisions of these clauses, in spite of errors and omissions, if the court finds that the errors and omissions are accidental and not material and that the accounts have been kept in good faith with the intention of complying with the provisions of these clauses.

Therefore my submission is that the Honourable Premier does not derive any assistance from section 3 or section 4 of the Regulation of Accounts Act, because only such errors and omissions which probably he had in mind are exempt from penalisation which may be accidental. That is not the omission relating to the actual forwarding of account but only in the body of the account. Supposing there is in one item Rs. 10-8-9 and by mistake it is given as Rs. 10-8-9 because 9 is often mistaken for 8. Such errors might occur where there is a difference of an anna or two by mistake or oversight. Then he will not be penalised. My submission is that in that Act the penalty is only forfeiture of part of interest or disallowance of costs which would not matter much if a money-lender fails to comply with section 3 of that Act. But here the penalty is so heavy that it is necessary to put him on his guard so that he should not be punished without proof of dishonest intention. As I have submitted, there may be no dishonesty at all. It might have been physically impossible for him to have complied with the provisions of section 3 of the Regulation of Accounts Act in more suits than one. That means if he has not supplied accounts in three suits irrespective of any causes whatsoever, then he becomes liable to the cancellation of his licence. My submission is that the punishment is very severe and this safeguard must be provided that the court before it cancels the licence must be satisfied that the act was done intentionally. Otherwise if owing to his unavoidable absence from home or for some other causes or the sudden

[Dr. Sir Gokul Chand Narang.]

illness of his clerk which could not be foreseen, he will not be able to comply in that very week possibly in three cases with the provisions of section 8 of the Regulation of Accounts, he would be penalised. I think the amendment moved is very reasonable. After all what do they lose if that word 'intentionally' is inserted?

Premier (The Honourable Major Sir Sikander Hyat-Khan) : My honourable friend started his speech with the fear that we might have to sit burning the midnight electricity—I cannot say oil—to make progress with this Bill and yet he has made a speech—of course being a lawyer and an able lawyer too he can say anything—without studying the Act carefully. Had he done so, he would have seen that this amendment is wholly unnecessary for the simple reason that if the man has made any omission or commission accidentally the court is bound to give due consideration to it. It is said clearly in the section which he has read.

Now he says that this is merely with regard to the keeping of the accounts and if there is no deliberate omission, then and then alone the court can protect him. But supposing a man does not send a six-monthly statement of account this is not protected under the explanation to section 4 of Regulation of Accounts Act, 1930. This has been so framed because we want to be sure that he will not make an omission of this kind on the ground that his *munim* was ill or that his grand-mother was ill for which reason he was not able to send his six-monthly statement in time. It is in view of these considerations that in the select committee we discussed this matter and came to the conclusion that it would be hard if we do not give him some latitude and that is why we added the words 'not more than two suits'. That is to say if he makes a mistake or omission in more than two suits, that is, at least in three suits, then and only then this provision will be applicable against him. Three suits might mean 20 omissions, but it should be only in three separate suits. That I think is a sufficient latitude to cover all *bona fide* exigencies or mistakes on his part. Now, my honourable friend should realize that unless we fix a limit to these protected omissions they might become a rule rather than exception and that is what we want to avoid. Then he said that the punishment under this Bill would be very hard while under the Regulation of Accounts Act he can only disallow a portion of the interest, but under this Bill it would be a very drastic punishment. But what is the punishment? It is stated in sub-clause (a) that the collector shall find out if a mistake has been made and if it is a mistake which is not of a very serious nature, but is just an ordinary mistake or omission, then, if it is at all necessary, he would cancel the licence only for a week or two weeks. The punishment would be only according to the magnitude of the offence itself. The collector will have to take all these things into consideration before cancelling the license for any period. Therefore my honourable friend's argument, over which he waxed very eloquent and on which he took such a long time of the House was not very strong. If he had read the Regulation of Accounts Act, carefully, it would not have been necessary for him to take the time of the House.

Dr. Sir Gokul Chand Narang : What is the harm in adding this one word? It would not make the Bill very bulky.

Premier : It would be encouraging omissions.

Munshi Hari Lal : The Honourable Premier has not made out a proper case. Supposing a man is in England for six months and during that time he cannot issue notices to all his debtors. He brings suits against all his debtors afterwards and in all those cases, it is held that he has contravened the provisions of the Regulation of Accounts Act. His licence is liable to cancellation. How would you meet his case ?

It was argued that the period of cancellation may be one week or fortnight. It is quite all right for us to hear and for the Honourable Premier to assure us, but where is the guarantee that the collector will only cancel for one or two weeks unless he is going to restrict the power of the collector. He may give three years under extraneous influence. It is therefore necessary to insert the word 'intentionally'. I submit that this amendment regarding the addition of the word 'intentionally' is reasonable and it should not be rejected.

Premier : My honourable friend has argued in favour of his amendment. He said supposing a *poor* money-lender goes to *England* for six months (*Voices :* Poor agriculturist money-lender) he might have failed to send six-monthly statements in so many suits and he might have made several mistakes. Now if he goes to England for six months he may as well overlook filing suits in the court that may get time-barred. Would he forget filing these suits? I am sure he will be vigilant here. If he would not forget filing suits why should he forget sending six-monthly statement of accounts? If he cannot allow his suits to be time-barred, he should also send his due statement of accounts.

Mr. Speaker : Question is—

That in sub-clause (i), lines 1-2, between the words "have" and "contravened" the word "intentionally" be inserted.

The motion was lost.

Rai Bahadur Mr. Mukand Lal Puri : May I move my amendment No. 29^a ?

Mr. Speaker : Deletion or negation of a clause is not an amendment.

Question is—

That sub-clause (i) of clause 6 stand part of the clause.

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, I want to oppose the whole sub-clause (1) of clause 6. A change of some word here or there cannot satisfy me. I oppose the whole of it on a matter of principle. In order to explain my reasons for it I would like to read before the Honourable House only such extracts of section 8 of the Regulation of Accounts Act which have direct bearing on this clause and run as follows :—

- * 3. (1) A creditor shall in order to comply with the provisions of this Act—
- (a) regularly record and maintain, an account for each debtor separately of all transactions relating to any loan advanced to that debtor in such manner as the Local Government may prescribe ;
 - (b) furnish each debtor every six months with a legible statement of account signed by the creditor or his agent of any balance or amount that may be outstanding against such debtor on the 30th day of June and 31st day of December in each year. The statement of account shall include.....

^aThat sub-clause (i) be deleted.

[L. Sita Ram.]

Now, Sir, let us read the penalty imposed for non-compliance with the provisions of section 3 which is given in clause 4 of the same Act and runs as follows :—

4. Notwithstanding anything contained in any other enactment in force for the time being—
- (a) in any suit or proceedings relating to a loan, the court shall before deciding the claim on the merits, frame and decide the issue, whether the creditor has complied with the provisions of clauses (a) and (b) of sub-section (1) of section 3 ;
 - (b) if the court finds that the provisions of clause (a) of sub-section (1) of section 3 have not been complied with by the creditor the court shall, if the plaintiff's claim is established in whole or in part *disallow the whole or a portion of the interest found due as may seem reasonable to the court in the circumstances of the case and shall disallow costs*

Now Sir my contention is that it is quite obvious from the above extracts that in case any money-lender does not comply with the provisions of section 3 of the said Act he takes upon himself the risk of foregoing the whole interest besides the costs.

Sir, in view of the above I fail to understand why the Government wants to punish the same person by cancelling his licence as provided for in the sub-clause under discussion in addition to the above punishment for the same offence. In my humble opinion that would tantamount to a double punishment for a so-called offence. In this case there is no dishonesty on the part of the money-lender and the debtor does not lose anything he rather gains. It is the money-lender who loses by it. He should be at liberty to do anything in his own interest. When he is ready to forego his whole interest and costs, why should we compel him to send the accounts to his debtor against his wishes? Besides this there are other punishments which have already been provided under the Regulation of Accounts Act and the Punjab Relief of Indebtedness Act for a money-lender who does not send regular accounts to his debtor or charges higher rate of interest than those prescribed in the Act or Acts under section 37 of the Punjab Relief of Indebtedness Act. The court can deprive the money-lender of his interest or principal or both as the case may be. But if you also wish to rob the money-lender of his principal along with his interest, then I may not quarrel, otherwise it is neither

7 P. M. fair nor desirable that a collector should cancel the licence of a money-lender for a year or two or three simply because he failed to comply with a minor provision of another Act. During this period a money-lender may suffer a loss of several rupees. That would constitute a great hardship to him indeed. In view of this, I want to get this clause deleted altogether. My remarks would also apply to sub-clauses (ii) and (v) of clause 6, the principle being the same. Again, this clause has 6 sub-clauses under it and in every one of them different offences are mentioned but it is surprising indeed that the same punishment is laid down for every offence enumerated there. If we study the Indian Penal Code, we will find that every offence has a different punishment for it but here in this Bill one and the same punishment is proposed to be meted out for different offences. I fail to comprehend what could be the justification for that. Supposing a money-lender does not submit his six-monthly

accounts to his debtor as required under the Regulation of Accounts Act his licence will be cancelled. Again, if he commits a fraud and cheats an innocent agriculturist, even then his licence will be cancelled. This is very strange. There must be some distinction between different offences. Let our Government draw a line somewhere and not punish people indiscriminately. Besides, what makes the position of the money-lender even worse, is the fact that if he has once been punished for a certain offence under the Regulation of Accounts Act, he may be punished again for that very offence under the Money-lenders Bill. This double punishment is unheard of. I can never regard it fair, or justifiable. This is, Sir, another example which proves my contention that the honest money-lender would suffer more than the dishonest one under the provisions of this Bill.

With these words, Sir, I strongly oppose sub-clause (1) of clause 6 under discussion.

Rai Bahadur Mr. Mukand Lal Puri: You would find that all the six sub-clauses are defining acts which might necessitate the cancellation of the licence. This is the one clause in which dishonesty or fraud or any kind of bad intention need not form a necessary part. In every other clause you will find that where the acts of commission and omission are penalised, there is either fraud or dishonesty or attempt to charge higher interest or putting down to the debit of a person higher amount than originally advanced. This is the one clause where the thing might happen without any dishonest intention. When every other clause contains as an essential element fraud or dishonesty, I think the object of the legislature would be served if such a thing, of which fraud or dishonesty does not form an integral part, were kept out. It has been pointed out by the Honourable Premier that in the Regulation of Accounts Act it has come to the knowledge of the courts that the creditors do not usually comply with this provision and that there is evasion on that score. People do not comply because in the case of all creditors, out of thousand accounts there are fifty such accounts where it is not possible to recover anything from those fifty persons and the creditor knows that even if he files a suit he will not be able to recover his principal what to talk of costs and interest. He may ultimately file a suit for five hundred rupees while two thousand rupees are due because no more than five hundred rupees can be recovered. In this case the creditor finds it an unnecessary botheration to send any account. On the other hand it can be legitimately argued by the Premier and the Government that the intention of the legislature was that this should be done, and if it is not being done, the legislature ought to step in to induce people, by penalty or compulsion, to do it. If that is the intention of the legislature, then the proper thing is to amend the Regulation of Accounts Act and put greater penalties there, not that you should have an indifferent and insignificant omission under the Accounts Act made an occasion for the cancellation of the licence leading to such results. Therefore, the object of the Act will not be defeated and no great harm will be done if you omit this clause.

Premier (The Honourable Major Sir Sikandar Hyat-Khan) (Urdu): Sir, my honourable friend Lala Sita Ram has observed just now that if a money-lender commits an offence, a very severe punishment is meted out to him, and that he may also be punished a second time for that very offence.

[Premier.]

It appears as if my honourable friend imagined that we are enamoured of punishing the money-lenders and will be always on the look out to entrap a money-lender. That is not our object at all. Had my honourable friend considered this clause dispassionately he would have seen it for himself that the Bill is really calculated to benefit the money-lender himself. In fact money-lenders stand to gain by it more than anybody else. Let it not be understood that an honest money-lender will be punished for every minor omission or commission of his under this Bill. Supposing he submits a wrong form once or twice or makes a minor mistake in filling it properly, he will not be punished. It is only when he persists in violating the minor provisions of the Bill that he will be punished and even then according to the circumstances of the case.

Again, my honourable friend complained that the same punishment is proposed for different offences. It is not so. As a matter of fact I strongly repudiate this charge. A collector will see to it that if ends of justice can be met by cancelling a licence for 10 days, he will certainly cancel a licence for that period only. But if he finds that a certain money-lender has been guilty of cheating an innocent debtor, he will, of course cancel his licence for a longer period. The mere fact that a money-lender's licence will be cancelled for any offence under this clause, should not cause my honourable friends opposite to jump to the conclusion that the same degree of punishment will be meted out to all money-lenders, because the cancellation may be only for a week or two in some cases and for a year or two in some other cases. The mere word 'cancellation' need not frighten my friends over there. I am sorry that whereas they have tried to point out minor differences in the different offences mentioned in this clause, they have not taken the trouble of realising that the period of cancellation will not be the same in each case.

The second argument put forward against this clause was that a money-lender will be twice punished for one and the same offence. But let me point out the other side of the question. The money-lenders who generally neglect their duties under the previous Act will become more cautious in submitting their accounts regularly. Sometimes they think now what is the use of going to the court when they have already made enough money out of the bargain, and thus arguing the money-lenders fail to submit accounts properly. But after the Bill is passed the money-lender will fear the cancellation of his licence and prick up his ears. He will keep a regular account of his business and thus be able to realise his money to the last penny. Here I may point out the fallacy underlying the argument of my honourable friend Lala Sita Ram. He said that every money-lender will be once punished under the Regulation of Accounts Act and then be punished again for that very offence under the Money-lenders Bill. It is not going to be so, because money-lenders will take care to comply with the provisions of the previous Act, and, when they do so, they will not be punished under that Act. Any money-lender who is not punished under any other law shall not be punished under the Money-lenders Bill, because it is laid down in this Bill that if any money-lender is found guilty of the offences mentioned here by a court, then and then alone the licence will be cancelled. It is clear therefore, that an honest money-lender will not be touched by this Bill. Only a dishonest money-lender

should be afraid of this. But I am not prepared to help him at all, moreover, if a lawyer is found guilty of fraud, he is punished under the Penal Code, but his licence as a lawyer is also liable to be cancelled.

Lala Bhagat Ram Choda : Sir, I want to ask only one question from the Premier, and it is this. Why should any man who does not charge interest come under this Bill?

Premier : Such a man would remain absolutely unaffected by this Bill. He is clearly outside the scope of this measure.

Mr. Speaker : Question is—

That sub-clause (i) of clause 6 stand part of the Clause.

The motion was carried.

Mr. Speaker : Sub-clause (ii) of Clause 6 will now be considered.

Munshi Hari Lal : I move—

That in sub-clause (ii), line 2, between the words "part" and "under" the word "more than twice" be inserted.

I submit that man is a sinner from the dawn of humanity. Judge him but be merciful. If a man has had his suit dismissed once in whole or in part, under section 87 of the Punjab Relief of Indebtedness Act, he stands liable and his licence may be cancelled. I submit that if a money-lender's suits have been dismissed more than twice, he may be penalised and not in cases when only one of his suits has been dismissed. In section 87 of the Punjab Relief of Indebtedness Act, it is laid down—

Where, in a suit for the recovery of a loan, the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred, the court may, at its discretion, disallow the whole or any part of the sum claimed by the plaintiff.

My submission is that the man should not be penalised and his licence should not be cancelled if one suit of his is dismissed. I have suggested 'if more than twice his suits be dismissed' he should then suffer. I submit that the penalty provided in the clause is quite disproportionate. With these words I move the amendment.

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

That in sub-clause (ii), line 2, between the words "part" and "under" the words "more than twice", be inserted.

Dr. Sir Gokal Chand Narang (West Lahore Division, General, Rural) : I would not repeat any of the arguments which have been advanced. Section 87 of the Punjab Relief of Indebtedness Act, 1934 lays stress on this that—

Where, in a suit for the recovery of a loan the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced plus legitimate expenses incurred, the court may, at its discretion, disallow the whole or any part of the sum claimed by the plaintiff.

I do not know if you are aware, or if the Premier is aware that in certain parts of the Punjab there is a practice, justification or non-justification of it is a different question, that when an advance is made, a very small percentage is charged on account of what is called 'kada.'

Premier : It may not be of 'kada' but some other term.

Dr. Sir Gokul Chand Narang: It is called 'karda' or 'kada'. The origin of this seems to be this that in olden times when money was not so safe and there was danger of burglaries, even of dacoities, and there were no banks, people used to bury what little cash they had. Supposing they had to advance Rs. 10 to a debtor, they had to dig up their little cash and that involved some labour and also some risk of exposure because every time you dig you run the risk of your treasure being found out and it was therefore customary to charge one anna or say one pise per rupee, something like that on the amount advanced. Even in these days where there are no banks and where people do not consider themselves to be so safe, they bury their money underground and when a person comes to them to borrow some money they have to dig it up and they may still be charging a little on account of 'kada' which means labour or wages for digging out. That practice might have died out in towns but it may still be in vogue in certain places and the practice might be so well established that it has never occurred either to the creditor or the debtor that there is any thing wrong about it and some people quite innocently might charge a little money say of four annas or eight annas on a loan of hundred rupees or so. When it comes to the court, probably the creditor innocently without knowing that there was anything wrong when questioned on the point and asked 'did you charge this' says, yes I charged Rs. 0-8-0 on account of *kada*. He has never entered it in the debit account of the debtor. As soon as this admission is made by him it is established that he has entered more in his account than he actually advanced and what happens; he loses either the whole or some part of the sum which he was claiming as a plaintiff in the money suit; that is well and good. Now another suit may be brought by that man after the commencement of the Money-lenders Registration Act, when it does become an Act, and it is proved that in such and such suit it was found that he had charged Rs. 0-8-0 more than he had actually advanced, the result is that he incurs this penalty without any warning. It may be said that everybody is presumed to know the law, but as a matter of fact we know it takes time before a novel legislation of this kind penetrates into the remote corners of the country and people might, as I have said, be still following that practice. Now no *locus poenitentiae* is given to that man because if one instance of this kind is proved it renders his licence liable to cancellation. My submission is that it would be a great hardship on him. It would not be a question of deliberate dishonesty; it would be only a mistake in following a practice which has come down from time immemorial in that part of the country and although he was punished for having lost the whole or part of the amount for which he sued in the suit in which the finding was given he also loses his licence, as no limitation has been prescribed here whether he does it once or twice. He is not given the benefit of having done it once and having received a warning. My submission therefore is, that if the Honourable the Premier was good enough to have added the words 'more than two suits' in sub-clause (1), why did he not remain equally considerate when he came to sub-clause (2) of this clause. Why did he not add similar words at the end of this clause or in the middle as has been proposed in the amendment under discussion. I have sent in an amendment to the effect that the words 'more than once' be added at the end of the sub-clause. I was very reluctant, if not timid, knowing the temper of the Government: I said only 'more than once.' Munshi Hari Lal has

been bold enough: he says more than twice, the same as in sub-clause (1).

I do not see really any reason why Government should not accept this amendment. After all what is it that they had in their mind. Every offence is punishable, but the punishment must be commensurate with the seriousness of the offence. A friend of mine was just remarking to the Honourable Premier that if a punishment of transportation for life was prescribed, it would certainly be a greater deterrent. But the punishment proposed here may prove even heavier. There you take away a man's liberty for 14 or 20 years and here you make him liable to lose all that he has earned in his life, if his licence is cancelled for a long time and all his suits become time-barred. My submission is that the Honourable Premier should accept this amendment and if not the whole of it, let him at least accept the words "more than once" and that would be some safeguard for the poor and innocent money-lender who might have made a slip in one instance and which when come to light might serve as a warning from the court, and who does not repeat that practice.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I have listened with interest to my honourable friend, Dr. Gokul Chand's discourse on the intricacies of *kharta*, *bharta* and so on. So far as I am aware—and I speak subject to correction because I have no personal experience of these matters—such transactions or such amounts or deductions—you might call them by any name which you please but I would merely for the sake of facility call them deductions but they are not shown in the *khata* of the account. If they are shown, at all they may be shown in the rough day book or *bahi* of the money-lender which is kept by him to tally his accounts. I am almost certain that those amounts are never shown in the *khata*. Therefore, for our present purpose it is out of the question and out of the picture. What we are at present concerned with and which my honourable friend will concede with regard to those offences which a money-lender commits is that it is necessary that he should be under some disability with regard to this law or any other law for such fraudulent transactions. This is a dishonest loophole which can enable a dishonest money-lender to evade this law by paying out Rs. 100, and getting from his client a promote for Rs. 200 or he may ask him to put his thumb impression on a receipt of Rs. 300 or Rs. 400. Now, if that possibility is there and if that is a dishonest act on the part of a money-lender, does not my honourable friend consider it necessary that we should try to safeguard the interest, not only of the debtor, but also with a view to ensure the object which we have in passing this Bill, that is, to take away this temptation from the way of the money-lender? If you see section 37 of the Relief of Indebtedness Act, you will find there that all legitimate expenses are excluded. The money-lender will not be penalised for them and if he is not penalised by a court, he will not be penalised under this Act. After all what is the penalty which he has to pay? I have repeatedly said on the floor of the House that the penalty would be the cancellation of his licence. Now, Sir, you know better than I do—because you are more experienced in such matters—supposing a lawyer commits an offence or an irregularity, the duration of cancellation of his

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licence would depend on the nature of his offence. If the offence is only a light one, his licence will be suspended for 2, 3 or 6 months only.

Dr. Sir Gokul Chand Narang : Not by the blessed collector, but a full bench of the High Court sits.

Premier : Yes, and here too he would have been condemned by a competent court. The offence may be merely for getting help of the tout or may be that he takes extra money from his client for which he is liable criminally. But I merely give you an analogy. There also the licence is cancelled. If a money-lender pays Rs. 100 to a man, and he asks him to put his thumb impression or signature on Rs. 200 or Rs. 300, does not my honourable friend consider that this is a heinous offence and that the collector should take action to cancel his licence? If that is his argument, then I think it does not hold any water at all. That is why we have not given similar facilities here as are given in some other clauses. Such money-lenders cannot be given any asylum and should be penalised if they are caught even once after committing this fraud? It is a grossly dishonest action on the part of a money-lender. It is the most heinous offence of cheating and forgery on the part of a money-lender. It is an offence, which every man with a sense of morality, would not only condemn, but would condemn very strongly. It is to that particular offence that this clause relates. I hope my honourable friend will not press his amendment.

Mr. Speaker : The question is that—

In sub-clause (i), line 2, between the words "part" and "under" the word "more than twice" be inserted.

The motion was lost.

Dr. Sir Gokul Chand Narang : Sir, I beg to move that—

At the end of sub-clause (ii) the words "more than once" be added.

The motion was lost.

Mr. Speaker : The question is that—

Sub-clause (ii) stand part of clause 6.

The motion was carried.

Munshi Hari Lal : I beg to move that—

In sub-clause (iii), line 1, between the words "dismissed" and "with" the word "more than twice" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (iii) stand part of the clause.

The motion was carried.

Dr. Sir Gokul Chand Narang : I beg to move—

That in sub-clause (iv), line (1), between the words "suit" and "dismissed" the words "for the recovery of a loan" be inserted.

As repeatedly announced by the Honourable Premier the object of the Bill is to purify money-lending and to reform the money-lenders, to get rid of dishonest ones and to help if possible honest ones and to place them, as one honourable member on the other side said, in the position of patriarchs

in the villages so to say. My submission is that sub-clause (iv) does not qualify the suit mentioned in it. It simply says—'has had his suit dismissed with a finding that it is fraudulent.' My objection to this sub-clause is that it is too wide and too vague. Is it meant to cover all money suits? From what I see, it covers other suits also. It may not be a suit between a money-lender and the debtor. It may be a suit between a brother and brother with respect to partition. It may be a suit between partners in a business with respect to rendition of accounts. There may be various other kinds of suits. It may be that the courts may hold that a suit is not *bona fide* that the plaintiff is trying to take advantage of his partner or of his brother and so on. I submit that the Government by means of this Bill does not propose to set itself up as an inquisition, the inquisition with which we are familiar in the history of Spain and of some other countries. Is the Premier out to preach morality all round, to teach honesty to all people or is he going to purify money-lending so far as this Bill is concerned? I shall welcome his efforts to purify the world and to make people more moral and righteous if he can, but the question is whether he is not going beyond the scope of the Bill by penalising all kinds of suits. The word 'fraudulent' is not defined in this Bill. The question is whether it is to be taken in the sense of section 417 or 420. Again there are various shades of fraud, for instance, cheating as defined in the Indian Penal Code. Is the object of the Bill really to set up a moral code and penalise people in their money suits or for something they might have done in a suit which has absolutely nothing to do with monetary transactions? Is the Government going to set up a standard for money-lenders which they have not set up for anybody else? Is the Government going to deprive a money-lender of his licence simply because in a single case a sub-judge happens to find that the suit is fraudulent?

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

That in sub-clause (iv), line 1, between the words "suit" and "dismissed" the words "for the recovery of a loan" be inserted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General Rural): Unless the Government has made up its mind not to make any alterations in the Bill as reported by the select committee, I think that in my humble opinion this seems to be a case of omission which must be supplied. If you read sub-clause (iii) you will find that the Government itself provides that if a person makes a material alteration dishonestly and fraudulently in any document relating to a loan he is penalised. But if he is found by a court to have made material alterations in a document not relating to a loan—he may have made it fraudulently and dishonestly—then he is not penalised. But in sub-clause (iv) you do not find a similar exception. Here also some exceptions should have been made in the case of fraud not relating to loan transaction. There is no reason why the words 'document relating to loans' which appear in sub-clause (iii) should not equally be found in sub-clause (iv) also. To me it appears that this is a case of pure omission. The intention of the select committee of which I was a member and the intention of Government as I could gather, was only to penalise those delinquents who committed fraud in their relationship as creditors and debtors and not to penalise persons for other moral delinquencies with respect to cancellation of licences. Therefore I

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commend the amendment to the support of the House. By accepting this amendment the original intention of Government will be carried out; otherwise we will be setting up a code of morality for money-lenders which we do not expect from any one else.

Lala Duni Chand (Ambala and Simla, General, Rural) : I feel that on this occasion the Government should feel thankful to Dr. Narang for the effort he has taken in order to get the Government out of a difficulty. The position he has pointed out with respect to this clause is very clear. There are one thousand and one forms of frauds which have nothing to do with money-lending. But to make this an excuse for cancelling the licence or to make any suit of a money-lender for recovery of his money liable to be dismissed is really very extraordinary. I can well understand that moral turpitude or moral delinquency sometimes enters into the consideration of the question of punishment. But I am not aware of any rule of jurisprudence which lays down that if a certain kind of suit of a money-lender has been dismissed, his claim with regard to all kinds of money transactions should be dismissed. This is a hopeless proposition. It appears that particular attention has not been paid to the drafting of these Bills. I find that some of these Bills have been badly drafted. It is mainly due to Sir Gokul Chand Narang that the defects in the drafting of these Bills have been pointed out. I am sure the Honourable Premier will realise the effect of bad drafting and will accept the suggestion made.

Munshi Hari Lal : (South Western Towns, General, Urban) : I want to add a few remarks to the arguments advanced by my honourable friends. All the sub-clauses except (iv) of clause 6 deal with loan or money transaction in some form or other. But it is only sub-clause (iv) that does not refer to the word 'loan' or the 'money transaction'. The word 'suit' has been left undefined there. I believe that this is an inadvertent omission, not an intentional omission. This mistake was not discovered in the select committee. If it had been pointed out there the omission would have been considered and necessary amendment would have been made. The whole basis of clause 6 is 'money transaction' and 'loan' and no other transaction. I, therefore, submit that this amendment should be accepted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I might at the very outset point out to my honourable friends, Dr. Sir Gokul Chand Narang and Mr. Puri, that it was not an omission on the part of the Government that this clause appears as it is. If my honourable friends would refer to the original sub-clause as it went before the select committee, it is worded like this, 'has had his suit dismissed as vexatious, fraudulent or frivolous.' We cut out those words 'vexatious' and 'frivolous' in the select committee. If I may be permitted to explain to my honourable friends as best as I can why this sub-clause was put in, I might point out that the various sub-clauses give a definite indication of a specific kind of offence committed by the money-lender and it is only when those specified offences are committed that the collector can refuse the licence. The value of these offences need not necessarily be the same—the penal value. If, for instance, Dr. Sir Narang is adjudicating on a case like this he is likely to give 4 black marks

for the offence enumerated in sub-clause (iii) and he might give only 2 black marks for another offence mentioned in sub-clause (iv). Therefore, the actual penalty of cancellation of the licence would vary according to the offence. It may be a cancellation for 15 days, or it may be a cancellation for a month. I was surprised at the argument of my honourable friend over there. He said it is quite possible that these suits may not relate to any money transaction concerning a loan as defined in this Act but it might be a matter concerning a partition with his brother or rendition of accounts with a partner. I beg to submit that if he has committed a fraud against his brother or against his partner in business, certainly the offence would be very heinous from whatever point you look at it. If a person is capable of cheating his own brother or his own partner, then surely he is not a person to be given a licence so that he may go on robbing everybody. (Dr. Sir Gokul Chand Narang: A man who commits incest?) It is quite possible that the subordinate court may find that he has committed some sort of fraud. Then he can go to the appellate court and then finally to the High Court and if the highest court in the province finds him guilty of cheating his brother, do you think that that person can go about with impunity and rob people right and left? He is not the right type of man to be given a licence for money-lending. It is the character of the dishonest money-lender which is under review. A money-lender who cheats his own partner surely cannot be described by any stretch of language to be an honest money-lender. But as I have said it is the question of the nature of the offence and on which the collector bases his penalty. My honourable friend, Lala Duni Chand, referred to jurisdiction. There he has advantage over me because, as I have said, I am not a lawyer. When he talks about jurisdiction I shudder in my seat because he always comes forward with several legal complexities which are beyond me to understand. He referred to jurisprudence and said that my honourable friend, Sir Gokul Chand Narang had come to the help of Government, to get us out of a bad piece of drafting. But if this is jurisprudence, I think I can become a lawyer to-morrow without passing an examination.

Dr. Sir Gokul Chand Narang: You narrowly missed it.

Premier: There is one other point and that is with regard to the nature and value of delinquency which my friend Rai Bahadur Mukand Lal Puri put forward. He said but this is a lesser delinquency, therefore, we should also put in a word suggested by my friend Dr. Sir Gokul Chand. It would be a repetition, but if cheating a brother is a lesser delinquency I do not know what would be more heinous.

Rai Bahadur Mr. Mukand Lal Puri: May I put one question? What is the reason for retaining the word relating to loans in sub-clause (3) which does not apply to sub-clause (4).

Premier: I had tried to explain that in sub-clause (3) we had given indication of a definite kind of guilt that if he committed forgery, he would be penalized. It would be for the collector to decide the nature and extent of that offence. Under this clause it is the cases of the kind which my honourable friend has mentioned in his argument which we had in view. For instance, a man is held by a court to have committed a deliberate fraud and

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then he comes forward and says, 'yes, I have committed a fraud but I must have my licence.' Should he be allowed to go on cheating and committing fraud? I think in such a case a collector should have a right to cancel his licence if he finds that he has been guilty of a deliberate fraud. This is what I want to submit.

Dr. Sir Gokul Chand Narang: I do not want to make a lengthy speech in reply, but it is probably the hundredth time if you do not want any exaggeration, the Honourable Premier has repeated and repeated, and repeated it again and again *ad-nauseam* that he is out to punish the dishonest money-lender and if a money-lender is dishonest in this respect or that respect, he does not deserve to carry on his business. My submission is this and this is unfortunately the point which the Honourable Premier has missed, we are dealing with the money-lender as such, and therefore, when we make the clauses too extensive and too wide, we are really going beyond the scope of the Bill. Now if a man cheats his brother, he says he commits a heinous sin. Certainly he does commit a heinous sin, but if he commits incest does he not commit a heinous offence, is it not more heinous say if he abducts a woman, some body's daughter? Does he not commit a more heinous sin than a man commits in defrauding some one? Why do you not include this and why do you not legislate that a money-lender should be an angel descended from heaven, a cherub as honest as Adam was before he fell, and then alone he can carry on the business of money-lending? We are not out to defend a dishonest money-lender; what we are urging is that you should not go beyond the scope of this Bill. Deal only with those acts which he commits as a money-lender and do not enter into his private life, because entering into peoples' private life is a delicate matter and we should confine ourselves only to the issue that we have before us, namely, whether a money-lender as a money-lender has committed dishonesty or fraud? We are not here to see that no money-lender should commit fraud, we are not here to see that no money-lender should commit theft or that no money-lender should commit perjury in courts. Why have you not included even perjury and other sins enumerated either in the Bible or the Indian Penal Code? If the idea is to make a money-lender a paragon of virtue, if this is the idea we should see that he is free from all sorts of sins like a babe born yesterday. Is this the object of the Bill? I respectfully submit that this is not the object of the Bill and that is why I am telling them that if in a suit for the recovery of a loan, he has been found guilty of fraud, do punish him but do not go beyond his capacity as a money-lender because then we are treading on dangerous ground, on ground which is not covered by the Bill. We should not be misunderstood when we move these amendments that we are protecting dishonest money-lenders. We only object when you expect a money-lender to be virtuous beyond all measure of morality which is applicable to ordinary men. This is the position. If we impose such a high standard we do not know where people would be. I would therefore respectfully submit to the Honourable Premier that he should confine his efforts to the scope of the Bill itself. I draw his attention to sub-clause (B) which we have just passed. He says there 'a material alteration in any document relating to a loan.' Supposing a man buys ten acres of land, from some poor zamindar for a

thousand rupees, but fraudulently he enters another zero again by entering into a conspiracy with the petition-writer or the naib-tahsildar and supposing mutation also is made to the extent of 100 acres, is not that fraud and a very heinous fraud? But you have not included it in this sub-clause three, but you have included only alteration in a document dealing with the loan. There is a pronote or a *namoon in haki* and he makes an alteration there, you punish him because this is in his capacity as a money-lender and because it is legitimately within the scope of the Bill, but you do not go into other forgeries which he may commit in connection with other affairs. I submit that in sub-clause (4) also you should confine his delinquency to a suit for the recovery of a loan in which he might be found to have committed a fraud.

Premier : I am afraid it is not possible for me to make myself clear to the honourable member. What I tried to explain was that we know that there are several offences. My honourable friend says, supposing somebody abducts a woman. It is an offence under the Penal Code and the man who abducts will be punished and we have nothing further to do with him, but if he is a money-lender he will be sent to jail if convicted.

We were merely indicating the nature and extent of an offence for which a collector can take action in suspending the licence of a money-lender. The point which I was making was that a man who is guilty of a fraudulent transaction—supposing he does not lend money to an agriculturist but to a trader and he has been found guilty of fraud and he has been held by a court to have been guilty of fraud—is he not a proper person to be properly dealt with? This is what I was submitting with due deference to my honourable friends. If he is a money-lender we suspend his licence for a certain period so as to show him that if he commits another offence of that kind his licence may be withheld for a longer period. That is what we want to do and nothing more nor less. We are not concerned here whether he commits cheating or any other offence. If he does so he will get his due by being duly punished. It is only as a money-lender that we are concerned with him and if he commits a fraudulent transaction the presumption would be that he is corrupt. If he commits a fraud *vis-a-vis* an intelligent man or a lawyer, the presumption would be that he can cheat an unsophisticated zamindar who goes to him for a little loan. Therefore he should be warned or penalized to some extent for that offence and the period of suspension will depend on the nature of the offence.

Mr. Speaker : Question is—

That in sub-clause (iv), line 1, between the words "suit" and "dismissed" the words "for the recovery of a loan" be inserted.

The motion was lost.

Mr. Speaker : Question is—

That sub-clause (iv) stand part of clause 6.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (v) stand part of clause 6.

The motion was carried.

Dr. Sir Gokul Chand Narang : It is now 8 o'clock and the only remedy is that either we should keep quiet or we should sit here till the business is finished. I would respectfully submit that neither of these conditions would be quite reasonable. We have been working here since 2 o'clock and it is 8 o'clock now. But for a cup of tea for five minutes we have not left the hall. Either we should keep quiet, as I have said, or we should over-strain ourselves. Time was fixed from 2 P. M. to 8 P. M. and there seems to be no reason why we should sit later than the time which was fixed with the consent of both sides of the House. As I submitted the other day, it is rather unusual either for the Leader of the House or the Speaker to say at the rag-end of the day "We shall sit for another hour or two hours." I say with all respect that that is irregular and no one is a better judge than yourself whether it is in accordance with May's Parliamentary Practice or not. Do kindly tell me if it is in accordance with Parliamentary Practice to extend the time when the time fixed for the day's business is over. I think it is irregular.

Premier : Originally we decided to sit from 2 to 7. Then we decided to sit from 2 to 8. When I suggested that the sitting should be from 2 to 8, I also submitted that it would be in your discretion, i.e., if you think that the business of the House is proceeding satisfactorily you can have Wednesday as an off day but if you think that the business of the House is not proceeding satisfactorily you can extend the time so that we may sit for longer hours to finish the business. I know that it is inconvenient to both sides of the House, but last time when it was decided that we shall sit from 2 to 8, my honourable friend will bear me out, it was decided that we shall normally sit from 2 to 8 but if necessary we shall sit longer so as to finish the business as expeditiously as possible. That is what I recollect. I have no intention of slave-driving my honourable friend here. I know that these gentlemen—Dr. Sir Gokul Chand Narang and Rai Bahadur Mr. Mukand Lal Puri—vie with each other in speaking on the same motion and dwell on the same arguments. They are perfectly at liberty to speak—and everybody else is at liberty to speak—but I may submit that if they have been sitting from 2 to 8, I also have been sitting likewise.

Dr. Sir Gokul Chand Narang : We are equally anxious about your health.

Premier : I have in addition to do other work also. I am prepared, in the interest of this House and in the interest of curtailing time and in the interest of the province to sit till even mid-night but I would request my honourable friends either to curtail their speeches or else.....

Dr. Sir Gokul Chand Narang : May I say a word about what the Premier has said? I distinctly remember his having said on that day that he would like to sit after 8 P. M. if within a few minutes after 8 P. M. we can finish the business and he made pointed reference to me and said "Dr. Narang knows that sometimes we are at the end of the business and it would take only a few minutes to finish it and if we postpone it, it would take much longer time the following day." If it is the case that we can finish in five minutes it is useless to raise any objection, but it does not appear that we can finish the consideration of the various clauses of the Bill

in five minutes or in fifty minutes and, therefore, I would request that we should stick to the time that was fixed by mutual consent.

Mr. Speaker : I suggest that we should sit on Saturday from 3 P. M. to 7 P. M. as usual and again from 10 P. M. to 4 A. M.

Dr. Sir Gokul Chand Narang : Everybody is not so strong as you. I wish we were and then we would sit the whole day and night.

Dr. Gopi Chand Bhargava : I think ten days or a fortnight ago it was suggested that either we should sit longer or we should sit on off days. In accordance with the decision of the House you decided to sit from 11 to 6 or 6-30. We sat like that for only one day and we found that we could not work. We had an interval of 1½ hours that day. We again decided to sit from 2 to 7 and to sit on Wednesdays and Saturdays if necessary. Sir, we have been sitting from 2 to 3 and I suggested that day also and I do so to-day as well, that no man, who has to do any brain work, can work longer than six hours at a stretch (*Dr. Sir Gokul Chand Narang:* Except the Speaker) and if he does so I am quite certain that he cannot think clearly, speak clearly and act clearly. I know that I have got no choice. We shall have to abide by whatever the time is fixed by the Leader of the House or you.

Mr. Speaker : I shall be guided by the wish of the House.

Dr. Gopi Chand Bhargava : But I would submit that it will be very hard upon us to ask us or to require us to sit longer than six hours each day. In my opinion six hours' work is quite sufficient. If the business of the day or the business which was fixed for the session has to be finished—I know that it has to be finished—it does not mean that discussion should be stifled by asking us to sit longer than six hours. If it is the desire that we should not express our opinion then it is a different thing.

Mr. Speaker : Has discussion been stifled up to this time ?

Dr. Gopi Chand Bhargava : I do not say that it has been stifled but if we sit longer, as has been suggested, it will be impossible for us to work and that will mean stifling of the discussion. That is my point. I do not mean that you have stifled discussion. I was submitting that if we repeat arguments you have every authority to stop us and also prevent us from making irrelevant speeches, but we have to express our opinion. Therefore I would submit with all humility that we should not be called upon to sit longer than six hours a day at the cost of our health.

Premier : Sir, so far as I am concerned I am at a disadvantage because I cannot possibly controvert what my honourable friend says on the point as he is a medical man and knows all about it perfectly well. But from my own experience I can say that surely there are people who work not only for six hours a day but work for 14 hours a day, day in and day out, week in and week out. I can from my personal experience testify to the fact that there are several secretaries in the Secretariat who sit for more than 10 hours a day and very late in the evening; that is not so only in the case of one or two secretaries who have not heavy portfolios. I think it is rather the rule than an exception. The main proposition I have to put forward before you is this that we have to finish the work expeditiously.

[Premier.]

There may be some people outside who think that by this process of delay we might be able to elbow out these Bills. My submission is that that is not the intention of the Government. I have heard rumours of that kind. As a matter of fact I believe one or two irresponsible rags have given a hint to that effect. So far as I am concerned let me assure my honourable friend opposite that we have brought this legislation deliberately and we intend to proceed with it even if I have to go to Lahore and sit there to finish this legislation. Let me make that quite clear. I would appeal to my honourable friends and I appeal to you to get this work finished expeditiously.

Mr. Speaker : I see no objection to our sitting on Saturday.

Premier : I have not yet finished. I was submitting that last time I left it to you to fix off-days. My honourable friend said that Wednesday should be an off-day. No objection was taken to it. If we had sat yesterday it would have meant that we would have worked for six more precious hours which have been lost. My submission is that ordinarily every day we should sit from 2 to 8. So far as to-day is concerned we might finish the clause which is under consideration. On Saturday we should sit from 2 to 8 and if we find that the work has not made sufficient progress we can sit late. Before I sit down I want to make it quite clear to the House that we are going to sit on Saturday definitely.

Mr. Speaker : Yes, we will sit from 2 to 8.

Premier : I might for the information of my honourable friends say that if we do not finish the work on Saturday we will sit on Monday and Tuesday and if need be on Wednesday and Thursday also. I now submit that we might finish the clause to-day.

Mr. Speaker : Why not sit on Monday and Tuesday, observing Wednesday as off-day, and then again on Thursday, Friday and Saturday?

Dr. Sir Gokal Chand Narang : To-day we must rise at 8 o'clock. It is past 8. I think the sense of the House is that Saturday should be an off-day.

Premier : No.

Mr. Speaker : We will sit on five days in a week, Wednesday and Sunday being off-days.

Premier : Would it be necessary to adopt the procedure even now? We might finish the business on Wednesday.

Dr. Gopi Chand Bhargava : If we are sitting for five days a week and at the same time we are working for six hours a day instead of 4½, I would submit that it would be very hard upon us to sit longer than 8 o'clock to-day.

Dr. Sir Gokal Chand Narang : We always used to sit for four hours a day and got through our business all right; the debate was never stifled.

Premier : Those old days are not likely to come now. We have to work hard. We are the servants of the people and have to work hard even if we die.

Mr. Speaker : If we are to finish clause 6, we may have to sit for an hour or so. About 42 amendments still remain and over and above them there are 4 new amendments by Sayad Amjad Ali.

Premier : So far as these new amendments are concerned, I give a guarantee that they will not take more than 4 minutes. Other amendments also are more or less of the same nature which we have already discussed.

Mr. Speaker : Finish we may not; but we can do something. So, let us sit for a little while at least.

Lieutenant Sardar Nannihal Singh Mann : Sir, I would make a request on behalf of members sitting on these benches that instead of having a holiday on Wednesday, we should get Saturday, because most of us want to go to our homes and so we must be given two days.

Mr. Speaker : I admire the honourable members who can sit for 5 days continuously, but I cannot. So, we must have one off-day.

Dr. Sir Gokul Chand Narang : The sense of the House on this side is that we should disperse now.

Mr. Speaker : Strictly speaking, it is for the House to continue its business for as many hours as it decides.

Dr. Gopi Chand Bhargava : I understand that we should decide this matter before the working hours and not after it.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. Is it constitutionally right and proper to sit after a fixed time? I want your ruling on this point, because no motion was moved in the beginning of working hours to-day that the House should sit after 8 o'clock.

Mr. Speaker : Once the House fixes the number of hours for any particular day, I think, it must follow its own decision, unless it reverses or modifies it unanimously.

Premier : Now the Parliamentary practice has been brought in and I know that practice. I say that I will, if necessary, move to-morrow that the House should sit up to 12 midnight till the business is finished.

Dr. Sir Gokul Chand Narang : Now that you have given your ruling on this point, it is open to the Honourable Premier to move a motion that we should sit from 2 P.M. up to 12 midnight or up to 2 A.M. next day. Let him move this motion if he likes. If he is so vindictive, we are prepared—

(Cries of Order, order from the Treasury benches.) I would not give way unless Mr. Speaker wants me to sit down. I ask the Honourable Premier whether he made this proposal seriously. *(Voices : Order, order.)*

Mr. Speaker : The honourable member should not have used the word "vindictive". It may not be undesirable from his point of view; but it may be undesirable from the point of view of others, if not unparliamentary. *(Voices : It must be withdrawn.)*

Dr. Sir Gokul Chand Narang : I ask the Honourable Premier, through you, what is his objection to this word? I want to know how the word "vindictive" is undesirable.

Mr. Speaker : It is *prima facie* offensive.

Dr. Sir Gokul Chand Narang : I would ask the Honourable Premier to say first whether he made that proposal in seriousness and whether it was not by way of retaliation and then I will be pleased to withdraw this word.

Mr. Speaker : No honourable member of this House should disbelieve the Honourable Premier or attribute motives. The honourable member not only used the word "vindictive", but he further used the word "retaliation."

Dr. Sir Gokul Chand Narang : I bow to your ruling. I appeal to you and to the Honourable Premier himself to say that the threat that he gave to us that he would move a motion to-morrow that the House should sit from 2 P.M. to 12 midnight, was a serious one or a reasonable one and was not actuated by any other consideration. Let him say that he made that remark seriously and then I can assure you that I will withdraw the words "vindictive" and "retaliation."

Mr. Speaker : The Honourable Premier has been openly saying that he wished to finish the business as soon as possible. He has not concealed it. So, I hope the honourable member would, in fairness, withdraw his words.

Premier : If I had used that remark with any sense which my honourable friend wanted to attribute to me, he is wrong, because I had been submitting, a few minutes ago, that we should sit to-day till we finish the business. If there was any vindictiveness I would not have suggested that. It would only suit my purpose if you would allow me to move that motion to-morrow. You have now appealed to the House and I have also appealed to the House. As a matter of fact, I knew the sense of the House at least on this side of the House and they want to go through the work as soon as possible. It was for that reason that I suggested that we might sit regularly from 2 P.M. to 12 midnight until we finish our business. The Parliament has done it several times. It sits from 8 to 11 o'clock and sometimes even longer. I do not see why we should not do the same thing here in the interest of public business. I can assure my honourable friends that the strain on me, considering that I have to do my ordinary routine work and other work connected with the administration of the province, which is in addition to this work, is greater than on anybody else. I say, after fullest consideration, that in the interest of public business I am prepared to sit here till 12 o'clock and I expect my honourable friends—whatever their feelings may be with regard to this particular legislation—that in the interest of the province they should also co-operate with me in expediting the business of the House.

Dr. Gopi Chand Bhargava : The Honourable Premier has been pleased to remark that this part of the House does not want to carry on the work expeditiously. He also remarked that whatever we may feel about the Bill we should help him in carrying out our duty. I have told him several times that it is not with a desire to obstruct his work that I say that we cannot go on any further to-day. I think it is very unfair on the part of the Honourable Premier to attach motives to us.

Premier : I may assure my honourable friend that I attach no motives to anybody. I only said that some of us are in favour of the Bill and others not, and that in spite of whatever our feelings on this Bill may be, every section of the House must co-operate with me in getting through the work expeditiously.

Dr. Gopi Chand Bhargava : My objection is to the remark of the Honourable Premier that this part of the House does not want to carry on the work expeditiously.

Dr. Sir Gokul Chand Narang : So far as I am concerned, the Honourable Premier's remarks led me to believe that he wanted to punish us. As he has now said that that was not his intention and that he seriously meant to sit late in the night, I have no objection to withdrawing the words, "vindictive" and "retaliatory" which I used.

Premier : I am much obliged.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural) : I beg to move—

That in sub-clause (vi), line 3, for the words "money transaction" the word "loan" be substituted.

You will observe that clause (vi) reads like this—

"has been found guilty by a court of forgery or cheating in respect of a money transaction."

I quite agree that forgery is a great sin and that cheating also is equally a great sin. These are no doubt offences under the Penal Code. But the present sub-clause is very vague. I really do not understand the scope of the words "money transactions" occurring in the sub-clause. To buy vegetables in the market is a money transaction, to buy postage stamps is also a money transaction, buying a pair of shoes is also a money transaction. What is the money transaction that is referred to in this sub-clause? The object of this Bill is to get better control over money-lenders in the pursuit of their profession. Therefore only those transactions which fall within the purview of this Bill should be included in the sub-clause and not all monetary transactions in the world. In order to bring this sub-clause within the scope of the Bill it is necessary that the word "loan" should be substituted for the words "money transactions." The word "loan" has been defined at length in the Bill and all that is necessary is only to reform and regulate all money transactions with respect to loans. We should not wander away from the scope of the Bill.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (vi), line 3, for the words " money transactions " the word " loan " be substituted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : It will be observed that the expression " money transaction " is nowhere defined in the Bill. We should not leave anything in the Bill vague and meaningless. The word " loan " on the other hand is defined. Therefore in the interest of preciseness and in the interest of decent legislation if we stick to the one term which we have defined we will be doing the right thing. I support the amendment.

Premier : (The Honourable Major Sir Sikander Hyat Khan.) I have not got very much to say on the question now before the House. As a matter of fact the argument put forward by my honourable friend opposite more or less applies to the previous clause also. No doubt the expression " money transaction " is not defined in this Bill. But I believe everybody understands what that expression means. Moreover the sub-clause refers to money transactions in which a court has found a person guilty of fraud or cheating. If we substitute the word " loan " in the sub-clause it will restrict the principle of this clause. (*Dr. Sir Gokul Chand Narang :* Then, make the expression more definite). Money transaction is quite clear to everybody. I fear that my friend's apprehension that money transaction may refer to buying something in the market looks ridiculous.

Mr. Speaker : The question is—

That in sub-clause (vi), line 3, for the words " money transaction " the word " loan " be substituted.

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (vi) stand part of the clause.

The motion was carried.

Munshi Hari Lal (South-Western Towns, General, Urban) : I beg to move—

That in Proviso, line 2, between the words " appeal " and " or " the words " or review " be inserted.

It will be observed that in this proviso there is an appeal provided as also revision. But there is no provision for review. Clause 11 provides for review and naturally the licence should not be cancelled till the period allowed for review has expired.

Mr. Speaker : Clause under consideration, amendment moved—

That in Proviso, line 2, between the words " appeal " and " or " the words " or review " be inserted.

Dr. Sir Gokul Chand Narang : There is an amendment in my name on this very point. It reads as follows :—

That in the proviso, lines 3-4, for the words " or in cases of appeal . . . decided " the following be substituted :—

" and in case an appeal or revision has been filed until it has been finally decided. "

May I move it ?

Premier : I fear Munshi Hari Lal was arguing on wrong premises. As a matter of fact the proviso here refers to appeals and revisions in courts and not before collectors or commissioners. This proviso deals with offences committed by money-lenders and tried in a court of law. As far as Dr. Narang's amendment is concerned, I would be prepared to accept it, but in a different language. We ourselves propose moving an amendment to achieve the object which Dr. Narang has in view.

Munshi Hari Lal : I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Parliamentary Secretary (Raja Ghasanfar Ali Khan) : I beg to move—

That the proviso be amended so as to read as follows :—

“ Provided that the Collector shall not cancel a licence until the period of appeal or revision, as the case may be, has expired ; or in case of appeal or revision, the appeal or revision has been finally decided.”

Mr. Speaker : Clause under consideration, amendment moved—

That the proviso be amended so as to read as follows :—

Provided that the Collector shall not cancel a licence until the period of appeal or revision, as the case may be, has expired ; or in case of appeal or revision the appeal or revision has been finally decided.

Dr. Sir Gokul Chand Narang : There is one point I wish to point out. There is no provision for review. The period allowed for revision is less than that allowed for review. Therefore you must provide for review also. There have been several cases where parties have succeeded on reviews. The period allowed for review is sometimes longer even than the limitation for appeals. I am sure the learned Advocate-General will be able to throw light on this point. I would, therefore, suggest that the word “ review ” also should be added in the proviso.

Premier : I accept the suggestion of the honourable member, Dr. Sir Gokul Chand Narang, and agree to the insertion of the word “ review.”

Dr. Sir Gokul Chand Narang : The proviso will have to be carefully worded so as to include the word ‘ review. ’ I do not think it would be advisable to hurry through this proviso at this late hour. I think it may be left to the learned Advocate-General to amend the proviso in such a way that it is properly worded inserting the word ‘ review ’ in its proper place and bring up the amendment before the House to-morrow.

Premier : May I read it out to see if it is approved by my honourable friends ? After I have accepted the suggestions of all of you which are incorporated in Raja Ghasanfar Ali's draft, the proviso will read thus :—

Provided that the Collector shall not cancel a licence until the period of appeal, revision or review, as the case may be, has expired ; or in case of appeal, revision or review, the appeal, revision or review has been finally decided.

Dr. Sir Gokul Chand Narang : That is all right.

Mr. Speaker : The question is—

That the proposed proviso, as amended, and which runs as follows, be adopted :—

Provided that the Collector shall not cancel a licence until the period of appeal, revision or review, as the case may be, has expired ; or in case of appeal, revision or review, the appeal, revision or review has been finally decided.

The motion was carried.

Mr. Speaker : Question is—

That Clause 6, as amended, stand part of the Bill.

The motion was carried.

Dr. Sir Gokul Chand Narang : We sat after your ruling to please and appease the Premier (*laughter*) and I am sure he would not carry his threat any further by keeping us in the House till 12 midnight.

Premier : I would suggest that we should meet from 2-30 to 9-30 to-morrow.

Mrs. J. A. Shah Nawaz : Mr. Speaker, I am surprised to find that there is such a strong opposition to our sitting longer. At the end of the year 1930 on New Year's Eve, we were sitting until 2 o'clock in the morning for the work of the Round Table Conference. Although the Chairman was not well and repeated requests were made to him, he said that the work must be finished.

Rai Bahadur Mr. Mukand Lal Puri : But I cannot congratulate them on their achievements in England. Let us not follow them.

Mrs. J. A. Shah Nawaz : It is because of those achievements that you are here in this Hall to-day.

The Assembly then adjourned till 2-30 P. M. on Friday, 15th July, 1938.

PUNJAB LEGISLATIVE ASSEMBLY.

8th SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 15th July, 1938.

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

STARRED QUESTIONS AND ANSWERS.

*3322-A.—*Vide* Debates of 21st July, 1938.

CASUALTIES RESULTING FROM CHANGE OF CASTE.

*3323. **Sardar Uttam Singh Duggal** : Will the Honourable Premier be pleased to state whether he has read the Statement of Objects and Reasons annexed to the Agricultural Tribes Right of Defence Bill, notice of which has been given by Khan Muhammad Yusuf Khan, M.L.A., for this session of the Assembly ; if so, the number of cases in which as stated in the said Statement the change of caste has resulted in bloodshed and mutual ill-will amongst the inhabitants of any village and the nature of casualties resulting therefrom, giving the name of the place and parties affected and also the number of suits filed during the last ten years in courts for the change of caste with the number of those successful ?

The Honourable Major Sir Sikander Hyat-Khan : The information is not readily available and the time and labour involved in the collection of information asked for by the honourable member will not be commensurate with the results.

SARDAR GURMUKH SINGH, PRISONER.

*3324. **Munshi Hari Lal** : Will the Honourable Minister for Finance be pleased to state—

(a) the weight of Sardar Gurmukh Singh, repatriated Andaman prisoner residing in the Multan Central Jail at the time of his admission to the Multan Jail and his present weight ;

(b) the condition of his health at present ?

The Honourable Mr. Manohar Lal : Attention is invited to the reply given to parts (c) and (d) of the Assembly question No. *9151¹ put by the honourable member Sardar Hari Singh.

FRUIT TRANSPORT ON HINDUSTAN-TIBET ROAD.

*3325. **Lala Duni Chand** : Will the Honourable Minister for Public Works be pleased to state—

(a) whether he has received a copy of the resolutions passed at a meeting of the Kotgarh Fruit Growers Associations held on 17th June 1938 at Kotgarh embodying the reasons for opening up the Hindustan-Tibet Road for the motor transport of fruit to Simla and a request for being allowed to wait in deputation upon him and the Honourable Premier and if so, the reply, if any, sent to the Association ;

*3322-A.—*Vide* Debates of 21st July, 1938.

¹Pages 779-80 *ante*.

[L. Duni Chand.]

- (b) whether in view of the urgency and importance of the matter the Government has considered the question of opening up the said road for the said purpose, and if so, what decision has been arrived at ;
- (c) whether it is a fact that Sardar Lal Singh, Honorary Secretary, Punjab P. C. Fruit Development Board, Lahore, has also sent a representation to the Punjab Government accompanied by a memorandum in which he has exhaustively dealt with the question of opening up the said road for fruit transport purposes, if so, what action has been taken thereon ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Yes, it was received on the 20th June, 1938. No reply has yet been sent to the Kotgarh Fruit Growers Association as the matter is under consideration.

(b) The road is in the charge of the Punjab Public Works Department only for purposes of maintenance. It is the concern of the Government of India to open it for public motor transport or not. The subject has been referred to the Government of India.

(c) Yes. As stated above, action in the matter taken by the Punjab Government was to refer the matter to the Government of India.

Lala Duni Chand : Is it true that as a result of encouragement given by the Punjab Agricultural Department a number of fruit orchards have been planted recently in Kotgarh tahsil, particularly in Kotgarh area ?

Mr. Speaker : That does not arise out of this question.

Lala Duni Chand : The object of the whole question is whether the Government has provided any transport facilities on this road for the fruit growers. I also want to know whether the Government is prepared to grant any transport facilities.

Mr. Speaker : That question has been answered. What is the supplementary question ?

Lala Duni Chand : The question is whether the Government, in view of the fact that the Agricultural Department of the Punjab Government has encouraged the promotion of fruit industry, is prepared to afford any transport facilities on this road.

Mr. Speaker : Responsibility to maintain this road, if I understand it aright, is entirely that of the Government of India.

Minister : The Punjab Government is maintaining the road on behalf of the Government of India.

Lala Duni Chand : Is it not open to the Punjab Government to suggest to the Government of India that transportation facilities should be given on this road ?

Minister : I might inform the honourable member that representations containing all that he has been saying, have been forwarded to the Government of India and they are being considered on merits.

Chaudhri Kartar Singh : Is the Honourable Minister aware of the fact that after the Punjab Government had recommended that the road be

opened to traffic, the late Governor of the Punjab opposed this proposal of opening the road ?

Minister : It does not arise out of this question.

Chaudhri Kartar Singh : I know it definitely that after the Punjab Government had recommended the opening of this road the late Governor of the Punjab opposed the suggestion.

Mr. Speaker : The honourable member is giving information.

Chaudhri Kartar Singh : My question is that the Honourable Minister has stated that it is a central subject, but I may state that after the Punjab Government had recommended the opening of the road, the late Governor of the Punjab opposed the suggestion.

Premier : No.

Minister : No. It is wrong.

Lala Duni Chand : Is it true that on account of the lack of transport facilities lot of fruit, which it would be possible to export, is not being exported ?

Mr. Speaker : That is a question of opinion.

SHORT NOTICE QUESTIONS AND ANSWERS.

SUPPLY OF WATER ON THE RAYA DISTRIBUTARY OF THE UPPER BARI DOAB CANAL.

Khan Sahib Chaudhri Fazal Din : Will the Honourable Minister for Revenue be pleased to state whether he is aware of the fact that there is serious discontent among the irrigators on the Raya Distributary of the Upper Bari Doab Canal on account of the outlets of this channel having been considerably reduced and that the zamindars have closed the outlets in protest ? If so, what action Government intends to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : The Raya Distributary has an authorised full supply of twenty cusecs against which it has actually been given a temporary full supply discharge of twenty seven cusecs to carry *hag* to the tail, but in spite of this the tail of the distributary was getting 12 per cent. less and its minor 44 per cent. less than their share of the water at the head. Government must give the proper share of the available water to all shareholders on a channel, and to secure this, 13 outlets out of 21 were adjusted to ensure the proper supply to the tail, still keeping 27 cusecs at the head of the distributary. Even after carrying out these adjustments these 13 outlets are getting 35 per cent. more water than their authorized full supply or *hag* with 20 cusecs at the head of the distributary.

Government considers that there are no real grounds for any agitation and that the closure of the outlets is unwarranted, and is, probably, due to undue pressure from interested parties. This unwarranted closure of outlets on the upper reaches of the distributary seriously interferes with the distribution of water in the middle and tail reaches of the distributary which causes loss to those who wish to have canal water and have not joined this bolstered up agitation. In the interest of the irrigators of the distributary and to ensure equitable supply of water to the zamindars Government may have to consider the question of permanently closing down the outlets of irrigators who have, at the instigation of interested parties, stopped taking

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the canal water since the 1st and 2nd of June, 1938, as apparently canal water is not required by them. It is necessary that water should be distributed equitably to all shareholders on this distributary and to ensure that those who have not closed their outlets do not suffer. Moreover, in the interests of the State the surplus water must be utilised elsewhere and given to those who want it.

It may be noted that in case the Government is compelled to take such action, the interests of zamindars who have been misled into closing their outlets will permanently suffer as once these outlets are closed down and water distributed elsewhere it will not be possible for Government to give water to those who have refused to take it. The result would be that the unsophisticated zamindars who have been duped into closing their outlets by agitators, for their own ends, would suffer.

Sardar Sohan Singh Josh : May I enquire from the Honourable Minister since when supply of water has been reduced to the tail ?

Minister : If the honourable member wants that information he should give notice.

REFUSAL TO ADMIT TO J. A.-V. CLASS GIRLS NOT TAKING
UP ALGEBRA AND GEOMETRY IN
MATRICULATION.

Begum Rashida Latif Baji : Will the Honourable Minister for Education be pleased to state whether it is a fact that the girls are refused admissions to the J. A.-V. classes on the ground of their not having taken up Algebra and Geometry for their Matriculation Examination and whether it is also a fact that in most of the Government girls' schools no arrangement exists for the teaching of these subjects, if so, the action intended to be taken to remove the grievances of the girls seeking admission to the J. A.-V. ?

The Honourable Mian Abdul Haye : (a) Yes. Girls are refused admission to J. A.-V. classes on the ground of their not having taken Algebra and Geometry in the Matriculation Examination, because mathematics is a compulsory subject in the J. A.-V. examination.

(b) It is not a fact that in most Government girls' schools no arrangements exist for the teaching of these subjects, as arrangements do exist in all Government girls' schools.

(c) The question of action to be taken, therefore, does not arise.

THE PUNJAB REGISTRATION OF MONEYLENDERS BILL.

Clause 7.

Mr. Speaker : The House will proceed to consider the Moneylenders Registration Bill.

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

That in sub-clause (1), line 2, the words " *sub-note* or " be omitted.

My object is that it should not be open to the collector to take action of his own free will. We know, Sir, that there will be parties, and persons who will be affected and it will be open to them to represent the matter to the collector. After all the collector is not a person who is interested in this matter. There are other persons who are interested in the matter. There is another thing also why the collector should not be given that power. The collector is exercising mostly executive powers and this law places most of the executive powers in his hands. It does not appear to be fair that the collector should be given initiative in the matter. The initiative should lie with other persons who have got real interest in the matter. With these words I move my amendment and I hope that it will commend itself to the other side of the House also.

Mr. Speaker : The question is that—

In sub-clause (1), line 2, the words "*suo motu* or " stand part of clause 7.

The motion was carried.

Munshi Hari Lal (South-Western Towns, General, Urban)
(Urdu) : Sir, I beg to move that—

In sub-clause (1), line 5, after the word "*hence*," the words "*within the period prescribed*" be added.

My object in moving this amendment is to suggest that if a court declares that a moneylender has been guilty of contravention of the provisions of law and that his suits are therefore dismissed, there should be a time limit for the collector or for an applicant to move the collector to take proceedings for the cancellation of the money-lenders' licence. If no such period of time is fixed, the sword of Democles, so to say, will always be hanging over the head of the moneylender by virtue of the provisions of clause 6. He will never know when the action to cancel his licence may be taken against him. It is therefore necessary that the collector should proceed or the person who presents an application for the cancellation of the licence of the money-lender should do so within a prescribed period. I have in my amendment merely requested the Government to fix a time. What that time will be, I have left to the Government to decide at the time of framing rules. I hope that the Government will see the reasonableness of my amendment and will accept it.

Mr. Speaker : The question is that—

In sub-clause (1), line 5, after the word "*hence*" the words "*within the period prescribed*" be added.

The motion was lost.

Mr. Speaker : The question is that—

Sub-clause (1) of clause 7 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is that—

Sub-clause (2) of clause 7 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is that—

Clause 7 stand part of the Bill.

The motion was carried.

Clause 8.

Munshi Hari Lal (South-Western Towns, General, Urban).
(Urdu): Sir, I beg to move my amendment in the following amended form—

That in proviso, line 3, between the words "application" and "is" the words "for review" be inserted.

The object of this amendment is that a licence shall not be deemed to be cancelled during the period when an appeal or any application for review is pending before the commissioner under section 11. You are giving to the commissioner the powers of review also. He can review his own order under section 11. Therefore, I propose this amendment and if it is accepted the proviso would read as follows :—

.....when an appeal or an application for review.....

Premier : Section 11 covers this.

Munshi Hari Lal : No. It is provided in this clause that a licence shall not be deemed to be cancelled unless the appeal is disposed of. I submit that it should not be deemed to be cancelled if any application for review is pending before the commissioner and until that is disposed of.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I will try to explain the position. What Munshi Hari Lal means is this and that is how the clause should be redrafted :—

Provided that a licence shall not be deemed to be cancelled during the period when an appeal or an application for review or revision is pending before the Commissioner under section 11.

He has pointed out that, as there is no provision in this Bill for a petition for revision before the commissioner or before anybody else, he is omitting the words "or revision" and is confining his amendment only to 'review'. I think he is perfectly right and I hope that the Government would not oppose his amended amendment, because the idea is that a licence shall not be deemed as cancelled while an appeal is pending. It follows that it should not be deemed to have been cancelled when an application for review is pending before the collector himself. Previously in an amendment which was accepted yesterday they have recognised the possibility of a review being filed either before the collector or before the commissioner. You will see, Sir, that in the proviso to clause 6 and also in sub-clause (2) of sub-clause 7....

Premier : That is not relevant here. I think what you want is that it should be "or application for review or application under sub-clause (4) of section 11 pending before the commissioner."

Dr. Sir Gokul Chand Narang : No, these are two separate things. There is a provision for an application being made to the commissioner for a certificate. That is provided in clause 11, but before that stage is reached, the person affected may like to move the collector again to review his order. Now when you are allowing for the period when the appeal is pending why should you not allow also for the period during which a review before the collector is pending or when an appeal has been rejected by the commissioner and an application for review of that order is pending before the commissioner? I will make the whole position clear. In the first place, there is an order by the collector,

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then a possibility of a review before him, and supposing the review is also rejected, an appeal shall lie to the commissioner. When that appeal too has been rejected, then there is a further possibility of an application for review before the commissioner. What Munshi Hari Lal wants, and I support him in that, is this: When you say that a licence shall not be deemed to be cancelled during the period when an appeal is pending, you should also say that it shall not be deemed to be cancelled when an appeal or an application for review or an application before a commissioner under section 11 is pending.

Premier: That is exactly what I suggest. It is that the licence shall not be deemed to be cancelled during the period when an appeal or an application for review or an application under sub-section (4) of section 11 is pending before the commissioner.

Dr. Sir Gokul Chand Narang: That meets my case.

Malik Barkat Ali: May I draw the attention of the Honourable Premier before he accepts this, to a very interesting situation? Supposing the collector cancels a licence to which an application is made.

Mr. Speaker: To which amendment is the honourable member speaking?

Malik Barkat Ali: I am opposing the amendment of Dr. Sir Gokul Chand Narang.

Mr. Speaker: There is no amendment of his before the House.

Dr. Sir Gokul Chand Narang: Before the Honourable Premier sends in his amendment, I would like to avoid complication and move my amendment first. It is this:

That in the proviso, line 2, between the words "cancelled" and "during" the words "nor the name of the money-lender deemed to be struck off the register" be inserted.

I must acknowledge that it is for the benefit of the moneylender to help him out of an awkward position. I believe that is the object of the insertion of this proviso. My submission is that the proviso as it stands will be of no help to him unless the words that I have suggested are inserted. What does this proviso say? It says that as long as an appeal is pending or an application for review or an application under section 11 is pending a licence even after it has been cancelled by the collector shall not be deemed to have been cancelled for that period so that a moneylender's business during that period shall not be disturbed or hampered. That is the idea. But the framers of this proviso forget that if once his name has been struck off the register as is provided for in the first part of clause 3, the mere fact that his licence shall not be deemed to have been cancelled will not help him because under clause 3 which we have already passed, he cannot bring in a suit for the recovery of a loan unless his name is on the register and unless he holds a valid licence.

Mr. Speaker: The question is—

That in the proviso, line 2, between the words "cancelled" and "during", the words "nor the name of the money-lender deemed to be struck off the register" be inserted.

Premier: I accept the amendment.

The motion was carried.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I move—
That in line 3 of the proviso, after the word "application" the following words be inserted :—

For review or an application under section 11.

The motion was carried.

Premier : I move :

That the last six words in the proviso be deleted.

The motion was carried.

Mr. Speaker : The question is :

That clause 8 with the proviso as amended stand part of the Bill.

The motion was carried.

— — —
Clause 9.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I move—

That the proviso be omitted.

The proviso as given in the clause begins with 'provided' and ends with 'cancelled' and forms part of the clause itself without being put separately. The reason why I want to omit it is this. It was fair on the part of the Government to have proposed the first part of the clause ending with 'moneylenders'. It was a necessary concession. But it seems that what they have given with one hand, they are taking away with the other by the addition of this proviso. I may submit that I have spent a lot of time over this proviso and I must say that I could not follow or comprehend its real object.

It seems something like

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Or probably I have misunderstood the Government. If they had put in something like this 'provided that between the commencement of the Act and the date on which his current licence etc., he should not have committed this and that', that would have had some sense, though it would have been unnecessary in view of what we have already passed in connection with clause 6. Now what is the object of this proviso? The utmost that I could imagine as to what they mean is this : that the suits and applications pending at the time the Act came into force shall not be affected. But somebody suggested, what if after the commencement of the Act and before the day the licence is granted or the licence is renewed something has happened which has put a blot on the moneylender? If a blot has been put upon him during that time—it may be one week may be ten days and at the maximum it may be six months because that is the period prescribed in the Bill for taking out a licence after the commencement of the Act—if during that time he has done something, then even the suit which was pending at the time of the commencement of the Act or the application for execution pending at the time of the commencement of the Act will also be affected by the provisions of this Act. (*Interruption.*) If it does not mean that then it means nothing. (*Interruption.*) A period may not be prescribed. But that is where the difficulty arises. Say the Act comes into force on the 1st of January 1939. A suit of a moneylender is already pending on that day. He has not till then taken out a licence because he could not. (*Premier* : That would not be covered in any case). Under the first part of the clause

that suit will not be affected nor an application for execution if it had been filed before the 1st January 1939 will be affected. Now comes the proviso. (*Malik Barkat Ali* : There is a semi-colon before 'provided'; it does not refer to the first part). (*Premier* : The semi-colon ought to be removed). The Honourable Premier says that the proviso has some relation to the first part and my honourable friend, Malik Barkat Ali is laying so much emphasis on the semi-colon which the Honourable Premier says ought to be removed. Let us say that Malik Barkat Ali is right and the semi-colon is put there ; then the proviso becomes more meaningless. Now if we take the clause as if there was no punctuation, the argument that this proviso does not cover the first part is obviously without any force. The proviso is always intended to cover what goes before it, not what comes after one or two clauses. That is the usual scheme of drafting Bills. A proviso must cover what goes before it. That is why I say that what Government is giving with one hand in the first part of the clause it is to my mind taking away with the other hand by adding this proviso. The proviso says 'provided that on the date on which his current licence was granted or renewed, the moneylender had not as the result of a finding by a court incurred any of the disabilities enumerated in section 6 for which his licence might have been cancelled'. 'On the date on which his current licence was granted'—what period does it refer to? Does it mean that there should be a finding on that or that he should incur the liability of having committed something heinous? I submit that the proviso is not at all clear and I would reserve my further remarks when I reply after hearing what the Honourable Premier has got to say.

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

That the proviso be omitted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I confess I share the confusion created in the mind of my honourable friend Sir Gokul Chand Narang and there are several people also who suffer from the same confusion. But I will explain why this proviso is necessary. (*An honourable member* : In spite of the confusion that you share?) I look from a different aspect, and it is possible that with an alteration of a word here and the addition of a word there, the meaning may become more clear. Now what is the object of this proviso? The object is very simple. We do not want this Act or this clause to have retrospective effect on suits pending before the commencement of the Act nor do we want to bar suits which have been lodged prior to his getting licence or renewing the licence. That is quite clear. You must keep in mind the fact that under the Act as now amended registration is automatic and the grant of licence is automatic. You have to apply and you must get it. The collector cannot refuse. Similarly for renewal you have merely to pay the prescribed fee and fill in the form and it must be renewed. That is the position according to the present Act. Now let me give you an instance where we want to safeguard and why we have inserted this proviso. Supposing A goes on the 30th of June to renew his licence and puts in an application, knowing full well that on the 29th of June the Court had found him guilty of one of the offences under the various clauses. But since the grant or renewal of licence is automatic, he puts in an application and gets the licence and thus saves suits which would have been otherwise barred by time during the next

[Premier.]

fortnight or month before his delinquency comes to light, to the collector, or on application by somebody else. Those suits would not be barred although under the Act the intention is that such suits should be barred if he is responsible for any delinquency under section 6. (*Interruption*). We want to save two things, one, suits already pending before the commencement of the Act and two, suits pending before the next renewal of the licence. It is in favour of the money-lender himself. I think my honourable friend should concentrate a little bit and then he will realise that unless we give this retrospective effect we cannot save the money-lender and if we give the retrospective effect without this proviso, it means that the money-lender will not be able to save those suits lodged prior to the cancellation or renewal of his licence. (*Interruption*). Now let me try to explain again. A money-lender finds that a court has given a finding adverse to him which may result in his licence being cancelled under clause 6, on the 29th of June, and has several of his suits which are likely to be time-barred within the next two or three months. He goes and lodges those suits and he also goes and applies for renewal of licence. That licence will be valid and during the pendency of his application, those suits will not be time-barred. He goes and automatically gets his licence renewed and then lodges his suits before the licence can be cancelled which might be 15 days or even 6 months hence. He *mala fide* gets the licence and lodges several suits which otherwise he would not have been able to do if his acts had come to light.

Dr. Sir Gokul Chand Narang : I understand what you mean now, but it does not explain the proviso.

Premier : If you want to suggest any alteration to make that position clear I would be prepared to accept it.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : My point is this. As I read this clause I see that the proviso has absolutely nothing to do with the earlier part of the section which enacts that "nothing in this Act shall apply to suits or applications for execution already pending at the commencement of this Act". The Honourable Premier has admitted it.

Mr. Speaker : What about the next line?

Malik Barkat Ali : I am dealing with that. I want him to note the semi-colon, because it appears to me as a matter of principle clear that this Act cannot possibly apply to suits or applications pending before the commencement of this Act. When it does not apply to them, how can any proviso apply to those suits? This is my first submission. If the Act comes into force to-day, then all suits pending today and all applications for execution pending to-day remain unaffected by the coming into operation of the Act. This is the meaning of the select committee. This is perfectly justifiable on principle and I cannot understand how any proviso can alter that situation. I believe it was for this reason that this semi-colon was put. I can understand the relation between the proviso and the cancellation of the licence. I believe the proviso really relates to a situation where the licence has been cancelled but before the date of the cancellation of the licence the money-lender was detected guilty of another malpractice which had not been discovered on the day the licence was granted or renewed to him.

Suppose the licence is cancelled to-day. Now it is perfectly reasonable that all suits pending to-day and all applications for execution pending to-day when the licence has been cancelled should remain unaffected by that licence. That, I take it, is the position which is conceded by the Honourable Premier. But the Honourable Premier has tried to justify this proviso. I must say that I have not been able to follow him. It is stated that "provided that on the day on which his current licence was granted or renewed, the money-lender had not incurred any of the disabilities under section 6". To my mind this proviso is full of contradiction. The proviso says that "on the day on which current licence was granted or renewed". That postulates that when the collector was granting him or renewing his licence, the collector with all his enquiry was not able to find that the money-lender was suffering from any of the disabilities which are enumerated in clause 6, otherwise he would not have granted or renewed the licence. The grant of the licence or the renewal of the licence pre-supposes that on the date of the grant or renewal none of those disqualifications existed, unless it be said that these disqualifications have come to light after the grant or after the renewal of the licence.

Premier : That is the point.

Malik Barkat Ali : That is why I was trying to explain that there is a contradiction, because you do not say that these disqualifications must be those which had not come to the notice of the grantor of the licence or the renewer of the licence on that date. That should have been made clear. This is number two. As this licence has been granted to-day or renewed to-day, and later on it has been discovered that this money-lender had incurred some of the disabilities mentioned in section 6, naturally the collector can review his order. My respectful submission is this that we are here contemplating the date of the cancellation of the licence. On the date of the cancellation of the licence, the situation existing on that date should really remain unaffected, and I feel that this proviso is really unfair and would introduce any amount of complications. I am opposing this proviso not because through this proviso the Government is taking away with one hand what, my learned friend says, it has given with the other in the earlier part. Nothing of that kind. So far as the earlier part of section 9 is concerned, it has been conceded that the Act is not going to have any retrospective effect and all suits pending at the commencement of the Act shall continue unaffected notwithstanding the proviso, but it is only in cases of cancellation of the licence, that the proviso will come into play and affect cases pending on the date of the cancellation of the licence, but I think the position should be in *para materia* the same. As originally put down in the Bill, pending suits and pending applications shall remain unaffected by any subsequent cancellation. If the cancellation takes place to-day, then I would press to the Honourable Premier that all the suits that are pending and all the applications that are pending for execution should remain unaffected by any subsequent conduct of the money-lender. Any subsequent conduct of the money-lender cannot certainly affect suits and applications for execution which are prior in time. The only case in which this proviso can apply would be when the disqualifications have been discovered subsequently to the date of the grant of the licence or the renewal of the licence. This is the only case which is covered by the proviso. If

[Malik Barkat Ali.]

There is any other case which is covered by the proviso, I should like to know. But as I have tried to understand this clause, it cannot possibly be applied to any other case except that where since the grant of licence or renewal of licence an anterior disqualification has been discovered. A disqualification which has been incurred after the grant or renewal cannot on your own case have retrospective effect. You cannot punish a man to-day for what he is going to do six months hence or three months hence. You can punish him to-day for what he has done before to-day. So I submit that this proviso can only apply to a situation of that kind. If you want to make it apply to any other case, you should make your language clear. As it stands, it is very defective.

Premier : Then suggest a clearer language.

Malik Barkat Ali : Do you agree with me that this proviso is intended to apply to situations of this kind where the disqualification already incurred has been discovered after the date of the grant or renewal ?

Advocate-General (Mr. M. Sleem) : So far as the second part of the clause is concerned, I will read the clause omitting the reference to the commencement of the Act. It reads as follows —

Nothing in this Act shall apply to suits or applications for execution already pending before the date of the cancellation of the licence of the money-lender provided that on the date on which his current licence is granted or renewed, the money-lender is.....

If we read it in this way, the meaning is perfectly clear. The mere fact that we have introduced into the first part that "nothing in this Act shall apply to suits or applications for execution already pending at the commencement of this Act" does not in fact make it difficult to interpret this clause because the cancellation of a licence can only take place after the Act comes into force. If the licence could be cancelled before the Act came into force, there might have been room for doubt. As that contingency cannot arise, it is easy to interpret it. I admit it requires careful reading and reading three or four times, but actually there is no difficulty.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural) : Sir, I am afraid I am where I was. The speech made by my learned friend Malik Barkat Ali was certainly more illuminating than the remarks made by the Honourable Premier or, I submit, with due deference, even by the learned Advocate-General. If the Government agrees to the remarks of Malik Barkat Ali with respect to suits and applications already pending at the commencement of the Act, then the remark of the Honourable Premier that semi-colon should be removed is absolutely out of order, because then it destroys the very object of the first part of this clause. What I feel and what I understood from Mr. Barkat Ali was that the first four lines up to the end of the word 'Act' and before the semi-colon, should be taken as an independent clause and not affected by anything that comes after it. If that is so, then the Honourable Premier was certainly mistaken in suggesting the deletion of the semi-colon. In fact I would then suggest that there should be a full-stop and some more words should be introduced to make the intention clear, e.g., nor shall it affect any suits or applications filed before the date of the cancellation of the licence of the money-lender, provided that....

That would make it more clear. There seems to be a difference of opinion between the Honourable Premier, Malik Barkat Ali and myself. Let us be clear about one thing and let these first four lines of the clause stand absolutely independently. Then, as I suggested, let us use these words which were approved of by Sir Chhotu Ram :—

Nor shall it apply to any suits or applications for execution filed before the date of the cancellation of the licence of the money-lender.

Then, I think, a little change in the body of the proviso would also be necessary. The words :—

Provided that on the date on which his current licence was granted

become unnecessary if the first four lines are to stand absolutely independently. Why then take into consideration the date on which the first licence was granted? The explanation that the Honourable Premier gave and the examples that he gave only related to the period after a money-lender has taken out the licence, after the commencement of the Act, and had done something which exposed him to the penalty which was known only to himself and not known to the court. He files those suits thinking that he would take advantage of this before a finding is given on this point or before the collector comes to know of this fault and cancels his licence. (Premier : Exactly). If that is the object, then take out these words :—

On the date on which his current licence was granted

and say

Provided that on the date of the renewal of the licence of the money-lender he had not as the result of, etc.

If that is the object, that would make it clear; otherwise the whole thing is in a confusion.

Premier : I have followed but I am not sure that the suggestion made by my honourable friend quite meets the case. There is an initial grant of licence and then there is the process of renewal.

Dr. Sir Gokul Chand Narang : What if something happens on the day on which the first licence is granted? Why should the clause, as it stands, affect suits or applications which had been filed before the commencement of the Act? If you are protecting them—as you say that you are protecting them—then my submission is that, if you really want to give that protection to the suits and applications pending at the commencement of the Act, you need not use these words and use only the words with respect to the date of the renewal of the licence. How does it affect you if you delete the whole of this complicated proviso which very few people can understand? Or, as had been suggested by my friend over there, have two clauses instead of one. You might split up this clause into two clauses; let one sub-clause deal with the suits or applications already pending at the commencement of the Act and let the other sub-clause deal with the subsequent matter.

Premier : You mean that there should be 9 (i) and 9 (ii) but have you quite followed what I want?

Dr. Sir Gokul Chand Narang : I have understood that. I have followed you but that relates to events which may occur after the Act has come into force and a licence has been granted and a liability is incurred which may result in the cancellation of that licence and you want to prevent a dishonest money-lender from taking advantage. (*Premier :* Yes.) You do not want to exempt him from these delinquencies after a licence has been granted to him which means after the commencement of the Act. Then say so. I would ask the Advocate-General to draw up this clause into two. (*Premier :* He is drawing up.) I am just giving way.

Premier : I want to point out to my honourable friend that he has ignored one factor and that is this. Licensing or registration is not—

Mr. Speaker : Is the Honourable Premier giving reply ?

Premier : I want to point out one factor which he has missed.

Mr. Speaker : But that can be done in reply.

Dr. Sir Gokul Chand Narang : Then I do not want to take any more time of the House. I have made a request. My amendment is quite clear to the Honourable Premier and I request the Honourable Premier to ask the learned Advocate-General to draw up this clause into two parts. One part should make it clear that the suits and applications already pending at the commencement of the Act shall not be affected by anything contained in this Act and the second part should impose disabilities or make the dishonest money-lender liable to the consequence of his delinquencies after a licence has been granted to him and he has incurred a disability under clause 6. That would make the position clear.

Mr. Speaker : May I suggest that further consideration of this clause be postponed till it is carefully redrafted ?

Premier : I wanted to submit that one contingency which my honourable friend has over-looked is this. It is not incumbent on anybody to get himself registered. It is not necessary for anybody to get himself licensed. It is purely a voluntary thing and it is not imperative on a moneylender to do so. The Act comes into force on 1st January 1939 as my honourable friend knows and the money-lender does not get himself registered till 1942 and in 1941 he finds that he has committed certain irregularities which would bar him from getting the licence. He goes and applies for a licence and automatically gets the licence. I do not want to give retrospective effect after the commencement of the Act. At the same time I want to save those particular cases which may *mala fide* be put in after obtaining the licence. If the power originally suggested had been retained by the collector that he should grant the licence subject to certain conditions, then it would not have been necessary to bring this in. It was for the benefit of the money-lenders that the clause is made automatic.

Dr. Sir Gokul Chand Narang : Clause 6 will prevent him from committing it. What I say is supposing he gets a licence and puts in several suits.

Malik Barkat Ali : And subsequently the licence is cancelled.

Premier : Yes. I think we may leave consideration of this clause and proceed with the rest.

The Assembly agreed to the proposal.

Clause 10.

Munshi Hari Lal (South-Western Towns, General, Rural) : I beg to move—

That in line 10, for the words " of Rs. 5 " the words " of Rs. 2 " be substituted.

The motion was lost.

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

That in lines 11-12 the words " and subject to such conditions " be deleted.

In order to make the object of my amendment clear I have to read out clause 10 : it runs as follows :—

A money-lender may, after the termination of the period for which his licence has been cancelled, apply for registration and for the grant of a licence, to the collector who shall, on his furnishing such particulars as may be prescribed, register his name on payment of a fee of Rs. 5 ; and shall grant him a licence for such period, in such form and subject to such conditions and on payment of such fees, as may be prescribed.

It will be clear that before a money-lender, whose licence has been cancelled, wants to apply for being registered or for a licence being granted, he must fulfil the conditions, namely that he shall comply with the particulars that shall be prescribed under the rules. I particularly invite the attention of the Honourable the Premier and Dr. Sir Gokul Chand Narang to this aspect and to the implications of my amendment. Already you have laid down the conditions that no name shall be registered and no licence shall be granted unless the money-lender complies with the particulars that shall be prescribed ; and it would be necessary that he must comply with those particulars. That will serve the purpose which the Government has in view. After he has complied with all the particulars that will be prescribed, after he has fulfilled all those conditions, where is the necessity for laying down that his name shall not be registered and the licence will not be granted to him unless he fulfils certain prescribed conditions? Is he required to fulfil some other conditions also? First he shall have to comply with the particulars : that is one set of conditions.

Mr. Speaker : I do not think the honourable member's amendment is in order. When clause 5 was under discussion, the words " in such form and on such conditions and payment of such fees " occurred. That is with regard to first registration.

Lala Duni Chand : This will be second registration after his licence has been once cancelled.

Mr. Speaker : The principle underlying this amendment has been discussed and disapproved already.

Lala Duni Chand : There may be considerations with regard to the first registration which may be different from the considerations that might weigh in a case in which second registration is applied for or the licence is granted the second time. I was submitting that two sets of conditions should not be imposed on the money-lenders who apply for registration or for licence.

Mr. Speaker : This matter was discussed under Clause 5.

Lala Duni Chand : Clause 5 dealt with the first registration or first licensing. This deals with the registration or licence after the licence has been cancelled.

Mr. Speaker : The principle is the same.

Premier : If you will allow me one minute I will make the position quite clear and my honourable friend may not like to press his amendment. This clause is merely an enabling clause.

Mr. Speaker : I consider it a mere repetition. If it is in order I will propose it to the House and then the Honourable Premier can give his reply.

Lala Duni Chand : My submission is that further conditions should not be imposed upon the money-lender. Whatever conditions are to be imposed should be imposed in the first instance. After the conditions have been imposed no second set of conditions should be imposed upon him. I shall particularly appeal to the Honourable the Premier to understand the significance of my amendment. He should have no objection to it. As a last word I wish to say on the subject that if force of argument applies my amendment should be accepted but if the force of number applies it should be rejected. With these words I move my amendment.

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

That in lines 11-12 the words " and subject to such conditions " be deleted.

Premier : This clause is very simple. It is merely meant to avoid any doubt that once the name of a money-lender is removed from the register it can be brought on to the register again after application. That is the main reason why it has been brought. Similarly, when he can get himself re-registered, he can again apply for a licence and get it, after it has been suspended for a certain period. It is merely to clear that doubt that was raised that he may not be able again to get himself registered, that we have put in this clause. He will get the licence exactly on the same terms as he would have when he originally applied for it.

Mr. Speaker : The reason why I am inclined to hold this amendment out of order is : If a money-lender applies for a licence and gets it but commits some irregularity and his licence is cancelled, does the honourable member mean that if the money-lender wants to renew his licence, he should be rewarded for his misbehaviour and granted a fresh licence without any restrictions ?

Lala Duni Chand : Sir, I wish to press my amendment.

Mr. Speaker : The question is that—

In lines 11-12, the words " and subject to such conditions " be deleted.

The motion was lost.

Munshi Hari Lal : Sir, I beg to move that—

In lines 12-13, between the words " fees " and " as " the words " not exceeding Rs. 4 " be inserted.

The motion was lost.

Mr. Speaker : The question is that—

Clause 10 stand part of the Bill.

The motion was carried.

Clause 11.

Munshi Hari Lal (South Western Towns, General, Urban) : Sir, I beg to move that—

In sub-clause (1), lines 1-2, for the word "Commissioner" the words "court of the District Judge" be substituted.

Premier : On a point of order, Sir. The amendment will make clause 7 absolutely meaningless. In clause 7 we have accepted that—

The collector may during the period of limitation for an appeal, either of his own motion or on the application of a party interested, review his own order, provided no appeal is pending with the commissioner.

We have already accepted that principle that the appeal must lie with the commissioner. We cannot possibly alter this clause now and make the whole Bill unintelligible.

Munshi Hari Lal (Urdu) : Sir, you might recollect that when I moved amendment to clause 8, you were pleased to give your ruling that in clause 11 this amendment will be made as a consequential amendment.

Mr. Speaker : I wish the ruling were produced. But I believe the honourable member and he may proceed.

Munshi Hari Lal : Sir, I was submitting that the appeal against the order of a collector cancelling a licence of a money-lender, should not be lodged with the commissioner. He has to hear many appeals and he has lot of other work to do. What he ordinarily does is that he treats those appeals that are filed in his court summarily and he dismisses them without hearing the parties under powers that are vested in him under the Punjab Land Revenue Act. If any appeal is to be accepted, then a notice is issued, otherwise not. But I may submit that the commissioner has so much work to do that he cannot do justice to all the appeals that are filed in his court. What is done is that his subordinates write notes on those appeals and on the basis of those notes the commissioner announces his judgment. This is the way how the fate of the appellant is settled in the court of a commissioner.

Besides, I may submit what is the good of lodging an appeal with the commissioner when—

Syed Amjad Ali Shah : On a point of order, Sir. The honourable member is repeating the arguments which have been given on the floor of the House again and again.

Maulvi Ghulam Mohy-ud-Din : May I draw your attention to the fact that in amendment No. 22, clause 8, we have already decided that the words 'district judge' shall not be substituted for the word 'commissioner'

Munshi Hari Lal : I may submit that if the Government is prepared to give any right of appeal to the money-lender, it should give such a right which can be effective. It can only be effective if the appeal goes before such an official who can hear it patiently and carefully weigh the merits of the case and give his judgment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), lines 1-2, for the words "Commissioner" the words "court of the District Judge" be substituted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, the discussion on this subject has been going on for the last so many days and various points in connection with it have been discussed threadbare. My honourable friend Munshi Hari Lal has observed that the power of hearing appeals should not be vested in the commissioner. I do not agree with him that as a rule every appeal is decided without hearing the parties. It may be his experience, but I am sure that it is not the experience of my lawyer friends here. The commissioner considers the appeals in his dual capacity of an executive as well as a judicial officer. In his former capacity the procedure followed is the same as referred to by my friend Munshi Hari Lal. While hearing appeals in his judicial capacity he allows the lawyers of both the parties to appear and argue the case before him and after giving his careful consideration to the points raised by the parties, he gives his judgment. I may state it for the information of my honourable friend that if any legal question is involved in the case it is decided on the facts of the case alone. Moreover in deciding such cases the procedure followed by the civil courts is always observed. In the end I would submit that by this time my honourable friend would have come to know of the feelings of the House in this matter and I hope that he will not press his motion.

Mr. Speaker: The question is—

That in sub-clause (1), lines 1-2, for the word "Commissioner" the words "court of the District Judge" be substituted.

The motion was lost.

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

That in sub-clause (1), lines 4-5, the words "or refusing to renew a licence" be deleted.

I would only say a few words in support of my amendment. There is no power given to the collector to refuse to renew a licence when the period during which a licence stands cancelled has expired. After the expiry of the period for which a money-lender's licence has been cancelled, the collector automatically renews his licence. On the other hand, the wording of clause 11 (1) says that—

An appeal shall lie to the Commissioner against the order of the Collector under section 6 cancelling a licence or refusing to renew a licence.

I ask, where is that power given to the collector to refuse to renew a licence.

Premier: I agree with the honourable member.

Munshi Hari Lal: Then these words are redundant and should be deleted.

Premier: As a matter of fact this wording has been taken from the original clause before we decided to make renewal automatic. Now that the renewal has been made automatic, I see no objection to the deletion of these words.

Mr. Speaker: The question is—

That in sub-clause (1), lines 4-5, the words "or refusing to renew a licence" be deleted.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (1) as amended stand part of the clause.

The motion was carried.

Munshi Hari Lal (South-Western Towns, General, Urban) : I beg to ask for leave to move—

That for sub-clause (2) the following be substituted :—

If the money-lender or the appellant is not present at the time of the announcement of the original or the appellate order, the order shall be communicated to him in such a manner as may be prescribed and the time for appeal will run against him from the date of the receipt of the order by him.

It was pointed out in the select committee that if the collector passes an order in camp the money-lender may not have notice of it and the time provided in the Bill for appeal may expire before he receives any notice from the collector or before the money-lender comes to know of it. I wish that the collector's orders should be communicated to the money-lender when it is passed and the time should run from the date of the receipt of the order. That is my first point. The second point is that when the commissioner passes the order, that order also should be communicated to the money-lender. In the clause, as it stands, it is only the commissioner's order that is to be communicated. I provide that the collector's order should also be communicated as well as the commissioner's order.

Mr. Speaker : The honourable member (Munshi Hari Lal) has moved that he may be given leave to move the following clause :—

If the money-lender or the appellant is not present at the time of the announcement of the original or the appellate order, the order shall be communicated to him in such a manner as may be prescribed and the time for appeal will run against him from the date of the receipt of the order by him.

The question is that leave be given to move the new clause.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (2) of clause 11 stand part of the clause.

The motion was lost.

Mr. Speaker : The new clause moved by Munshi Hari Lal is now under consideration.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I am prepared to accept it provided the words beginning with 'and' in the third line up to the end of the clause are omitted. I therefore, move :—

That the words beginning with 'and' up to the end of the clause be omitted.

The motion was carried.

Mr. Speaker : The question is :—

That the following be sub-clause (2) of clause 11 :—

If the money-lender or the appellant is not present at the time of the announcement of the original or the appellate order, the order shall be communicated to him in such a manner as may be prescribed.

The motion was carried.

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

That in sub-clause (3), lines 1-2 for the words "the commissioner may in dismissing an appeal" the words "the collector or the commissioner may" be substituted.

I make this slight change of 'may' with your permission. The clause with my amendment will read, "The collector or the commissioner may grant to the money-lender a certificate" and so on. The power here is given to the commissioner to grant the certificate.

Mr. Speaker : Does the honourable member also propose that the collector should have that power ?

Munshi Hari Lal : Yes, Sir.

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

That in sub-clause (3) lines 1-2, for the words 'the commissioner may, in dismissing the appeal', the words 'collector or the commissioner may' be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I support this amendment. There seems to be no objection in principle. Government cannot have any objection in principle to the collector being invested with the power of granting of a certificate like the commissioner. Why should a man run from Gujrat to Balwalpindi after his licence has been cancelled ? The collector may himself think that though this man should not be allowed to ply his trade this is the object of cancellation of the licence still it would be a hard thing to prevent him from realizing some of his debts which might be due to be time-barred during the period for which his licence has been cancelled ? If the collector is competent to cancel the licence, he is also competent to grant a certificate to enable the money-lender whose licence is cancelled to file suits with respect to certain loans. Why should a money-lender be compelled to run from the district headquarters to the commissioner's headquarters ? It would mean delay and unnecessary expense. The commissioner will have to send for the record, may have to hear the case over again while the collector knows all about the case. In proper cases even after the cancellation of the licence he can issue certificates. I do not think there is any harm in accepting this amendment. No principle of the Bill is affected.

Malik Barkat Ali : I rise to a point of order. The point of order is that the amendment is out of order. You will be pleased to see that in sections 6 and 7 the collector has been authorized to cancel licences. The proper time to move this amendment should have been when section 6 and section 7 were being discussed. Section 7 says that when the collector has passed an order of cancellation that order shall not take effect until the period of appeal or review has expired or in the case of appeal, the appeal has been finally disposed of. Therefore, the collector has not been given power to give the certificate or cutting down his own order of cancellation. Therefore, my submission is that it is out of order on that ground. Secondly, the language of the amended clause is meaningless. It reads "the collector or the commissioner may grant to the money-lender". The collector can only grant at the time of cancellation; the commissioner can only grant at the time of dismissing the appeal. In the absence of these words I respectfully submit that these words would be meaningless,

but I rely more on the point of order that I have raised that by passing the 6th and 7th clause my learned friend is precluded from moving this amendment.

Dr. Sir Gokul Chand Narang : There is nothing contradictory between the amendment and these sections.

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

In sub-clause (3), line 1, for the word 'may' the word 'shall' be substituted.

This amendment, Sir, is most reasonable. The money-lender should have this permission as a matter of right and for the commissioner it should be obligatory and not discretionary to issue such certificates, so that the other transactions of the money-lender should not suffer during the period of cancellation of his licence.

Let me bring it to your notice, Sir, that there was no such provision in the original Bill, to enable the money-lender to file such suits during the period of cancellation of his licence. Debts might become time-barred, the debtors might run away to evade payment or squander the money in any way. The money-lender, had his licence been cancelled, could not sue them. We pointed it out in the select committee. The force of our argument was felt and a provision was made that the commissioner may grant certificates for this purpose to the punished money-lenders. But, Sir, the difficulty still remains unsolved. Everything is left to the discretion and sweet will of the said officer as I have already pointed out in my previous speeches. My submission is that after the cancellation of his licence, the money-lender may be authorised to institute suits in the courts regarding his other debts and he should not suffer monetary losses because of this cancellation of the licence. I tried my best to get it done in the select committee and urged this point, with all the force at my disposal, but it was decided by the vast majority of our friends in the same committee that it should be left to the discretion of the commissioner.

My opinion, Sir, is that getting of this permission is a matter of right. It is no favour. In the case of being refused such a permission, the money-lender would be made to lose large sums of money on account of time-barred and other cases, besides losing his licence. The monetary loss, in my opinion, is a double punishment. My contention is that this Bill should not interfere at least with other business of the money-lender. And as this provision stands in the way of all money-lenders, it should, therefore, be amended as proposed.

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

That in sub-clause (3), line 1, for the word "may" the word "shall" be substituted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : The amendment which has been moved by the honourable member for Labour is one of the most important amendments of the Bill. As I think and as I also brought to the notice of the Premier, if he accepts this amendment he will be removing one of the greatest blemishes of the Bill and would be bringing the Bill into some workable form. You would notice that this amendment aims at reducing the punishment which is to follow the cancellation of the licence. This Bill provides that if a money-lender has been guilty of certain omissions or commissions his licence may be cancelled by the collector permanently or for a

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certain period. One of the punishments provided under the Act is therefore that the money-lender will lose his profession—a profession to which he may have been trained for his life—a profession which he may have inherited from his ancestors and with the possibility of not being able to take to any other profession in the middle of his life. That punishment is sufficiently severe in itself but to that punishment has been added the possibility of the entire confiscation of his assets. A money-lender's assets would usually consist of his outstandings, the debts which he has advanced to his customers. The Bill provides that if a person's licence is cancelled he is debarred from bringing suits to recover any of his outstandings unless the commissioner gives a certificate as to all of his outstandings or some of his outstandings. Now, if the word "may" is left there, it is entirely within the discretion of the commissioner to certify any of the outstandings or refuse to do so. No indication or no direction is given to the commissioner as to the circumstances when he would refuse such a certificate or when he would grant the certificate. Therefore, this is a matter which is entirely left to his whim or to his discretion. I wish to ask the House, would any respectable person or a person of substance carry on the profession of money-lending if he knows that for any of those petty delinquencies he stands to lose not only the suit in which the petty delinquency may have been committed, not only stands to lose the profession which he has been carrying on for a lifetime, but also stands the risk of the confiscation of his entire property? The other day the Premier brought to the notice of the House the instances of legal practitioners and he said, supposing a legal practitioner is guilty of a slight delinquency in associating with a tout in one case, the punishment awarded to him is not that he loses his case but that he is debarred from further practice for ever, I wish to apply the same analogy here. Here is a money-lender who is guilty of delinquency in a small measure. Not only will he suffer in the matter of that suit, not only will he be subject to the liabilities which the criminal law may impose upon him, but he will lose his profession by the cancellation of his licence. But why confiscate his property? A lawyer, when he loses his licence, loses his right to practice. No order is passed that his past earnings or his entire property should be confiscated. (*Hear, hear*). Such an order is not given even for murderers, or even for people who commit robberies coupled with murders and other heinous offences. Why are you imposing this penalty on the head of the money-lender? I am not making this submission in the interest of any guilty money-lender, but I make this submission that if you wish to regulate and control money-lending, you must frame rules which would induce respectable, decent and moneyed men to take to this profession and not dissuade every respectable man of substance from keeping away from it, as he would do if he has to run the risk of losing his entire property. One of the objects which was mentioned by the Honourable Premier in introducing this legislation and which has been referred to, off and on, on the floor of this House is that the Reserve Bank wishes to help the agriculturists of this province by making available its vast unapplied funds for the development of agriculture provided it can find intermediaries.

Mr. Speaker: Will the honourable member please speak to the motion?

Rai Bahadur Mr. Mukand Lal Puri : I am pointing out that the punishment is out of all proportion and, therefore, this punishment ought to be modified. In deference to your wishes, I will not speak for more than five or six minutes on this motion but you would readily realise that this is the most important argument that any one could give in favour of reducing the punishment. What I am pointing out is that the main object, the chief object of this legislation, will vanish inasmuch as it would dissuade substantial persons from following this profession and it is only the substantial persons through whom the Reserve Bank can distribute the credit, advance the money which it has got at its command and which it wishes to advance to the agriculturists, provided respectable money-lenders are available. The present legislation will effectively prevent all that. It would only ensure the existence of the petty money-lenders, money-lenders who have got nothing, who have no great assets to lose, money-lenders who only carry on their business with an asset of say three or four thousand rupees. That will be the type which might survive this legislation and which might carry on a precarious existence. If you really wish to induce respectable men to stay in the profession, I say most emphatically that you should lighten the punishment proposed. Do not make it impossible for the respectable man to stay in the profession and if you keep the punishment as high as you have done, if you do not substitute the word "shall" for "may" which would compel the commissioner to grant a certificate for the realisation of old outstandings, you would be enacting a measure which would practically kill money-lending in this province and would defeat the object that you profess to have in view. In this connection it may be necessary to recall the previous history on the subject of punishment for the delinquent money-lenders. As I pointed out the other day, the Honourable Lala Sir Chhotu Ram brought..... (*Interruptions*) (*Voices : Chaudhri Sir Chhotu Ram and not 'Lala.'*) I have not followed the interruptions. I spoke with great respect. (*Premier : You are lucky that he is not here.*) Oh, he objects to the use of the word 'Lala' ? (*Laughter*). Perhaps the designation is too good for him. However I had no intention of injuring any one's feelings and fortunately he is not here to have his feelings injured. I certainly consider that the word 'Lala' is a word of respect and I do not think that he or any Hindu should take objection to the use of this prefix before his name, I did not mean any insult to him. If he objects to it I certainly think that the word 'chaudhri' would equally be objectionable.

Mr. Speaker : Please speak to the motion.

Rai Bahadur Mr. Mukand Lal Puri : I was pointing out to the House that the punishment provided even in the Bill of 1935 of Chaudhri Sir Chhotu Ram himself did not contemplate the dismissal of the suits for other outstandings.

Cancellation of his licence would only entail that he would not be able to carry on his profession or lend loans, in future but there was no provision that he will not be able to realise his old outstandings. This was what was desired to be enacted in 1935. This Bill was sent to the select committee by the then Council to which the names of Raja Narindra Nath and myself were proposed as members of the select committee. Well, we both refused to act on the select committee on the ground that this was a Bill the principle of which we did not agree to

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and it was much better that Chaudhri Chhotu Ram should be left to make what he liked of the Bill. Therefore none of us had any hand in the proceedings of that select committee. When it went to the select committee they substituted in place of this punishment a fine and did not at all include in the punishment possible dismissal of suits other than those to which the delinquency related. That punishment is detailed in section 16 of the report of select committee on Debtors' Protection Act, 1935.

Mr. Speaker : I would request the honourable member to speak to the motion. Was he relevant in saying that the Raja Sahib and he refused to serve on the committee ?

Rai Bahadur Mr. Mukand Lal Puri : Yes, the report of the select committee was the report of the persons who brought forward the Bill unassisted by those who were opposed to it. If you will permit me to place before the House that section 16, the punishment there provided was only a fine which may extend to Rs. 1,000. The section runs as follows :—

Mr. Speaker : Please do not read that section ; it is sufficient to say that it is there.

Rai Bahadur Mr. Mukand Lal Puri : I wanted to be very precise. But I will not read it out if you think I need not do so. What I submit is this that in 1935 the Government of the Punjab wanted to introduce the licensing and the registration of money-lenders and the chief exponent of this measure drafted the Bill in which he provided certain punishments, and it never occurred either to him at the time of the introduction of the Bill nor did it occur to the united wisdom of the select committee which consisted only of the members of his party, assisted by the then Government to enact such a monstrous punishment which one finds in this Bill. I respectfully wish to enquire what has happened during these two years. Have the circumstances in the Punjab changed except for the fact that he is a greater autocrat on account of the larger majority in the House which he possesses? My submission before you, Sir, is this that if you retain such a punishment in the Bill you may possibly be satisfying your feelings of having done the maximum injury to the other side, i.e., to the money-lenders whom you hate, but what I earnestly ask this House is to ensure that in doing so you may not injure the vital interests of the province and lay the axe at the root of the entire system of credit. I am afraid, if you stick to this provision, you would succeed in destroying the entire system of credit in urban areas as you have already successfully done in rural areas. Therefore with due respect I most strongly support the amendment which has been moved, that the commissioner shall give certificates to a money-lender who has been disqualified from practising to realise the loans which have been advanced before the cancellation of his licence.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : When once we accept this principle that a certificate should be granted to a person whose licence has been cancelled it does not appear to me to stand to reason that this right of obtaining a certificate should be dependent upon the whim or the sweet will of an individual. You must have noticed, Sir, that at every step we have tried for giving as little power as possible to the executive officer as against the great desire of the Government to give as much as they can to the executive officer. The reason for our doing this is

perfectly clear. This Bill is intended to protect us all, whether statutory agriculturists or non-agriculturists against the money-lenders whether statutory agriculturists or non-agriculturists. There is no distinction so far as that goes. Just as we are trying to protect ourselves against a dishonest money-lender, whether he is an agriculturist or non-agriculturist, similarly we must defend and protect ourselves against a dishonest officer. It cannot be denied that just as amongst money-lenders there may be fraudulent and dishonest money-lenders, similarly amongst the class of officers who are entrusted with these powers there may be people who are thoroughly dishonest and corrupt. We have to protect ourselves against such officers and therefore it is that the powers that are being passed on in the hands of the officers should be as little and should be consistent with the spirit and the principle of the Bill. I do not think the Government should have any objection to recognise that that man shall be granted a certificate unless, of course, the idea is that the punishment will also contain non-realisation of his other dues. If that is the idea then they should put it plainly so that everybody may know that this is so. I hope Government will accept the amendment.

Premier (The Hon'ble Major Sir Sikander Hyat-Khan): Most of the arguments put forward were mere repetition of certain generalities which were expressed on the floor of this House on several occasions previously. My honourable friend, the mover of this amendment, either thinks that all the members in this House conform to the Punjabi adage—*agal da anna te gand da pura*. If he thinks that that is the view of the House with regard to his amendment, I am afraid he is living in a fool's paradise because we all know what 'may' and 'shall' mean—and its significance—in this particular clause. As a matter of fact, it was during the select committee stage with a view to mitigate any hardships in genuine *bona fide* cases that we—my honourable friend will bear me out—included this clause so that a commissioner may have an opportunity to meet the case after going through the facts and weighing them whether a money-lender has made a default in a very small matter of two or three hundred rupees and his licence is cancelled for a fortnight or three weeks and during that period certain loans amounting to several thousands may be time-barred. The commissioner naturally is given the right to grant a certificate with regard to these loans if he thinks that the delinquency is of a minor character. Now, I come to another case. A man may have committed a very gross irregularity and if you do not give this latitude to the commissioner, my honourable friends know perfectly well, that the man would say, 'I do care if my licence is cancelled because I have committed an irregularity, but so far as my debts worth thousands are concerned, they are quite safe'. He would enjoy with impunity and will go on defrauding and cheating people. There is no other penalty for this except non-suiting of the person. Now, if you analyse the actual hardship in practice, you will come to the conclusion, as I have come, that it would not be a great hardship after all. The first thing the collector will see is the nature and extent of the offence and then he will cancel the licence for 3 months or 6 months or one year. The next factor is the number of suits which are likely to become time-barred by that period and the third consideration which he will have to take in view is

[Premier.]

whether the offence which is committed is of such a gross nature that he should bar those suits which may be of considerable value worth 5 thousand or 10 thousand rupees. If he comes to the conclusion that the irregularity committed by the man is of a serious character, he will say: 'I will grant you a certificate with regard to those loans worth 2 thousand rupees but I still punish you with regard to the loans worth 5 thousand rupees'. So he will have the fullest possible latitude to consider each case on its merits before granting a certificate. If you substitute the word "shall", as I have pointed out before, this Act will be absolutely a dead letter, because it would be meaningless and in that case, as I have said, the money-lender would go on defrauding and cheating in regard to every single transaction without suffering any penalty for it. He cannot be non-suited at all, and we want to give him an incentive to become honest and not defraud anybody. (*A voice:* But he shall not be permitted to work in future. He cannot defraud with regard to his present transactions in future, and he will not have to do so.) I am afraid my angle of vision is different from the honourable member opposite. I presume that most of the money-lenders are honest. My honourable friends opposite throughout have been arguing that I presume that all the money-lenders are dishonest and therefore we want to do this thing or that thing. I presume that a large number of them are honest and there are some who are dishonest and whom we want to weed out. My honourable friend argued from another point of view that if a person has committed an offence, why penalise him severely, why penalise him for fraud, why penalise him for cheating and for this and that? All money-lenders are not fraudulent or dishonest. We must look at it from that point of view. I may say—if this is any consolation to my honourable friends opposite and to Lala Sita Ram—that after this Act comes into force, a money-lender will get at least 5 years in which to put his house in order. If he cannot put his house in order in 5 years and if he does not get the benefit of various exceptions provided here, that is, the first mistake will not be penalised, the second mistake will not be penalised and even in the case of the third mistake only the collector will take into consideration all these things and cancel his licence for a fortnight or so, if the offence is a light one—if the man does not get the benefit of these exceptions—we cannot help. You will find that we have tried to be as lenient as possible. This is the position and I am almost certain that in the actual working of this Act, dangers will not arise and if they do arise and if there is any real hardship, we are here to amend it at any time.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): Sir, I have got an amendment in my name which is more or less similar to this. Can I discuss it at this stage?

Mr. Speaker: The honourable member may discuss his amendment and also the amendment which is before the House without, of course, moving his amendment. When its turn comes he may move it without making any speech at that stage.

Dr. Sir Gokul Chand Narang: My submission is that the amendment that has been moved is a very important one. The gist of the Honourable Premier's arguments during the last so many days, has been: 'Well, it is the dishonest money-lender who will suffer, why should he be protected and

why should we reduce the punishment if it is to be inflicted on a dishonest man? If he had been here, I would have asked him whether he knows that at one time in England people used to be hanged even for petty thefts. If a man stole an egg or a fowl or perhaps, if I am not mistaken, even an apple from an orchard, he was liable to be hanged, because punishment for such offence was death. The arguments that the jurists of those days naturally gave were the same as in the 20th century the Honourable Premier of the Punjab is giving. This punishment must be deterrent. Why should not the man lose his property if he has committed a fraud in one or two respects? He should not only be forbidden to carry on his business but his assets should also be taken away from him. If I am not mistaken, I think, there is only one section in the Penal Code which involves punishment of forfeiture of property. There may be one or two more. (*Mahik Barhat Ali*: Waging war against the King.) Yes, waging war against the King. I remember it because I was charged with that section once. I do not know of any other section under which a person is liable to be hanged and also to have his property forfeited. Even for the most heinous offence, murder, the murderer is punished with death or with transportation for life, but the children of the murderer are not deprived of the property that their murderer father might have left to them. But in this case an argument is given: 'What does it matter if the penalty is severe because it is only to be inflicted upon a guilty person and upon a fraudulent man?' Why should not a penalty of death be prescribed because they have committed a forgery? Disproportionateness is not being realised by the Honourable Premier. He thinks that as the man is dishonest, therefore any kind of punishment is permissible. The whole argument on our side has been that we do not want to protect any dishonest money-lender, but that on principle the punishment should have some proportion to the offence and the offence should have some proportion to the punishment. But that is not the case. When I move my amendment, you will see that it is really to the effect that if the certificate is not given in ordinary cases—and you are not prepared to make it obligatory for the commissioner to grant a certificate in every case and you are not prepared to substitute the word "shall" for the word "may"—then at least there is one case, in which it would be necessary to make it obligatory for the commissioner to grant a certificate in the interest of justice, and that case is when during the time for which the licence is cancelled by the collector, some debts are due to become time-barred. Supposing the collector cancels my licence for a year. There may be loans amounting to 50 thousand rupees which may be due to become time-barred during that year. I go to the commissioner. He may not like my face, he may not like my reputation, he might have heard that at such and such a meeting I delivered a lecture which was against the Government or against him and he may not like me and he says: 'I am not prepared to grant you any certificate. It is discretionary with me.' You know as a lawyer, Sir, that where to give relief is discretionary, the courts are not bound to give that relief, as we find under the Specific Relief Act. He can say that the word in the Act is "may." He may adopt the argument of the Honourable Premier saying: 'Why did you commit this fraud? It was you who brought this fraudulent suit; you charged more interest than is prescribed in the Relief of Indebtedness Act more than once and therefore you have yourself brought this punishment

[Dr. Sir Gokul Chand Narang,]

on you and I am not going to give you any certificate.' Is that the object of this Bill? Is it reformatory? This is really a reform with vengeance. My submission is that the amendment moved is a fair one and if that cannot be accepted, then at least mine should be accepted that a certificate *shall* be given in cases where the debts are due to become time-barred during the period for which the licence has been cancelled and three months after that. I have added three months so that the money-lender may have time to renew his licence as it is possible that in spite of a certificate having been given by the commissioner, he may not be able to file his suits within time owing to the delay in taking out a licence.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, I fully support the position taken up by my friends, Mr. Puri and Dr. Narang, to a certain extent. A licence is cancelled as a punishment for an offence which a money-lender may commit and the necessary provision has already been made in the Bill. As soon as a licence is cancelled, the name of the money-lender shall be removed from the register and he ceases to be a money-lender. He is then remitted to his rights as an ordinary citizen under the law; it is perfectly open to him not to apply for a further licence as he may not continue in his profession as a money-lender. At the present time, this trouble has largely been brought about by those friends who tabled these amendments in the select committee. For my part, I do not support the word "shall," because if the Act is retrospective and if the man is to be punished, it would be better that the discretion should be vested in the punishing officer so that he may modulate the punishment in the light of the offence that has been committed. Therefore, I am against the word 'shall.' I am certainly in favour of the words 'may grant a certificate.'

My second submission is that the words 'specifying the loans' in sub-clause (3) are very undefined.....

Mr. Speaker: No amendment to that effect is on the agenda.

Dr. Sir Gokul Chand Narang: Malik Barkat Ali has referred to sub-clause (3) and has made particular reference to the words 'certificate being granted in respect of certain loans specified.' My amendment refers to certain suits and he wanted to argue with respect to those suits.

Mr. Speaker: I do not find any amendment to that effect.

Malik Barkat Ali: My respectful submission is that the language of this sub-clause is very defective. Certainly what the authors of this provision meant was to give protection to those suits which are due to expire within the period for which a money-lender's licence has been cancelled by empowering the commissioner to grant a certificate in regard to those loans. Even from the wording of clause 8, it is clear that with the cancellation of the licence the suits would become time barred. If that is so, how can a commissioner extend the period of limitation by giving a certificate? I am, therefore, in favour of the words 'may grant such certificate in respect of the loans whose limitation is due to expire within the period for which the money-lender's licence has been cancelled' being added at the end of sub-clause (3) of clause 11. That is really the intention. But as at present worded the clause goes much beyond the scope of the Bill and is

unlimited in the punishment that will be meted out to the money-lender. The punishment is the cancellation of the licence; there should be nothing beyond that.

Dr. Sir Gokul Chand Narang: You were pleased to say that I could speak on the amendment moved by Munshi Hari Lal and also on mine, but that I may move my amendment later without making a speech thereon afterwards. Now, if I move my amendment later as suggested by you and there are to be no speeches on that amendment, how am I to reply to the remarks made by Mr. Barkat Ali with respect to my amendment? Will I be allowed to exercise my right of reply which I would have had if I had moved my amendment and it had been the subject of debate?

Mr. Speaker: The original amendment moved by Munshi Hari Lal was that in sub-clause (3), lines 1-2, for the words 'the Commissioner may, in dismissing an appeal' the words 'the Collector or the Commissioner may' be substituted. Afterwards an amendment was moved which to all intents and purposes was an amendment to the amendment, that is, for the word 'may' the word 'shall' be substituted. It was that amendment that was under discussion, that is, the substitution of the word 'shall' for 'may.' As regards the other part of Munshi Hari Lal's amendment, that may be discussed, but I cannot allow a general discussion of the whole amendment. Malik Barkat Ali was not right in discussing the whole amendment.

Dr. Sir Gokul Chand Narang: It was not yet under discussion.

Parliamentary Secretary (Mir Maqbool Mahmood): I am ordinarily a great admirer of the clarity of the arguments of my friend, Malik Barkat Ali, but he will forgive me if I say that his arguments to-day sounded like the lawyer's statement that much can be said on both sides. With due deference to his knowledge of law I submit that he appears to have misunderstood the clause and its import.

Mr. Speaker: The whole clause is not under discussion. So the discussion should be confined to the use of the words 'may' and 'shall.'

Parliamentary Secretary: Then, I shall confine myself to the arguments advanced by my honourable friends, Dr. Narang and Mr. Mukand Lal Puri. Their main plank is that the penalty provided is very severe and unless the word 'may' is changed into 'shall', there will be severe hardship on the money-lenders. I wish them to apply themselves to the practical side of the case. I will first take up the question whether the substitution of the word "shall" can bring about any change in the clause as drafted or not. Supposing the word 'may' is changed into 'shall', that does not affect the purport of this clause, because the clause would then read—'The Commissioner shall..... grant to the money-lender a certificate specifying the loans in respect of which a suit may be instituted.' The decision will still remain with the commissioner as to which particular loans are such in regard to which he should grant the certificate. Therefore, my first submission is that this change of word does not so far as the legal implication is concerned make any difference.

Now, coming to the substantive part of the argument as to the severity of the penalty, here also I wish them to apply themselves to two aspects of the case. On the one side, there is the dishonest money-lender who is in the habit of entering into fraudulent transactions and whom apparently

[**Mr. Maqbool Mahmood.**]

nobody wishes to save. On the other side, there is the honest money-lender who unfortunately makes an accidental slip and though it technically comes within the provisions of section 6 nobody wants to deal with him severely. (*An honourable member*: Why?). Because he is an honest money-lender. Between these two classes we have to see how the penalty operates. With regard to the dishonest money-lender, supposing the law is amended as advocated by Dr. Narang or as interpreted by Mr. Puri, it means that the commissioner shall be bound to grant a certificate with respect to all those loans which are likely to get time barred. Take first the case of a dishonest money-lender who fraudulently plays havoc with transactions with all his borrowers with whom he has been dealing and he is found to be consistently and systematically fraudulent. I am sure neither my friend, Dr. Narang nor Mr. Puri, would like to show him any consideration. (*Rai Bahadur Mr. Mukand Lal Puri*: But the punishment must be made to fit with the offence.) In that particular case what happens? Suppose the clause as sought to be amended is accepted. The only punishment which will be given to the dishonest money-lender who has played havoc with his borrowers will possibly be that he will lose his interest and costs, or as Mr. Puri says, he will lose his business during the period his licence is cancelled. But I submit that the loss of his business is only on paper, because if his licence is cancelled to-day, tomorrow he will carry on the same business in the name of his son or some cousin or some friend of his and thus the money-lending business will continue. So far as the dishonest money-lender is concerned, there should be no difference of opinion on the point that any penalty which is likely to be effective shall be inflicted on him. That is one aspect of the case.

Now, take up the other case, the case of the honest money-lender. If an honest money-lender accidentally commits an offence, the collector or the commissioner will go into the equity of the case and if he finds that it is only a technical offence not committed intentionally, he will not inflict severe penalty. Possibly as the Honourable Premier said he might cancel the licence for a short time. What is more, there is nothing in the Bill to suggest that the commissioner in such hard cases shall not give him exemption certificates with regard to all loans which are likely to get time-barred.

Rai Bahadur Mr. Mukand Lal Puri: Is it entirely dependent upon his discretion?

Mr. Speaker: I cannot allow questions at this stage.

Parliamentary Secretary: If I may take my honourable friend back to the proceedings of the Punjab Legislative Council for the year 1925 the illuminating speech which you, Sir, delivered then when you sat on this side of the House, he will find that you made a very clear exposition of the legal position supported by the rulings on the English Act. Even under the English Act the moment the licence of a money-lender is cancelled his registration is cancelled, he is non-suited with regard to all his existing claims and he cannot go to court till his licence is renewed.

Malik Barkat Ali: Will the honourable member please read the section?

Parliamentary Secretary: I invite my honourable friend's attention to page 201 of Halsbury's Laws of England, latest edition. He will find there—

A money-lender who is not licensed under the Money-Lenders Act cannot maintain an action to recover the money he has lent; in such case the borrower does not need to apply to the court for relief, nor need the borrower do so in any case when the money-lender, though duly licensed, has committed some breach of the statutory provisions affecting his business or transactions which renders the transaction unenforceable or illegal.

If under the English Money-Lenders Act any money-lender has failed in any of the provisions of the Act he is non-suited, so long as that defect is not made good, with regard to all his claims. Now, I would repeat that the whole thing revolves on this, whether the clause that we have before us with the change of the word 'may' into 'shall' in any way inflicts any severity more than the offence deserves. On this there cannot be two opinions. The decision on that question can only be given after the collector or the commissioner has exercised his discretion under the Act. I think that as the matter stands all that we can do we have done. By bringing up this clause we have mitigated the ordinary automatic severity of section 6. If this clause had not been there the honest money-lenders may have suffered unduly in certain cases. In order to save the really honest money-lender we have thought fit to introduce this clause (*Cheers*).

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, when this amendment was moved and being discussed I was not present in the House, but now that I have arrived and listened to some of the arguments, which my honourable friends opposite have advanced against it, I am constrained to make a few observations in this connection. It is a thousand pities that whenever any honourable member on this side of the House raises any objection against any clause of this Bill the Treasury benches charge him with the motive that he protects the dishonest money-lenders. Under these circumstances it is very difficult for us to say any word against the Bill. (*A note: Only those who want to protect the dishonest money-lenders are prompted to oppose this Bill.*) When a money-lender's licence is cancelled under clause 6, it is contended that an honest money-lender shall be granted a certificate under clause 11. The Unionists hold that there cannot be any hitch in granting such an honest money-lender the necessary certificate. But I may add that it is only a dishonest money-lender whose licence can be cancelled and it is he who shall need a certificate for the recovery of his past debts. The question of the grant of a certificate does not arise in the case of the honest money-lender, because his licence shall never be cancelled. Such being the case, how can my honourable friends sitting opposite satisfy us that the certificate will be easily granted to a money-lender whose licence has been cancelled? It can only be granted easily to an honest money-lender, but the fact of the matter is that an honest money-lender will never stand in need of getting a certificate because his licence will not be cancelled, as the Treasury benches say. It is only the dishonest money-lender that will need this protection. But may we not say, in fairness to this wretched money-lender, that when he has already been punished under the Regulation of Accounts Act, where is the necessity of punishing him a second time under the Money-lenders Bill? Even if you punish him a second time under this Bill, why should you inflict so severe a punishment on him by which

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he would be debarred from recovering his past legitimate debts which even the debtor may be willing to pay ?

Sir, the Bill has gone to the length of providing that even if a money-lender has committed an offence, not in the course of his money transaction, but in some other business, his licence for carrying on the money-lending business shall be cancelled forthwith. Just imagine, Sir, that if a money-lender has been honest in his money-lending business, but has perchance failed while selling his horse to tell the buyer that the horse was lame, he may get his licence cancelled by the collector under this Bill. Now Sir, I put it to you. Is it fair, is it just, is it desirable ? If he committed a fraud in some other business, he gets due punishment for that. If you again want to punish him, cancel his licence so that he may not be able to carry on the business of money-lending in future. But do you propose to deprive him of the right to recover his old debts ? This treble punishment cannot be justified under any code whatever. I am not a lawyer but I claim to possess some common-sense, and, common-sense, I may add, is three-fourths of law. I have that common-sense which guides those, who frame laws and rules, which guides those who have to interpret law and which guides those who have to decide cases under any law. I can, therefore, say that this punishment that you want to give to a money-lender will be over and above that he has already got under some other law. Not only that. This Bill aims at turning the money-lender into a destitute and a beggar. If this was not the object of the Bill, why does the Government object to substituting the word 'shall' for the word 'may' in clause 3, line 1 ? If the word 'may' remains here, the commissioner will not be required to give reasons for his refusing to grant the money-lender a certificate. But if the word "shall" is substituted, then he will have to assign reasons for his refusal. It is only this small mercy which we want for the money-lender who has already been punished by some other court for his offence and whom you have punished a second time by cancelling his licence. We only want to save him from a third punishment, that is, he should not be deprived of his right to recover his lawful debts of the past. We do not object to his being debarred from carrying on the business of money-lending in future. Do award this punishment to him. But for God's sake, do not crush him altogether. If the word 'shall' is substituted for 'may' he may hope to recover his past debts which may be on the verge of being time barred. May be, when he is again granted a licence after the expiry of the time for which this licence was cancelled, all of his debts may become time barred and he may not be able to institute any civil suit.

Now, Sir, add to this the further misery of the money-lender inasmuch as his licence is not to be cancelled or renewed by a civil court but by a collector or by a commissioner. I need not labour this point that the collector or the commissioner has to take note of the political activities also and in this capacity he may not like to renew the licence of a money-lender simply because he does not like the political views of the money-lender. It is not fair, thus, to leave the money-lender to the mercy of the collector or the commissioner.

With these words, Sir, I strongly support the amendment moved by my honourable friend Rai Bahadur Mr. Mukand Lal Puri.

Mr. S. P. Singha (East Central Punjab, Indian Christian) (*Urdu*): Sir, In my opinion the amendment moved is a very moderate one and it should not be regarded as running counter to the object of the Government. When I read this clause I understand it to be an enabling clause, in continuation of clause 8, sub-clause (vi) which reads—

“.....a suit by a money-lender for the recovery of a loan shall.....be dismissed unless the money-lender.....holds a certificate from a Commissioner granted under section 11, specifying the loan in respect of which the suit is instituted, on the decree in respect of which the application for execution is prevented.”

Without this provision a money-lender whose licence has been cancelled would be barred from suing for recovery of his loans. It is therefore an enabling clause. But judging from to-day's speeches, it is not an enabling clause but a penal clause. If the object is to punish the money-lenders, why should we not provide for it in an unambiguous, straightforward manner? If the Government want to punish the money-lenders, why do they not give authority to the commissioner to fine a fraudulent money-lender to the extent of say Rs. 5,000, Rs. 10,000 or even a lakh of rupees according to his deserts. In this way the Government treasury would also gain much. If, however, a certificate is not given to the money-lender, the Government will not gain anything, but only those people will gain who are owing money to the money-lender. Why should the punishment of the money-lender be an underseverd, unearned gain of borrowers who must pay back what they have borrowed? There would be some point in it, if as a punishment the loans not specified in the certificate were deemed to be forfeited to Government.

My friend, Malik Barkat Ali, in the course of his eloquent, forensic speech stated that the cancellation of a licence should not have any retrospective effect and that loans given by the money-lender prior to the cancellation of the licence should not be invalidated. But holding their views he ended his speech by saying that the word “shall” should not be substituted for the word “may” in sub-clause (8) of section 11. I am constrained to remark that I have not been able to understand the logic of his argument.

Again, my friend, Mir Maqbool Mahmood, has argued that even if the Government were to accept the word “shall”, even then there will be “may” in the second place, so that in spite of the word “shall” the commissioner would have the power to use his discretion in granting the certificate. He may include some loans and exclude others. From this he has argued that to change “may” into “shall” is purposeless. My submission is that if the commissioner retains his discretion in spite of the “shall” where is the harm in accepting the amendment? If we substitute the word “shall” for the word “may”, even then the commissioner has the discretion to punish the money-lenders if he so desires. The difference between the word “shall” and the word “may” is that of emphasis. In the case of “shall” the commissioner shall have to go into the details and he shall have to scrutinise the list of loans and he would then specify the loans which the money-lender is permitted to sue for recovery. If, however, we let the word “may” remain here, then it would be entirely left to

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his sweet will to grant any certificate or not. For example, if a money-lender applies for a certificate, and the commissioner disapproves of the man sufficiently, he can summarily turn down his application on the score that he was a dishonest fellow. If the word "shall" is substituted for the word "may", then he would be duty bound to go into the details of every loan. But if the case is otherwise then without going into the merits of the case he can give the money-lender punishment by not granting him a certificate for recovering any of his loans. In view of the arguments I have given, I beg to submit that it would be better if we substitute the word "shall" for the word "may" and I hope that my honourable friend, Mir Maqbool Mahmood, would recommend to the Government that this amendment should be accepted. If it is accepted, I think, it will not harm the Government in any way.

Syed Amjad Ali Shah (Ferozapore East, Muhammdan, Rural) : Mr. Speaker, the Leader of the Opposition has very lucidly brought out a point which some of us have forgotten, that this clause will only apply to dishonest money-lenders. I am rather surprised to hear from the lips of the Leader of the Opposition that the dishonest money-lender should be leniently dealt with. We have been hearing speeches from the Opposition with regard to corruption. The profession of a person employed in Education, Police or Irrigation Department is Government service and the profession of a money-lender is money-lending, but when a Government servant is corrupt, my friends of the Opposition cry in season and out of season that corruption should be dealt with with a very strong hand, but I am really surprised to hear the argument advanced by my friend that when a money-lender is corrupt, he should be dealt with leniently. I cannot understand this logic. If corruption is a bad thing—as it surely is—then it is bad for every one, whether a Government official or money-lender. Then, Sir, my friends overlook that the cases will be decided on merits. The commissioner after all is a responsible person. He has the charge of a division. Why should we think even for a moment that he will not go into a case on merits and dispose it off justly after having gone into all the *pros and cons* of the question?

Lala Bhim Sen Sachar : But what about a perverse officer?

Syed Amjad Ali Shah : Sir, after all, the administration of the province is being carried on by officers. If they were perverse, as my honourable friend suggests, then the administration would not be what it is. You cannot therefore argue that officers would be perverse for this legislation. Sir, I would once again appeal to my honourable friends to bear it in mind that it is a question of merits alone and the commissioner will go into the merits before he decides the case. (*Hear, hear*).

Khawaja Ghulam Samad (Southern Towns, Muhammdan, Urban) (*Urdu*) : Sir, I stand to oppose the amendment moved by my friend, Dr. Sir Gokul Chand Narang. My honourable friend, the Leader of the Opposition, while supporting the motion that the word 'may' be substituted by 'shall' has raised a question that this section if passed as it is will affect not only the dishonest money-lender whose licence can be cancelled but the honest money-lender would also be affected by this clause which should not have

been done and an honest money-lender, if his licence is cancelled for any other reason than dishonesty, should be granted a licence if he stands in need of a certificate and applies therefor. It appears as if my honourable friend has not studied those disqualifications that are mentioned in clause 6. In sub-clause (1) it is provided that a money-lender who has been held by a court to have contravened the provisions of section 9 of the Regulation of Accounts Act, in more than two suits shall forfeit his licence. In sub-clause (2) it is provided that a money-lender shall forfeit his licence if he has had his suit dismissed in whole or in part under section 37 of the Punjab Relief of Indebtedness Act. Sub-clause (3) says that a money-lender shall forfeit his licence if he has had his suit dismissed with the finding that he has made dishonestly or fraudulently a material alteration in any document relating to a loan. In sub-clause (4) it is provided that a money-lender shall forfeit his licence if he has had his suit dismissed with a finding that it is fraudulent. In sub-clause (5) it is laid down that a money-lender shall forfeit his licence if he has been found by a court to have charged higher rates of interest than those prescribed under section 5 of the Punjab Relief of Indebtedness Act in more than one suit. In sub-clause (6) it is provided that a money-lender shall forfeit his licence if he has been found guilty by a court of forgery or cheating in respect of a money transaction. I may submit that three sub-clauses would be especially applied to the dishonest money-lender. First would be of forgery and cheating, secondly for keeping bad accounts and thirdly for contravening the Acts already in force. The licence of the honest money-lender, who can hardly be found in this province, can be cancelled if he contravenes the provisions of law in force or charges higher rates of interest. In order to prevent the dishonest and the said honest money-lenders from resorting to malpractices, charging high rates of interest and contravening the laws in force it is necessary to give powers to the commissioner and it should be left entirely to his will whether to give the certificate or not. In my opinion it should not be made obligatory but he should exercise discretionary powers.

Sir, it is my firm conviction that obedience to the provisions of section 6 which I have enumerated above can only be compelled if the word 'may' is allowed to remain and that the word 'shall' is not substituted for it. It goes without saying that if it is made obligatory on the commissioners to grant certificates and this thing is not left to their discretion, money-lenders whether honest or dishonest will be encouraged to defy the provisions of clause 6 of the Bill. I have to repeat again that if we want that the provisions of clause 6 must be complied with, we must not waver, but stick to the word 'may' in the clause under consideration.

Hai Bahadur Mr. Mukand Lal Puri : Why not propose some severe penalty for the money-lenders ?

Khawaja Ghulam Samad : When you grudge the provision of this simple penalty, how can you tolerate if some further punishment is proposed ?

Mr. Speaker : Please address the chair.

Khawaja Ghulam Samad : I will close my remarks by saying that the word 'may' should not be allowed to be substituted by the word 'shall' in any case.

Lala Bhagat Ram Choda (Jullundur, General, Rural) (*Urdu*): Sir,

I have heard so much against the money-lenders and listened to it with patience, but I cannot help saying that it will be very unfair to punish not only the person who has offended against any of the provisions of the Bill, but also his children and grandchildren. I say that it will be a great hardship if for the fault of one person the whole family were to be penalised and the money which a father and perhaps a great-grand-father had earned and advanced to some of the debtors should not be allowed to be realised. Sir, a thief after undergoing imprisonment for the theft committed by him can and does become a member of this Honourable House and even comes to occupy an exalted position under the Government. Similarly, some of the officers even after devouring so many fowls and goats without making any payment for them continue to remain as officers and some of us are allowed to charge 1½ first class railway fare even if we may not have travelled in that class. The sin of the *sahukar* however, is considered to be so great and heinous that not only he but the whole of his family including his brothers and sisters are sought to be punished and punished with a vengeance. Perhaps the Government has not taken this point into consideration that in many cases families are joint at least so far as their business is concerned and if in such cases a person, who acts on behalf of all the members of a family, goes wrong the whole family will have to suffer. You may award any punishment to that person; you may send him to jail or send him to the Andamans and you may hang him if you like, but there is no reason why you should punish all others for the sins of one man. I am here reminded of the story of a *mirasi* who had once gone out somewhere to fight his enemies. When he returned to his place he was asked how many of them had gone out for fighting and how many of them had been killed on the battlefield. He replied that three of them had gone out but six had been killed. On being further questioned how that could be possible, the *mirasi* satisfied his questioners by saying that two of them had been actually killed and for the remaining four he had given his enemies in writing that they could be killed at our place. So this is what this Bill is intended really to do. It will not kill only the business of the person going wrong but will ruin some others also with him.

Sir, it is my genuine fear that this Bill will be used to crush many legitimate activities. Supposing there is a demonstration against any of the Honourable Ministers of the Government and the demonstrators decide to give vent to their feelings by presenting black flags on the arrival of that Minister at a particular place, efforts will be made to coerce the leader of that demonstration party, say, by cancelling his licence if he happens to be a money-lender. I take my own case. Supposing I happen to be the leader of the demonstrators and I am also a money-lender. Surely the executive officers who are being given these powers will be told that the licence of Bhagat Ram should at once be cancelled. This is what I fear and I may say that this fear is shared by many others. It is, therefore, necessary that such wide powers be not given to the executive officers of the Government. With these words I support the amendment now before the House.

Mahant Girdhari Das (South-East Multan Division, General, Rural) (*Urdu*): Sir, it is unfortunate that the Honourable Premier was not in

his seat when the honourable member, Dr. Gopi Chand Bhargava, raised some very important points in his speech. It is my own conviction and I really fail to understand why the Government should oppose the substitution of the word 'shall' for the word 'may.' It has been explained to us that even if the proposed amendment is accepted, it will still be left to the discretion of the commissioners to grant a certificate for any suits or even to refuse to grant such a certificate for any of the suits and if that is so, I wonder what harm it will do if the word 'shall' is substituted for the word 'may' in the clause under consideration. I need not remind the House that every money-lender is not dishonest and even a dishonest money-lender can claim to have many transactions, at any rate with some of his friends and honest borrowers, which must be free from all irregularities. It will also be conceded that a dishonest money-lender cannot continue to cheat his borrowers for any length of time and a time must come even in his life when he should cease to commit any irregularities and when he should begin to deal like an honest man. Now if it is to be left entirely to the discretion of the commissioners to grant or not to grant certificates for any of the transactions of a money-lender, however much these may be, free from irregularities, I must say that it will be doing injustice pure and simple to this much maligned class of money-lenders. I am inclined to think that this Bill with all its severities is, more or less, intended to turn this class of money-lenders into so many slaves.

Every time my friend, Mir Maqbool Mahmood, has risen to speak, he has quoted profusely from the English Act. This Act is meant for those who can understand and who are in fact masters of the language in which it is couched; and it may be quite in keeping with the circumstances prevailing in the country in which it is applicable. But to bring in the Act at every stage for supporting every point while discussing this measure, which is going to be, what I feel, a law in this province which is a hundred years behind England in every respect is not justified. I may as well say that I have listened to this debate on the Bill with patience and without any protest. But the attitude of the Government has exhausted my patience and I feel called upon to say and say like the Honourable Premier, who declared only the other day that 'before man and God I honestly say that I am here to do everything for the good of the poor'; that before man and God I swear that I see no weight in the arguments advanced by the Government for rushing through this measure and for not accepting the word "shall" as proposed by this amendment. With these words I support the amendment.

Lala Sita Ram (Trade Union, Labour) (Urdu): Sir, I think this amendment has been sufficiently discussed already and I do not propose to take up much of the time of this House in merely repeating what already has been said by other honourable speakers. I have only to reply to two or three points which have been raised by the Honourable Premier and other honourable members and with respect to which some objections have been raised about my attitude. I think there has been some misunderstanding in this connection. I want simply to ask in unequivocal terms as to what is the punishment after all which the Government wishes to fix for a money-lender who may be dishonest. This is the question to which I wanted and still want a definite answer. Do you think that the punishment for even a dishonest money-lender

[Lala Sita Ram.]

which has been fixed in clause 6 of this Bill is sufficient or is not sufficient and whether more stringent punishment should be provided for him ? The punishment provided in the law is that his suit can be dismissed and all the money advanced by him by way of loan can go to the dogs. Over and above all this, you have provided in clause 6 that his licence may be cancelled. I am afraid, you have taken the cancellation of the licence a little too lightly. Perhaps the Government is of the opinion that the cancellation of licence in itself is no punishment. But the fact of the matter is that the cancellation of a licence means the complete ruination of the profession of a person. It means degradation for him. Especially so far as the banking is concerned, the cancellation of a banker's licence means the evaporation of his credit. And without credit the business of banking cannot be carried on for a single minute. My point is, do you not think that the punishment already provided for the dishonest money-lender under the existing laws is sufficient to meet the ends of justice that you consider the cancellation of his licence so necessary for your purpose ? Then, in this clause you have further provided that the property of a money-lender may also be confiscated. And there is no limit attached to this provision. Over and above the wiping out of his particular debts which may run into thousands you consider the loss of his property fair and just. You have strange conceptions of fairness and justice indeed ! And even in the matter of confiscation of property there should be some certainty and limit. It is not proper that you should proceed to deport the money-lender right away and confiscate all his property. The punishment provided should be reasonable. Even in the distant past there was a limit to punishments. But we in these days of civilization look down upon punishments provided by the ancients. For instance, the amputation of hand for theft is looked upon as brutality in these days. Why ? Because the person so punished is maimed for life and cannot continue his profession. But you, though you are not cutting the hands of the *sahakar*, you are making it impossible for him to continue his profession. Is this justice ? My honourable friend, Mir Maqbool Mahmood, is in the habit of quoting English Law every time he stands on his feet. I should have liked him to quote the English Law in this connection too. I am not very erudite nor can I cite many instances to support my point, but I am certain that in England and other civilized countries crime is now being considered in the category of diseases. It is with this consideration in view, that punishments there are tempered with mercy. Even the convicts imprisoned for most heinous crimes are given all sorts of facilities in prisons to reform themselves. I wish my honourable friend, Mir Maqbool Mahmood, could apply the same civilized mind to the case of money-lenders also while supporting certain forms of punishment for them.

I am indeed surprised at the progressive views of our Government so far as the reformation of money-lenders is concerned. But whenever I raise the question of the improvement of the lot of labourers, providing better wages for them, giving them better houses to live in and so on and so forth, I am always reminded that our country is not sufficiently advanced to introduce all the reforms which have been introduced in other civilized countries in this respect. Thank God we are sufficiently civilized to wipe out the *sahakars* out of existence. I would submit with all the emphasis at my command that even if we have to punish a dishonest money-lender

we should see to it that his punishment is not out of all proportion to the offence committed by him.

One word more and I have done. I think it is not legal to deprive a man of all of his property. This is inequitable from another point of view. It is a recognised principle of justice that the punishment should be strictly confined to the wrong-doer. But by confiscating the property of a guilty *sahukar* we will be extending the hardship of punishment to his children and wife too. This is not justice. In the end I will submit that such like provisions have led me to believe that the Bill in the present form would not help the Government to achieve their so-called object of weeding out the dishonest money-lenders, but would be detrimental to the profession as a whole. It will, on the other hand, ruin the trade and industry of the province. With these words, Sir, I lend my whole-hearted support to the innocent amendment moved by me in the Honourable House.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I am sorry to find that all the speeches that have been delivered were merely repetitions of the arguments already advanced in the course of previous speeches. Lala Bhagat Ram was pleased to narrate an interesting story during his speech. He said that there was a "mirasi", some people asked him how many persons were killed in the war. The *mirasi* said: "Six people were killed." The people said: "Only three had gone to the war, how were six killed?" The *mirasi* replied: "We got six instead of three entered in the Tamassuk." I would like to remind my honourable friend that this story was in favour of my argument. (Voices: He never said so.) He did say: "Instead of three we got six entered in the Tamassuk, keeping the three in reserve, to be made use of when the necessity arose." I am very glad to find that the maiden speech made by my honourable friend, Mahant Girdhari Dass, was on the whole reasonable but his arguments were not so weighty as to make me or the majority of the House change its convictions. It has been pointed out by the Opposition that Government spokesmen have been quoting the English Law extensively in this connection and that they do not do so in other matters. I have already stated that the English Law is very complete and comprehensive and we make use of it from time to time just as many of my friends take shelter behind it in time of necessity. But it is a pity that after they have done this, they indulge in abuse and bad names for the Britisher and his institutions.

My next submission is that the provisions of this Bill are going to strike a hard blow only to the dishonest money-lenders. I may, however, assure the House that this Bill is not intended to touch one hair of the honest money-lender. I admit that a money-lender did not at first indulge in fraudulent transactions because he was afraid of the prestige and discipline of the village community. Almost every honourable member who has spoken from the opposite benches has repeated the argument that this Bill prescribes extremely severe punishment for an ordinary or minor offence. Some honourable members remarked that if these harsh provisions are allowed to remain in the Bill the profession of money-lending would be wiped out of existence, while some other honourable members said that the proposed Bill would sound the deathknell of this profession and all the monetary transactions entered into by the creditor and the debtor of their

[Premier.]

free will would become null and void. I do not think that they have clearly understood the import of this Bill but if they have understood it, they have not honestly expressed their views with regard to it. Let me assure them that if a money-lender is guilty of an offence punishable under section 6 for the first time and the collector does not come to know of it, his licence is safe. But if he commits the same offence for a second time and the collector comes to know of it, his licence will be cancelled for a certain period. My honourable friends fear that the collector might cancel the licence for a period longer than is appropriate or necessary. Let me assure them that such a thing is not likely to happen. Do they think that the collectors are dishonest like some money-lenders? If a case for the cancellation of the licence of a money-lender is brought to the notice of the collector he would go into details very carefully and if he finds that the offence was a minor one, he would cancel the licence for a short period, say 15 days. Under this cancellation only those loans would be time barred which come within the period of 15 days. If the amount involved is Rs. 200 or Rs. 300 the money-lender would not think it necessary to go to the commissioner. But in case the amount involved is ten or fifteen thousand rupees, the cancellation of the licence for even a fortnight would involve great hardship and the money-lender would rush to file an appeal with the commissioner praying that pending the decision of the appeal he may be granted a certificate specifying the loans in respect of which a suit may be instituted by him.

Rai Bahadur Mr. Mukand Lal Puri : If the commissioner does not grant such a certificate?

Premier : I would like to ask my learned friend whether he thinks that the commissioner is an enemy of money-lenders. I would ask him not to think so. If the commissioner thinks that the punishment is adequate he would permit the money-lender to realise his loans. Supposing the principal lent amounts to 25 thousand rupees, the money-lender goes to the commissioner and he after finding that the punishment is a little too severe grants him a certificate for realising 20 thousand rupees. In case the offence is a serious one, e.g., as my learned friend has pointed out that a money-lender cheats his brother, then the licence might be cancelled for one year. If such a case goes to the commissioner he would say: 'I give you a certificate for 15 thousand rupees only'.

Rai Bahadur Mr. Mukand Lal Puri : May I put a question to the honourable member through you, how would the learned commissioner decide who are those particularly favoured judgment-debtors with respect to whom he should not grant a certificate and who are those with respect to whom he should grant a certificate?

Premier : My learned friend has asked me a question the like of which are put in courts. The commissioner would after all take all the considerations in view before granting a certificate to a money-lender. He may deny certificates for loans with respect to which the money-lender had committed fraud or where he had already enjoyed more than fair benefit, or where the debtors were the poorest or proportionately, but I would not like to fetter his discretion. The honourable member may rest assured that commissioners would go into the merits of each case.

It has been emphasised by some honourable members opposite that the cancellation of licences would sound the deathknell of the money-lending business. It is absolutely wrong. If my friends sitting on the opposite benches are of the opinion that every money-lender in the Punjab is a dishonest money-lender and, therefore, the licences of all of them should be cancelled and they should not be able to get certificates, then, I would accept what they have said, but I am of the opinion that 90 per cent. of the money-lenders are or can be honest and the provisions of this Bill will not affect them at all. But the provisions of this Bill would be applicable to the remaining 10 per cent. of money-lenders who are dishonest and are determined to indulge in fraudulent practices. We have made this Bill automatic. I am at a loss to understand why my honourable friends are showing so much sympathy for only the dishonest out of 35 to 55 thousand money-lenders and why they do not extend a helping hand to the deserving debtors who are about 2 crores. (*Cheers*). My submission is that the amendment before the House is a sentimental one. I should like, Sir, to assure the House that the Bill is intended neither to ruin the profession of money-lending nor does it create the question of life or death for anybody. The Bill is intended merely as a warning to dishonest money-lenders so that they may be more careful in dealing with poor villagers and the needy citizens and if they attempt fraud, they do so at their peril.

Mr. Speaker : The first portion of sub-clause (3) of clause 11 reads as follows :—

"The Commissioner may, in dismissing an appeal grant to the money-lender a certificate....."

The first amendment moved by Munshi Hari Lal is—

That the following words be inserted for the words "The Commissioner may" :—

"The Collector or the Commissioner may."

Secondly, he says that the words "in dismissing an appeal" be deleted, and the clause be read as follows :—

"The Collector or the Commissioner may grant to the money-lender a certificate....."

Now I will put the first amendment to the vote of the House.

The question is that—

In sub-clause (3), line 1, for the words "The Commissioner may" the words "The Collector or the Commissioner may" be substituted.

The motion was lost.

Mr. Speaker : Question is—

That the word "may" stand part of sub-clause (3), clause 11, line 1.

The Assembly divided : Ayes 81, Noes 36.

AYES.

Abdul Hamid Khan, Sufi.	Ahmad Yar Khan, Chaudhri.
Abdul Haye, The Honourable Mian.	Akbar Ali, Pir.
Abdul Rab, Mian.	Allah Bakhsh Khan, Khan Bahadur
Abdul Rahim, Chaudhri (Gurdaspur).	Nawab Malik.
Abdul Rahim, Chaudhri (Gurgaon).	Anjad Ali Shah, Sayed.
Afzalali Hasnie, Sayed.	Anant Ram, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Ashiq Hussain, Captain.
	Badar Mochy-ud-Din Qadri, Mian.
	Balwant Singh, Sardar.

- Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazl Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghulam Mohy-ud-Din, Maulvi.
 Ghulam Rasul, Chaudhri.
 Ghulam Semad, Khawaja.
 Gopal Singh (American), Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Hossain, Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Nurullah, Mian.
 Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayed.
 Muhammad Saadat Ali Khan, Khan
 Sahib Khan.
- Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Wilayat Hussain
 Jeelani, Makhdumzada Haji
 Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffer Khan, Khan Bahadur
 Captain Malik.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah.
 Nur Ahmad Khan, Khan Sahib
 Mian.
 Pir Muhammad, Khan Sahib
 Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Sahib Ram, Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Mr. S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sondar Singh Majithia, The
 Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur
 Sardar.

*NOES.

- Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
- Duni Chand, Lala.
 Duni Chand, Mrs.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.

Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Kabul Singh, Master.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Narendra Nath, Diwan Bahadur
 Raja.

Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Mr. Speaker : Before allowing the honourable, Dr. Sir Gokul Chand Narang, to move his amendment, I must say that from the very beginning I have allowed discussion to be focussed on the change of the word 'may' into 'shall'. Therefore whatever decision was arrived at with regard to this change, it shall govern the honourable member's amendment.

Dr. Sir Gokul Chand Narang : If that is your ruling then there will be nothing left in my amendment.

Dr. Gopi Chand Bhargava : The amendment which you put to the vote of the House was that the word 'shall' be substituted for the word 'may.' That amendment was rejected meaning that the House has decided in favour of retaining the word 'may'. But the amendment of Dr. Sir Gokul Chand Narang is the addition of certain words.

Mr. Speaker : When I allowed discussion on the substitution of the word 'shall' for the word 'may', it was with reference to both amendments. I allowed a common discussion on this point with the object of putting the rest of Dr. Gokul Chand Narang's amendment separately to the vote of the House.

Dr. Sir Gokul Chand Narang : May I be permitted to say one word. My amendment is entirely different. I shall explain how. If you glance at my amendment you will see that it proposes the addition of certain words at the end of sub-clause (B). I am not trying to disturb any decision that has been arrived at. I am only asking the leave of the House to have these words added to the sub-clause as it stands. Let the word 'may' be there as decided by the House. I am not disturbing that decision. I only want that these words be added, namely 'and shall grant such certificate in respect of the loans whose limitation is due to expire within the period for which the money-lender's licence has been cancelled and during three months after such period.' This means that I am only asking the House to agree that in certain specified cases the limitation of which is due to expire within the period for which the licence is cancelled and three months after the commissioner shall grant a certificate. It is not inconsistent with any part of the clause.

Mr. Speaker : I expressly stated that the use of the word 'shall' in the first part of the sub-clause as well as in the amendment of Dr. Gokul

[Mr. Speaker.] Chand Narang shall be discussed together and voted upon separately, if necessary. Dr. Sir Gokul Chand Narang's amendment is—

That at the end of sub-clause (3) the following be added:—

“And shall grant such certificate in respect of the loan whose limitation is due to expire within the period for which the money-lender's licence has been cancelled and during three months after such period.”

But the original sub-clause (3), as agreed to by the House, gives discretion to the commissioner to give a certificate in all suits and applications for execution; while the object of the honourable member's amendment is not to leave all these cases to the commissioner's discretion. In some cases he proposes it to be mandatory for the commissioner to give a certificate. Consequently, the amendment is clearly out of order, because it is inconsistent with what the House has already passed.

7 P.M.

The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 11 as amended stand part of the Bill.

(Dr. Sir Gokul Chand Narang stood up to speak.)

Mr. Speaker : The honourable member should not refer or speak to individual matters mentioned in various clauses. His arguments should apply to the clause as a whole.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): Supposing, Sir, I want to reject an apple, is it necessary that the whole apple should be rotten and I should say that as the whole apple is rotten I am not prepared to eat it? Can I not say that I am not going to eat the apple because a part of it is rotten and therefore I must reject it? In the same way supposing a clause is put and a part of it is rotten, defective, unacceptable, undesirable and inadvisable, then is it necessary that before I can oppose the whole clause I should say every bit of it is rotten and bad? No. When the whole clause is put and any part is unacceptable I can say: 'Away with your clause; I am not prepared to accept it,' and I would therefore submit that for reasons which I would just now give this clause should not be accepted. This clause is very high handed. It denies to the persons who are likely to be affected of valuable rights. It does not do even the ordinary justice to the people

who might be affected by the collector's orders. The Government has rejected very reasonable amendments which were proposed by various members of this House. They have not agreed even to save the money-lender from what might prove to be his utter ruin. They have not made it obligatory on the commissioner to grant a certificate even in those cases where limitation might be about to expire, and the Honourable the Premier had nothing else to say to the criticism offered by this part of the House except asking us to have faith in the commissioner, to trust to his good sense: he would act justly and fairly and he would not give the same punishment to everyone and would measure out the punishment according to the nature of the offence. But our objection is: 'Why do you in every case throw us at the mercy of the commissioner?' He may have 99 reasons to be offended or displeased with anyone of the money-lenders. My honourable friends over there pointed out some of those reasons which may displease an executive officer. You have not made any provision for the assistance of judicial officers. The Honourable the Premier the other day said and I think one of his lieutenants also referred to the English law on the point and said that in England both the judiciary and the executive function and we have made provision for the functioning of the executive. I ask them, as I remarked the other day, why should they pick out all that is defective in that law and leave out all that is best? Now if they are following the English law, why do they not follow it in full? Because it does not suit them? In the English law the judiciary and the executive both function, but why deprive the money-lenders in this province of a judicial finding by a court of law and throw them at the mercy of the executive officer? I do not say that all executive officers are fools or that they are incompetent or that they are dishonest. I do not say that at all. I have great respect for most of them, but the gentlemen to whom you are going to entrust these duties have their hands so full that they cannot be expected to go into the cases placed before them as thoroughly as a judicial officer would do. A judicial officer never says: "Oh, I must finish all these cases to-day." If he says that, he is not true to his duties because his business is not to finish half a dozen cases or a dozen cases every day; his duty is to do justice. An executive officer cannot do it, because suddenly a telegram may come of a riot which occurs at a distance of 20 miles in the district and he has to leave the cases and run away. The cases are kept pending and whatever he has heard he forgets by the time he is next able to take up those cases, or something else happens, as he has so many calls on his time and he has so many various duties to perform that he cannot give the amount of time which it is necessary to give to those cases. These are not twopenny, halfpenny cases which an executive officer can dispose of by an order of three lines. These cases may involve very intricate questions and property worth thousands and even lakhs. Why have they not made any provision for even these matters to go to the judicial officers? There were several amendments proposing the substitution of the district judge and senior sub-judge in place of the collector and commissioner and so on, but they have all been rejected, I would, therefore, say, without taking any further time of the House that the clause, as it has been placed before the House, is very defective and should not be passed. They have not accepted even my amendment which only wanted that protection for those dues which are to become

[Dr. Sir Gokul Chand Narang.]

time barred during the period of cancellation of a licence. If they had accepted the word "shall" in sub-clause (8), it would have mitigated the rigour of injustice that they are inflicting upon people who are likely to be affected adversely by this measure.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, I oppose this clause, not only because of the severity of punishment which has been prescribed, but also because of the great uncertainty which lies in various clauses regarding punishment.

Premier: On a point of order, Sir. I seek your ruling on the point. This practice of making speeches, more or less general speeches, on sub-clauses, is a new practice and was not followed in this House before, and I dare say that you might have been influenced by the Parliamentary practice on the subject to allow members to speak on each individual clause. If that is your view, I say that it is perfectly correct. But at the same time, I most respectfully draw your attention to another Parliamentary convention that there members are allowed to discuss the clauses only at the second reading of the Bill. As a matter of fact, most of the work is done in a committee of the whole House and if any discussion takes place in the House, members are allowed to make speeches. You are aware that the third reading stage is merely a formality and nobody is allowed to make a speech. It is merely the Clerk of the House, who puts on record that the third reading has taken place and the Bill is passed. If we follow the Parliamentary convention with regard to each clause, I submit that we should also follow the subsequent convention with regard to the third reading.

Dr. Sir Gokul Chand Narang: I most strongly protest against the suggestion which the Honourable Premier has been pleased to make. He is placing a restriction on the freedom of speech in this House. Every motion that is put before the House, unless it suffers from technical defects, is open to debate, and every member of this House has a right to discuss it and speak on it. It is for you to check him if he repeats or talks irrelevant things. But we are not prepared to give up our right of discussing any motion that you may be pleased to put from the Chair.

Mr. Speaker: The Parliamentary practice, as well as the practice of this House, is that if any member wishes to oppose the passage of a clause, he can make a general speech applying to the whole clause. He should not re-open consideration of sub-clauses or other matters which have been discussed and disposed of.

Premier: The convention is that if you want to discuss a sub-clause, then you oppose the whole clause and speak on that motion. But to speak on every sub-clause and discuss the whole thing and then again to speak on the clause itself, I think, is unnecessary waste of the time of the House. If you do not follow that convention, I have no objection.

Mr. Speaker: No one has spoken on any sub-clause.

Premier: Honourable members have spoken nearly on every amendment.

Mr. Speaker: To speak on an amendment to a clause is one thing while the opposition of the whole clause is another thing.

Rai Bahadur Mr. Mukand Lal Puri: We intend to exercise our right of opposing each clause. Several clauses have been passed without any speech from this side of the House.

Mr. Speaker: I would request the honourable member to be brief, if possible.

Rai Bahadur Mr. Mukand Lal Puri: I will not take more time than has been taken in interrupting me. I would have finished my speech long ago. I submit that it is one of the most crucial clauses in the Bill, and, therefore, it is necessary to point out to the House that this clause, if it continues to exist, will defeat the object of the Bill. Kindly see the severity of punishment, which is already before you. What is it? Is it not proper that a person who is to be punished ought to know the extent to which he can be punished? What have we got here? The commissioner may not take action at all, i.e., he may give a certificate with respect to all of his debts. Or he may certify half of his entire debts or $\frac{1}{3}$ rd or $\frac{1}{4}$ th. In some cases he may choose not to certify any debt at all which may amount to several lakhs. The punishment may be to the tune of Rs. 500 or 5 lakhs of rupees. Sir, this extreme uncertainty militates against the basic principle of punishment. Again, Sir, an extreme type of injustice is involved in the proposed measure of punishment. If for any matter a person is fined Rs. 5,000 that amount goes to the exchequer and to the State. But in this case the fine when realised is not to go to the Government treasury, but is to benefit the person or persons who are the least entitled to any consideration. A person mortgages with possession a beautiful mansion in Lahore, say a building on the Mall with a money-lender for Rs. 50,000 and when the licence is cancelled and the debts are not certified, the person who would benefit by the punishment is not the State, is not the general public, but a person who has borrowed fifty thousand rupees cash on a registered mortgage. What is the idea in making a present of Rs. 50,000 to him by robbing the real owner? What justice is there? What is the equity in favour of this urban debtor? I fail to see any grain of justice, equity or commonsense in it. It is a pity that the Punjab Government cannot and will not see the obvious injustice involved in a punishment of this type. It appears they do not care whether the legislation is equitable or reasonable or can stand the test of commonsense and good sense. With these words I oppose this clause.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, my honourable friend, Mr. Puri, has made a very eloquent and vehement speech. I was sure that he would speak, because Dr. Narang and Mr. Puri are vying with each other to out-do each other. (Dr. Sir Gokul Chand Narang: What is happening in the province?) I know what is happening in the province. I am feeling the pulse of the province as a whole, that is of 2 crores and 85 lakhs of people; while my honourable friend is feeling the pulse of only 40 thousand people.

My honourable friends criticised that the punishment under this clause is so severe that it would lead to the utter ruination of money-lenders. I submit that this clause has nothing to do with punishment. You were busy in reading Campion, otherwise I am almost certain that you would have ruled this criticism out as being irrelevant. This clause has nothing

[Premier.]

to do with punishment. It is clause 6 which this House has already passed and which deals with punishments. This clause, as a matter of fact, merely indicates the manner in which that severe punishment would be mitigated and that is, that if a person thinks that he is likely to lose heavily by cancellation of his licence, he can go to the commissioner and apply for a certificate. It also lays down the method of appeal against an order of the collector. My honourable friends have been wasting the time of the House by repeating the same arguments which were advanced on clause 6. As I have said, you were busy otherwise, and they got an opportunity to put on record again their repeated objections to this Bill.

Lala Deshbandhu Gupta : On a point of order, Sir. Is not the expression 'waste the time of the House' unparliamentary?

Premier : The word 'waste' is certainly not unparliamentary.

Lala Deshbandhu Gupta : It is certainly offensive.

Mr. Speaker : I shall give my ruling on this point later.

Premier : My honourable friends time and again have repeated these very arguments that this Bill would utterly ruin a large class of people. Lala Duni Chand remarked 'why are you riding rough-shod over a class of people'? I assure him I am doing nothing of the sort. I merely want them to turn into honest businessmen. If there are 90 per cent. honest money-lenders, only 10 per cent. would be affected and out of those 10 per cent. only 1 per cent. would be caught red-handed. Lala Duni Chand presented me with old legal doctrines from the English Law. I would present him with a frank English saying 'Honesty is the best policy' (*Hear, hear*).

Mr. Speaker : Question is—

That clause 11, as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : I promised to give my ruling regarding the expression 'waste the time of the House'. I maintain that the charge that a member has obstructed the business of the House or that a speech is an abuse of the rules of the House is not out of order.

Clause 12.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I do not want to propose my amendment, but I will speak against the clause as a whole. The clause runs as follows:—

The Provincial Government may, by notification exempt any person or class of persons from the operation of this Act or from any of the provisions thereof.

Sir, we on this side have been whole-heartedly in agreement with the principle of the Bill, namely, that there is a great necessity for regulating and controlling the money-lenders. At the same time we are opposed to many important provisions of the Bill and one of those provisions is clause 12. Clause 12 places power in the hands of the local Government to exempt persons or classes of persons from the operation of this Act or from any of the provisions thereof. Sir, we do not want to place this power in the hands of the executive. In our view it

should not have been difficult for the occupants of the Treasury Benches or for the matter of that for the framers of the Bill to specify those persons who in their opinion were entitled to be exempted from the operation of this Act. With the best of our intentions we have grave apprehensions in regard to what will be done by those in whose hands this power is given. We seriously object to it. If they want to exempt any class of persons they should specify now. There is a very large number of persons who are evidently entitled to exemption from the operation of this Act, and the most deserving class is that of women. I think women belonging to all classes, both agricultural and non-agricultural, inherit money lending business. Are women of our country capable of managing their affairs? Are they capable of understanding the intricacies of this Bill; applying for registration; applying for licences and so on? Imagine the lot of widows who will be required to go through all these formalities.

Mrs. J. A. Shah Nawaz : May I request the honourable member to withdraw the remarks that women are not capable of managing their own affairs? I am sure that Mrs. Duni Chand can manage her affairs as well as he can, if not better.

Lala Duni Chand : With due respect to every word uttered by the honourable lady member I submit that she will be prepared to concede that while some women may be able to do great things, there are others who may not be able to attend to their own affairs.

Mrs. J. A. Shah Nawaz : I am sure the honourable member will agree with me that women who are placed in charge of their homes have to manage several affairs connected with the management of those little kingdoms and they do manage them better than men could ever do.

Lala Duni Chand : I am perfectly prepared to concede that the Honourable Begum Shah Nawaz is even capable of governing the province better than these ministers. (*Laughter and cheers*). If the country had all its womenfolk as gifted as Begum Shah Nawaz, then the condition of the country will be altogether different. I was submitting that in view of the position in which some of our women are situated, they are entitled to the exemption from the operation of this Bill. There is no reason why provision should not be made to this effect. There is another class of persons who are also entitled to exemption from this measure, I mean minors. It is conceded on all sides that minors are incapable of committing fraud or anything like that. Why, minors up to a certain age are even exempted from criminal liability.

Mr. Speaker : If the honourable member will read the Bill carefully, he will find that there is a provision empowering Government to exempt by notification any class of persons from the operation of this law.

Lala Duni Chand : I am pointing out the class of persons who should be exempted from the operation of this law.

Premier : It would perhaps save the time of the House and of my honourable friend opposite if he will only say whether he wants this clause to be deleted or not.

Lala Duni Chand : I want this clause to be deleted.

Premier : I am prepared to accept it.

Lala Duni Chand : If the Government is prepared to accept the responsibility of not exempting any class of persons, I welcome that.

Rai Bahadur Mr. Mukand Lal Puri : I think this clause should be retained, so that any mistakes and shortcomings may be rectified under the authority of this clause.

Lala Duni Chand : While I welcome exemption to certain classes of people I am opposed to this power being given to Government under the rule-making power.

Mr. Speaker : When rules are made and Government makes exemptions, then it will be for the honourable member to make suggestions to Government.

Lala Duni Chand : There are several occasions on which I can make suggestions and this is one of them.

Mr. Speaker : All that the honourable member can discuss at this juncture is whether the Government should be given power to exempt certain persons from the operation of the law. He cannot go beyond that.

Lala Duni Chand : Can I not make mention of the class of persons who ought to be exempted ?

Mr. Speaker : No. That would be irrelevant.

Lala Duni Chand : The last thing that I wish to place before this House is that one of the fundamental rules of legislation is that in regard to the essential matters the law should make provision and it should not be left to the rule-making power of the executive authority. If this power is vested in the executive authority it is liable to be abused. I, therefore, submit that this power should not be given to Government.

Mr. Speaker : The question is—

That clause 12 stand part of the Bill.

The motion was carried.

Clause 13.

Munshi Hari Lal (South-Western Towns, General, Urban) : I beg
8 P. M. to move—

That in sub-clause (1), lines 2-4, between the words 'publication' and 'for' the words 'and approval of the Legislative Assembly' be inserted.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), lines 3-4, between the words 'publication' and 'for' the word 'and approval of the Legislative Assembly' be inserted.

This amendment as well as the amendment of which notice has been given by Tikka Jagjit Singh for the insertion of the words 'approbation by the Legislative Assembly' between the words 'publication' and 'for' may be discussed together.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I just want to support this amendment. Honourable members of this House who were members of the previous Council will remember that when the Executive Officers Bill was passed a similar power of making rules was reserved to Government, but there was also a provision that the rules should be published and the House should be enabled to move a motion,

for the consideration of the rules. I shall be satisfied and my friend, the mover of the amendment also will be satisfied, if a similar provision is made in this Bill also. There are several clauses in this Bill which leave several matters to be regulated by rules to be framed under this law. Practically the whole working of this law would be governed more by the rules to be framed by the executive authority than by the sections of this law. It is therefore necessary that this House should have a say in the matter of these rules. The Government may make rules, and I am sure they will have the assistance of their law officers in framing the rules. The whole Secretariat will be behind them. But it is the right of this House that it should have a say so far as these rules are concerned. If the Government has really nothing to conceal from the public or from the members of this House, it should have no hesitation in accepting this amendment. Of course, the Government have got a great majority behind them and the rules will be passed by the House, but we should be given an opportunity of making suggestions or alterations in the rules which may or may not be accepted. I therefore trust that the Government will accept this amendment.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural) : I also have got an amendment to this clause and it reads as follows :—

That in sub-clause (1), lines 3-4, between the words 'publication' and 'for' the words 'and approbation by the Legislative Assembly' be inserted.

Sir, my amendment is simple, sound, reasonable, and an important one. I believe that every one of us reads the morning papers and I am sure that every one who reads the papers will bear me out that there is a province-wide agitation in regard to what the people call black Bills. Practically in every district conferences are held and resolutions are passed condemning the measures. Letters and telegrams are being sent to Honourable Premier and to other members of this House on these measures. At this stage it is not necessary to discuss the merits or demerits of this Bill. When this Bill was introduced in the Assembly it was black. But what I wish to emphasise is that the Bills are very important—affecting a good many people of the province. I may submit that as a result of discussions in the select committee and in this House this Bill has now become a brown one. Now as a result of certain amendments accepted by the House to several clauses of the Bill, the Bill has become acceptable to some people though not to all. Similarly, if the rules to be framed under this measure are also laid on the table of the House and discussed, I daresay that they with the amendments suggested by the House will become acceptable to some people. They may not satisfy people, but might pacify them. I therefore strongly support the amendment.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General Rural) : After the able speech of my honourable friend it is hardly necessary to lend any further support to the amendment. He has given very good reasons that the rules should be brought for consideration before the House and I do not wish to add to the very able and elaborate arguments given by my friend (*Hear, hear*).

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I merely wanted to say a few words about the papers which we read every morning and which every body should read.

Mr. Speaker : But that would be irrelevant.

Premier : I merely wanted to point out that he probably reads a section of the press which naturally has raised a hue and cry. I happened to see one paper this morning which took strong objection to these Bills being called black Bills on certain grounds that I would not repeat in this House but I will respectfully refer my honourable friend to that paper and also yourself.

So far as the question of telegrams is concerned, I have received scores and scores of telegrams from various districts both for and against the Bills. I have also read the proceedings of the various meetings both for and against. As a matter of fact, one cannot possibly judge the situation in the province merely by reading a section of the press. One has to go further and look at the things more minutely in order not to be taken off his feet by this agitation in the press. As I had an occasion to point out the other day, when the Land Alienation Act was passed, there was a hue and cry throughout the country, calling it a black measure and now that it is an Act people have hailed it as a measure of great relief.

Mr. Speaker : Question is—

“That in sub-clause (1), lines 3-4, between the words ‘publication’ and ‘for’, the word ‘and approval of the Legislative Assembly’ be inserted”.

The Assembly divided : Ayes 81, Noes 62.

A YES.

Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Binda Saran, Rai Bahadur.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Jagjit Singh Bedi, Tikka.

Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.
Mukand Lal Puri, Rai Bahadur Mr.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghbir Kaur, Shrimati.
Rur Singh, Sardar.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Afzalali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Amjad Ali Shah, Sayed.

Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-nd-Din Qadri, Mian.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Fateh Jang Singh, 2nd-Lieut. Bhai.
Fateh Muhammad, Mian.

Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muhammad Shah Ali Khan, Khan Sahib Chaudhri.
Fazal Din, Khan Sahib Chaudhri.	Muhammad Wilayat Hussain Joolani, Makhdomsada Haji Sayed.
Fazal Karim Bakhsh, Mian.	Muhammad Yasin Khan, Chaudhri.
Ghazanfar Ali Khan, Raja.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Ghulam Mohy-ud-Din, Maulvi.	Muzaffar Khan, Khan Bahadur Captain Malik.
Ghulam Rasool, Chaudhri.	Nasrullah Khan, Rana.
Ghulam Samad, Khawaja.	Nur Ahmad Khan, Khan Sahib Mian.
Gopal Singh (American), Sardar.	Pir Muhammud, Khan Sahib Chaudhri.
Hans Raj, Bhagat.	Ram Sarup, Chaudhri.
Het Ram, Rai Sahib Chaudhri.	Ranpat Singh, Chaudhri.
Jagjit Singh Man, Sardar.	Ripudaman Singh, Thakur.
Karamat Ali, Shaikh.	Sahib Dad Khan, Khan Sahib Chaudhri.
Khizar Hayat Khan Tiwana, The Honourable Nawabsada Major.	Shahadat Khan, Khan Sahib Rai.
Manohar Lal, The Honourable Mr.	Shah Nawaz, Mrs. J. A.
Maqbool Mahmood, Mir.	Sham Lal, Rai Bahadur Chaudhri.
Mubarik Ali Shah, Sayed.	Sikander Hyat-Khan, The Honourable Major Sir.
Muhammad Akram Khan, Khan Bahadur Raja.	Sumer Singh, Chaudhri.
Muhammad Ashraf, Chaudhri.	Sundar Singh, Majithia, The Honourable Dr. Sir.
Muhammad Azam Khan, Sardar.	Talib Hussain Khan, Khan.
Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar.	Tara Singh, Sardar.
Muhammad Hussain, Chaudhri.	Tikka Ram, Chaudhri.
Muhammad Nurullah, Mian.	
Muhammad Saadat Ali Khan, Khan Sahib Khan.	
Muhammad Sarfraz Khan, Chaudhri.	
Muhammad Sarfraz Khan, Raja.	

Mr. Speaker : The question is —

That sub-clause (1) of Clause 13 stand part of the Clause.

The motion was carried.

Mr. Speaker : The question is—

That the first three lines of sub-clause (2) stand part of the clause.

The motion was carried.

Munshi Hari Lal (South-Western Towns, General, Urban) (*Urdu*) r
I move—

That in sub-clause (2) (a), lines 7-8, the words "and the area of validity of licence" be deleted.

The object of this amendment is to save the money-lenders from unnecessary troubles. It appears from the statement of the Honourable Premier that the money-lender shall have to obtain licence for every district in which he wishes to carry on his trade. For example, if a money-lender institutes a case against a defendant and obtains a decree against him but at the time of execution that judgment-debtor goes to a district other than the one for which the money-lender holds the licence, then that money-lender would be required under the provisions of this Bill to have licence for that district as well. Again if the judgment-debtor slips off to another district.

[**Manahi Hari Lal.**]

then the money-lender would be required to have a licence for that district as well. In this way the judgment-debtor can go from one district to another district in order to avoid the money-lender and in this the money-lender would be required to have licences for all the districts of the Punjab in order to get the decree issued against the judgment-debtor. In my opinion this is unnecessary hardship for the money-lenders and I would therefore request that these words "and the area of validity of licence" may be deleted.

Mr. Speaker : Clause under consideration. Amendment moved—

That in sub-clause (2) (a), lines 7-8, the words "and the area of validity of licence" be deleted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : I am opposed to introducing unnecessary and avoidable complexity in a piece of legislation which should ordinarily be very simple. The licence should be for lending money and not for lending money in any particular area. You are aware that the territorial divisions into districts and tahsils are not based on any scientific basis. Money-lenders, for instance, in Khushab lend money to persons residing in Mianwali district or certain villages in Campbellpur and Jhelum districts which adjoin a particular village in the Khushab tahsil where the money-lender may have his residence. Again, with respect to those districts which lie near the Frontier or lie near Delhi and the United Provinces money-lenders advance considerable number of loans to areas which are not within the jurisdiction of the Punjab. I know that certain money-lenders in the Phalia tahsil of Gujrat district have extensive loan transactions with people residing in the United Provinces and it is not essential that a person carrying on business in more than one district or throughout the province should get more than one licence. Therefore, I would like this to be omitted so that the Government may not necessarily sub-divide these licences into district licences or tahsil licences or provincial licences. It would also reduce the difficulty. For instance, a person from Madras or an Indian State wishes to borrow money at Lahore. Most of the money-lenders may have only a local licence and, therefore, he would be confined to money-lenders who have an extra-provincial licence. Therefore, it would serve no useful purpose in granting these licences with respect to particular areas. The grant of a licence should be with respect to the profession.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I am afraid my honourable friends are unnecessarily apprehensive about these words. I think that if the money-lenders, whom they are trying to represent here, knew that these amendments had been moved by them, they would only cry out, "God save us from our friends". What is the object of this clause ? It gives the Government discretion to prescribe the greater scale of fee for a licence for one district or for a provincial licence. I said the other day that the Government had not come to any definite decision yet but if we decide that there should be a separate licence for a district and another licence for a provincial money-lender, then it would be entirely left to the voluntary application of the money-lender himself whether he wants to apply for a district licence or a division licence or for a provincial licence if such a thing is decided eventually by the Government.

I have included this clause so that we may have the fullest possible latitude to give relief to the smaller man. If you have only one licence do you mean that you will have to fix one rate for the licence? Would it be fair to charge the same rate from a money-lender whose business ramifications extend throughout the province and in various districts? Would it be fair to charge the same fee from a small village money-lender whose business is limited to a few villages or may be inside a district? Therefore if you fix one fee it would be cumbersome for the small money-lender and too small for a big money-lender. We have full power to differentiate, if we find it is necessary to do so, and would prescribe a smaller fee for the district licence and a larger fee for the provincial licence. That is what I tried to explain on a previous occasion and this is the object of keeping this clause in the present form. If my honourable friend wants that one rigid fee should be fixed for all kinds of licences, he will find that for a man doing business on a very small scale, it would be very hard. For that reason I am not prepared to accept the amendment.

Dr. Sir Gokul Chand Narang: Sir, I think that the reply given by the Honourable Premier is not satisfactory. The object of this Bill, Sir, as has been admitted by the Premier himself, is not to make money, but is to give a sort of permit to the money-lender to carry on his business. Why does he suppose that if there is only one fee it would be so heavy that it would weigh on the petty money-lender and it might be too small for a big money-lender? My submission is that the fee should be as low as possible because their object is not to make money: it is only to give a sort of approval to the man to carry on his business; it does not matter whether he carries on the business and makes Rs. 8,000 a month or Rs. 10,000. At the Bar the enrolment fee is exactly the same for ordinary advocates: they pay the same fee and they are at liberty to practise wherever they like. I may tell you as we people have no confidence in this Government every word makes us suspicious. When I read this I thought, "Well, there seems to be some mischief hidden in this and that is to make money out of the money-lender". If a man is carrying on his business, say in Gujranwala, he pays Rs. 2 for a district licence. If a judgment-debtor goes to Sialkot district he cannot pursue him there or file an execution application there because he has no licence for the Sialkot district; or if another judgment-debtor goes to Lahore district he cannot follow him to Lahore district unless he obtains a licence for Lahore district. I shall be glad to know if I am mistaken—I do not want to impute mischievous motives to the members of Government but certainly it is liable to this suspicion that you want to make money out of the people by prescribing different scales of fees for provincial operators and for district operators and so on. Another suspicion is that you want them to take out more licences than one before they are able to realise their debts. It is very necessary that the rules which you want to frame on this point, should be placed before the House so that we may have some voice in the matter.

Malik Barkat Ali: Sir, I do not want to make a speech. I just wish to remind my learned friend—and I hope he will agree with me—that a pleader who practises in one district has only to pay a licence fee of Rs. 25 whereas an advocate like himself, who practises in the whole province, has to pay a fee of Rs. 500. Therefore I would respectfully submit that the point

[Malik Barkat Ali.]

of view brought out by my learned friend the Premier is more consistent with truth and equity than the point of view which has commended itself to my learned friend Dr. Sir Gokul Chand Narang.

Mr. Speaker : The question is—

That in sub-clause (2) (a), lines 7-8, the words "and the area of validity of Houses" be deleted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That part (d) of sub-clause (2) 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 9.

Mr. Speaker : The House will now take up the postponed clause 9.

Premier : I beg to move—

That for the existing clause the following be substituted :—

- "9. Nothing in this Act shall apply to suits or applications for execution pending—
- (a) at the time of the commencement of this Act; or
 - (b) on the date of the cancellation of the licence of the money-lender, if before his current licence is granted or renewed, a court has not given any such finding as would render him liable to have his licence cancelled under the provisions of section 6 of this Act."

Mr. Speaker : Clause 9, which had been postponed on certain understanding between members of the various parties of the House, is now redrafted as follows :—

That for the existing clause the following be substituted :—

- "9. Nothing in this Act shall apply to suits or applications for execution pending—
- (a) at the time of the commencement of this Act; or
 - (b) on the date of the cancellation of the licence of the money-lender, if before his current licence is granted or renewed, a court has not given any such finding as would render him liable to have his licence cancelled under the provisions of section 6 of this Act."

Malik Barkat Ali : I do not propose to move my amendment.

Mr. Speaker : The question is—

That the present clause 9 of the Bill stand part of the Bill.

The motion was lost.

Mr. Speaker : The question is—

That for the existing clause the following be substituted :—

" 9. Nothing in this Act shall apply to suits or applications for execution pending—

(a) at the time of the commencement of this Act; or

(b) on the date of the cancellation of the licence of the money-lender, if before his current licence is granted or renewed, a court has not given any such finding as would render him liable to have his licence cancelled under the provisions of section 6 of this Act."

The motion was carried.

Preamble.

Mr. Speaker : The question is that—

This be the preamble of the Bill.

The motion was carried.

Clause 1.

Mr. Speaker : The question is that—

Clause 1 (1) stand part of the clause.

The motion was carried.

Mr. Speaker : The amendment of Lala Sita Ram is out of order.

Lala Sita Ram : Sir, may I know the reason?

Mr. Speaker : The simplest and plainest reason is that the clause itself relates to area, while the honourable member's amendment relates to person.

Amendments Nos. 5, 6 and 7 are also out of order.

Rai Bahadur Mr. Mukand Lal Puri : May I know how my amendment No. 7 is out of order?

Mr. Speaker : The honourable member may read the clause with the amendment which he proposes to make and he will understand the reason.

Rai Bahadur Mr. Mukand Lal Puri : My amendment is—

That at the end of sub-clause (3), the words "and may be enforced in such areas as the Provincial Government may from time to time prescribe" be added.

Mr. Speaker : It is inconsistent with the first part.

Rai Bahadur Mr. Mukand Lal Puri : Not at all. The extent of the operation of this Act is limited to areas within the Punjab, but as to when and how it may be enforced in various parts of the Punjab is a matter which is being left to the discretion of the provincial Government. The Act may extend to the whole of the Punjab, or it may be enforced in one district or in one division only.

Mr. Speaker : Order, order. The provision that 'this Act shall extend to the Punjab' clearly means that it shall be in force in the whole of the Punjab. But the honourable member proposes to add that it—

"may be enforced in such areas as the Provincial Government may from time to time prescribe."

This amendment is certainly inconsistent with the first part of the clause.

Rai Bahadur Mr. Mukand Lal Puri : The extent of the operation of the Act is entirely different from the time and date on which it may be enforced. My amendment is that, although this Act applies to the whole Punjab, yet a discretion should vest in the Provincial Government to enforce it when and how they like. That is certainly not irrelevant. I also put forward this view in the select committee. I intend to vest these powers in the Provincial Government so that if they like they may enforce it immediately to the whole of the Punjab or to any portion of it.

Premier : I think, Sir, that this amendment is certainly out of order. As you have pointed out, under this clause, it shall extend to the Punjab and it is incumbent on the Government to extend it to the whole Punjab as soon as it comes into force, and therefore you cannot add anything saying that it should be extended to a certain part of the Punjab.

Rai Bahadur Mr. Mukand Lal Puri : I would refer you to the Punjab Relief of Indebtedness Act and you will find that the same provision is there. It is stated :—

“ This Act may be called the Punjab Relief of Indebtedness Act. This part and parts 3, 4, 5, 6, 7 and 8 shall extend to the whole of the Punjab, and part 2 to such areas as the Local Government may from time to time by notification direct.”

Mr. Speaker : The honourable member's amendment is out of order.

Question is—

That sub-clause (2) of clause 1 stand part of the clause.

The motion was carried.

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

That in sub-clause (3), lines 1—3, for the words “ on such.....direct ” the words “ not earlier than two years after the publication of the Act in the Gazette ” be substituted.

Sir, I wish to submit a few words with your permission. When I moved the first time that the Bill be circulated, I fully believed that the provisions of the Bill were such as should have been circulated. This belief of mine was proved true when at the time of consideration of the proposed Bill amendment after amendment was tabled. With the exception of some grammatical or technical amendments, no substantial amendments are accepted by the Government.

My submission is that according to the amendment under consideration the money-lenders would be spared a plenty of time to realise their old debts and give up the business of money-lending if they are willing to do so.

Mr. Speaker : Please speak to the motion.

Lala Sita Ram : I am, Sir, giving reasons in support of the amendment before the House. If this amendment be passed, those money-lenders who would not like to stick to this profession would be in a position to take up some other respectable profession and they may, therefore, be permitted to realise their old debts. Under these circumstances I would like to suggest my money-lender friends to give up this profession and make the most of their money by starting private factories or other useful concerns where their capital should be safer and producing more income. This will help the poor labour class as well. The pity is that the Government by passing this Bill wish to stop dishonest money-lending but so far as these

provisions are present in the Bill even honest money-lenders would be obliged to abandon this profession. How strange it is that the Government want to tar every money-lender with the same brush. On the one hand, the Government want to stop dishonest money-lending and, on the other hand, they do not spare them time to give up this profession. It reminds me of a well known Persian couplet which runs as follows:—

در زمان لغز دریا تشنه بندم کردی
باز می موئی که داس تو من هشیار باش

The cash and property of money-lenders are scattered to the winds, they suffer severe punishments, their business is ruined and still they are asked to continue the same profession. How far is it justified, Sir?

With these words, Sir, I move my amendment and I hope that in view of the other substantial amendments having been accepted, at least this would be adopted by the honourable House for reasons mentioned before.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (3), lines 1-3, for the words "on such... direct," the words "not earlier than two years after the publication of the Act in the Gazette" be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) (*Punjabi*): Sir, before it rains, the clouds appear and thunder and people begin to feel that rain is coming. If anybody has spread clothes, grain, cotton or paddy outside, he would at once run to collect them and bring them to a place of safety.

My submission is that if this Bill is going to come into force in the Punjab immediately after it is passed, it would cause a great hardship to the money-lenders, who would not get even a year to put their house in order. This storm is going to burst suddenly over the province and there will not be left any time for the people to save their meagre belongings from the deluge. If a period of two years be given before the proposed Bill actually comes into force, I think, two purposes would be served in so doing. First, the people who are not aware of the provisions the Government have passed would be able to understand every part of the Bill. There would be no fear of their being slaughtered. They are at present unaware of the provisions of the Bill. What they have come to know as yet is that the Punjab Government is passing a legislation which would affect the business-men and *ahbis* and others. But the poor fellows do not know how the provisions of the Bill are packed with bombs and shells. When their suits would begin to be dismissed by courts the realities of this Bill would be discovered by them. (*Honourable Premier*: It is *ab-i-hayat*). No, it is poison. It is very sad that our Sikander even in the company of Khizar has failed to find out *ab-i-hayat* (nectar) for the use of the people of this province. What an old post said long ago aptly applies to him, *ms.*,

نہی داستان قسمت را چه سود از رهبر کامل
کہ خضراز آب حیوان تشنه می آرد سکندر را

(*Cheers.*)

Being disappointed in finding out elixir, our Sikander is now preparing poison for the use of the people of the Punjab. (*Voices*: It is not a

[Dr. Sir Gokul Chand Narang.]
poison.). Had it not been poison the people would not have waited for the cups and they would have rushed on like anything to drink it.

Sir, I would request the Government that if they are going to slaughter the money-lenders like this, some period of time at least, say one year, may kindly be given to them so that they may be in a position to put their house in order. How strange it is that even a butcher, before slaughtering sheep or goats gives them time out of mercy to rest awhile. But our Government have surpassed even butchers in this respect. They want to slaughter the people at once by using a blunt knife. (Voices : *Jhalka* ?) I believe, it is worse than *jhalka*. I leave it to Sardar Sir Sundar Singh and Major Sir Sikander Hyat, to decide whether it is *jhalka* or *kalal*. But it is quite clear that both are after the blood of the money-lenders. (Laughter). The result would be that those people who lend a few rupees to the zamindars in villages to meet emergencies, would be killed by this blunt knife of the Government.

Lala Duni Chand has stated that those women, minors, widows and *sahukars* (who are merely nominal *sahukars*), may be exempted from the operation of the Bill. I believe, my friend Lala Duni Chand was reasonable enough in demanding their exemption from this Bill. I know personally that in villages some money-lenders are uneducated and some who are minors, left behind by their parents to the tender mercies of the present Ministry (laughter) have appointed munshis or munims to look after their business of money-lending. If the Government is not going to exempt them then some period of time may be granted to them so that they may arrange their affairs before the Act comes into force in the country. I would like to submit that even a dog barks before he bites and a small mosquito declares war before it stings as it is said in a verse :

پیشہ سے سینکڑے شیوہ سردالگی کوئی
جب قصد خون کو آئے تو پہلے بھنگ دے

(Cheers.)

Our Government is worse than an insignificant mosquito, because when the latter comes to attack, he warns his victim that he is coming to attack him. But our Government cannot follow even this small creature's noble example. They neither circulate the Bill nor accept its recommitment to the select committee.

My submission is that the Government may give at least two years' time to the people concerned for arranging their affair and winding up their business. You have not spared even traders. You should have left them alone. They do not want any favour at your hands.

Sir, I ask for two years' time simply because the present legislation is going to shut all avenues of business and trade in this Province. Money-lenders are going to be crushed and the *ahrtis* in the markets are to be deprived of their legitimate and time honoured dues through the Markets Bill. The traders and merchants do not know where to turn in face of their being deserted by the Government of the day. The Unionists have not left even a single

field of business free for them. I want time for them so that they may be able to close their shop and set out in search of other means of livelihood in some other parts of the country. Every new Bill that comes up before this House, aims at ruining the business of money-lenders and traders in the Punjab. It is high time that they should chalk out a line of action for the future, and for this they require time. Two years are not quite sufficient for a whole class of people to burn their boats behind them and give up the calling of their forefathers and even migrate from their ancient home to some other place. Let it be understood that I am not asking for the moon. Such a respite is always given when laws of this character are passed. Examples are not far to seek. When the Government of India passed the Indian Companies Act they gave time to the people concerned to arrange their affairs. The same was done at the time of passing the Insurance Act. I wonder why our Government is afraid of giving the money-lenders a respite of two years. They will not eat up the agriculturists in two years' time when they have not been able to do so in the past 100 years. (A voice: They have already squeezed out their blood). I am prepared even to ask for one year but I will do so only when I am denied the full loaf because then I shall have to be content with half a loaf.

With these words, Sir, I lend my whole-hearted support to the amendment moved by my honourable friend Rai Bahadur Lala Mukand Lal Puri.

Mr. Speaker: Two amendments propose two years while two amendments propose one year. Both the amendments will be discussed together but they will be put to the vote of the House in the order in which the House desires them to be put.

Dr. Sir Gokul Chand Narang: That is exactly what I have said. Kindly put the proposal asking for two years to the vote of the House first, if that fails, I shall press the second asking for one year. What I have in view is that if I am denied the full loaf, I shall be content with half a loaf.

Khan Bahadur Mian Mushtaq Ahmad Gurmami: (Muzaffargarh, North, Muhammadan, Rural) (*Urdu*): Sir, I rise to oppose the amendment moved by the honourable member Lala Sita Ram. The amendments of Lala Sita Ram and Dr. Sir Gokul Chand Narang provide that the Punjab Registration of Money-lenders Act should not come into force earlier than two years and one year respectively after the publication of the Act in the Gazette. I fail to understand the wisdom of these proposals. My only conclusion is that the honourable members intend to allow this period of grace to the dishonest money-lenders for ripening the fruits of their dishonesty and fraud. If the Government and the Legislature were not convinced of the immediate necessity of this measure, then where was the necessity of bringing this Bill now and passing it into law? The Unionist Party realised the necessity of this legislation more than 10 years ago and one of its members moved the Punjab Money-lenders Bill which was passed by the Punjab Legislative Council, but the Governor refused his assent to the Bill. Then again the Leader of the Unionist Party made a provision for the registration of money-lenders in the Debtors' Protection Bill but the bureaucratic Government of the time did not allow the passage of this provision. Many other provinces in India have, however, already passed legislative measures providing the registration of money-lenders.

[K. B. Mushtaq Ahmad Gurmani.]

A committee of the Reserve Bank of India has also laid a great stress on the registration of money-lenders in order to purify the money-lending industry in India from the existing corrupt and fraudulent practices. I can say without any fear of contradiction that the Punjab is in greater need of an immediate reform in the system of money-lending than any other province of India. The necessity of protecting the innocent debtors from the clutches of the dishonest money-lenders was felt in the Punjab so far ago as 1901 when the Punjab Alienation of Land Act was passed. Since 1901 efforts have been made to check the malpractices prevailing in the business of money-lending in the Punjab, but the Punjab *sahukar* was clever enough to find some loophole to evade the provisions of the law. The position of the Punjab with regard to the rural indebtedness is much worse than any other province in India and requires an immediate and serious attention. The cases of murders of money-lenders by their creditors have not been infrequent in the past and it is in the interest of money-lenders themselves that the sooner we weed out the dishonest men from their class the better. If the Government delays or postpones action, the things will go from bad to worse and after two years we may have to adopt much stronger measures to meet the situation. Let me warn my honourable friends who advocate the postponement of this measure for a period of further two years that this delay will not be in the interest of those whose cause they are pleading. Let me remind them of the well-known story of a fool who in trying to be too clever subjected himself to both of the alternative punishments of eating a hundred onions or receiving a hundred lashes. My own view is that the present measure will act as an elixir and remove all the poison from the body of the money-lending class, but if the poison is allowed to remain in the body for a longer period, it may be difficult to cure it.

Sir, before I conclude, I would like to say a word in reply to Dr. Narang with regard to his remarks about the Honourable the Premier. Dr. Narang quoted a Persian couplet—

تھی دستان قسمت را چه سود از رهبر کامل
کہ خضر از آب حیوان تشنه می آرد سکندر را

and said that it is a waste of effort to bring round Sir Sikander to the right path. Let me frankly tell my friend Dr. Narang that the path which he is referring to is the path of selfishness and destruction and I can assure him that he will never succeed in misleading Sir Sikander to leave the path of righteousness which he is following. He is further mistaken in comparing our "Sikander" with the "Sikander" of the past. The "Sikander" mentioned in the Persian verse wanted to attain a long life for himself while our Sikander has dedicated his life to the service of his fellow beings and aims at infusing new life into the lifeless and the down-trodden masses. Dr. Narang's "Sikander" sought life for himself while our "Sikander" gives life to others. Is it not due to the miraculous power of our Sikander that we find persons who had committed suicide by drinking "the cup of poison" having come to life again and talking loudest of all to-day. Sir, in moving this amendment my friend Dr. Narang might regain some measure of popularity in a certain section, but his proposal will prove detrimental to the

best interests of the money-lending class in the province. I hope my friend Lala Sita Ram who represents a labour constituency, will realise that his amendment will do incalculable harm to his poor and toiling constituents and I would appeal to him to withdraw his amendment and save these poor labourers from being subjected to the atrocity of the stone-hearted Shylocks any longer.

With these words, Sir, I oppose the amendment under consideration.

Mr. Speaker : The question is—

That the words 'on such date as the provincial Government may, by notification direct' stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (3) stand part of clause 1.

The motion was carried.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I have a mind to clear the issues which my honourable friend Dr. Sir Gokul Chand Narang has raised during his eloquent speech in the homely Panjabi of our province. He argued that there was a great necessity for giving time to the money-lenders to set their house in order and to see if any of them wishes to give up the business of money-lending. All this sounds very well. But we have to see whether there is any real need for this respite of two years. The fact of the matter is that this Bill has yet to receive the assent of His Excellency the Governor and then it has to be notified in the Gazette. Moreover, the Government have to frame rules for the guidance of the collectors and other officials who will have to work this Bill. I assure my honourable friend that all these stages will take time, and the money-lenders will utilize that time as best as they can.

Again, coming to the actual working of this Bill, I may observe that it is only after a money-lender violates the Regulation of Accounts Act, that he will be brought to book under that Act and subsequently under the Money-lenders Bill. But rest assured that much water will have flown under the Bavi bridge before a money-lender is punished under the Regulation of Accounts Act and before the time allowed for appeal and review expires. After that the next stage will be that a debtor and a money-lender should come up before a court in connection with a debt suit under the Money-lenders Bill. All this cannot happen in a day or a month or a year. As a matter of fact it may take five years or more till cases begin to come up to courts under this Bill.

Dr. Sir Gokul Chand Narang : Would it be so? I should very much like the Premier to explain that.

Premier : At first the money-lenders will have to get themselves registered. It will take time. Then a money-lender will have to violate

[Premier.]

the provisions of the Regulation of Accounts Act before any case under the present Bill can start against him. That case, if started, will take several months in the civil courts till it is finally settled by a district judge or the High Court. My honourable friends being lawyers themselves are more acquainted with the proceedings of the civil courts than I am. Sometimes a civil case may take more than a year or two for its final settlement.

Dr. Sir Gokul Chand Narang : But what about the questions of facts ?

Premier : I may observe that as long as such able lawyers as my honourable friend Dr. Sir Gokul Chand Narang himself are available, even the questions of facts will not take less time to be finally settled. These lawyers can and will prolong the issues. After this stage, again, a long time will have to pass before an application is presented against a money-lender under this Act. It will only be after a sufficiently long time, therefore, that a money-lender's licence will come to be cancelled. But if some dishonest money-lender is brought to book even earlier, why should you or I worry about him? The sooner he is weeded out the better for us all, and even for himself. As to the honest money-lenders, let me assure this honourable House once again that we are out to provide all possible facilities to them. They will enjoy our confidence and esteem. They are sure to get five years' respite even though this Bill is passed into an Act as soon as possible. It is, therefore, highly undesirable as well as unnecessary to raise any hue and cry in this behalf and my honourable friends need not try to confuse the issues. With this assurance, Sir, I oppose the motion that is now before the House.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Speaker : I propose that the Bill be examined by a committee consisting of the following with orders to report by to-morrow what amendments of a formal or consequential character should be made in the Bill as a matter of drafting—

The Honourable Premier ;

The Deputy Speaker ; and

The Advocate-General.

[THE PUNJAB ALIENATION OF LAND (THIRD AMENDMENT) BILL.

Premier : Before the House adjourns I wish to make one statement. You will remember that notice was given of the Punjab Alienation of Land (Third Amendment) Bill. I did not make any motion with regard to that, because, as I said already, there were certain printing mistakes in the Bill and there were one or two points which I wanted to clarify. I believe that a new Bill has now been supplied to honourable members. I propose, subject to your approval to make motions with regard to this Bill on Monday next.

Rai Bahadur Mr. Mukand Lal Puri : I wish to complain that the Government is going on adding to the list of business. I expected that the business would be finished soon, but at this rate there seems no prospect of the business finishing as early as is expected. Even the original legislative business of the Government has taken a good bit more time than was originally expected, but now the Government proposes to bring in new legislation.

Mr. Speaker : A statement made by the Premier or any Minister of Government is not open to discussion.

Premier : I think my honourable friend was absent from the House when I made a statement in this House a few days ago and gave an undertaking that I would not put on the Statute Book the Punjab Alienation of Land (Further Amendment) Bill until I had put the agriculturists also on the same basis as the non-agriculturists with regard to purchase of land so far as the Alienation of Land Act was concerned. I also assured the House that I would introduce the necessary legislation before the end of this session. It is in pursuance of that undertaking that I give notice of this Bill.

Rai Bahadur Mr. Mukand Lal Puri : The Money-lenders' Act is not going to be enforced for the next three or four months. It is therefore very unfair that this piece of legislation should be discussed and passed even in this session. The Honourable Premier can introduce it now by all means, but it would be most unfair that people affected by this measure should come to know of it only after it is passed into law.

The Assembly then adjourned till 2 p.m. on Saturday, 16th July, 1936.

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 comprehensive data from various sources can be a complex and time-consuming process. However, the benefits of having a robust data set are significant, as it allows for more informed decision-making and the identification of trends and patterns. The document suggests that investing in data management systems and training staff can help overcome these challenges.

3. The third part of the document focuses on the role of technology in modernizing operations. It discusses how digital tools and platforms can streamline processes, reduce errors, and improve communication. For example, the use of cloud-based systems can facilitate data sharing and collaboration across different departments. The text also mentions the importance of ensuring that any technology implemented is secure and compliant with relevant regulations.

4. The fourth part of the document discusses the need for continuous improvement and innovation. It suggests that organizations should regularly evaluate their current practices and look for opportunities to optimize performance. This can involve seeking input from stakeholders, conducting pilot programs, and staying up-to-date with the latest industry developments. The document concludes by stating that a commitment to ongoing learning and adaptation is key to long-term success.

PUNJAB LEGISLATIVE ASSEMBLY.

82D SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Saturday, 16th July, 1938.

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

THE PUNJAB ALIENATION OF LAND (SECOND AMENDMENT) BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : I beg to present the report of the Drafting Committee on the Punjab Alienation of Land (Second Amendment) Bill.

Mr. Speaker : The House will proceed to consider the Drafting Committee's report on the Alienation of Land (Second Amendment) Bill.

Question is—

* That the following consequential amendments, as recommended by the Drafting Committee, be adopted :—

1. In clause 2, in sub-section (2) for the word "prescribe" the word "prescribed" should be substituted.
2. In clause 3 :—
 - (a) In the second and third lines, for the words "Punjab Alienation of Land Act, 1900 (hereinafter referred to as the said Act)" following the word "the" the word "Act" should be substituted.
 - (b) In sub-clause (3) as inserted, in the third line, for the word "the" occurring before "Act", the word "this" should be substituted.
 - (c) In the same sub-clause (3), for the last two words, namely "the Act", the words "sub-sections (2) and (3) of section 4, section 13 (A), section 13 (B), and section 13 (C) of this Act" should be substituted.
3. In clause 4 :—
 - (a) In the first line, the word "said" occurring between the words "the" and "Act" should be deleted.
 - (b) In sub-section (2) as inserted at the end, instead of the words "the said" occurring before "Act", the word "this" should be substituted.
4. In clause 5 :—
 - (a) In line 1, the word "said" occurring between the words "the" and "Act" should be deleted.
 - (b) In section 13-A. (1) as inserted, in line 6, for the words "this Amending Act" occurring between the words "of" and "by", the words "the Punjab Alienation of Land (Second Amendment) Act, 1938" should be substituted.
 - (c) In sections 13-B, and 13-D, as inserted, clauses (b) and (c) should, in each section be relettered as (a) and (b), respectively.
 - (d) In clause 13-D, as inserted, at the end, the words "prescribed for appeals under this Act" should be deleted.

The motion was carried.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : I beg to move—

That the Punjab Alienation of Land (Second Amendment) Bill be passed.

[Revenue Minister.]

I may be permitted to make a few observations in presenting my motion to the House. The object of the presentation of this Bill was that certain defects, which had arisen as to the interference of the civil courts in the decision regarding the caste of the people, who were affected by the Alienation of Land Act, may be removed. It was considered that this matter was to be decided by the deputy commissioner in his capacity as revenue officer and the Financial Commissioner also considered that it was only the deputy commissioner who had to decide this question. But it so happened that in certain cases people went to the civil courts and the civil courts decided that they were not bound by the decision of the deputy commissioner in this matter. These matters were taken up to the High Court in review and revision and the decision of the Judges of the High Court was that the civil courts had the right to decide this question on their own motion. As there was a conflict of opinion in this matter, we had to consider whether it was right to allow the civil courts to decide this question or whether to finally set at rest doubts that had been raised by the judgment of the High Court and finally fix the deputy commissioner as the authority who was to decide this question. The matter was fully considered by the Council of Ministers and Government and a Bill was put forward to provide two things: one, that as previously, the deputy commissioner's decision as to the caste or tribe of a person shall be final for the purposes of the Punjab Alienation of Land Act, it must be made clear that the deputy commissioner was the person who had to decide this question and not the civil courts. The second was the evil of *benami* transactions which were becoming frequent in the province and were to be checked. These are the two points with which this Bill was concerned. Now, Sir, when the original Bill was passed it was passed with the object of giving relief to the despondent, debt-ridden, expropriated and impoverished land-holding classes of the province. These were the words which were used by Lord Curzon in his famous speech when the Bill was passed in 1900. He also said that he had to save the peasantry from an incubus which was slowly but steadily wearing them down. Since the passing of this measure on which a good deal of agitation was started in the country a lot has happened and I may be permitted to recapitulate the history in a few words. From the reports which have been prepared by the Punjab Government from the year 1901 to the year 1908, I may be permitted to say, that the measure secured a success beyond the expectation of the Punjab Government. There were in the Punjab as many as 62 million acres of land out of which 40 million acres were held in private ownership. At that time the value of the land was nearly Rs. 78 per cultivated acre on the average of 5 years before the passing of the Alienation of Land Act, then it became Rs. 75 and for the year 1908 it was Rs. 97. That was, I may be permitted to say, a year of drought and the prices during that year must not have been very high. Stated in terms of the land revenue assessment the selling price of land averaged 75 times that for the five years before the Act and 83 times for the

following five years and 101 times in 1906-07. Coming to sales and mortgages; for the five years before the Act, the average cultivated area sold was 173,142 acres, for the next five years it was 150,191; in the year 1906-07 it was only 125,059 and in the year 1908 it was 131,865 acres. The last year that I am mentioning is 1907-08.

Dr. Sir Gokul Chand Narang : This is the area which was mortgaged.

Minister for Revenue : Yes, mortgaged area. For the five years before the Act the average cultivated area mortgaged was 327,065 acres; for the next five years it was 203,527 acres; in 1906-07 it was 227,737 acres and in 1907-08 it was 249,578 acres. For the five years before the Act the average cultivated area redeemed was 235,395 acres, for the next five years it was 197,118 acres, in 1906-07 it was 319,044 acres and for the year 1907-08 it was 325,173 acres. The cultivated area under mortgage in 1908 was 3,584,299 acres against 3,868,587 in 1903-04 and the percentage of total cultivated area mortgaged was 11.5 as against 14.1. There are other interesting figures. In 1907-08 the cultivated area sold was 131,865 acres.

Dr. Sir Gokul Chand Narang : May I ask the Hon'ble Minister, through you, what is the object of his mentioning these figures, which no one has been able to follow? Perhaps he is not to blame, for he cannot raise his voice but I have not really been able to see the connection of these figures with the question now before the House. At least no comments have been made.

Minister for Revenue : I am very sorry my friend has not been able to follow me. He will follow only one thing, i.e., protection of the non-agriculturists against the agriculturists (*loud cheers*.) This is the effect of Lord Curzon's Act which was passed in his time and I am showing as to how the zamindars were saved from being expropriated of their lands. The figures in this book are up to 1908 and later figures are in the Government Reports. (*A voice : Is that relevant ?*) If it is not relevant to my friend's feelings.....

Dr. Sir Gokul Chand Narang : We do not hear what the Honourable Minister is saying. If it is anything useful he should make himself more audible.

Minister for Revenue : I am afraid I cannot speak louder than I can at the moment. It is no fault of mine if the honourable member is unable to hear me. As I have said before, the object of the Bill is that we must remove the jurisdiction of civil courts and secondly, we must check the evil of *benami* transactions. These are the two objects with which this Bill has been placed before this House. As regards the first one there were two methods that we could have adopted. One was that we should have come forward with a motion to amend the Act and the second was that we should have taken an opportunity to place the matter before the bench of the High Court. That opportunity may or may not arise and, therefore, the Government decided to take this opportunity of amending section 4 of the Land Alienation Act.

[Revenue Minister.]

Coming to *benami* transactions, I would say that this evil has spread to a very large extent. My friend in his remarks and criticism said that the Financial Commissioners, the Minister of Revenue and other officers have been sleeping over it. I might inform him that they have never been sleeping over it. If I may be permitted to say so in this House, the first thing that they did was that the standing orders were several times revised and it was finally in the year 1909 that instructions were issued and incorporated in section 31 of Financial Commissioners' Standing Order No. 1. Certain other instructions are given in paragraphs 32, 33 and 34 of the Standing Order. The original issue of the Standing Order is dated the 30th July, 1909, the first reprint is dated the 19th February, 1911, the second reprint is dated the 2nd September, 1914, and the revised issue of the Standing Order is dated the 1st October, 1937. I may be permitted to read a portion of the Report which dealt with Paupat tahsil for the year 1935-36. Therein it is stated that the provisions of the Act and the Standing Orders were proving more fatal than any epidemic disease to the zamindar and they have turned the Land Alienation Act into a dead letter and reduced the zamindars generally to slavery.

Rai Bahadur Mr. Mukand Lal Puri : Who said so ?

Minister for Revenue : It is one of the tahsildars.

Rai Bahadur Mr. Mukand Lal Puri : Oh ! why not quote one of your patwaris ?

Minister for Revenue : I am justified in quoting from any papers that I have got in my records.

" A palty sum borrowed to-day goes on multiplying and in spite of the best efforts of the zamindar to lighten it, he cannot do so, because the money-lender is as cunning as the zamindar is ignorant. The loans are seldom advanced in cash but the prevalent form of loan is a loan in kind or cattle. No receipt is ever taken of the repayments."

Therefore, you should realise what the condition of the zamindar is when no receipts are given and the accounts are being piled up from day to day.

Mr. Speaker : The motion before the House is that the Bill as considered be passed. If the speakers, who will speak after the Hon'ble Revenue Minister, follow his example, it will be impossible for me to enforce the rule of relevancy.

Rai Bahadur Mr. Mukand Lal Puri : The Hon'ble the Revenue Minister is giving us very valuable data. I think the House should not be deprived of them.

Minister for Revenue : I will only read from the statement appended to this report showing how *benami* transactions have been entered into and the Land Alienation Act has been nullified.

Mr. Speaker : The House has considered the Bill clause by clause, and now the motion before it is that the Bill be passed.

Minister for Revenue : I will not say anything more if you have any objection.

Mr. Speaker: The motion moved is—

That the Punjab Alienation of Land (Second Amendment) Bill be passed.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): The Hon'ble Member-in-charge of the Bill has rightly stated that this Bill contains two different kinds of provisions. One, as has already been pointed out, is comparatively an insignificant matter, and the other is a matter of very great consequence to all the persons living in the Punjab whether they are agriculturists or non-agriculturists. Sir, with respect to the first matter nothing need be said beyond the fact that the Land Alienation Act confers the privilege of exemption from attachment and sale of the land belonging to members of notified agricultural tribes in execution of money decrees against them. The only effect of giving it to the collector would, in some cases, be that a person, who is heavily indebted and who is not so far a member of the notified agricultural tribe, might go and ask for the helpful assistance of the collector to get himself declared as a member of the notified agricultural tribe, and the result will be that his debts, though they may consist of decrees passed against him, will become unrealisable. That is the only danger which I anticipate. Sir, with respect to that matter the Government has thought it fit to substitute the discretion of the collector for judicial adjudication. That I personally regard as a retrograde step. But after reading the provisions of all the four pieces of legislation, I think, it is futile to cry over the matter. Chaudhri Chhotu Ram and even the Premier has several times declared that the British system of law is too good and unsuited to our condition of society and that they want to go back on the methods of administration which had been laid down for us by the British rulers. Sir Chhotu Ram prides himself on the fact that the British system of administration, the law, the machinery of courts is far too advanced for our people and that we should go back upon it. I join issues with him on this point. I cannot look with equanimity on the growing tendency to substitute the rule of law by executive discretion, the replacement of the decision by professedly non-partisan tribunal by the will of an executive officer. Again, I cannot approve that the procedure to be followed in deciding these matters should be the whim of an individual rather than the procedure laid down for our courts. Therefore, Sir, I oppose this innovation. But I have submitted already that this part of the Bill is a trivial matter compared with the other. The real matter involved in this legislation, I submit, is the dealing with the so-called *benami* transactions. Now, Sir, the learned mover of the motion said that the object of the Bill is to check the evil of *benami* transactions. Well, if you want to check the evil of *benami* transactions, do it by all means and legislate for the future. But on the pretence of doing so, do not upset the transactions which have taken place during the last 40 years and which have not so far been questioned by any one. The present Bill gives effect to the obnoxious principle of expropriation of rights acquired under the sanction of law and which this Government and the previous Governments had equally recognised

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Therefore, the first vicious principle which this Bill, after it has been enacted into law, would give effect to would be that it would make a change in the substantive law retrospective in operation not only for a few years but for the last 88 years.

Secondly, I submit this Bill would give recognition to another vicious principle to which I have already referred, i.e., that the will of the executive officer will be substituted for matters which have so far been the subject matter of decisions by the courts. In this connection you will kindly remember that an effort was made by some members of the Congress party to induce the Government to substitute some kind of procedure for decision of these matters. Some member proposed an amendment that the rights with respect to such valuable property should be adjudicated upon by civil courts. The Congress party later on put forward a modified amendment that revenue officers while deciding these matters should at least decide as revenue courts; but the Government turned down that proposal also. The proposal was that even if these matters were to be taken away from the purview of civil courts, and the questions were to be decided by an executive officer let him at any rate have a judicial atmosphere about him. Let him decide this matter as a revenue court. But the Government for reasons best known to themselves have also thrown that suggestion to the winds. Again, you will remember, Sir, that another amendment was moved by another member of the Congress party that if they are not going to have these matters decided by revenue courts, at any rate let them follow the procedure of revenue courts. Even that was turned down. Therefore, this vicious principle has been accepted for the first time in regard to the decision of matters pre-eminently fitted for decision by civil courts. It is an entirely different matter if you are dealing with small matters under the old Land Alienation Act. The only duty which the collectors had to perform under the Land Alienation Act was to give sanction for alienations which were affected in favour of non-agriculturists. This did not involve any complicated enquiry or adjudication. This is more or less an executive action. But when the questions which are to be decided are questions relating to hundreds of acres of land and involving thousands of rupees and dealing with complicated questions of law and fact the collector is not the proper agency for deciding these matters. No procedure is laid down which he should follow. He is to be deprived of even the assistance of lawyers and thus he would naturally act on the advice of his subordinate officers and ministerial establishment, thus giving occasions for corruption and all sorts of underhand dealings. Sir, this procedure for deciding valuable rights in property is an innovation of a revolutionary kind. Therefore, Sir, this is the second ground on which I oppose this proposal.

Sir, again, on the political plane, it is one of the most dangerous Bills passed, because it unsettles controversies which had been long ago regarded as settled. It was the recognised policy of the Punjab

Government that the provisions of the Land Alienation Act shall neither be extended nor restricted. The question is that after this Act, does the Hon'ble Premier still stick to that declaration or does he want to say that the present Government has given up that policy. A definite answer is called for on this matter, because, Sir, if the Punjab Government has definitely given up that policy, then 57·3 per cent. of the population of this province, which consists of people who are not members of notified agricultural tribes and who have got grievances—very genuine and serious grievances—of their own against the Land Alienation Act, also call for relief. If the Government has any sense of fairness, it is up to them to listen to their grievances and modify the Land Alienation Act. I am not here at present going into the details of the lines on which the Land Alienation Act should be modified. The criticism of this Act has been repeatedly put forward from the public platform and in public meetings and in the press and is the subject matter of certain very well written pamphlets and has been brought to the notice of the Government a large number of times. What I was submitting was that this Bill, for the first time unsettles the controversies, which both agricultural and non-agricultural tribes had agreed to consider and which had been considered as settled and which had been, under the influence of the late Mian Fazl-i-Husain, honoured for the last 20 years. Therefore, on the political plane, it introduces one of the most dangerous controversies in this province, which might lead to a great deal of trouble and which might create a discord and disunion among the various people inhabiting this province. Again, Sir, you will notice that this Bill is likely to lead to more litigation and trouble. If an alienation is set aside what happens to the consideration which has been paid? Will there be a suit for recovery or not and what will happen to it? Supposing the money has not been paid. Will the amount due on the promissory note be recoverable? If the alienation is set aside, it would lead to half a dozen kinds of suits. These are my objections to this Bill on principle.

Let us, for a moment, consider what would be the effect of the present legislation. I divide that effect as to its result on the members of the notified agricultural tribes and as to its effect on those who are not members of the notified agricultural tribes. With respect to the members of the notified agricultural tribes, you will notice that this Bill introduces an element of uncertainty with respect to the title to property, which might have been acquired by sale, gift or exchange by a member of the notified agricultural tribe or by his father or other ancestors provided the transaction has taken place after 1901. Supposing a member of a notified agricultural tribe has purchased property in 1906 from any member of the notified agricultural tribe, it is open to any other person to question that title even after 50 years by a mere application and therefore, any agriculturist, whether vendee or donee, would never feel secure about his title to property. The failure to embody any provision as to limitation will result in this most undesirable and disastrous result. You will remember, Sir, that I

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wanted to move an amendment that some kind of limitation may be fixed, may be for 2 years or 4 years, beyond which any alienation in favour of a vendee or donee, may not be questioned, but that was neither accepted in the select committee nor was it allowed to be moved for certain reasons on the floor of this House. I submit that the question of uncertainty will attach to the title of any member of the notified agricultural tribe, who or whose predecessor-in-interest purchased land after 1901. This would be one result of this Bill if it is passed into law.

Again, Sir, the second effect on the members of the notified agricultural tribes will be that when the ejection is ordered, the agriculturist loses his land without any return to him of any money or consideration which he may have spent on getting that alienation. He will not only be deprived of any money that he may have spent on improving the land, but also of any portion of the money which he may have paid.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Is the honourable member reading his speech ?

Rai Bahadur Mr. Mukand Lal Puri : Sir, the honourable member is interrupting me merely for the sake of interruption.

Mr. Speaker : I have not followed the honourable member's objection ?

Parliamentary Secretary : The objection I raised was that the honourable member was reading the speech.

Rai Bahadur Mr. Mukand Lal Puri : I leave it to your judgment and to the judgment of the House whether I ever read any speeches. I was trying to follow your advice of taking as little time as possible, but it appears that some of my friends do not propose to allow me to do so.

Sir, I was pointing out that not only the agriculturist alienee, will be deprived of any consideration that he might have paid for his alienation—and it might be that he bought the land for 2 thousand rupees and out of it he borrowed Rs. 1,500 from non-agriculturist creditor of the alienor and 500 rupees he has paid from his own pocket—now, he will not only be deprived of the actual consideration he paid but he will also be deprived of any improvement that he might have effected on the land. (*Minister for Revenue :* There is a provision to that effect.) Permit me to say, with due deference to the Honourable Minister-in-charge of the Bill, that he does not even now know the provisions of the Bill, when the Bill has passed through all the stages.

Mr. Speaker : Please do not be personal.

Rai Bahadur Mr. Mukand Lal Puri : I was interrupted by a remark of the Honourable Minister for Revenue that there is a provision in the Bill to this effect. (*A voice :* There is.) I wish to

give way to the honourable member. Now may I ask the Honourable Minister-in-charge of the Bill to read out that provision? There is no such provision and the Honourable Member-in-charge of the Bill is only showing his ignorance about the provisions of the Bill. The provision for improvement is only provided for a transferee from an alienee and not for the original alienee. I assert that the alienee under the Bill would be forced to vacate his land without getting a farthing for the improvements which he may have made on his property during the last 38 years. If the man is in possession of the land as owner—(Minister for Revenue: How can he be in possession as owner?) My honourable friend has been pleased to put a question as to how he can be in possession as owner. Does not the honourable member know that if a sale deed is executed in favour of a member of a notified agricultural tribe, he becomes the owner of the land and when there is not only a registered sale deed in his favour, but the land is actually mutated in his name in revenue records what else is he, except an owner? Every civil and revenue court will regard him as an owner. I am surprised to learn that this legislation is being pushed through this House without even the Member who is ostensibly in charge of the Bill knowing the provisions of it. I wish to emphasise that the statement of the Honourable Minister that there is a provision allowing compensation for improvements to the original alienee is not at all correct. I say there is absolutely no such provision. Therefore, I was submitting that the second evil effect on the members of the notified agricultural tribes would be that they will be deprived of money which they may have spent in effecting necessary improvements on the land and which may have substantially increased the value of their properties.

Again, Sir, let me take up another point which has been suggested to me by the interruption of the Hon'ble Minister for Revenue. I submit that no provision has been made to protect the interest of even a "*bona fide* transferee for value without notice." Supposing an agriculturist has purchased land and that transaction is vitiated on account of its being originally *benami* for a non-agriculturist, then a third party who might have *bona fide* purchased the land subsequently from such persons for value and without notice would be protected under the ordinary law, *i. e.*, under the Transfer of Property Act, the principles of which are applicable to the Punjab. But unfortunately, on account of a provision in the Bill, he would not be protected with respect to these transactions and, therefore, a curious thing happens that even say, a seventh transferee would be ejected under the law in spite of the fact that five transferees have intervened, and they are all *bona fide* ones. I ask the Hon'ble Member-in-charge of the Bill if he has contemplated this aspect of the matter, this effect of his legislation. Is this legislation just and equitable to a *bona fide* transferee for value, without notice who has purchased a land from a person who has got a registered deed in his favour and in whose favour land is also mutated? Is it at all fair or equitable that those five transferees who have paid the money, who have been owners of those lands for a considerable period, who have made many improvements, should be

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deprived of their possession simply because you have passed this piece of legislation in the cool breeze of Simla without circulation, without consideration and have rushed through this measure in hot haste ?

Mr. Speaker : Not without consideration.

Rai Bahadur Mr. Mukand Lal Puri : The Bill has not been circulated in spite of my two motions.

Mr. Speaker : The honourable member used the word " consideration " .

Rai Bahadur Mr. Mukand Lal Puri : " Consideration, " indeed ! When even the Honourable Member-in-charge of the Bill is ignorant of certain provisions of the Bill, what to talk of the vast majority of the members who simply raise their voices or walk into the lobbies after their leader ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Sir, I have no intention to interrupt the honourable member, but I have to raise a point of order. Is the honourable member in order in saying that the Honourable Member-in-charge of the Bill knows nothing of the Bill or that a majority of members raise their hands or walk into the lobbies without understanding the provisions of the Bill ?

Mr. Speaker : The honourable member's words may not be unparliamentary ; but he should not be personal or call the honourable members of this House 'ignorant'.

Rai Bahadur Mr. Mukand Lal Puri : Far be it from me, Sir, to suggest that the members of this House are ignorant. In fact, Sir, I acknowledge their ability. What I meant to say was that they have been deluded into a belief that this legislation is for their benefit. I make bold to say that most of them, at any rate, a very substantial number of them have not cared to look into the details of the provisions of this Bill. Had they done so, I am sure, they would not have allowed those provisions to stand part of the Bill. I myself have not been able to give as much attention to these Bills as the importance of those provisions deserved because of the fact that there are half a dozen of important measures that are being rushed through at a terrific speed. I would be the last person to question the intelligence of the Honourable Sir Sunder Singh Majithia.

Minister for Revenue : My honourable friend considers I am a dullard. That is what he would call me.

Rai Bahadur Mr. Mukand Lal Puri : The honourable member has misunderstood me. I do not at all question his intelligence. I doubt if he has been able to devote sufficient time and attention to the Bill. He is far more busy than myself. I am not at all surprised if he has not been able to study carefully the provisions of the Bill which he has been asked formally to sponsor. I have felt that after working from 10 A. M. to 1 P. M. in the select committees, as I have had to do, and working here from 2 P. M. to 9 P. M. in the House, I have not been able to devote as much

time as I would like to have done. I wish I had to cope with the difficult legislation at Lahore where one could have the use of libraries and other assistance. Such important legislation ought to be considered at leisure and with a great deal of care and caution. Sardar Sahib has not had, in fact could not have had, the requisite time and attention for this Bill. A cap should be allowed to fit only where it fits.

Minister for Revenue : No cap would fit my head. (*Laughter.*)

Rai Bahadur Mr. Mukand Lal Puri : I was pointing out before I was interrupted that under the ordinary law, under the principles of the Transfer of Property Act, a *bona fide* transferee for value would have been protected but for certain provisions in this Bill.

Mr. Speaker : That is repetition.

Rai Bahadur Mr. Mukand Lal Puri : I am now dealing with the case of a transferee. My argument will appeal to you as a lawyer of long standing, if you listen to me, I am sure you will appreciate it. What I am further going to state is that every one of these transferees would be deprived of the property without payment to him of any consideration which admittedly they have paid. There is no provision in this Bill which provides for payment of whole or any portion of that amount.

With respect to improvements a great deal was made that we have put in a clause which gives the *bona fide* transferee, the second man, something for improvements. If you kindly read the actual clause you would find that the improvements which are permitted to him are only those improvements which are permissible under the Tenancy Act. May I in this connection relate to you what was told me by one of the most important members of this House, a member of a notified agricultural tribe and of the ministerial party? He told me that he knows of cases where alienation has taken place and the first transferee has bought the land at Rs. 100 a bigha. Subsequently he has cut it into pieces, being near the town, and sold it at Rs. 100 a marla and on those sites beautiful houses have sprung up and those 2 or 3 bighas of land are now in possession of 80 or 90 persons with beautiful houses on them. What is going to happen to these 80 or 90 persons? I asked my friend whether these transferees were invariably members of notified agricultural tribes? He said, 'no'. In some cases they are members of the notified agricultural tribes, but in other cases they are not, alienations have taken place with the consent of the deputy commissioner. Now I put it to the framers of this law whether they have ever contemplated a contingency of this kind? Will these 80 or 90 persons, who may have spent 5 or 10 thousand rupees each for the construction of houses, be deprived of the possession of them? Will they be deprived of the possession of them without any payment being made to them for the value of the site? (*An honourable member :* Were they the mortgagees?) No. A *benami* sale has taken place and the *benamidar* has subsequently

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cut it in pieces and on that 80 or 90 persons have built houses. The effect of this legislation would be that these 80 or 90 persons, members of notified agricultural tribes and others, will have to give up their houses to the original alienor without a single pie being paid to them and without any compensation being given to them for the buildings which they have put up, because under the amendment which exists in the Act, the only kind of improvements which are permissible even to *bona fide* purchasers are the improvements permissible under the Tenancy Act and these buildings are not certainly permissible improvements under that Act. This, in my humble opinion, is the effect on the members of agricultural tribes which the legislation standing in the name of revered Sardar Sahib is going to have.

With respect to the effect of this Bill on the non-agricultural creditor, may I again crave your indulgence to put it in the language of a creditor who put it to me in the following form? He said. "This Government is out not only to make it impossible for us to recover anything that is due to us but it has decided to take back from us the money which we have already realised in payment of the dues." You would kindly see that the debts outstanding might be secured or unsecured. Now, with respect to the unsecured debts the legislation passed in the last two years especially that relating to providing maintenance for the family of the judgment-debtor has made it practically impossible for a non-agriculturist to realise even a farthing from the average agriculturist of this province. (An honourable member: Question.) There is a question. It may be possible to realise it from men like Pir Mubarak Ali Shah who owns thousands of *bighas* of land. But in regard to the average agriculturist of this province whose holding does not exceed 8 acres, all that is permissible to the decree-holder is 20 years lease—and from it provision has to be made for the maintenance of his family. The produce of his land is hardly enough for the family. Whether this provision is good or bad, I am not entering into that controversy now. The result is that the unsecured outstanding debt has been practically wiped out. With regard to the secured debt, you have got the Mortgages Bill pending before you. The appetite is not satiated with what has already been done. They want to take back what has already been paid. This would be the effect on the non-agriculturist. Kindly see what has been enacted in this Bill. It is said that a *benami* transaction would be void for all purposes. If a transaction is void for all purposes, any consideration which has been paid for that transaction is also tarred with the same brush. Therefore, if any bond has been executed or any promissory note is given, the money on that pro-note or bond will not be realised. (Interruption). I am very doubtful whether the money which has actually been paid can be recovered. The Honourable Sir Chhotu Ram has insisted upon the use of the phrase 'void for all purposes' and he would not explain that phrase until he was forced to do so in a meeting by some of his adherents who did not

understand it. He explained it by saying that with reference to section 16 of the Contract Act it would be impossible to recover on the basis of that bond or pro-note. The hope seems to be to enable those persons to claim back the money which they have already paid. It is not that this contingency is not known or thoroughly understood by the framers of the Bill. I ask the Honourable Sir Chhotu Ram whether he had not this in contemplation. If so, is it not an attempt to take back from the creditors the money which has been paid to them during the last 20 years? So, I respectfully submit that if the effect on the agriculturists is in certain respects deleterious, with respect to non-agriculturists it is an expropriation, pure and simple.

There is one matter to which I may refer and which has been brought out in the learned speech of the honourable mover of this motion. He has drawn the attention of the House to the Financial Commissioners' Standing Order No. 1, paragraph 31 and I take it that the Government accepts that position. If that is so, that appears also to be in consonance with what the legislature has laid down that a transaction will only be a *benami* transaction when at the time the *benami* nature of the transaction is called in question the beneficiary is actually taking beneficial interest in the land. I take it, in virtue of reliance on this Standing Order, the Government does not intend to open transactions which may have been closed, say 10 or 20 years ago, where a brother agriculturist may have taken upon himself the liability and by paying off the debt of a non-agriculturist debtor, purchased the land from him. That appeared to be the object of the Standing Order which the Honourable Revenue Minister has quoted. That appears to be the interpretation. But the difficulty really is that this matter will have to be decided not by the Financial Commissioners, not even by the members of the Government who are the framers of this Bill, but by the collector who will proceed on the reports of the *tahsildars*, *tahsildars* who may transform even a genuine transaction into a *benami* transaction. I am afraid that the power of such vast magnitude relating to the civil rights of property vested in any individual is a very delicate matter especially when it is to be used by no known principles of law, is to be regulated by no precise procedure and when the collector is to be assisted by no legal talent and he has only the assistance of his subordinates in the form of *tahsildars*, *kanungoes*, *naib-tahsildars* and *patwaris* or at the final stage, his own reader. You are putting into the hands of these subordinate officials an engine of oppression which in the hands of some decent and honest people may perhaps not cause such havoc but with the average man and with the average facilities which the Government is providing, this Act cannot be worked with any kind of fairness or justice. I do not wish to add anything to the arguments which I have already placed before you, except that this Act has been rushed through in scandalous haste

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and its provisions have not been properly considered, with the care and attention which they deserved.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Sir, it seems very strange that three-fourths of the speech of my honourable friend, Mr. Mukand Lal Puri, should be devoted to safeguarding the interests of the agriculturist community. While discussing the various clauses of the Bill, Rai Bahadur Mr. Mukand Lal Puri's contention was that the enactment of this Bill would result in great injustice being done to the non-agriculturist buyers of land. But to-day he has devoted himself to saying that this Bill will adversely affect the rights and interests of the agriculturist community. Although I admit that after one has been elected a member of this august Assembly his outlook should be very wide and he should represent all classes and communities, still it looks very strange that not a single agriculturist member would get up and endorse what my honourable friend, Rai Bahadur Mr. Mukand Lal Puri, has said that the object of the Bill is to do injury to the legitimate interests of the members of the agriculturist community.

The main objections raised by Mr. Mukand Lal Puri are these. Firstly, he said that it is not only intended to affect the transactions which will take place in future but has a retrospective effect. Sir, this matter has been discussed thoroughly when we discussed the different clauses of the Bill. Therefore, I will not detain the House by discussing those points again. The issue is very simple. We, on this side of the House, are honestly convinced that *benami* transactions are fraudulent and dishonest and, therefore, when we were bringing forward a measure to undo the wrongs done previously when an attempt is made to evade the provisions of the Land Alienation Act, then naturally we would like to give it a retrospective effect. We are not, by passing this Bill, depriving any honest man of his possessions. But what we are trying to do is merely to discover the cases of dishonesty and fraud and to restore the property to men who were subject to such a fraud. Therefore, there is no sense in bringing forward a Bill of this nature just to safeguard the future transactions, because the very fundamental principle of this Bill is to punish those people who have been a party to fraud and dishonesty so far as evading the provisions of the Land Alienation Act is concerned.

The second point which my honourable friend stated was that we were bringing in the collector where the civil courts used to decide the cases before. As a matter of fact, the Land Alienation Act itself is based on the ground that cases falling under the Act will be decided by the collector. Therefore, when we are bringing forward a Bill to amend the Alienation of Land Act it is but natural that the collector should exercise these powers as well. I personally do not understand why such a distinction has been drawn between the

administration of justice by a civil court and the administration of justice by a collector. So far as qualifications are concerned, I do not think the collector possesses less qualifications than a judge of the civil court. Most of the collectors are members of the Indian Civil Service. They are competitors, they have passed examinations in law and are men of very high integrity. Therefore, for any honourable member to entertain a suspicion that if a case is decided by a collector it will not be decided in a judicial way while in the case of a civil court it will be so decided is wrong. It is very unfortunate that during the discussion of the Bill comparison should have been drawn between the members of the judicial service and members of the revenue service. The other reason why we want the collectors to have these powers is this. We all know that the deputy commissioner is practically all the year round on tour and so are his revenue assistants. It is so difficult for the officers to detect cases of these *benami* transactions. It is not a very easy thing because generally the man who sells property is under the clutches of the *benamidar* and, therefore, unless these powers are exercised by an officer who always remains in very close touch with the zamindar community, it will be impossible to discover any of these cases.

A great stress was laid by an honourable friend on the fact that the late Mian Sir Fazl-i-Husain had given an undertaking that the provisions of the Alienation of Land Act will not be extended. We have, on this side of the House, very great respect for the undertakings given by the late Mian Sir Fazl-i-Husain and I can assure this honourable House that none of us will be prepared to go against those undertakings which were given by a person whom we consider as the greatest leader Punjab has ever produced, but I fail to understand how by any stretch of imagination or language can anybody suggest that this Bill is an extension of the Land Alienation Act. What we are doing is that an act which is not allowed under the Alienation of Land Act, act which is strictly prohibited and is against the provisions of the Land Alienation Act, should be prohibited and those people who transgress the provisions of the Land Alienation Act should be punished. I ask, who gave you any undertaking that if some one is discovered dishonestly trying to evade the provisions of the Land Alienation Act, he will not be punished? Who promised that we will not stop him from committing such mischief? Such an undertaking was never given by anybody and I do not think any sensible person would ever give such an undertaking. Then another point which my honourable friend raised was that the Bill does not provide for any compensation to be paid to a man who is perfectly honest and has purchased land from another person without knowing that the person selling the land was a *benamidar*. I would submit that this is absolutely wrong, because it is provided in the Bill itself by the amendment moved by my honourable friend, Mir Maqbool Mahmood, that if the collector thinks that the transferee of the land spent something on making improvements on the land it will be up to the collector to award consideration up to the limit of

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the money originally advanced on that land. Now I would ask my honourable friend, how does he say that this will deprive the people of their legitimate rights?

Raj Bahadur Mr. Mukand Lal Puri: Only to the extent permitted in the Tenancy Act.

Raja Ghazanfar Ali Khan: Not for building spacious buildings. Then my honourable friend said that if the land has been transferred to 7 persons, A has transferred to B, B to C, C to D and so on, then the Bill does not provide for compensation to be given to all these six persons. The Bill has provided that compensation should only be given to one of them. I am surprised to hear this argument. When A sells to B, A gets the price of the land valued at that time. It is the last man only who does not get his value, but he is to be compensated under the Act. Therefore, so far as that argument is concerned, it is entirely misleading and is ill-founded. I would submit that my honourable friend should not be so much upset on such measures being passed by this House which consists of a large number of members who represent constituencies where the voters are poor zamindars and poor kisans. If they press the Government to bring forward legislation which they consider is in the interests of the country and in the interest of the tiller of the soil who is a poor man, why should they object? No doubt the Government have brought forward four important measures in this Simla session. All of them are very important. My honourable friends during the last session were maligning the Government for not having fulfilled their promises given to their voters at the time of the elections and now when the Government after consideration and long deliberation have decided to bring forward such a legislation which will provide relief to the teeming millions and the poor peasants of the Punjab, they call them Russian measures. So many days have been spent on discussing every detail of the Bill, at every stage and at every step all members have been given full opportunity of expressing their opinions. After all this long discussion and after all the criticism published in the Press, to turn round and blame the Government for rushing through these measures is entirely unjustified. I am sure the House will be feeling a great deal of satisfaction and even pride in passing the motion which is now before the House. I support the motion.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): I rise to oppose the motion moved by the Hon'ble Minister for Revenue. I was surprised when I heard Mr. Puri referring to promises and undertakings and expressing surprise that these promises were not fulfilled. That really entitles him to the title which I gave to one or two other members for being rather innocent. A friend was just suggesting a verse which I think is from Ghalib:

ترے وعدہ پر جتنے ہم توڑے جاں جھوٹ جانا
کہ خوشی سے مراد نہ جائے اگر اعتبار ہوتا

This is the nature of the promises made by the Hon'ble Premier.

Mr. Speaker : I have more than once requested the honourable members not to refer to conversations or promises alleged to have been made verbally or outside the House.

Dr. Sir Gokul Chand Narang : Oh! no, Sir. I will never be guilty of that. I respect confidences, I never referred to anything said to me in confidence by Sir Sikander or anybody else. We referred to the promises made at one time on the floor of the House which are embodied in the reports which are issued under your imprimatura. I am not going to refer to any private conversation, nor do we refer to any promises made outside, but we refer to promises made more than once in this House, not in Simla perhaps, but in Lahore before the Legislative Assembly and perhaps once made to the Legislative Council, when the Punjab Legislative Assembly had not yet come into existence. Although the Premier might say that he was not bound by any declaration made by the late Sir Fazl-i-Hussain, we expected that he would have some regard for his own promises. But I shall never make any complaint against him now onwards for any breach of promise of which he might be guilty, for we have seen that he does not feel any compunction in breaking a most solemnly made promise, promise made on the floor of the House affecting a great population.

Mr. Speaker : Will the honourable member please speak to the motion?

Dr. Sir Gokul Chand Narang : I was only referring to the surprise expressed by Mr. Puri at the breach of these promises. I would not waste one second over it. I would leave it and would warn my friends on this side, if they had any intention to refer to these promises.

My grounds for opposing the motion moved by the Hon'ble Minister-in-charge are five or six. My first point is, that the measure is a discriminatory one. We have gone into the details of this discriminatory measure and I shall not go into them again but I shall only state my points. It is discriminatory in the sense that it does not affect agriculturists, but affects non-agriculturists only. It is said that it is only the mortgages or sales in favour of agriculturists that would be affected by this measure. This is obvious from the Bill itself. Now it has been said that non-agriculturists who were the beneficiaries or who derived any benefit from these transactions have been dishonest, for they circumvented the provisions of the Land Alienation Act. So far as honesty or dishonesty in its proper sense is concerned it makes no difference whether the money-lender is an agriculturist or a non-agriculturist.

It would not be maintained by the stoutest advocate of the agriculturists that they are paragons of virtue and the non-agriculturist money-lender is a personified devil. No one can have the audacity of maintaining this. So the head and front of the charge lies in this that by securing *benami* transfers the non-agriculturists have circumvented the provisions of the Land Alienation Act. I maintain, as I submitted in the course of my arguments on various amendments,

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that this is not dishonesty. I will not repeat what I said then but I will put one case before you. Supposing the Minister of Revenue borrows my gramophone or radio set to please himself after the day's labour and he sits tight over it and refuses to return it or somehow he is unable to return it. His front door is shut so that I might not go to his house to take away my gramophone or radio set. I know that my gramophone or radio set is lying in such and such a place. I go by the back door which is open. I do not break it but take away my gramophone or radio set without touching anything that may be lying at the time in the house of my honourable friend. I take away only my gramophone or radio set and nothing else. Have I committed theft or burglary? Have I committed any dishonesty? It was my gramophone or radio set and I have taken it away. I say only this that you cannot use it longer than the period for which you have borrowed. Apply this to the cases concerned in this Bill. Some Chaudhri owes me five hundred rupees and is honest. He says: "I am prepared to pay but somebody has created an obstacle in my way and therefore I cannot pay. The only source of payment that I have is my land and somebody has brought into existence a piece of legislation which prevents me from paying off my debt by means of this land." By mutual consent we get hold of some other Chaudhri whom we trust. He says to him: "You take this land and you pay my debts." He says: "All right" and he takes this Chaudhri's land; but he says to me: "I shall pay your debts but I have not got the money at present." I say: "All right; it does not matter, you can pay me after two or three years but you should give me some sort of document." He gives me a promissory note or a bond or puts his thumb-impression in my *bahi* and after two or three years he pays off my debt. Or it may be, he does not pay off my debt because he is unable to do so. He says: "I will go on paying you the produce of my land or the land I have taken from the other Chaudhri until I pay off your debts." I ask, is this dishonesty, is this theft? If this is theft, if the payment of debts or the realisation of debts is dishonesty, it affects agriculturists and non-agriculturists equally. Why should any land which passes from an agriculturist debtor to an agriculturist money-lender be safe, whether it is a direct sale or a mortgage? Why should that be safe and why should that land, when it passes to an agriculturist, but passes under the circumstances which I have mentioned, lead to any dishonesty or be construed to be dishonest? This is what we fail to understand. The circumvention of this law means only trying to enter by another door because the front door, owing to certain reasons, is closed. There is no dishonesty in it. I would submit that whatever justification they might have had in stopping these transactions, they had no justification whatsoever in wiping out the transactions which may be now 37 years old. Some of them may be 37 years old and more. Some may be 30 years old and so on. I have no instances before me of any country having passed any enactment which has been given such a drastic retrospective effect.

whose retrospectivity extends to 37 years backwards. The only instance or rather a sort of parallel that the Hon'ble Premier could quote was the example of Russia.

Premier: I never quoted Russia.

Dr. Sir Gokul Chand Narang: I have got the note of his argument.

Premier: I am afraid somebody else must have quoted it.

Dr. Sir Gokul Chand Narang: I have my note which runs as follows:—

"Russi, Premier: *Ghalat (کلیا یوجہ لکے)*"

This note relates to the speech he was making. I trust my notes taken at the time in black and white. If he will turn to his speech delivered on that day he would find that he made a reference to Russia. Russia certainly is not an example which should be followed or can be followed with impunity. If he is prepared to follow the example of Russia in every instance, then he must disgorge everything he has earned up to this time either from his lands or from his factories or from his salaries or by any other means whatsoever, because Russia does not permit or at least until recently it did not permit any private individual to own considerable private property. But even in Russia a change is coming about and they have begun to recognise the existence or inevitability of at least more prosperous peasants if not of capitalists in the ordinary sense of the word. That is what is happening in Russia but here is the Premier of the Punjab quoting instances of Russia. He says that he did not do so. He feels that he should not have quoted it. (*Premier:* I am afraid my honourable friend is forcing the mention of 'Russia' away from the context. He should read it along with the context.) What does it matter if in Russia the whole nation is being robbed and levelled down. Here these money-lenders are being levelled down and some of his people are being levelled up. Let him take everything that Russia is teaching and not one illustration. But Russia neither comes in here nor there. He has now begun to admit that he referred to Russia. If he will refer to his speech he will see that my discussion about his reference to Russia is quite in order and I am not doing him any injustice. I have also got a note in my note-book which is:

پہاں جات غور جات

which means that in the Punjab there is the question of agriculturists and non-agriculturists, an artificial division which does not exist in Russia.

So, if there is any levelling it is levelling everybody; either levelling up or levelling down. You level down one community or one class and try to pull up the other class. This is what you do. That is why I say the Act is discriminatory. It does injustice to one party and it does undue favour to another party.

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although the damage done to one party is much greater than the benefit done to the other party.

Now, Sir, I will take note of another argument of my honourable friend, the Premier. I have also noted, he said 2½ crores of people or something like that. What does it matter if a few sahukars, money-lenders, suffer while 2½ would benefit, he used the word millions: he was obviously wrong: he means 2½ crores. This was his argument and it was also put forward by Raja Ghazanfar Ali Khan to-day. This is an argument which is really a favourite argument of the gentlemen sitting on those benches. During the last few days even Mir Maqbool Mahmood, who is a barrister, and ought to have a sense of proportion and reasonableness, even he said, "Oh! in order to save a few you want these millions to starve, this law is being passed in order to save millions and millions from starvation and destitution" and so on. Let me examine this argument. It is no use talking in the air as the Hon'ble the Premier did when he was urging this argument. What is the real position? Let us suppose there are 10 thousand *benami* transactions in the province. How many families will be involved in these transactions? Ten thousand mortgagors, 10 thousand *benami* holders, vendees and mortgagees, and ten thousand beneficiaries. In all 30 thousand people are involved. The number of mortgagees is equal to the number of mortgagors, X sells or mortgages to Y and Y gives the benefit to Z who is a wretched *bania* or a money-lender. There are three parties involved and their number is equal. Why do you deprive 10 thousand people of the benefit of the transactions. You deprive another 10 thousand *benami* holders who in course of time after they paid off the beneficiaries might have become complete owners of the land. Whom do you benefit? You benefit ten thousand vendors or mortgagors. What is your justification for this mathematical monstrosity which you are perpetrating in this argument? This is my question to the Premier. It is very easy to talk of starving millions and blood-sucking of a few thousand. This is not the case. If that were so we might have put up with it. I might say "All right, let a few thousand die or ten thousand die so that 2 crores and 25 lakhs may live;" that would be something. We might persuade them to sacrifice their lives. But here you are killing 20 thousand, at least 10 thousand, to save 10 thousand, and not even them perhaps because it may be that the original mortgagor is not holding the land which he mortgaged in a *benami* transaction. He might have parted with the equity of redemption if it was mortgaged. He may have parted with the equity of redemption and whatever residuary rights were left in that land might have passed to a capitalist agriculturist. When a *benami* transaction is set aside the benefit may not go to a poor agriculturist but it may go to a big agriculturist magnate. What is your justification for this? From whatever point of view you look at this Bill you find that injustice is being perpetrated upon these people.

Then, Sir, take another aspect of the question. People have been doing this for the last 37 years and they might have honestly believed, in fact they did honestly believe that there was no harm in these transactions. I quoted a well-known Arabic phrase by way of illustration, viz., '*Ghalat-ul-am-Sahihun*'. It means that if an inaccurate expression is used by a large number of people it becomes right. The Hon'ble Premier, with his superior knowledge of Persian and Arabic which he may possess or because he probably received his cue from that big scholar sitting behind him, said '*Ghalat-ul-am-fasihun*' is the correct expression. Now, Sir, does it make any difference to my argument? It means if a mistake is repeated by a large number of people it becomes correct. There is a saying in Sanskrit also which means something of that kind. It means if a thing is correct but people are against it, it should not be done. Take the reverse of it: if a thing is improper and it is repeatedly done by a large number of people it really does not deserve condemnation. But apart from that, let us have the Premier's phrase. If I understand the meaning rightly it means if a phrase or an expression is repeated by a large number of people it becomes *fasih*, it becomes an elegant expression. That was only by the way: I should not have taken so much time over it. My point is that for 37 years people were following this practice unwarned and unchecked by the Government and it was therefore not considered to be objectionable. This is the crux of the matter so far as this Bill is concerned. For 37 years people had been adopting this practice and an idea had gone round that it was not an objectionable process because no warning had been conveyed to them by the Government. On the other hand what do we find? From 1907 up to 1937 the High Court has not been condemning this procedure but has been up-holding such transactions, transactions entered into by an agriculturist with an agriculturist to pay off the debts due to non-agriculturist money-lenders. This has been consistently the practice in the province and it has been again and again upheld by the High Court of our province. I have already submitted that a *benami* transaction as such is not an offence. I will quote to you a ruling from the Privy Council reported in 46 Calcutta, page 566. The head note says:—

*The *benami* system in India under which property is acquired and held and business carried on, in names other than those of the real owner, has long been a common practice in the country: there is nothing inherently wrong in it, and it accords within its legitimate scope, with the ideas and habits of the people.*

That is why I was quoting that expression. I thank you for the correction. Then it goes on:—

*So far, therefore, as a *benami* transaction does not contravene the provisions of the law the Courts are bound to give it effect.*

I challenge my lawyer friends on those benches to point out one section of the Land Alienation Act in which a transaction of the kind that is now under consideration can be held to be void. There would have been no necessity to introduce this Bill, if it was void under the existing law and that is what Their Lordships of the Privy

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 Council mean. Again, Sir, on that day a reference was made to a judgment of the late Mr. Justice Shah Din and Mr. Justice Robertson. Mr. Puri referred to it, but the Honourable Premier, without reading it, as I presume, said that that judgment was not in point. Why? Because there was no question of the third party being a money-lender or sahukar and that it was a matter between agriculturists themselves. I make him a present of this judgment and for the benefit of the House and particularly for the benefit of the Honourable Premier, I shall quote a few lines from this judgment. The learned Divisional Judge, from whose order the appeal came before Justice Robertson and Justice Shah Din, had held as follows:—

“The Divisional Judge refused to decree possession of mortgaged property in favour of the mortgagee who was not debarred from taking the mortgage by the provisions of the Punjab Alienation of Land Act and had agreed to pay previous debts of the mortgagor and gave reason that the Act cannot be permitted to be circumvented by rival money-lenders.”

This was the ground on which the learned Divisional Judge had given his finding. Now, the Honourable Judges giving their Judgment at page 118 of the report, stated as follows:—

“The learned Divisional Judge, however, writes, “an important Act like the Punjab Alienation of Land Act is not to be permitted to be circumvented by rival money-lenders, and I shall not allow it.”

Can these honourable gentlemen put it more strongly than the Divisional Judge had put when he said, “I cannot allow the provisions of the Act to be circumvented.” Now, what did the Honourable Judges say?

Mr. Speaker: May I invite the honourable member's attention to the Parliamentary practice that debate on the third reading of a Bill is more restricted than on its second reading and therefore should be confined to the contents of the Bill.

Dr. Sir Gokul Chand Narang: What else am I discussing, Sir?

Mr. Speaker: The honourable member is not discussing the contents of the Bill.

Dr. Sir Gokul Chand Narang: I am discussing the contents of the Bill because you will see what clause 3-A is.

It says:—

“When a sale, exchange, gift, will, mortgage, lease or farm purports to be made either before or after the commencement of the Punjab Alienation of Land (Second Amendment) Act, 1938...”

It means that it will be void either before or after the commencement of the Act. At present I am discussing that the words “either before or” should not have been included in the Bill at all, because for the last 37 years the people of the Punjab had been led to think that such transactions were not void.

Mr. Speaker: The honourable member is repeating his own arguments.

Dr. Sir Gokul Chand Narang: I am replying to your remarks. Not only that but I want to say is that the province has been following that practice for the last 37 years and it is going to be

penalised without any compensation whatsoever. This is what the learned Judges said :

" If Mui Chand, etc., really are at the back of Jahan Khan, the Land Alienation Act can be properly invoked should they ever attempt to assert any right to the possession of the land by virtue of the mortgage now before us. So far as Jahan Khan is the mortgagee, Jahan Khan asks for possession under his deed; he is entitled to it, and there is nothing in the Land Alienation or any other Act, which justifies us in refusing him the relief to which he is legally entitled."

Mr. Speaker : This was read out by Mr. Puri.

Dr. Sir Gokal Chand Narang : The Honourable Premier unconsciously misled the House by saying that the money-lender was not concerned in the thing and therefore, it became necessary for me to set the matter right. That is the position; otherwise I would not have repeated what had been said before.

Then, Sir, from 1907 we come to 1916 and I would draw the attention of the Honourable Premier to the judgment of the Honourable Justice Broadway on a similar point. The judgment is reported in 37 Indian Cases at page 193. So that there may be no doubt on the point, I would like to read out a part of this judgment. It is as follows :—

" Fatch Khan, the defendant (an agriculturist) owed Rs. 1,000 to Chet Ram and Sahib Ditta (non-agriculturist). Fatch Khan entered into an agreement with Haider, the plaintiff (an agriculturist), by which Haider undertook to pay this sum of Rs. 1,000 to Chet Ram and Sahib Ditta on behalf of Fatch Khan, and Fatch Khan mortgaged his land with possession to Haider for that amount."

This was called *benami*. (Premier: That is not *benami*.) All right. I may submit that my object in referring to these decisions of the High Court is not at all to show that they are covered by the present Bill but my object is to show merely that these judgments led the people to think that transactions of this kind were not invalid and, therefore, now to turn round after 37 years is not consonant with justice. That is what I wanted to say. Similar arguments were stressed there that the mortgage was really for the benefit of the money-lenders whose names I have mentioned :—

The lower courts dismissed the suit, holding that Chet Ram and Sahib Ditta were the real mortgagees, Haider being merely their *benamidar*. Haider thereupon appealed to the High Court, and Broadway, J. in dismissing the appeal observed as follows :—

" What has been held by both the Courts below is that although as a matter of fact Fatch Khan did mortgage the land, it is bad in law, inasmuch as the real mortgagee was not Haider, but Chet Ram and Sahib Ditta were the actual mortgagees and they being non-agriculturists, could not take a valid mortgage.... The facts of the case are that Haider has paid Chet Ram and Sahib Ditta the money due by Fatch Khan and has taken a mortgage from the latter as security for himself. Counsel (for Fatch Khan) admitted that his client had been relieved from all liability to Chet Ram and Sahib Ditta who now could not, in any circumstances, recover any money from him, but look solely to Haider... In these circumstances it seems to me that there has been no contravention of the provisions of the Punjab Alienation of Land Act."

From 1916 we come to 1921. There is a judgment by the Hon'ble Justice Chevis on page 603. I do not want to tire the House by quoting the judgment, but I have given a reference to it

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Then we come to 1925. There is a judgment by the late Justice Sir Moti Sagar reported in 1925 Lahore Indian Law Reporter, page 85. The same position is upheld there.

Then we come to 1928. We find Addison J., the present officiating Chief Justice of the Lahore High Court, taking the same view, the case is reported in 1928 Lahore Series of the Indian Law Reporter, page 962.

Then we come to 1934. Mr. Justice Munroe admitted the appeal and it went for hearing and final disposal to Justice Tek Chand. He also held the same view. This case will be found in 1934 Lahore series, page 484. Then again in the same year the same view was held by an honorable judge of Lahore High Court which is reported on page 909 of 1934 Lahore series.

In 1937, we practically come to the last moment. We find again Justice Tek Chand taking the same view. I hope no distinction will be made between Justice Munroe, Justice Broadway, Justice Tek Chand or Justice Shah Din nor can it be said that Justice Shah Din had a *bania's* soul thrust into him which made him give that judgment.

I can multiply such rulings, but I think that it would be unnecessary. I would, however, crave your permission to read one revenue judgment, because this is not the view of Mr. Justice Tek Chand or any other non-agriculturist judge, if there be any insinuation.

Premier : Nobody has made any insinuation.

Dr. Sir Gokul Chand Narang : In the year 1929 a similar case came up before the Financial Commissioner of the Punjab. There was a transaction in which an agriculturist had mortgaged his land to an agriculturist but it was stated that it was for the benefit of a non-agriculturist money-lender. The Commissioner decided in favour of the original mortgagor and sent up the case for revision to the Financial Commissioner with these remarks :—

It is contended that the actual vendee is Isar Mal Giddar and, as such, the sale is against the provisions of the Punjab Alienation of Land Act. That the sale was in reality of... bighas... That Wali Muhammad has never been in possession of the land. There is much in what is stated by applicant....

The Commissioner goes on to say—

There appears to have been a conspiracy between Isar Mal Giddar, Wali Muhammad so-called vendee, and the Patwari, by which this shady transaction was hatched and put through, for the benefit of Isar Mal Giddar, the benami vendee who, though personally served, did not choose to appear before me.

The Commissioner proceeds—

On merits also because the transaction is a benami one, I think the mutation should have been rejected. He recommended that revision should be accepted by the Financial Commissioner.

Now, Sir, I will quote a passage from what the Financial Commissioner decided. He stated :—

On behalf of the vendor it has been urged by his brother, who is present in Court, that the whole of the consideration has not passed and that a sum of Rs. 200 in cash is still due to the vendor. This was the plea put forward before the Naib-Tahildar by the vendor on.....

And this is what the Financial Commissioner held :—

It appears to me that what happened was that Weli Muhammad bought the land from Imam Bakhsh and agreed to discharge the latter's debt to Issar Bhai. This transaction did not itself offend against the provisions of the Alienation of Land Act.

And these words are important, Sir.

There is nothing to prevent a non-agriculturist creditor obtaining satisfaction of his debt by means of such a transaction.

This is the position.

Premier : There we are at one.

Dr. Sir Gokal Chand Narang : By the way, the judgment was given by Mr. (now His Excellency Sir) Henry Craik, when he was working as Financial Commissioner.

Now, Sir, it might be said, as a matter of fact, it has been admitted by the Premier, that there is no objection to such transactions and such transactions will not be held to be *benami*. This is the utmost that they can say now in the face of these rulings that I have quoted. These judgments lead us to the conclusion that if a middleman agrees to take upon himself the payment of the debts of the original mortgagor or vendor and gives a security in favour of the real money-lender or creditor, it will not amount to a *benami* transaction. If this is their case then certainly the attack of this side becomes milder and loses a great deal of its force. But my objection is that they have not in the body of the Bill made the position very clear ; probably this is what they intended. If they did intend that my condemnation of this Bill would be much less because then this Bill would apply to cases where the circumstances are quite different. I would request the Hon'ble Premier to withhold the Bill even at this stage to make the position clear, otherwise without intending to do any injustice he may be doing injustice because in the hands of inexperienced collectors and revenue assistants who may not be able to take a very dispassionate view of the case, wrong decisions may be given. I would earnestly pray that this point might be cleared up ; otherwise, as I have said, gross injustice might be done although Government might not be intending to do that injustice.

It does not, however, mean that the Bill is justified otherwise. I would attack it even then, though as I

4 P. M. have said that attack might be milder or less severe, because even in the case where the middleman holds the land and has not paid back the debt of the original creditor, but is paying him bit by bit and year by year the produce of the land or the landlord's share of the produce of that land

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or the rent that he receives from the tenants, it would not make any difference; because on principles of morality no offence is committed. The original creditor is only realising his debt with the help of an obliging friend who intervenes and takes upon himself the discharge of his debts. That point of attack would still be there but if they want to confine the operation of this Bill only to these latter cases where from the very beginning it is understood and intended that although the land would stand in the name of the agriculturist the benefit would go to the non-agriculturist and would continue to go to the non-agriculturist and that the middleman will not be able to dispose of that property, if he received it by sale and would not redeem it even if redemption was offered, if there were such conditions then alone it might be said that there might be something wrong from their point of view. But, where there is no such intention, there is no restriction on the powers of disposal by the middleman of the property involved in the sale, there cannot be any question of benami or immorality or dishonesty. That is my submission. But in any case if that is the idea, that has not been clearly conveyed in the Bill and therefore the operative clause 3 is defective on that ground.

I shall now proceed to the next point. That point is that the Bill which aims at protecting the sanctity of the Land Alienation Act really contravenes the spirit of the Act. The Act allows, as I have already submitted, alienation for 20 years. It allows leasing or farming for 20 years. A usufructuary mortgage for 20 years is permitted. I have already quoted the section and I need not refer to it again. This Bill does not make any distinction whatsoever. I noticed what reply the Hon'ble Premier gave to my argument on this point. He said, 'Dr. Narang says that section 379 of the Indian Penal Code should be repealed' or something to that effect. He said that I argued that if a person received stolen property within 20 years he should not be punished, when I moved my amendment and said that only those transactions should be set aside which were more than 20 years old. This is the argument which he advanced. His argument was so fallacious, so wrong and so flimsy that he does not want to own it now. This is the position and certainly that is no argument at all. There is no question of receiving stolen property. I was simply referring to the provision of the Land Alienation Act which makes it legal for a non-agriculturist to take land on lease, etc., as provided in section 6. What is the reason for going beyond the Land Alienation Act? If they were just, fair and reasonable they should have said that any benami transaction which is more than 20 years old might be cancelled and set aside, but those which are less than 20 years old should not be touched. I may give one instance. Only last month or the month before that a big zamindar might have gone to a sahnkar and borrowed Rs. 50,000 for the purchase of land and might have mortgaged a part of his land to an agriculturist common friend of the parties. If

this Bill is passed, while the mortgagor has added perhaps a number of squares to his already vast possessions, the *sahukar* will lose his 50,000 rupees. What is the justification for this? The only justification offered is, why did he circumvent the law? Is this circumvention? Let us assume that, and we know that people are punished for all sorts of circumventions of law. The whole Penal Code provides punishments for circumvention of law. We know people being punished when they commit such heinous offences as abduction, thieving, robbery, dacoity, bigamy. But for all such offences only reasonable and proportionate punishments are provided. Why should such a heavy punishment be provided for people who circumvent the provisions of the Land Alienation Act? There has been no answer to that point so far from that side of the House.

Next, when I said that these gentlemen had been keeping quiet and did not warn the people against such circumvention, the Premier said that the Sardar Sahib was now making up for his sins! I wonder whether he remembers this; but I have noted it here. He said that the Sardar Sahib was making up for his sins! How is he making up? Is he parting with part of his possessions in favour of people who would be robbed of the benefit of these mortgages? Is he going to share his vast property with those people, who will suffer under this measure? How else is he making up for his omissions? Is it simply by bringing forward this Bill? How are the other members of the Government making up for their sins—by robbing people who under the impression that they were not doing anything wrong got land by circumventing the provisions of the Land Alienation Act? Is this the way in which people atone for their sins? If so, how are the accomplices in this so-called fraud being punished? How does the mortgagor suffer? He is also a party to the fraud. Can it be said that in every case he was under undue influence or that he was an innocent victim to the machinations of a wily *bania*? Certainly not in every case, though there may be a few cases of that sort. But the Government does not want to enquire into those cases. It tars everybody with the same brush. You know that well known Latin maxim "*in pari delicto, etc.*" which means that the position of the person who is in possession is stronger. Now the mortgagor or vendor and the mortgages or vendee and the beneficiary are all equally guilty if there is fraud. But you are robbing one and rewarding the other. Is this the justice that you are going to do by means of this Bill? Do you presume that in every case the agriculturist vendor or mortgagor was helpless, was an idiot and was not able to look after himself? Certainly you cannot make that presumption, nor can you presume that in every case it was the wily *bania* who got the better of an innocent agriculturist. When you have no means to go into the question and weigh the rights or wrongs of all these cases, how can you set in motion a law which sweeps away all the transactions,

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whether they were between innocent persons or between guilty persons †. You are certainly guilty of gross injustice.

Then again, in every case where something wrong has been done, there is always room for what is called in legal language *locus penitentiae*. Is there any *locus penitentiae* in such cases † These gentlemen are always praying.

ما اثم لرب كفاة و تو دريائے رحمتي — جائزہ نضل تست چه باشد كفاة ما

We are full of sins, O Lord, and thou art the ocean of mercy. Thy mercy can sweep away our sins, and so on and so on. Every day probably they recite such expressions. How can they expect any pardon from God if they are not prepared to pardon these people for the sins they have committed if they were sins at all? (*Interruption*) I am not asking for any mercy at all. Let this be understood. I am pleading for people who are not guilty. They are not guilty. I have repeated it again and again. They are not guilty. They have acted honestly with a *bona fide* belief. Guilty people are those who borrow and do not pay or who make excuses for not paying loans, who borrow with all sorts of entreaties and prayers and then turn round and say, 'we cannot pay' and take shelter under this law and under that law as if they had no obligation to pay their debts, which had been incurred for valid necessity. I am not asking for mercy. But I am trying to meet you by your own argument because I was told by one of the honourable members on this side that Mian Mushtaq Ahmad Gurmani had said that no opportunity for repentance should be allowed or something of that kind. I was not here at that time. You are giving no *locus penitentiae* which is always necessary when you bring out a revolutionary change in the law. You always give people time to adjust their affairs and to give up their dishonest practices, if they were dishonest. I would not have objected so much if the Bill was to the effect that in future all *benami* transactions would be considered void. Probably not even one-tenth of the time now spent on this Bill would have been taken up if the Bill was confined only to future transactions. We had moved amendments on that point. But they were all ruthlessly rejected and that is why we feel that these people who acted innocently and in ignorance are being punished unjustly.

Then, I come to another gross injustice which this Bill contemplates to perpetrate and that is the absence of any provision for compensation. The Honourable Premier unfortunately is not here. He tried to teach me law on that day. I would try to reply to his arguments. It would have done him some good if he were present. What he said was this: when a title is found invalid and it is found that the original vendor did not have the right to sell the property, there is no question of compensation whether the purchaser is innocent or not. This proposition might appeal to people who

have never studied law and have never dealt with law. But it certainly would not appeal to people who have even a smattering of law. You know, Sir, that innocent persons do not suffer. I referred the House, more than once, to section 43 of the Transfer of Property Act and said that an innocent purchaser, who has no notice of the invalidity of the original transactions and who buys for consideration and buys in good faith, will not suffer. I also quoted the instance of a declaratory suit based on customary law. An alienation has been made by an agriculturist owner and his son or some collateral brings in a suit. If it is found that the alienation was for necessity, to that extent compensation is awarded. Then, again my hon'ble friend should remember that in ordinary cases after 12 years, by adverse possession, the title becomes complete and cannot be defeated. Here you are defeating titles which have been in existence for 37 years and when I say this I am referring to the middlemen who have held the property either on mortgage or on sale on behalf of somebody whose debts they have undertaken to pay. They suffer. The beneficiary suffers and the land goes back after 37 years, it may be, to the original vendor or the mortgagor. There seems to be no justice in this at all. I pointed out and that point was touched again to-day by Mr. Mukand Lal Puri that the first transaction may have been followed by half a dozen transactions and nobody might know after the first transaction that there was any defect in the transaction. Every one of them, if he happens to be the last, will suffer and my honourable and learned friend, Raja Ghazanfar Ali Khan, was pleased to say that it is only the last man who suffers and he gets compensation. Very good law, very good logic and very good information. Now Raja Sahib does not probably remember that whereas the Bill provides for some sort of compensation for improvements, it does not provide for the return of the principal consideration money. Now he is looking round on all sides. What is the use? He entirely overlooks it. (*Interruption*). My friend the scholar on my left says something. I will come to him presently. Let me parenthetically deal with Pir Sahib. He says it is not the *mahajan*, it is the agriculturist who will suffer. He has probably forgotten that when I was discussing this I turned my face to them and I said, it is for your interests that we are moving this and one learned member, Chaudhri Ram Sarup, got up and said, 'I am trying to make the zamindars *beiman*' (*K. N. Mian Ahmad Yar Khan Dawlatana*: No, he did not say so). He said that and I think that all these gentlemen must go to some physician for some treatment for short memories. Ask him whether he said it or not. He did say so. Either my honourable friend was absent or he did not hear. Ask Pir Sahib if he said this or not. You remember the occasion when I used that expression which I would not repeat and which I know I should not have used to the effect '*para pater*'. But that was very apt because Pir Sahib now says the agriculturists only would lose. I then said that it was in the interests of the agriculturists that the amendment should have been accepted. We do not suffer, it is the agriculturist who would suffer. He obviously believes in this that

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If an opponent asks him to take the name of God, he would not take even the name of God because it is an opponent who asks him to do so. My submission is, it is perfectly true, Pir Sahib is perfectly right, that it would be the agriculturist who would suffer, but why should an agriculturist suffer? We are not interested in agriculturists suffering. We are as interested in saving my friends unnecessary loss as we are interested in saving the non-agriculturists from it. You will remember my speech in connection with the Restitution of Mortgaged Lands Bill when Raja Sahib said that all agriculturists would also be included. I said then 'no, I do not like it, because that would be following the policy of that hunch-back woman'. Now, you will probably remember that argument of mine. I am not interested in harming the agriculturists if I cannot save the non-agriculturists. I want to protect everyone, whether he is a sweeper or a Brat man and whether he is a non-agriculturist or an agriculturist from injustice and undeserved harm. Coming back to the real point—the parenthesis is over—the only reason Raja Ghazafar Ali could give on behalf of the Government was that the last man would be given compensation for improvements. You remember that even these improvements are very circumscribed. These improvements must come under the Land Revenue Act which mean perhaps digging *khal*s or making *bands* and so on and not any other kind of improvement. But let that be as it is. My submission is, is there any justification for depriving the last innocent man of his consideration which may be ten thousand or fifty thousand rupees which he has innocently invested in the purchase of that property? What justification has the Government got for not awarding any compensation to him, whether he is a *jat* or a *bania* makes not the slightest difference so far as justice is concerned.

Then, there is another point, why I want to oppose this motion and it is this. I said you would remember that it would lead to complications and as an incentive to the memory of my friends opposite I may say that in connection with this I made a reference to gurdwaras and mosques and said it might possibly lead to other complications like the one which we are suffering from at the present moment. And what did my honourable friend the Premier say in reply? He said, "This man does not know the definition of land." I wonder if he would remember, if he were here now. He said, "Land is defined in the Land Alienation Act." He should have given me some credit for knowing the definition of land. In trying to correct me the Premier made two serious mistakes. One was that his mind was directed to the time when the alienation in question took place and not to the time when the alienation will be sought to be set aside and the land would be restored to the original mortgagor. It is undoubtedly true that land does not include buildings. It might have included building sites. At the time it was alienated, sold or mortgaged, it might have been agricultural land. Perfectly true, but the Honourable Premier overlooked the fact that after 37 years buildings might

have been erected on it, land might have changed hands a dozen times, might have changed hands a score of times and the last purchaser or even some intermediary innocent purchaser with full consideration who is covered by Section 43 of the Transfer of Property Act might have built buildings there. You might not give any compensation for their residential houses. You might say, all right, remove your malha, because the man from whom you derived your title had transgressed the provision of a sacred Act, therefore protection shall not be extended to anyone who obtains this property, no matter how innocently and with what consideration.

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

This is the argument. That may be so as far as residential quarters are concerned. But supposing the innocent purchaser, into whose hands the land came thirty years after the original sale had been made and who did not even dream that the land would ever pass out of his hands, because his title had matured after 12 years, builds a religious building there, a mosque or dharamsala.

Raja Ghazanfar Ali Khan: I rise to a point of order. I had no intention of interrupting my hon'ble friend but he goes into very minute details while we are discussing the third reading of the Bill. I would for your information submit three rulings by the Speakers of the Central Legislature with regard to the scope of the discussion of a Bill on the third reading. On one occasion the Speaker intervened and said:

"All these details have been fully thrashed out in the discussion which took place at the earlier stages. The hon'ble member must now confine himself to supporting or opposing the Bill."

On another occasion the Speaker gave a ruling in the following words—

"The hon'ble member cannot attempt an entirely second reading speech now."

I would, therefore, submit that when we are passing through the third reading of the Bill, the hon'ble member is not right in either discussing the detailed provisions of the Bill or discussing principles too widely which have been discussed at the time of the second reading. He can only discuss the principles underlying the amendments which have been accepted. I would, therefore, like to have your ruling whether the hon'ble member is now speaking in order while he is speaking on the third reading of the Bill.

Mr. Deputy Speaker: The honourable member is not going into very minute details of the Bill. He can discuss the details as he is doing.

Dr. Sir Gokul Chand Narang: If I were discussing the minute details of the Bill, I could keep these gentlemen sitting here.

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all the night with your permission, of course. But I am only discussing the principal features of the Bill. I have not, except once, when I read only two lines of one clause, referred in detail to any clause of the Bill. I am discussing simply the main features of the Bill. It is very unfortunate that my honourable friend got up at a time when I had nearly done.

I was referring to complications. An innocent purchaser, say a Sikh, builds a Gurdwara on the land. When the land passes out of his hand what becomes of the Gurdwara if the original vendor were a Muslim? And what would become of a mosque built by a Muslim innocent purchaser if the original vendor were a Sikh and the land reverts to him? Shall we not have so many more Shahid Gans?

I may also point out that, as there is not going to be any compensation, it may be that innocent people will suffer, and, as I have pointed out in the instances given, it may be undeserving people, e.g., assignees who may take the advantage. In 37 years much water has flown under the bridge of almost every river and neither the mortgagor may be in existence nor the middleman, the mortgagee or vendee, nor the sahukar. He might have realised his dues, the land might have been sold to somebody else, the original mortgagor might have been dead or if he were a mortgagor he might have sold the equity of redemption to somebody else and the result might be that deserving people would suffer and undeserving people might gain. I just give you one instance which has been reported to me. I have got it in black and white with me in one of the large number of letters which I have received.

Mr. Deputy Speaker : Is the honourable member repeating the argument that he has already advanced?

Dr. Sir Gokul Chand Narang : I will not repeat and as a matter of fact I am going to finish. The mortgagee had some land. He gave part of his land to his brother. The land was taken by them for twelve hundred rupees and now the land is worth two thousand rupees. The equity of redemption has been purchased by a big zamindar from the original poor mortgagor for one hundred rupees. If the transaction is set aside the result would be that the original poor mortgagor would get no benefit whatsoever.

Lala Duni Chand : There are several cases of this kind.

Dr. Sir Gokul Chand Narang : While the mortgagees who held the land are poor they would lose the land and who will get it? The big zamindar who has paid only one hundred rupees for the equity of redemption. This is what will happen. I respectfully submit before I sit down, that the Government has not given proper consideration to all these matters and they have rushed this measure through the House as if they were panic-stricken, as if they were fearing some landslide or so an attack from some unknown quarters and as if they thought that Simla was the safest place where they could get this Bill and other Bills through. I know it is no use

asking the Government now to go back upon what they have done, but if they really want to be just and if they do not want to perpetrate injustice there is still time for them to withdraw this Bill and save themselves from the perpetration of this injustice. With these remarks I strongly oppose the motion which the Honourable Minister of Revenue made before the House.

Malik Barkat Ali [Eastern Towns, Mubhatmadan, Urban] : I assure my honourable friend, Dr. Sir Gokul Chand Narang, that I have listened with the greatest respect to his speech and I felt that in regard to many of the arguments which he advanced in the beginning he was speaking more in haste than in earnest. What was the argument of my learned friend ? My learned friend said that supposing he lent a radio set or a gramophone set to one of the Honourable Ministers and that the Honourable Minister, instead of returning that radio set or that gramophone, said to him that he would not let him enter his house by the front door and he gets an opportunity to go by the back door and removes his gramophone or his radio set ; would he be doing anything wrong ? My learned friend will agree with me that there is absolutely no analogy between this case and the case of sales prohibited under the Land Alienation Act. If it were the law of the land that Dr. Sir Gokul Chand Narang cannot lend a radio set or a gramophone to anybody, whether he be a Minister or an ordinary subject of the State, I could see some relevancy in that argument. I ask my learned friend to consider the argument he has advanced in the light of what I have said and see whether the observations he has made do really apply to transactions of the kind that are contemplated in this Bill.

Dr. Sir Gokul Chand Narang : Giving of loans is not prohibited.

Malik Barkat Ali : Quite so, but the sale of land is not the giving of a loan. My learned friend pointed out with a great deal of vehemence that the Bill is retrospective and that if retrospectivity is allowed, all those benami transactions, that have occurred during the last 37 years, will be undone. This argument presupposes that the benami transactions dealt with in the Bill are really permitted by or under the Land Alienation Act of 1900, namely, a permanent alienation obtained for himself by a member of a non-agricultural tribe from a member of an agricultural tribe, but through the nominal intervention of a member of an agricultural tribe. Nothing of the kind. Section 3 of the Land Alienation Act of 1900, prohibits permanent alienation of land by a member of an agricultural tribe to a member of a non-agricultural tribe, and this has been recognised by the courts in the past. My position is that even if this Bill were not passed and any one of those benami transactions, that have taken place during the last thirty years, ever came before the courts and the real secret owner ever wanted to establish his title or recover possession of the land that he had purchased in the name of a member of an agricultural tribe, no court of law would ever allow him to succeed

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in his claim and give him a decree for possession. My learned friend quoted a number of rulings. I ask him whether there is a single ruling quoted by him in which the secret owner has been granted a decree for possession of the land which he purchased in contravention of the Land Alienation Act, in the name of a member of an agricultural tribe or his title ever recognised. Therefore, my respectful submission is that there is no question of retrospectivity really in this Bill. All that this Bill has done is to declare the legal position, namely, that benami transactions shall not be recognised in any way or manner. There was one obstruction placed by certain maxims of law and the Bill seeks to remove that obstruction. My learned friend is a lawyer of very great standing and I have great respect for his legal acumen. He himself quoted the maxim of law that a person who is himself guilty of fraud cannot be permitted to take advantage of his own fraud. Therefore, a member of an agricultural tribe who was himself concerned in the benami transaction was not permitted to knock at the door of courts and get the transaction annulled. My learned friend should know that the Land Alienation Act is pre-eminently an enactment in which the policy of the State is crystallised more than the rights of individuals, (*hear, hear*), and, therefore, it is perfectly open to that State, when, in the wider interests of the State, it has once laid down that land in certain cases is inalienable, to further enact that the land shall remain inalienable and to set up a machinery whereby transactions benami, which have hitherto remained unearthed or unnoticed, are duly exposed and cancelled effectively. My learned friend quoted a ruling of Their Lordships of the Privy Council, to prove that benami transactions are valid. That ruling (46 C 566) dealt with a case which had nothing to do with the Land Alienation Act and merely laid down that the benami system under which property is acquired or held in names other than those of the real owner is a common form of conveyance in India. My learned friend will agree with me that there have been different pronouncements on this subject—not that I am contesting the pronouncement of the Privy Council and my learned friend will bear me out that when the Civil Justice Committee sat, it wanted to prohibit all benami transactions. Leaving this aspect of the matter, in this very ruling quoted by my learned friend, Their Lordships observe that where a transaction is permissible you may give it the form of benami, but where the transaction itself contravenes the provisions of the law—these are the very words of Their Lordships of the Privy Council as read out by my friend—the benami form of that transaction would be equally prohibited and bad in its origin and in its very inception and cannot be recognized or acted on by courts of law. According to Their Lordships courts will give effect to benami transactions, so long as they do not contravene the provisions of law.

Dr. Sir Gokul Chand Narang : Will my honourable friend quote the section of the Land Alienation Act which prohibits benami transactions ?

Mahli Barkat Ali : I am thankful to my learned friend. My learned friend will kindly read Section 3 of the Land Alienation Act and he will find that it lays down that no member of an agricultural tribe can make a permanent alienation of his land to a member of a non-agricultural tribe. This is prohibition, as much as the prohibition of a penal statute. In support of my argument I just give another instance to my learned friend. The other day Mir Maqbool Mahmood referred to the English Money-lenders Act and he said that certain suits were prohibited by the English Money-lenders Act. I asked him to quote the section of the Act and he referred me to a certain statement in Halsbury's Laws of England. So far as the Money-lenders Act was concerned, there was no direct prohibition of suits. The Act merely laid down that no person shall carry on the business of money-lending without registration and a licence, but did not enact in so many words that if he did carry on the business of money-lending without registration and without obtaining a valid licence, his suits shall fail. A case came before the courts in which such a money-lender figured as a plaintiff. The court threw him out on the ground that as he had advanced a loan without registering himself and without obtaining a valid licence, the loan was void and illegal and could not form the basis of his suit, although there was no direct prohibition of the suit in the statute. In the same way, my argument is that the very fact that section 3 lays down that no member of an agricultural tribe can make an alienation of land in favour of a person who is not a member of an agricultural tribe, constitutes the prohibition which my learned friend wants me to bring to his notice, and therefore with section 3 before it, no court of law will or can recognize any transaction in violation of this prohibition. I ask my honourable friend to quote to me a single case in which an alienation by a member of an agricultural tribe in favour of a member of a non-agricultural tribe has been or was ever upheld in the sense that a suit for possession of the property on the part of a member of the non-agricultural tribe was decreed. My honourable friend is a lawyer of very great acumen. I am really surprised that in this matter he should have been beaten by the Premier who certainly has no pretensions to that amount of knowledge which a lawyer certainly possesses. My friend referred to a ruling of the late Mr. Justice Shah Din reported as No. 142 P. E. 1907, and argued in all seriousness that the ruling fully supported the position which he took up. The Honourable Premier had pointed out that that ruling had nothing to do with the present discussion, but my learned friend pressed it and argued that in the ruling Mr. Justice Shah Din had upheld benami sales or mortgages of land by members of agricultural tribes in favour of persons belonging to non-agricultural tribes. I propose to discuss this ruling at some length, and want my learned friend to see whether the facts are as he has put them or as I am putting them. In this case there was a mortgage by a member of an agricultural tribe in favour of a member of an agricultural tribe, a mortgage perfectly permissible under the Land Alienation Act. There was no mortgage of any kind

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in favour of the money-lenders; only the consideration therefor, being a sum of two thousand rupees and odd, was to be paid by the mortgagee, the member of the agricultural tribe, to the money-lenders, A, B, C, previous creditors of the mortgagor. This money was paid by the mortgagee and a suit was thereafter brought by him for possession. His suit for possession on the basis of the mortgage was decreed by the High Court. The mortgagor tried to defeat that suit by stating that it was really a benami transaction in favour of the money-lenders. The High Court came to the conclusion that it was not a benami transaction and said that what had taken place was merely this that the consideration was paid by the mortgagee to A, B, C, the creditors of the original mortgagor, which was a perfectly legal and permissible affair. There was no element of benami in this case. I shall quote from the judgment itself :—

Here we have a mortgage perfectly legal on the face of it executed in favour of an agriculturist who seeks the aid of the courts to enforce his rights. As between him and the mortgagor there is no infringement whatever of the Punjab Alienation of Land Act in granting the relief claimed. The object of the Act is not to prevent money-lenders (non-agriculturists) from recovering sums justly due to them (from an agriculturist) by any legal means in their power, and if they can induce an agriculturist to pay off a debt due to them and to take a mortgage of land from their debtor as security for himself, there is nothing in the Act to prohibit such a course. Indeed the object of the Act is attained, rather than defeated by what has occurred here. Without the Act, Mul Chand, Megh Ra) and Bela Ram, non-agriculturist money-lenders, would undoubtedly have taken the mortgage themselves and obtained possession of the land. The Act prevents this, though of course they could have taken a mortgage in one of the specified permissible forms. But Jehan Khan (the plaintiff) is prepared to lend the debtor the money necessary to pay off the moneylenders and to take the land in mortgage himself, he being an agriculturist and we are only asked to decree him relief. So far as the plaintiff Jehan Khan is the mortgagee, Jehan Khan asks for possession under his deed; he is entitled to it, and there is nothing in the Alienation Act or any other Act, which justifies us in refusing him the relief to which he is legally entitled. We accordingly set aside the judgment and decree plaintiff's claim to possession against the mortgagors.

Therefore what this ruling lays down is this: (1) that it is perfectly legal for money-lenders to lend money to members of agricultural tribes; and (2) that it is equally legal for them to recover their dues from them by methods which are legal, e.g. by inducing a member of an agricultural tribe to take a mortgage of their debtor's land as security for himself and out of the consideration, pay his debts to them or by inducing the debtor himself to mortgage his land to another member of the agricultural tribe and out of the moneys so obtained, pay the money-lenders. But this ruling nowhere lays down that the money-lenders can acquire benami or purchase lands of members of agricultural tribes which they are prohibited by law from acquiring or purchasing. I will quote further from the very ruling :—

If Mul Chand, etc., are really at the back of Jehan Khan the Land Alienation Act can be properly invoked, should they ever attempt to assert any right to the possession of the lands by virtue of the mortgage before us.

This quotation is thus dead against my friend's contention. My honourable friend quoted three or four other rulings. I have seen these rulings and they merely lay down the perfectly correct and innocent propositions; (1) that agriculturists can borrow from non-agriculturists, and (2) that there is nothing illegal in one agriculturist taking the land of another agriculturist on mortgage, undertaking in exchange to pay off debts due by the mortgagor to a non-agriculturist. I ask my honourable friend, is there anything in the Act which lays down that a member of the agricultural tribe cannot borrow money from any money-lender or even Dr. Gokul Chand? There is no such prohibition. It is perfectly open to a member of an agricultural tribe to borrow money from A, B or C and if the latter want to take any security, this security must be in an approved form. In all those rulings quoted the Honourable Judges, viz., the late Mr. Justice Shah Din, Mr. Justice Chevis, and the Honourable Sir James Addison correctly say that there is nothing illegal in a member of an agricultural tribe borrowing from Dr. Gokul Chand and if they want to pay Dr. Gokul Chand they can pay so, or if Dr. Gokul Chand wants them to repay, he can induce a member of an agricultural tribe to take a mortgage, and out of the consideration of the mortgage, pay him the debt due to him. Are these benami transactions? My learned friend thinks that transactions of this kind are benami transactions. The Honourable Judges themselves held that none of these transactions were benami, and that 'under no conceivable circumstances, the money-lenders could ever obtain possession of the land. If they did attempt to get possession, they would be met at once by the Land Alienation Act.' With all deference, therefore, to him, I differ from him. It is of the essence of benami transactions, that the beneficial interest does not reside in the nominal or dummy alienee; the beneficial interest resides in the secret owner. If that be the position, can it be said that the cases cited by Dr. Gokul Chand are cases of benami? They are cases of alienations made by a member of an agricultural tribe in favour of another member of an agricultural tribe. In them, the money-lender does not figure at all as an alienee; he merely comes in to receive his debt. Therefore my submission is that my learned friend has completely failed to comprehend the scope and the essence of benami transactions. As I have said—I do not want to repeat—a benami transaction necessarily postulates interest residing not in the ostensible benamidar but in the secret owner. This finishes my discussion of the rulings on the strength of which my learned friend made his powerful speech.

I will now proceed to remind my honourable friend of another set of rulings in which their Lordships have upheld the policy of the Land Alienation Act in the most relentless manner. In this respect there has been some change in the current of authority. Prior to 1933, their Lordships of the Lahore High-Court took the view that where a mortgage decree directed the sale of the land of a member of an agricultural tribe, the executing court must carry out the sale, however much the sale contravened Section 16 of the Land

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Alienation Act, which lays down that "no land of a member of an agricultural tribe shall be sold in execution of a decree." The reasoning of the Honourable Judges was that an executing court cannot go behind a decree, and that even if a decree was wrong and opposed to Section 16 the executing court must carry it out. Section 16 of the Land Alienation Act was thus reduced to a dead letter. In 1933 the Honourable Sir James Addison, sitting with Mr. Justice Agha Haider, differed from this view and held that as the Punjab Land Alienation Act was a most beneficial piece of legislation, its provisions could not be thus set at naught and that even if a mortgage decree directed the sale of the land of an agriculturist, the executing court must stay its hand and refuse to sell. In this ruling, the views of the Calcutta and Allahabad High Courts to the same effect are quoted. It will thus be seen that although, under the ordinary law, executing courts are required to blindly execute decrees, yet in this case the Honourable Judges said, "we shall make an exception and we shall not allow the land of a member of an agricultural tribe to be sold, contrary to the express provisions of the Land Alienation Act, in execution of decrees, although the decrees themselves directed the sale of that land." I believe that in 1937, again, the same proposition was affirmed by the Honourable Justice Sir James Addison and by the Honourable Mr. Justice Rashid. There has been no counterruling in opposition to this. All these rulings make it perfectly clear that transactions which contravene the provisions of the Land Alienation Act have not been upheld by the courts, even if there were other principles of law which could have been upheld.

Ordinarily, executing courts must execute decrees as they stand but in this case they shall not. My submission, therefore, is that the rulings relied on by Dr. Gokul Chand, have no application; none of them relate to benami transactions. They are all cases of valid mortgages effected by members of agricultural tribes in favour of members of agricultural tribes. The consideration for those mortgages has gone to wipe off the debts due by the mortgagors to their money-lenders. In every one of them, the mortgagee, a member of the agricultural tribe, is the real mortgagee. There is no trace and there is no element of benami behind any of them.

I will now, Sir, turn to some ruling of the Financial Commissioner, to which my learned friend referred. I have not had the benefit of reading that ruling, but I should like to remind my learned friend that in *Lahore Law times*, 37, page 29—I quoted this case a few days ago and that is why I remember it—the Honourable Mr. Latif, Financial Commissioner, laid down that the policy of the Land Alienation Act of 1900 is that land shall never pass out of the possession of that socio-economic group known as the notified agricultural tribes, and therefore, no revenue court and no revenue officer shall ever recognize any transaction in which the provisions of the Land Alienation Act have been defeated in the sense that land belonging to a member of the agricultural tribe

has actually gone into the possession of a member of a non-agricultural tribe. Mr. Latif's ruling most accurately sums up the policy underlying the Land Alienation Act, namely, that the State has decreed that land shall never pass out of the possession of the socio-economic group known as the notified agricultural tribes. If that is so, my learned friend is too late to-day after 37 years during which that policy has stood, to ask this House to go back on that policy. My learned friend will remember that this question was raised at the Round Table Conference and in the Government of India Act, there is a definite exception in favour of the policy of the Land Alienation Act. My learned friend has argued at great length that this measure is discriminatory and is a party measure. With regard to this, Parliament, while prohibiting discriminatory legislation, has laid down that a legislation based on the policy of the Land Alienation Act, shall never be deemed to be discriminatory for the purposes of the Government of India Act, 1935. Therefore, if the Government of India Act has recognized that policy which has stood for all these 37 years, how can my learned friend ask anybody to go back on that policy? It may be that my learned friend will come into power some day and with his party of non-agriculturist members wipe off this legislation, but so long as that time does not come, and so long as the policy of the Land Alienation Act obtains, it is perfectly reasonable, it is perfectly imperative to forge legislation under which the provisions of the Land Alienation Act shall not be contravened. My learned friend seems to have every sympathy for these people who break the law; but I must assure him that the law must be vindicated. Every man must suffer the penalties of the law. My friend seems to have conveniently assumed that these money-lenders who are his special theme, have taken benami sales, because they thought that the law allowed them to do so, and he, therefore, wants the legislature to be very kind to them. Now, this assumption is in the first instance utterly unfounded. In the second place, how can the legislature stultify its own legislation? How can ignorance of law excuse an action directly in contravention of the law? People are presumed to know the law of the land. The very fact that resort was had to this subterfuge of a benami transaction, shows that the money-lender was aware of the prohibition against him, and he is thus entitled to no sympathy. My learned friend has tried to protect him by advancing another wholly untenable argument, namely, that the Bill is retrospective and should not be retrospective. I proclaim that the Bill is not retrospective; it is merely declaratory and every declaratory legislation merely declares the law as it has existed. This has been the law during the last 87 years, that a permanent alienation contravening the provisions of the Land Alienation Act shall not be upheld in a court. There is not a single suit in regard to a benami alienation which has been upheld by any court at the instance of these violators of the law.

Lastly, my learned friend put in a powerful plea for compensation. I believe my honourable friend is aware that under the law

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a minor cannot transfer his property. A minor cannot sell or transfer his property to Dr. Gokul Chand Narang, and if my friend has obtained a transfer from a minor, he will, under the unanimous rulings of all High Courts, lose all the money that he has advanced to that minor. He will not only lose all the money but will also lose the property he has acquired. How can there be any equity, their Lordships say in these rulings, in favour of a man who, knowing the law, and must be presumed to know the law, contravenes the law? An exception has, however, been recognized where it is found that the minor led the transferee to believe that he was a major at the time of the alienation. Suppose the minor is of 3 to 10 years of age, the alienee will stand deprived absolutely of his moneys and property. But supposing the minor is somewhere between 17 and 18, then, Their Lordships say that if you succeed in proving that you were induced by him to advance money to him on the assurance that he was a major, then there is some equity in your favour and you will get compensation. But if the element of deceitful assurance or inducement is lacking, then in that case no court will help you and you will never get any compensation. Mind you, in such cases the policy of the State nowhere enters. They are merely cases of private rights. But in measures which are strongly linked up with important policies of state, effect must be given to them most rigorously and no question of compensation can arise in favour of persons who deliberately contravene those measures. There is legislation more or less akin to ours in the United Provinces. There is legislation restraining alienation of *Vatan* and other lands in the Bombay Presidency and I call upon my learned friend to point out a single case in which land declared to be inalienable in certain cases was ever allowed to be alienated by such methods as benami or where the persons violating the law were protected by any provisions as to compensation. I may tell my learned friend that there are better cases of compensation and yet courts have held that they would not allow any compensation when a person deliberately and with his eyes open contravenes the law. It is only in those limited cases in which a major, very near 18 years, has deceitfully induced you to make an advance on the assurance and in the belief created by him that he was a major, and you have made an advance on that assurance, that the law entitles you to some compensation. Therefore, I submit that in the case of persons taking benami, contrary to the provisions of the Land Alienation Act, there can be no question of compensation. The Land Alienation Act is an enactment which is more intimately bound up with an important policy of the State. The State is a party to this enactment in the sense that it has independent rights of its own which it wants to be protected. The State no doubt legislates for the regulation and enforcement of private rights, namely, rights of a private character, and it no doubt leaves it to the will of the individual concerned to enforce his rights or to waive them. But where private rights are mixed up with State or public rights or are bound up with matter,

of essential State policy, the State cannot relegate to itself the role of a passive spectator. It must see that the policy of the State is not thwarted. The question of the alienation of land into the hands of non-centers is an important question of State policy. It is not a matter of merely private rights. The State has claimed and claims a sort of interest in the land belonging to the notified agricultural tribe. Therefore, the State is perfectly justified, on the basis of the interest that it has, to protect the land and to see that the expropriation of the actual tillers of the soil does not take place. I will not refer here to the circumstances under and the reasons for which the Land Alienation Act was passed. My learned friend ought to know that the circumstances and the conditions existing to-day are the same and, as I have already submitted, it is too late in the day for him to ask the Assembly to go back on that policy. He is perfectly wrong if he has the idea that this legislation is a gift to or is for the benefit of Muslims. Muslims who are not members of agricultural tribes, would suffer from it. There are any number of Muslims who are not members of agricultural tribes. But they do not cry, because this legislation is in the interest of the State. It is perfectly wrong to construe or represent every beneficial measure of this kind as a communal or discriminatory measure. Discrimination may be there, but it has received the blessings and the approval of the Mother of Parliaments in the Government of India Act.

Dr. Sir. Gokul Chand Narang : On a point of order, Sir. Is the honourable member in order in bringing in the Mother of Parliaments when discussing this Bill? Mother of Parliaments has never recognised that benami transactions of this kind should be set aside.

B. P. M.

Malik Barkat Ali : My learned friend has been pleased to cast the entire burden and responsibility of creating this discrimination between an agriculturist and a non-agriculturist on the shoulders of the Punjab Government. My submission is that the Mother of Parliaments has held that the discrimination introduced by such legislation prevailing in the Punjab, as the Punjab Alienation of Land Act, is valid and does not come within the mischief of the discriminatory legislation prohibited by the Government of India Act, 1935. He says that benami is itself a discrimination. I cannot understand this. I have very great regard for him and I am making these remarks with no disrespect towards him. I must inform him that he should realise the responsibility of his position as a legislator. Every sentence uttered in this hall will echo and re-echo throughout the length and breadth of this country where it may cause misunderstandings and misapprehensions (*hear, hear*). We must be very careful in what we say; let us be honest; let us meet the facts squarely and fairly. The principle of benami is not discriminatory. The Bill may be discriminatory in the very sense in which the Punjab Alienation of Land Act was discriminatory. But it merely implements the policy that was accepted and has since been accepted by practically everybody

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except that small and limited section of the public who very much like to but cannot lay their hands on the lands of the poor peasants. Every community, I respectfully submit, has accepted it. Even my honourable friend, Dr. Narang, in one of his statements on the policy of the Land Alienation Act, stated in so many words; 'Now that I have cried hoarse, but not succeeded in my intentions, I will be prepared to accept that policy.' I stand subject to correction. The statement was made by him at a time when he was canvassing support from the agricultural Hindu Party which was united with the Ministerial party.

Dr. Sir Gokul Chand Narang : Yes, I will correct you.

Malik Barkat Ali : I do not propose to take further time of the House. As a matter of fact, I am not feeling well and am suffering from a mild touch of 'flu' and did not want to speak, but some of the arguments of my honourable friend provoked me into a speech. I conclude by saying that his arguments are fallacious; they have no substance in them, and are at the best unsubstantial airy nothing.

Dr. Sir Gokul Chand Narang : On a point of personal explanation. As reference has been made about my declaration on the Alienation of Land Act, I want to explain my position as it is likely to be misunderstood.

Pir Akbar Ali : On a point of order, Sir. The honourable member has already spoken for three hours. After all we have also got to speak.

Dr. Sir Gokul Chand Narang : I can take 50 hours. That is no point of order. As my friend Malik Barkat Ali said that every word we utter here is bound to have repercussions outside and he attributed to me a statement that I was prepared to accept the policy of the Land Alienation Act, I think it is necessary for me to clear my position. On a certain occasion when a meeting of a number of Hindu friends was held, I certainly said that the Hindus should no longer waste their time in opposing the Land Alienation Act if thereby they could secure the co-operation of the agriculturist Hindus. It was stated that the opposition to this Act stood in the way of Hindu solidarity. My statement was not made with respect to the merits of the Act; I never accepted that the Act was an equitable measure. I only advised my non-agriculturist Hindu friends to cease agitating against the Act in order to secure the co-operation of the agriculturist Hindus.

Parliamentary Secretary (Chaudhri Tika Ram) : Was it meant to entrap us?

Dr. Sir Gokul Chand Narang : Not at all. I was very sincere.

Mr. Deputy Speaker : No questions are to be answered in this way.

Dr. Sir Gokul Chand Narang : I can assure Chaudhri Tika Ram that I was very sincere. I wanted to secure Hindu solidarity.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural) : Sir, without entering into the merits or morals of the provisions of the Bill now under consideration and without referring to the controversial points that have been raised by my learned friends from both sides of the House, I want to confine myself to some of the technical points so far as this Bill is concerned. It is necessary for me to say these words in the beginning so that the position of my friends on this side of the House may not in any way be misunderstood.

The points that I want to bring to the notice of the House at this stage are that so far as the operative portion of this Bill is concerned, it should not be passed into law because it contravenes some of the general principles in regard to the enactment of statutes and their interpretation. The major portion of this Bill deals with *benami* transactions. Here again without entering into the point whether the *benami* transactions are lawful or not, I shall only confine myself to the history of the legislation which this Bill proposes to amend. It was towards the closing years of the last century that the increasing expropriation of the peasants of the Punjab engaged the attention of the authorities.

Mr. Deputy Speaker : The honourable member will confine himself to the contents of this Bill.

Pandit Muni Lal Kalra : I am contending that this Bill should not be passed for the reason that it goes against the spirit of the main Act which it seeks to amend.

Mr. Deputy Speaker : The honourable member should not go into the history of the legislation.

Pandit Muni Lal Kalra : What I wish to point out is that the intention of the legislators in passing the old Land Alienation Act was to stop, if possible, the lands passing from the agriculturists into the hands of non-agriculturists.

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

Pandit Muni Lal Kalra : My submission is that the object of the Land Alienation Act was to prevent the sale of land by agriculturists to non-agriculturists. I am going to examine whether the provisions of this Bill are in conformity with that principle of the Bill. My contention is that they are not. My reason is this. In the original Act there is no provision which gives retrospective effect to that legislation. But in this Bill there is a provision which gives retrospective effect and not only extends its operations to transactions during the lifetime of the mother Act but also to transactions even at a time when that Act was not in existence. That is the point which I want to bring to the notice of the House. My contention is that the amending Act cannot bring in a provision which does not only not exist in the main Act but which was not contemplated by the legislators of those days. Section 13 provides for not

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only the transactions entered into after the main Act came into force but also transactions which were lawful and entered into before the main Act came into force. This is my first point.

My second point is that persons who are in lawful possession of property cannot be deprived of their property as is provided in section 293 and these provisions contravene section 107 of the Government of India Act. The provincial legislature is not authorised to enact any law the provisions of which are repugnant to those which are already to be found in the existing Indian laws. This law under consideration of the House proposes to deprive a person of that property which he has acquired legally either as a result of contract or under the law relating to transfer of property. My submission is that the provisions of this Bill contravene the provisions of the law of contract and other laws relating to property and as such they are repugnant to the Indian laws and should not therefore be made part of this law.

Further, we have also to see whether this amendment is relevant to the main Bill. I just invite your attention to paragraph 184 of the Manual of Procedure for public business in the House of Commons in which it is clearly stated with regard to relevancy of amendments—

An amendment must be relevant to the subject matter of the Bill and the subject matter of the clause to which it relates,

My submission is that this amendment is out of order inasmuch as it gives retrospective effect and is not relevant to the main Act.

Then, with regard to the other operative portion of this Bill, that is clause 4, which relates to the change in procedure, it is of more value than the *benami* transactions. In that clause it is said that the deputy commissioner is the sole authority to determine whether a person belongs to an agricultural tribe or not. It is also provided that his decision shall be final and that he is not bound by any decree of any civil court. My submission is that it is also in contravention of the existing Indian law. Supposing a person gets a decree from a competent civil court about his status. According to the provisions of this Bill the deputy commissioner can override such a decree. This is not, in my view, a healthy provision and it is a departure from the existing Indian law, because under the Specific Relief Act there are certain remedies which are open to a person and he can have those remedies in the form of declaratory suits and thereafter, when he comes to the deputy commissioner of the district he will find that the decision of the competent civil court, even though that happens to be the Privy Council, will be discarded and overridden by the deputy commissioner. My submission is that this provision is repugnant to the Indian law.

There is one more point and that is with regard to the clause relating to the short title. In sub-clause (2) of clause 1, it is stated that this Act shall come into force on such date as the Governor of the Punjab might by notification direct. The expression "Governor

of the Punjab' is not at all to be found in the Government of India Act nor is it defined in this Bill anywhere. It is the provincial Government that is authorised to notify any such thing or to give any such directions. The term provincial Government is defined in the General Clauses Act as 'the Governor acting by and with the advice of the Council of Ministers and also in his discretion or in his judgment', but there is no such expression as the Governor of the Punjab defined anywhere. Therefore, the correct expression which should have been used in the clause is 'provincial Government'. In paragraph 43-A of the General Clauses Act 'provincial Government' is defined as respects anything done or to be done after the commencement of Part III of the Government of India Act. With these few remarks with regard to the technical side of the question I submit that the Bill in its present form should not be brought on the statute book.

Pir Akbar Ali (Fazilka, Muhammadan, Rural) (Urdu): Sir, four speeches in all have so far been made on the motion that is now before us and out of these three have been made against the motion and only one has been allowed to be made in favour of this Bill and I am inclined to think that even in this House the interests of the poor zamindars are not quite safe. In this House the opposition consisting of less than 35 members gets equal share with 135 members belonging to the zamindar party. In this House also the treatment accorded to the zamindar party is similar to that meted to the zamindars by the sahukars. I may point out that it happens in almost every case that the sahukars, while they advance Rs. 135, out of which Rs. 100 are deducted on the spot, get the thumb-impressions of the poor and needy zamindars on double the amount that is Rs. 270 at once and without any lapse of time. It is to check and put a stop to these malpractices that this Bill has been brought forward and this, it should be agreed, is a very laudable object.

As I have said three speeches have been made against this Bill and the notable of them are by Rai Bahadur Lala Mukand Lal Puri and Dr. Gokul Chand Narang. So far as the speech of Dr. Narang is concerned I need not say much against it to controvert the points raised by him, because my honourable friend Malik Barkat Ali has very ably stormed and razed to the ground the fort which the Doctor had so cleverly tried to build in the air. As regards the speech by the other gentleman, I really do not understand why not a word was said about it by my friend Malik Sahib. Perhaps it is because Rai Bahadur Lala Mukand Lal spoke from the Government benches or perhaps because he said that this measure was not going to benefit the zamindars. Anyway the fact remains that not a word was said about his speech by my honourable friend Malik Barkat Ali. But I cannot help saying that the solicitude on his part for the poor zamindars was what appeared to me something quite uncommon. When the Rai Bahadur was expressing his sympathy for the zamindars I was thinking of that woman who professed to love the children of others more than she loved her own children and who was rightly called an imposter, I have sufficient

[Pir Akbar Ali.]

reasons to think like that. Some of the honourable members of the House will remember that during the discussion of the legislation passed so far to afford some relief to the poor zamindars and the debtors, not a word was ever said by the honourable member in its favour. I have a distinct recollection that on all such occasions the honourable member put all his might and eloquence in opposing that legislation and, therefore, I say that it was something quite uncommon when he was pleased to say something for the zamindars on this occasion.

As I have already said, I need not take much time of the House in discussing the points raised by Dr. Gokul Chand Narang, because those points have been sufficiently and successfully answered by my honourable friend Malik Sahib. Even if it were admitted that the Judges of the High Court and even the Privy Council had taken the view that *benami* transactions were permissible, then he should take it that some defect had been left in the language of the Land Alienation Act which made those Judges to interpret the law in the manner suggested and the honourable Doctor should also know, if he does not know it already, that, at any rate, it was not the intention of the legislators to leave any such loophole in that law. It is to remove such defects in that law and to clarify the position taken up in that legislation that this Bill has been brought forward. Otherwise there is no need to take this trouble over again. It is hoped that this Bill will, at least to some extent, go to remove the defects that might have enabled clever people to take advantage of their existence.

Now I may say a few words as to what are *benami* transactions and how these transactions have adversely affected the interests of the poor agriculturists. Supposing there is a person named Tola Singh and he owes some money to one Sita Ram. That Sita Ram happens to be the friend of one Bahmat Ali and he one day asks the latter to help him in realising his debts from that Tola Singh, a poor agriculturist. The conversation opens like this: "Bahmat Ali, you and I have been friends for a very long time and this relationship has come down from our forefathers. You know that I cannot purchase the land of Tola Singh in lieu of my debts that he owes me and I, therefore, request you to mortgage his land with possession. You will have to pay not a farthing for this transaction. You will have of course only to put your thumb-impression on my *bat* for a sum of Rs. 500 which you will not be required to pay at all". That simple and unsophisticated Bahmat Ali is persuaded to act as desired and the transaction is entered into as arranged. The thumb-impression is not put for a sum of Rs. 500 but for Rs. 1,500 without the knowledge of Bahmat Ali, and the land belonging to Tola Singh is mortgaged in favour of Bahmat Ali. The next request that Sita Ram makes to Bahmat Ali is that the latter should send all the produce of that land to the house of the former after every harvest without keeping anything to himself for all his trouble. This request is addressed in the same polite and sweet

language and the poor Bahmat Ali is again prevailed upon to do as desired. In this way three years pass after the lapse of which Sita Ram one day asks Bahmat Ali to put his thumb-impression for a sum of Rs. 2,000. Bahmat Ali accordingly puts his thumb-impression for that amount without asking his friend why he should put his thumb-impression there and why his friend should mistrust him when he has put implicit faith in him. Then another three years pass and the amount of that debt increases. In this way 30 long years lapse and the amount goes up to many thousands. Then Lala Sita Ram, who had been taking the produce of the land, without crediting anything in the account of Tola Singh, goes to the court and sues not only Tola Singh but also his friend Bahmat Ali. The suit is brought in the court of a sub-judge at Muktsar and although all the lambaridars, zaidars, qanungoes and patwaris give to the effect evidence that the produce has all along been taken by Sita Ram, the suit for Rs. 4,000 is decreed against the defendants. This is how these *benami* transactions have done havoc and still some of my friends desire that these should be allowed to continue. This is not all. When after 1880 the prices of lands began to rise Sita Ram again saw the opportunity and began to expropriate not one Tola Singh but many such Tola Singhs and in lieu of a plate of laddoos or a little quantity of tobacco (*laughter*)—I am not talking of my friend Sita Ram who is our honourable colleague—to be frank, I do not know much about him, these are only supposed names that I am mentioning

Mr. Deputy Speaker : The honourable member will do well to substitute some other name for Sita Ram.

Pir Akbar Ali : Very well, Sir. I will say Sital Chand and not Sita Ram. I was saying that when Sital Chand saw that the prices of the lands had begun to rise, he also began to purchase lands through the medium of his old friend Bahmat Ali. Here it is that the Government came to the rescue of the zamindar and I may say not because it loved the zamindars so much but because its own interest lay in safeguarding the interests of the zamindars. The Government knew that if all the lands passed into the hands of the *sabukars*, these zamindars will be turned into so many serfs and will not remain as sturdy and strong and fit for recruitment to the armies as they were then and are now. This idea occurred to the Government in 1890, but owing to some technical difficulties and also to a certain extent on account of the fear of Sital Chand, it took full ten years to pass that Act which is called the Alienation of Land Act.

Begum Rashida Latif Baji : Is it then for recruitment for the army that this retaliatory step is being taken ?

Pir Akbar Ali : I need hardly say that the object of the legislators in framing this law was to make it impossible for the non-agriculturists to purchase any land from the agriculturists but many means were found out to defeat the object of that legislation and these *benami* transactions were thought of as the best possible means. It is fortunate that the present Government has come into power to save that very useful and deserving class of people. During the last

[Pir Akbar Ali.]

16 or 17 months that the present Government has been in power, it has done many good deeds and taken a number of steps to afford relief and protection to the poor and starving people of the province. The record of its work is so wonderful that even the Congress Governments have been eclipsed and it is hoped that this Government will continue to add to its glorious acts in future.

Sir, I was pointing out why this useful measure is being opposed. My honourable friends on the other side are grieving over the fact that it was destined for the Unionist Government to introduce measures the like of which have not been introduced even in the Congress-governed provinces.

Premier : No, my honourable friends are glad over it.

Pir Akbar Ali : My honourable friend, Sir Gokul Chand Narang, who has just left the House, said that if this Bill were passed into law as many as 10,000 creditors or mahajans, 10,000 *benamidars* and 10,000 real debtors would be ruined. I submit that no creditor will lose any thing if this Bill is passed because, as I just submitted, he will have realised at least 38,000 rupees by the time the proposed Act is enforced. And if Rahmat Ali has to suffer, let him suffer for the fraud he committed by conspiring, so to say, with Sital Chand to ruin poor Tola Singh. I think the Government should feel sympathetic also towards the much-wronged Rahmat Ali. The sabukars do not deserve any sympathy. I am of the opinion that Sital Chand especially should be dealt with very severely. He posed as a friend of Rahmat Ali but he was only a wolf in sheep's clothing.

Dr. Sant Ram Seth : Is the honorable member speaking to the motion ?

Pir Akbar Ali : I am relevant, I am a lawyer and I can never be irrelevant. My honourable friend, Dr. Sir Gokul Chand Narang, has remarked that we should differentiate between a person who commits a burglary and another who makes a purchase. Quite so. But how can he advance, thereby, any argument in favour of a money-lender who has contravened the express provisions of a law, the Land Alienation Act ? He ought to have known that the Government had enacted that law for the protection of the zamindars, who comprise 95 per cent. of the population of the province. I know, as everybody else in this House knows, that various associations have sprung up, as it were, overnight, who send telegrams of protests against the laws meant to do good to the zamindars. The tongueless, dumb zamindars, who are silent and quiet like cattle, do not stir at all. Will any honourable member say if he has received any telegram or even a letter from any poor zamindar ? So, we are bound to help this helpless, friendless, poor creature. We think that this Bill is not sufficiently drastic; it does not go far enough. In spite of all that this Bill is being vehemently opposed. I fail to understand how my friends, who oppose this measure, find a justification for such a thing as *benami* transactions. All I can understand is that they

are opposing this Bill as they think that by getting such a measure enacted the Unionist Party will have stolen a march over the Congress Governments of other provinces.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural): Sir, I have stood up to remove a misunderstanding. It is being said in some quarters that Congress is strongly opposed to these measures for agrarian legislation. I must clear the position of the Congress Party, on the floor of the House, by saying that the Congress Party is strongly in favour of such agrarian legislation and in spite of the fact that some amendments tabled by our party to better the scope of the Bills in favour of the poor peasantry, were either disallowed or lost, we strongly endorse the Bills. It has been proposed by some persons that some compensation should be given to those who have made *benami* transactions. We are of the opinion that compensation apart, these people should be made to pay some fine for the dishonest transactions. (*Hear, hear*). With these words, I lend my whole-hearted support to this Bill. (*Cheers from the Treasury benches*).

Premier (The Hon'ble Major Sir Sikander Hyat-Khan): Sir, before I reply to some of the arguments put forward by Mr. Mukand Lal Puri and Dr. Gokul Chand Narang, I wish to congratulate my honourable friend, the last speaker, who has pointedly and openly stated that the Congress is supporting this measure. I know it perfectly well that that is the creed of the Congress and it is one of the basic principles in its programme that they should support such measures and it was for that reason that some of us were disagreeably surprised that amendment after amendment from those benches were tabled against this measure and every inch was fought. So there seems to be some sort of tug-of-war going on inside the Congress benches (*Voices: No, no, never; you are wrong*). My honourable friends say that nothing is going on in the Congress benches. I am very glad to hear it. (*A voice: It may be in your party*). Sir, as I was just submitting the amendments of some of the members of that party will indicate the nature of that tug-of-war and I need say no more on that point.

My friend Mr. Mukand Lal Puri, made the point that the rule of law is being substituted by the rule of the executive. He said that the judicial basis of administration laid so wisely by our British rulers is being thrown to the winds. Those are, as I understand, the exact words which he used in making this argument. My friend very conveniently ignored the fact that this Bill is no more than an amendment of the parent Act, *i.e.*, the Land Alienation Act and that we are doing with regard to the actual procedure of the various matters laid down in this Bill is that we are following the procedure laid down in the parent Act, and every one of us is aware that under the Land Alienation Act, it is the Collector, the Commissioner and the Financial Commissioner, who deal with the various important points which fall within the purview of the Land Alienation Act. So, I think that his argument holds no water whatever when he says that

[Premier.] We are trying to do something which is new or original. We are doing nothing of the sort. We are following the practice and principle already laid down in the Land Alienation Act. His next point was that it is unfair to apply the measure retrospectively to past *benami* transactions. We are not giving retrospective effect to a measure which is a new measure. We are merely trying to stop the loophole in the Land Alienation Act. There are *benami* transactions galore, *benami* transactions probably in every district and in every province throughout the country, but those transactions will not be affected by this Bill, those *benami* transactions are perfectly valid. For instance, I, not being an agriculturist, make a *benami* transaction to another friend of mine considering that if I do not make that transaction perhaps my sons would squander the property. I leave it to my friends and say that this should be constituted as trust for my sons. That *benami* transaction is not illegal. We only want to stop those transactions which are in contravention of the Land Alienation Act, or, to put it very briefly, to stop that loophole or that evasion which has been resorted to by certain people who have fraudulently tried to evade the provisions of the Alienation of Land Act. My honourable friend then went on to praise the Congress for some of the amendments which they had moved. I do not think I should refer to these praiseworthy amendments but I am glad the House thought fit not to approve of those amendments with whatever motive they might have been moved. He has also said that if we pass this Bill, it would lead to litigation and that would be very detrimental to the interests of the province as a whole. If we want to avoid something illegal being done and that in turn may lead to litigation, does that mean that we should allow dishonesty and fraud to go on merely for the reason that a certain amount of litigation will result in consequence of that legislation? I am afraid that argument will not appeal to anybody, either here or outside, provided he looks at it with an unprejudiced and unbiased mind.

If you will allow me I will take up some of the points which my friend Dr. Sir Gokul Chand Narang sought to make. Both he and Mr. Mukand Lal Puri, first tried to accuse me of going back on the promises which I had given and Sir Gokul Chand Narang even went further and said that I was trying not to stick to the undertaking which was given by the late Sir Fazl-i-Husain in this House. You are aware of the nature of the undertaking which was given by Sir Fazl-i-Husain and eventually repeated by myself on the floor of this House in the previous Council. That undertaking was that we would not allow the scope of the Land Alienation Act to be extended or restricted and I endorse that undertaking given in the old Council that Government of the time would not allow any departure from the principles of the Land Alienation Act. As a matter of fact, the exact words were: "we will not go a pace forward nor a pace backward." Those were the words used by Sir Fazl-i-Husain and I stand by those words and I repeat that I did endorse that undertaking. That

was the policy of the last Government. During the budget session I said that we would try our best to adhere to that policy provided the Land Alienation Act itself remains watertight and no evasion of that Act is allowed, but in view of the changed circumstances and conditions of the country it may be necessary for us—though personally I may not wish it, but it may be in the interest of the province and the country as a whole—to go beyond the Land Alienation Act. (*Hear, hear and loud applause.*) If that contingency arises my individual opinion will not matter or for that matter the individual opinion of any member of this House will not matter, it is the opinion of the masses outside which might force me and force these benches or the whole House to attend to the interest of the country as a whole. So far as this Bill is concerned, I think that the accusation is wholly irrelevant and uncalled for. Why? Because so far as this particular enactment is concerned, we are not going a step beyond the Land Alienation Act. We are merely trying to block those holes which have been surreptitiously made by those people who are dishonestly inclined. It is nothing more than that. We merely want to stop that evasion of the Act not only in spirit but also in practice. That is what we want to stop. So, that argument does not hold good either. Dr. Sir Gokul Chand Narang went on to say, "Why should you penalise these transactions, are they dishonest?" That is just the reason why we are making this law because we are convinced that those transactions are dishonest and they are dishonestly meant to evade the Land Alienation Act; if that were not the position it would not have been necessary for us to come forward with this measure because then, if the Land Alienation Act had not been evaded, it would have been allowed to function as the framers of that Act intended it to function and it would not have been necessary for us to come with so many amending measures. It is only to stop those loopholes and block those holes which have been surreptitiously introduced that it is necessary for us from time to time to bring forward these amending measures.

He also repeated the argument made by Mr. Puri that giving it retrospective effect would be a very drastic step indeed. But I have already answered that point. We are not giving this Act retrospective effect. We are merely trying to find out and rectify those departures and evasions which have been made since the passing of the Land Alienation Act.

He referred to Russia or he alleged that I had made certain references with regard to the present Russian regime and he went on to argue on that basis. I do not know from where he got that impression that I had quoted Russia in connection with this Bill. I may have mentioned the name of Russia. He went on to say that in Russia there are several other things done. I know that several other things are done in Russia, but if a measure of this kind were necessary in Russia, it would not have been necessary to face criticisms from Dr. Sir Gokul Chand Narang. He would probably not be there. He and several other people of his way of thinking would, under the present system of Russian

(Premier.)

Government, probably find themselves lined against a wall. (Voices from Opposition benches: Question.) But I never said that I approved of the Russian system of Government. If the Russian system means that it wants to bring up the down-trodden masses to a higher level, every one of us would sympathise with it: thus far and no farther. Beyond that I do not think we need follow the Russian example, because if we follow, several gentlemen on the opposite benches will not be in this House but would be somewhere else.

Then my hon'ble friend Dr. Sir Gokul Chand Narang made an argument in passing which was met to some extent by Pir Akbar Ali. He referred to the view that this Bill is going to benefit a large number of people in this province, and then he started in his usual calculating way. He said, supposing there are ten thousand mortgagors and such *benami* transactions, it would mean there would be only ten thousand mortgagors whom you want to benefit. He very conveniently overlooked the fact that it is not the ten thousand mortgagors whom we want to benefit. We want to stop for ever the victimisation of the 224 lakhs of people. You cannot stop them from being victimised unless we stop these nefarious, dishonest and fraudulent transactions now resorted to. It is not in any way to benefit the ten thousand mortgagors who may or may not get the benefit. Naturally that side of the argument would not strike my hon'ble friend Dr. Sir Gokul Chand Narang. He further went on and said why penalise those people who honestly believed that they were not doing anything wrong. Now that was a very strange argument coming from one who is a lawyer, because, after all, if a hundred people commit an offence it does not in any way give immunity from law. He further elaborated his argument by saying that because a large number of people resort to this kind of offence therefore انظر الامر they should be allowed to do that kind of thing and we should countenance it. I am afraid there again he was only looking from a narrow, parochial and sectional point of view, because even if a very large number of people, may be five thousand, six thousand or seven thousand, were dishonestly inclined and thought that they could do this kind of thing with impunity, there will be several thousand victims throughout the province, and it is not proper that we should allow these people to be victimised perpetually by this kind of thing. He said if a large number of people perpetrate mal-practices like that we should countenance them because it is being done by a large number of people. He cited several rulings of High Courts and one of the Privy Council. I do not think I need enter that part of argument for, my learned friend Malik Barkat Ali in his very eloquent and excellent speech smashed to smithereens the arguments put forward by him. He proved that what he meant was not really conveyed by these rulings at all. He also quoted the case in which a gentleman called Haider was involved and he cited the ruling of one of the learned Financial Commissioners. After listening to it I came to the conclusion that this gentleman probably double-crossed

the benamidar; but he got nothing and eventually the benamidar won the case. That is what I understood. Since Haider double-crossed the benamidar he deserved to be punished: that is the real point which my honourable friend has failed to understand. Benami transactions contain certain definite and specific ingredients. If an agriculturist sells his land to another agriculturist it is not benami. It is only when that agriculturist transfers his land to another agriculturist while the real beneficiary is a third person who is a non-agriculturist, it is then and then alone that a benami transaction which we want to stop, is constituted. (*Dr. Sir Gokul Chand Narang*: You have not defined it.) He says there is nothing in the Act which would define that transaction and the transaction which we want to stop is not clearly defined in the Bill itself. Let me read to you Clause 3-A. It is laid down therein—

.....before or after the commencement of the Punjab Alienation of Land (Second Amendment) Act, 1938, by a member of an agricultural tribe to a member of the same agricultural tribe or of a tribe in the same group, but the effect of the transaction is to pass the beneficial interest to a person who is not a member of the same tribe or of a tribe in the same group.....

Dr. Sir Gokul Chand Narang : What is beneficial interest ?

Premier : So far as I can understand, it is this. When a land is transferred in my name, I am an agriculturist, and all the produce or income from the land is enjoyed by my honourable friend opposite, that is benami transaction. That is what I understand. (*Dr. Sir Gokul Chand Narang* : Yes, that is so.) If it is benami transaction between an agriculturist and an agriculturist it will not be benami transaction under the Land Alienation Act. I am glad I have at least satisfied my honourable friend on one point. He went on further and said, as a matter of fact, by bringing forward this measure we were actually contravening the spirit and the letter of the Land Alienation Act. He said, under the Land Alienation Act a man could lease his property for 20 years but under this Act you do not even allow that. Now, my honourable friend must have been speaking with his tongue in his cheek. (*Dr. Sir Gokul Chand Narang* : I am not in the habit of doing that, I speak straight.) He said that the Bill violates the provisions of the Act and according to the spirit of the Act anybody who wanted fraudulently to evade the Act could do so. That is not the spirit of the Act. The spirit of the Act is this, that no land of an agriculturist should pass into the hands of a non-agriculturist except in accordance with the provisions of section 6 of the Act. Now that section clearly lays down that an agriculturist can mortgage his property for 20 years, farm or lease for 20 years even to a non-agriculturist. Why do not those persons honestly and straightforwardly come through the front door and say, you owe me so much money, make a farm or lease for 20 years and I will be satisfied. That is not what he does. He does not go by the front door: he goes through the back door and in the darkness of night tries to hoodwink. My honourable friend went on to say, even supposing that he commits this offence or he evades this Act, why should he be punished?

[Premier.]

so heavily? What is that heavy punishment, I do not know. Next, he says that no compensation would be given to that person and that the property would be returned to the original owner. Would that mean that you would be heavily punishing the benamidar? His argument, if translated into other words would be this. A man has committed a theft and after stealing property worth Rs. 1,000, he is held up in a court of law and eventually gets a punishment of 10 years' transportation for life. Would my honourable friend say, now that he has been punished for 10 years for that offence, why return the stolen property to the original owner? (Dr. Sir Gokul Chand Narang: Are you honest in making this comparison?) My honesty is not in question at the moment. I am merely trying to answer the argument which my honourable friend put forward, and that was, to my mind the gist of his argument, that since the property would be returned without compensation, he would be suffering from a hardship. A man has committed a theft and he is sentenced and imprisoned and the property if it had been obtained, would be returned to its original owner. Here we are not giving any punishment which a thief gets, but merely returning the property to the original owner where it has gone beyond the original owner. We are giving him a certain amount of compensation. My honourable friend, Mr. Puri, said that we were giving no compensation to the original alienee. How can you think that we are not giving any compensation? There are High Court rulings—and my honourable friend being a lawyer must know—that where a person is a party to a fraud he cannot get a benefit from that fraud himself and it is in accordance with those rulings that we are giving him no compensation.

(At this stage Mr. Speaker resumed the Chair)

My honourable friend then went on to say that the Government were rushing these measures through as if they were panic-stricken. Now, Sir, I took a great deal of time in trying to convince my honourable friend, if that could be done, and other gentlemen in this House, that the Government had taken no hasty steps and that they had been considering this measure for some time and they had collected opinions with regard to this matter before this Bill was drafted. I do not think it would serve any purpose of mine to repeat this argument and give that information which I have already given to the House. I think that my honourable friend, if he looks at it from an unbiased point of view, will agree with me that it is time that we should try to stop the loopholes which have been bared in the body of the Land Alienation Act. Sir, the anxiety would have been clear, if some facts and figures, which my honourable colleague the Minister for Revenue wanted to quote, had been put before the house. But since you were pleased to rule that he could not put those figures, he was not in a position to place that information before the House. But I hope you will allow me to quote a few figures which will convince my honourable friend opposite. I submit that for a few months we employed benami tahsildars to find

out those transactions. They have, during four months, unearthed not less than 6,697 cases which are suspected to be benami transactions. Out of these 6,697 cases—we have not yet got the figures for two divisions, that is Jullundur and Rawalpindi—but for the remaining three divisions I find that 2,473 cases only were recommended for review. That answers my honourable friend's argument, because out of nearly 7,000 cases only 2,473 were recommended for review. Therefore, he should be satisfied that only these cases would come within the category of benami cases and the remaining ones will not come clearly under that category and they have been left out.

As I have pointed out, I have made it clear to the House that it was necessary, not in the interest of agriculturists alone, but in the interest of the province as a whole, that we should proceed with this Bill with a view to stop such transactions in future. I may inform my honourable friend that the real object of the Land Alienation Act was not only to see that the agriculturist classes and proprietary classes were not expropriated out of their land and livelihood, but there was something bigger and further in their view when that Act was mooted and eventually passed. If those classes, who have got no other livelihood except their land, are exploited and if they are expropriated of their land, time might come when those people, who are full of energy, would not only be a danger to the peace of the province, but a real menace to those very classes who tried to exploit them. That was the main reason why the Land Alienation Act was enacted and that reason holds good to-day. We want to see that the Act, in its spirit and letter, is not flouted by dishonest and fraudulent people. As a matter of fact I want to avoid bloody revolution.

Dr. Sir Gokul Chand Narang : May I, through you, ask one question from the Honourable Premier? Is he aware that tahsildars have actually been giving effect to the Bill before it is passed? We have heard complaints.

Premier : No. My honourable friend is not correct. They are merely finding out those cases and reporting to the collector. So, Sir, it is to avoid a repetition of those things which the framers of the Land Alienation Act did, that we are trying to do this. I am glad to say *ما ايم پر گناه و تو دريا گير رحمتي*. But we do not want to show any mercy to those exploiters. My honourable friend should rest assured that so far as I am concerned and my other friends on these benches are concerned, we pray that they be given light and be guided on right path. They must remember that mercy must be mercy for all and we have no mercy for those who have no mercy for the teeming millions of down-trodden people.

Mr. Speaker : Question is—

That the question be now put.

The motion was carried.

Mr. Speaker : Question is—

That the Punjab Alienation of Land (Second Amendment) Bill be passed.

The motion was carried.

THE PUNJAB REGISTRATION OF MONEY-LENDERS BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I beg to submit the report of the Drafting Committee on the Punjab Registration of Money-lenders Bill.

Mr. Speaker: Question is—

That the following amendments of the drafting committee be adopted:—

- (1) In clause 2, sub-clause (3) for the word "the" appearing at the end of the second line, the word "a" be substituted.
- (2) In clause 2, sub-clause (3) (ii) for the word "in" appearing in the fourth line the word "with" be substituted.
- (3) In clause 2, sub-clause (3) (iv) for the words "authorized by" appearing in the third line the words "under the authority of" be substituted.
- (4) In clause 2, sub-clause (3) (v) in the last line between the word "the" and the word "companies" the word "Indian" be inserted and after the word "Act" the figures "1913" be added.
- (5) (a) In clause 2, sub-clause (4) for the word "including" appearing in the second line the word "or" be substituted.
 - (b) For the words "who carries" appearing in the second line substitute the word "carrying".
 - (c) In the eighth line for the word "the" appearing after the word "of" substitute the word "such".
 - (d) After the word "person" add the words "or firm."
 - (e) Delete the words from the word "who" occurring in the last line but one to the word "loan" in the last line.
- (6) (a) In clause 2, sub-clause (5) (a) after the word "or" appearing in the second line add the words "is by inheritance the".
 - (b) The words "by inheritance" appearing in the second and third lines be deleted.
- (7) In clause 2, sub-clause (5) (b) in lines 2—5 for the words "a person other than a person (including his husband or wife as the case may), substitute the words "any one other than the wife or husband of such assignor, as the case may be, or any person."
- (8) (a) In clause 6, paragraph (iii) for the word "the" appearing in the first line the word "a" be substituted.
 - (b) In the proviso to clause 6 between the word "the" and the word "period" appearing in the second line the word "prescribed" be inserted.
- (9) In the proviso to clause 8 the word "when" appearing in the second line be deleted.
- (10) (a) In clause 11, sub-clause (1) for the words "after deducting" appearing in the eighth line the words "not including" be substituted.
 - (b) In clause 11, sub-clause (2) the word "a" appearing in the last line be deleted.
- (11) (a) In clause 13 (1) before the word "the" in the first line insert the words, "Subject to previous publication."
 - (b) In lines 2, 3 and 4 the words "subject to the condition of previous publication" be deleted.
- (12) (a) In clause 13, sub-clause (2) for the word "provide" appearing in the last line, the word "specify" be substituted.
 - (b) In clause 13, sub-clause (2) (a) the words "for determining" appearing in the first line be deleted.
 - (c) In clause 13, sub-clause (2) (a) for the word "obtain" in line three, substitute the words "for obtaining."
 - (d) In clause 13, sub-clause (2) (a) for the words "of validity of licences" appearing in the last line, the words "in which a licence shall be valid," be substituted.
 - (e) In clause 13 (2) (b) the words "for determining" in the first line be deleted.

- (f) In clause 12 (3) (a) the words "for prescribing" appearing in the first line be deleted; and for the word "condition" in the second line substitute the word "conditions."
- (g) In clause 12, sub-clause (2) (d) the word "for" appearing in the first line be deleted.

The motion was carried.

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

That the Punjab Registration of Money-lenders Bill be passed.

Mr. Speaker: Motion moved—

That the Punjab Registration of Money-lenders Bill be passed.

Diwan Bahadur Raja Narendra Nath (East Punjab, Landholders) (Urdu): Sir, on this occasion I will also exercise the right that has been allowed to the members and speak in my own tongue. But I may assure the House that I will be very brief in what I have to say in regard to the Bill under discussion. Honourable members are aware that I gave notice of no amendment because I knew the mood in which the Government was and the attitude it had adopted towards this measure. I knew full well that even if I tried to speak against some of the provisions of the Bill, I would only be crying hoarse and getting throat trouble without any effect on the Government which had decided not to listen to wiser counsels. I, therefore, left this task to my younger colleagues. But at this last stage I feel called upon to break the ice and to say that I am opposed to the policy underlying this Bill. I very much desired that this Bill should be circulated for eliciting public opinion thereon and you will remember, Sir, that I supported the motion for the circulation of the Bill. Here I may express my gratitude to the honourable member, Munshi Hari Lal, who has fully explained in his minute of dissent why some of us desired that this Bill should be circulated before it was taken up for consideration. But we could not prevail upon the Government although it is a fact that the English Act, on which the Government has relied, was placed on the Statute Book after a detailed inquiry into the conditions obtaining in that country. Perhaps honourable members are aware that the English Act, before it was passed, remained under consideration for two sessions of the Parliament and the judges, county judges, money-lenders and borrowers, in fact, the representatives of all classes of people, who were likely to be affected by that legislation, were called in evidence before it was decided to give the shape that the Bill assumed. It was not passed in a rough shod manner in which this Bill is being rushed through. I know that the Honourable Premier has tried to meet this point by saying that the opinions of all grades of officers were invited before the Bill was framed, but those opinions have not been placed before us. May be they are lying in the almirah of the Honourable Premier, but these have not been given any publicity. At any rate opportunity has not been given to us to study those opinions and to form our own opinion about them. If the Bill were not to be circulated the proper course for the Government was to have published those opinions to enable the members and the public to judge the necessity for such a Bill. But the Government did not even adopt that course and I do not know why.

The Honourable Premier has assured time and again that this Bill is only intended to weed out dishonest money-lenders and to help and raise

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the status of the honest money-lenders. But I feel that the effect of this Bill will be quite the reverse of what the Government intends to produce. Let me explain myself. I need not say that, luckily I have never borrowed nor lent, but all the same, I know the general condition of the people of the province. I know that there is a very large number of persons in the province who belong to very high families and who are perfect gentlemen and who have sometimes to borrow and even lend. And I may also say that they do not borrow or lend because they are fond of taking or giving interest but because they want to help one another. Now if this Bill is passed, and it is bound to be passed, such persons will consider it a disgrace to be dragged to the courts and be adjudged money-lenders by the courts. They will rather give up lending than get themselves registered as money-lenders. It will happen particularly so because it has been left to the discretion of the courts to decide as to who is a regular money-lender and who is not. This Bill will prove very harmful to the simple-minded sabukars in the villages.

Premier : Are they really simple-minded ?

Diwan Bahadur Raja Narendra Nath : Yes, many of them. And so far as the clever money-lenders are concerned, you can do no harm to them. They know how to evade the provisions of any law that you may pass. But so far as the simple-minded money-lenders are concerned, they will find it impossible to comply with the provisions of this Bill as they have found it impossible to comply with the provisions of the Regulation of Accounts Act and other similar Acts. I am very much doubtful whether the petty *dharwanis* in the villages, who occasionally also lend money to those who come to ask for loans from them, will be able to take the trouble of getting out licences and getting themselves registered. The result will be that such money-lenders will be deprived of their profession. But leaving aside the fact that such petty money-lenders will be deprived of their profession and will perhaps be thrown in the streets to beg for their living, the borrowers will be put to a very great difficulty. No money-lender, with even a little sense about him, will be prepared to advance loans to them without the security of ornaments and it is now an open secret that the poor zamindars have been left with few ornaments.

Dr. Sant Ram Seth : They have been left with no ornaments at all. All that they had has been sold to pay off the land revenue.

Diwan Bahadur Raja Narendra Nath : Then it will be still more difficult for the zamindars to get any advances and I fail to understand how it is intended to raise the standard of living of the peasants, for which so much fuss is being made and instructions are being issued every day that mosquito nets should be purchased and houses should be kept clean and well ventilated. If their credit is destroyed how will it be possible for them to raise their standard of living ?

Minister for Development : By passing the Marketing Bill.

Diwan Bahadur Raja Narendra Nath : That will be seen when it comes and passed. But till then I must say that the object intended to be secured by this Bill, will never be secured. I know that it is

only a lip sympathy that is being shown to the zamindars and this Bill will not go a long way to ameliorate their condition.

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

As the credit of the zamindar will be crippled as a result of such measures and all the avenues of raising money will have been closed for him, I am sure he himself will feel fed up with these measures after the lapse of eight or ten years. He will have no reason to thank my honourable friend the Premier for enacting such measures one after another and will turn round and read this verse disappointedly :—

چہ زلفم آدم بونوائے تو کہ ہنوز تیر جھانے تو
بدلم نکرده یکے مگر ز قہانے او دگرے رسد (بیدل)

I have to refer yet to another thing before I sit down and it is this. In bringing forward such measures the Premier seems to have followed in the rut of a fashion which has been in vogue these days. As such measures have been introduced by other provincial Governments too, he has tried to follow in their foot-steps. Before proceeding to follow these Governments in hot haste, he ought to have closely and carefully examined the effects of these measures in other provinces. I am sorry that I am obliged to say that he has done nothing of the kind. With these words, I oppose this measure.

Chaudhri Muhammad Hussain (Gujranwala East, Muhammadan, Rural) (Urdu): Sir, the Honourable Premier deserves our heartfelt thanks for having shown commendable coolness of mind in the face of vehement opposition which he had to face both in the press and on the platform of a certain section of the people, for having introduced this measure and others of its kind. In fact such measures were long overdue.

An honourable member: When should they have been passed?

Chaudhri Muhammad Hussain: They ought to have been passed even with the inauguration of the last reforms. At least they ought to have been enacted somewhere in 1923. It is a well-known fact that fraudulent transactions are on the increase on account of the activities of a dishonest section of sahukars. In spite of all this the present measure is being opposed. This should never be done. This measure has not been conceived in a communal spirit. It will affect Hindus, Muslims and Sikhs alike. It is meant to eradicate corruption from the money-lending business and it will operate only in those cases where corruption is found rampant. All the demonstrations, protests and *kartihs*, therefore, which have been carried on to show indignation against the introduction of this measure, are meaningless. The Government should ignore them. They are intended simply to shield dishonest sahukars. All opposition to this measure seems to be directed against reason itself. After all what is the real harm in turning a dishonest sahukar out of the profession? How can you justify the appellation 'Black Bill' used in the case of the present measure?

Then, I have to say something about the attitude of the Congress benches vis-à-vis this measure. Since 1927 when provincial autonomy was introduced and the Congress entered the legislature these worthies have been chattering from house-tops that they were out to help the poor and the

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needy and that they were the best friends of the labourer and the petty peasant. Here was an occasion to test the genuineness of their sympathy for the poor and down-trodden classes of the province—the labourers and the zamindars. But throughout the time these measures, calculated to benefit the zamindars and poor labourers who are in debt, have been on the anvil of this legislature, they have either maintained significant silence or have tabled amendments meant to defeat the purpose of these Bills. It was only the Unionist party which includes zamindars and the kith and kin of zamindars that stood firmly and solidly behind these Bills.

Begum Rashida Latif Baji : Not only the zamindar members, but urban members too supported these measures from these benches.

Chaudhri Muhammad Hussain : Much heat has been caused over the supposed handing over of more powers to the collector. But in fact all the powers are left in the hands of the civil court. Clause 6 clearly lays down that the collector will make his decision about the cancellation of a licence on the basis of a certified judgment of the civil court. What then remains there to complain of I fail to understand.

The first ground on which the licence of the money-lender may be cancelled by the collector as laid down in clause 6 is that it is held by a court that the money-lender has contravened the provisions of section 8 of the Regulation of Accounts Act. It is clear, therefore, that this power is vested in the court and not in the collector. The second ground is that a money-lender has had his suit dismissed, in whole or in part under section 87 of the Punjab Relief of Indebtedness Act. This again is the power which is virtually exercised by a civil court. The collector has only to act in accordance with the findings of the court.

The third ground is that the money-lender has had his suit dismissed with the finding that he has made dishonestly or fraudulently a material alteration in any document relating to a loan. In view of these provisions which are quite clear, I cannot understand, for the life of me, how any person is justified in complaining that the collector has been given too much power. Moreover the collectors have got more experience in these matters as compared with the civil courts. They go on tour in their *sloqa*. They are well acquainted with the people concerned, and they know perfectly well what *sahukars* generally do.

Under these circumstances, I think, it is proper and just if these authorities are vested in them. So far as the penalty is concerned, I would like to submit that it is not so severe and hard as it has been stated from the opposite benches.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*): Sir, my learned friend has tried to bring forward some allegations against the Congress Party.

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

Chaudhri Kartar Singh : Sir, the Opposition sent in very useful Bills during the last session, viz., the reduction of land revenue at the rate of Rs. 5 per hundred and anti-begar Bill which proposed to stop *begar*.

taken from poor Ashbuts, but the present Government that profess to be the friends of the zamindars threw them in the waste paper basket. Sir, I beg to reply to them first and then I would take up the motion under consideration.

Mr. Deputy Speaker : Order, order. The honourable member has no right to give a reply to something irrelevant said by other members.

Chaudhri Kartar Singh : Now, Sir, I want to point out the object of this Bill with which the Unionist Government has brought this measure before the House. Much has been said on this Bill from both sides and the Government has been pleased to submit while quoting the report of the Reserve Bank that so long as restrictions are not imposed on sahukars dishonest money-lending would not stop. Let me make an important observation in this respect saying that the foremost object of the British Government is to stop direct money-lending so that the Reserve Bank may prosper. As sahukar stands in the way of the prosperity of the Bank, therefore, the British Government want to remove it any way and it is their heart's desire that the people of India may invest their money in this Bank. The British Government as you might be aware, requested money-lenders and Merchants' Association sometime ago, to the effect that they should not open their accounts with mahajans or private money-lenders but they should invest their money in the Reserve Bank and borrow from them. We understand this policy of the Reserve Bank perfectly well, why the people were requested to invest their money with them. It means that rifles and machine-guns for the use of the British Government may be purchased in order to strengthen them for the next war. What a marvellous policy it is! Now I want to draw your attention to the provinces where the Congress is in majority. I admit that Money-lending Bills have been introduced in those provinces, too, but the object behind them is quite different from the object of this Bill. Strictly speaking what the British Raj could not achieve during the past many years is going to be achieved now through the present so-called zamindara Government of the Punjab. Another object of the proposed Bill is that lands may be mortgaged with big-bellied zamindars and petty zamindars may thus be deprived of their lands. In short I would like to submit that our sympathetic Government want to see this land of the five rivers in the strong grip of the talukdars like the United Provinces. Fortunately our Punjab despite these undue attempts on the part of the Government cannot be sold to big landlords and rural magnates. (Cheers.) But our friends sitting on the Treasury benches have now compelled the small zamindar neither to mortgage his land to a petty zamindar nor to borrow money from a money-lender but, if some necessity arises, he shall have either to sell his land to a big zamindar or to borrow money from him. Had the Government introduced a Bill in the interests of agriculturists or managed to lend money to the zamindar at the rate of 3 or 4 percent., we would have agreed to their proposals. Let me assure them that we would have been one with them if they had stopped dishonest money-lending and made some adequate and efficient arrangements for lending money at comparatively lower rate of interest to zamindars. But how deplorable it is that the policy of our Government is dictated by agents of the English bourgeois Government. The Honourable Premier has remarked that the money-lender is dishonest and further stated that these were the advantages

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of the British rule that they were removing that evil from the country. I think, this does not lie in the mouth of our Honourable Premier who has been working as a piece in the machinery of the British Government for the last few years. To-day he says the money-lender is dishonest. May I make bold to say how the Honourable Premier is honest?

Mr. Deputy Speaker : The honourable member should not impute motives.

Chaudhri Kartar Singh : I am not imputing motives, Sir, but I am speaking about the import of the Bill. I beg your permission to criticise the objects of the Government underlying this Bill. Let me ask the Government whether they have so far learned one thing only, *viz.*, to give the dog a bad name and hang him? (*Cheers*). If they are honestly going to give relief to kisans, they may rest assured that they will have the full support of the Congress. But this policy which the Government is going to adopt, we are certain, would not prove useful for zamindars, and if the Government says so, they are guilty of down-right deception, fraud and petty-fogging. We made one submission the other day to the effect that the authority of granting licences might be vested in tahsildars and a money-lender might get his licence on sending an application to him from his village. But the Government did not agree to it and said 'No'. If a man resides in a village which is situated 70 miles away from one side and 40 miles away from the other, from a district, say Hoshiarpur, he shall have to present himself personally before the deputy commissioner of the district for taking a licence. I appreciate these facilities provided to money-lenders.

I would like to submit that it is a conviction with us that zamindars can prosper in one way only and that is this. If the Punjab Government take serious steps to lend them money at a lower rate of interest which they may conveniently pay, I am sure only this measure if seriously taken would improve their plight a lot. Had our Government done so, we would have been convinced of their honesty and good intentions. My next submission is that if our Government declare zamindars, tillers of the soil, statutory agriculturists and that non-agriculturists cannot take money-lending as a profession, and after establishing branches of the Reserve Bank in various places begin to lend money to needy zamindars at a lower rate of interest, we would be the last persons to utter a single word against the present Government. But really speaking they are not playing a fair game with the province. As my learned friend Raja Sahib has stated, this is only a lip sympathy. I do not believe that the zamindar would be able to get shelter and safety behind the proposed Bill, if it becomes an Act.

I fail to understand what relief this Bill will give to the country. In a way the Regulation of Accounts Act is a much more salutary measure than the present Bill. In the Regulation of Accounts Act, a creditor is compelled to present his six-monthly accounts to the debtor and clearly mention therein the amount of the principal and the exact amount of the interest. But may I ask what benefit will accrue to the debtors from the proposed measure? It will lead to only this that a creditor will advance Rs. 100 and get a receipt for Rs. 500 from the debtor who will affix his thumb-impression on the *bahi*. By passing this measure in this way

the Government will be compelling the debt-ridden and impoverished agriculturists to offer their very last drop of blood to the money-lenders.

I, for one, do not object to the Government freely passing this measure, but let them for God's sake arrange that the poor agriculturists may be able to borrow at cheaper rates of interest. We are crying ourselves hoarse in telling the Government that this Bill is not going to benefit the poor zamindars. The Opposition is foreseeing this danger and is expressing its warning in unmistakable terms. But no one listens to the cry of a man where drums are being beaten...

In the end, I may sound a note of warning to the Honourable the Premier. There is no doubt that he is at the helm of affairs in this province. But let him remember my prophecy that these Bills will cause a civil war among the various classes in the Punjab and will lead to a bloody revolution. Let him be ready to face that consequence. His attitude is quite unintelligible. On the one hand he gets meetings of the Muslim League held and obtains the support of the Muslim Leaguers in favour of these Bills, and on the other hand he claims to be the head of the national Government in the province. But we do not raise any objection to that. I wish to answer those who ask why the Congress is observing silence on this important occasion.

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

Chaudhri Kartar Singh: Sir, I have well-nigh finished my speech. One word more and I have done. Let the Government pass this measure on their own responsibility. The Congress will not be responsible for its good or bad consequences. The Government will be solely responsible for them. We consider this Bill defective and yet support the Government in the hope that some little good may be done to the kisans of the province.

Shaikh Karamat Ali (Nankana Sahib, Muhammadan, Rural) (*Urdu*): Sir, being a non-agriculturist myself I am naturally diffident in commenting upon the irregularities that the people belonging to my own group commit in their business of money-lending. They might well expect me to support their cause in this House but I cannot help speaking the truth at this moment. The time has come when we should rise above our class prejudices and join our heads together in order to deliver the impoverished and debt-ridden agriculturists of their sufferings. But what do we find in this House? I am surprised to note that my non-agriculturist brethren are opposing the Money-lenders' Bill which aims at improving the business of money-lending by trying to weed out the dishonest money-lenders. Instead of lending their wholehearted support to this salutary measure, my honourable friends sitting on the opposite benches are raising a storm of objections against this Bill. But when we examine their objections, we find that they are based on mere sentiments. In fact they have not been able to level any serious objection against the principle underlying this Bill. All their objections boil down to this that the penalties proposed to be meted out to the offending money-lenders are rather severe. Again, much heat has been caused over the question of supposed delegation of more powers to the collectors. But I want to ask from them whether they have the audacity to deny the

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necessity for the passing of such a measure. As a matter of fact a legislation of this character was long over-due. But my honourable friend Diwan Bahadar Raja Narendra Nath has observed that the Government have brought forward this measure merely because of the fashion that has been set in other provinces, and not out of any genuine necessity. With due deference to my honourable friend I would like to reply to this charge in an Urdu couplet which says :—

کسی کی جان گئی ہے ادا نہیں

(Laughter).

Surely this charge cannot hold water because the agriculturists of this province have almost been ruined by the dishonest money-lenders, and still Raja Sahib believes that it is following the fashion and not because of any genuine necessity that the Government has now brought forward this measure. Just imagine the hardship which the tiller of the soil has to suffer in order to cultivate his field. He works under the scorching heat of the summer sun and he has also to go about his fields in the icy-cold nights of winter. But the produce which he gets after these troubles passes on to the money-lenders leaving the cultivators no richer than before. The hard-earned money of the peasants goes to provide comforts to the sabukars who have to do no hard work. The dishonest money-lenders have squeezed out the very blood of the agriculturists and, in fact, are eating into their vitals. It is this state of affairs that has necessitated the introduction of this Bill. I would, therefore, address the following Persian couplet to those who object to this Bill.

اے باد صبا این دم آوردہ تست

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

Shaikh Karamat Ali : Sir, I am trying to explain the necessity for this Bill. I may observe in this connection that one of the objects of this Bill as laid down in the statement of objects and reasons, is that some money-lenders indulge in malpractices and commit dishonesty in the course of their business. The time has come when these dishonest money-lenders should be weeded out and their highly objectionable activities should be brought to an end. They have been sucking the very blood of the poor agriculturists, and in fact they have not realised that the poor victims of their nefarious activities are human beings after all and deserve humane treatment at their hands. There is a limit to human patience. The agriculturists being ignorant and having only the knowledge of affixing their thumb-impression, know nothing of the extent of their loss or of the misery to which they are drifting. The result is that the clever bania seldom allows him to get out of his clutches and the poor zamindar practically exhausts his whole life time in paying off his dues and the tillers of the soil are completely impoverished. The money-lender has two sets of *bahis*, one for genuine transactions and the other for fraudulent purposes. The innocent cultivators readily affix their thumb-impressions on whatever paper the money-lender offers them. In this way their debts get multiplied beyond all reasonable limits. The

produce which he pays to the money-lender is nowhere entered in the *batia* with the result that the debts could never be paid off. Another malpractice resorted to by the banias is that if they lend one hundred rupees to the zamindar they make an entry of rupees two hundred apart from interest which certainly is at usurious rates against the name of the agriculturist. Thus the whole of the yearly produce of the cultivators go into the hands of the money-lenders and yet the debts show absolutely no decrease. On the other hand the debts would ever show a tendency towards increase. One may reasonably ask, where have the earnings of the zamindars gone? They lead a simple life but still they have no savings at all. It is sometimes argued that zamindars live a luxurious life and that is why they always remain debt-ridden. It is hardly fair, because only 5 per cent. of the agriculturists or even less might be indulging in luxuries and 95 per cent. agriculturists live only from hand to mouth. They cannot even get one square meal a day. Luxuries are quite unknown to them. They cannot even enjoy a sound sleep.

In order to have just an idea of the havoc these money-lenders have wrought, allow me, Sir, to describe the way in which accounts are kept. I will not go into minute details but will be content with telling you how the illiterate tiller of the soil has been robbed of his earnings in the past. One shop-keeper would call another shop-keeper—a chip of the same block—in order to satisfy the zamindar that his accounts are correct. This second shop-keeper would assure the zamindar that there is nothing wrong with the book-keeping. At this stage the zamindar is often entertained with a cold drink which assures the innocent man that the bania is very sympathetic towards him. It will not be out of place to mention that the money-lender would say at this time that 6 multiplied by 6 equals 66 and thus the debt of the zamindar would multiply out of proportion to any calculations. Let me make it clear that it does not give me any pleasure to mention these malpractices of the non-agriculturists. I am their kith and kin and my own group fellows have been doing this. The small courtesies shown to the zamindars are intended to conceal the wrong arithmetic. Such are the tactics used by dishonest money-lenders to rob the innocent zamindars of their hard-earned money. As a result of these machinations on the part of the clever bania the poor cultivator is rendered destitute. The butter, grain and all other agricultural produce pass into the hands of the money-lenders and the zamindar is left to *lassi* alone.

Allow me, Sir, to narrate a story in order to illustrate the way in which the dishonest money-lenders have been fleecing and cheating the illiterate cultivators. There was a poor zamindar, Damri by name in a village. A bania wanted to entrap him and give him some debt. But he was a man of plain habits. The bania wanted to show him the way to luxuries and with this end in view he asked him one day whether he had ever tasted the hemp-water (*Sardai*). The poor fellow shook his head and replied that he had never tasted any drink except *lassi*. Damri drank one day *Sardai* from the shop of the sahukar and he got used to it. The price of that *Sardai* was only one damri and the sahukar wrote his accounts in the following way:—*Damri de sardai Damri le gaya.* In this way the poor Jat daily drank one *sardai* and the sahukar continued writing his accounts in the above-mentioned form.

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

Dr. Sir Gokul Chand Narang: Is this an amusement hall that the honourable member has got up to entertain or amuse us? It is certainly not a theatre.

Shaikh Karamat Ali: Sir, I was giving reasons why this Bill has been introduced in this House.

Mr. Deputy Speaker: The honourable member should discuss the contents of the Bill.

Shaikh Karamat Ali: I was drawing your attention to the reasons which led the Government to introduce a Bill the object of which is to control money-lending transactions and to check the malpractices on the part of certain dishonest money-lenders. In order to illustrate my point I was citing the example of a Jat named Damri. Well Sir, that sabukar daily wrote against the name of that Jat that, "*Damri de Sardai Damri le gaya*". In this way when after a considerable time the accounts of the Jat were settled, it was found out that Damri owed many thousands of rupees to that sabukar. The poor Jat was astounded to know that his debt had assumed such proportions, while in fact he never drank *sardai* costing more than one pie and he was astonished to know how these two pies have been noted down against his name daily. Such are the ways of the money-lenders and thus they cheat and defraud the poor and simple peasants of their hard earned money, and do not allow them to enjoy the fruits of their hard labour. The result of this cheating is that the poor peasants cannot give anything to their children or to their wives to eat. When the time of harvesting comes the bania reaches the spot and takes away every grain of corn and leaves the wretched kisan in the lurch. May I question my friends opposite whether this state of affairs is not sufficient to move the Government to introduce such a Bill?

There is no denying the fact that our Honourable Premier belongs to the class about which we know full well, that they have for centuries fallen an easy prey to the cunning ways of the fraudulent and dishonest sabukars. That is the reason which has compelled him to move such a Bill, which in fact means nothing more than an attempt to extricate the poor kisan from the jaws of death and destruction. Had he not belonged to that class and known their pitiable condition, I am sure, he might have surely agreed to the points put forward by friends opposite.

After all, what is this Bill? I may submit that the object of this Bill is merely to register the money-lenders and to regulate money-lending business so that the money-lenders may not contravene section 8 of the Regulation of Accounts Act, and they should not charge high rates of interest and that they should keep their accounts honestly and properly. This is in a nutshell the object of this Bill. May I ask my honourable friends opposite, what is the harm in moving such a Bill? Over and over again this argument has been advanced by the supporters of the money-lenders that if the provisions of this Bill were enforced the money-lenders would be forced to leave this business of money-lending. May I question them whether it is fair to raise such a contention? This only means that if steps are taken for reforming and regularising the money-lenders then the only

way of showing their appreciation of such honest legislation as the present measure is that they would give up their calling rather than continue it. Is it fair to say like this? This is absolutely a flimsy argument and in my opinion there is no justification for advancing it. I would have regarded them a group of really brave people if they had been open-minded enough to accept this Bill and show a sense of revolt against dishonest and fraudulent practices. But, Sir, they have not done so and are on the other hand vehemently opposing this Bill.

I have listened to the arguments of Diwan Bahadur Raja Narendra Nath. He is an old veteran politician but I never expected that he would advance such an incogent argument. He has stated in the course of his speech that if the provisions of this Bill were given effect to, then the business of the money-lenders would be stopped because they would feel it as an insult to them to get the required licence and registration. But may I question him, what is the harm, shame or dishonesty in doing a thing which is simply straight and honest? I would like to illustrate my point by citing an example. Suppose for a minute that section 420 were not in the Indian Penal Code and somebody proposes to include it in the Indian Penal Code, would that inclusion be objected to merely on the score that it is likely to cast aspersions on the character of the public? If that be so, I will say unhesitatingly that their attitude of non-co-operation with honest and straight measures would strongly be condemned and deprecated by fair-minded and honest folk. Would it be fair and just opposition? In my opinion this would mean nothing more than this that they in fact wish that such a section should not be included in the Indian Penal Code which would bring to light their misdeeds. Every one is aware of the fact that the frauds and dishonesties of the money-lenders have assumed such high proportions that a great necessity is felt for putting an end to their mispractices.

The second argument that has been advanced against this Bill is that honest men will stop lending and borrowing money. I very respectfully invite the attention of Diwan Bahadur Raja Narendra Nath to the fact that according to this Bill a money-lender is a person who carries on the business of advancing loans. This does not mean that two friends who lend or borrow money occasionally would also be required to obtain licences. Nor do I think that the authors of this Bill would include them in the class of money-lenders. No court is presumed to proceed from motives of rancour on the decision of these questions whether certain stray transactions can be included in the category of money-lending. This argument practically holds no water.

Then my friend Chaudhri Kartar Singh stated in the course of his speech that this Bill has been moved merely to give effect to the recommendations of the Reserve Bank and thus they want to give undue importance to that Bank. I am constrained to remark that I have not been able to understand the logic of his argument. Probably he does not know that the said Bank was floated at the express request of the Indians. Anybody who carries on the business of advancing loans will not leave his business merely because rules have been framed according to which he should do his business. He is used to that profession and I am confident that he would never give it up. My friends say that this Bill is likely to work a great hardship on the

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money-lenders. I say, think for a while the condition of that villager who works in the hottest of months and who keeps awake in the coldest of the winter nights and who has physical privations such as his bullocks dying and he has not got money or means enough to buy another instantaneously. In fact he has nothing to fall back upon. This Bill has been moved merely to give him a bit of relief. But my friends over there say that if such laws are passed, the consequence would be that the money-lender would be disheartened. I have not been able to find out what particular section in the Bill is obnoxious to them. There is only one thing that may be pinching them and that is the fee of Rs. 5 which the money-lenders would be required to pay for getting themselves registered. My honourable friend Dr. Sir Gokul Chand Narang has been laying a great stress on this fee of Rs. 5. He has remarked that if this Bill is not a fiscal measure, why the Government has provided in it a fee of Rs. 5 and not a fee of rupee one which would be sufficient thus leaving four rupees to the poor money-lender to feed himself upon. Sir, when he used the word "poor" for the money-lenders I was greatly astonished and personally would not like to include the money-lenders among the class of those poor people. It is a misnomer to call a bania "helpless". I am unable to understand how by paying Rs. 5 to the Government he will become the poorer thereby.

The fact is this that these money-lenders can make a lot of money even from a few rupees. In fact there appears to be a dormant idea in the mind of my friend Sir Narang that by the reduction of registration fee to one rupee only, the money-lender would be saving to himself rupees four, which he must naturally invest in lending to the zamindar or others to bring him interest. (*Loud laughter and cheers.*) I am of the opinion that if a bania is given even Rs. 5 he can very well make his life thereby. I have seen many money-lenders who started their business with small sums say only two rupees, and made plenty out of the small beginning by investing on interest amongst the simple village folk. What they did was that they bought their *souda* for one and half rupees and reserved annas eight for lending to other people on interest. In a few years they amassed sufficient wealth and then after some time they would run to Sheikhpura or some other colony town, to purchase a residential site for a handsome price with a view to build a palatial bungalow on it for rental purposes.

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

Shaikh Karamat Ali: Sir, objection has been raised that the collector should not be given powers to decide such cases and in support of this objection it has been said that accustomed as these collectors are to issuing orders as executive heads of the administration in the district they will not be able to do full justice to the money-lenders particularly in cases of cancellation of licences. But my friends who have raised this objection perhaps are not aware that a person comes to have an attitude of mind according to the circumstances and the atmosphere in which he happens to live and move about and, therefore,

even if it be conceded that the collectors should decide such cases as a court, it will make no difference. And the reason is obvious. Even as a court a collector will act in the same manner as he would have acted as a collector because, as I have said, he has come to have a certain attitude of mind by working continuously in a particular manner as a collector for a very long time. Of course there would have been some sense if it were asked that these cases should be entrusted to senior sub-judges or district judges.

Dr. Sir Gokul Chand Narang : That also was asked for by the Congress people.

Shaikh Karamat Ali : But even the senior sub-judges are not free from bias and their communal outlook has not changed so far.

Dr. Sir Gokul Chand Narang : And the collectors are angels. Are they ?

Shaikh Karamat Ali : So far as my own experience goes I have seen them going thoroughly into every case and deciding them definitely on their merits. I have had to conduct many mutation cases before many a collector and I have found them never acting as some of my honourable friends fear they would act. Therefore the gentlemen who have raised this objection need have no fears on that score.

Now I proceed to say something with regard to the speech of my honourable friend Chaudhri Kartar Singh. He was pleased to say that this Bill was intended to crush the money-lenders and thereby to help the Reserve Bank. How absurd and unreasonable is this view on the very face of it ? My honourable friend appears to be labouring under a misunderstanding. He seems to think that when this Bill is passed and is enforced, the money-lenders will give up their profession and will have to willy nilly deposit their money in the Reserve Bank. That, I may assure the honourable member will never happen. The money-lenders will seldom give up this profession even if many more restrictions were placed on them. And to illustrate the mentality of these money-lenders I may relate the story of a sahukar in one of the villages in Siakot district. It happened that one night a number of dacoits managed to enter into the house of a sahukar and at the point of a sword or a revolver demanded from him the keys of his safe where he used to keep his *bahis* and cash. I may as well tell you that among the dacoits were those persons who owed debts to him and who knew that many extortionate, and unconscionable entries had been made in those *bahis* in their accounts. That night the son of that sahukar happened to be with his father and that boy, who had not read much and who, at any rate had not received higher education but was sensible enough in his simple and innocent way asked his father as to why he does not leave this profession which is a source of so great a trouble and botheration and which always keeps the sword hanging over his head. The reply that he gave to his son is worthy of note. He said that unless he were killed and as long as there was even a little spark of life left, he would not be prepared to give up that profession. The mysterious charms of this calling far exceed in value the occasional risks involved. He further told his son that a better profession than that could not be found on this earth. It brings not only money, but brings plenty without trouble. There are no worries, no difficulties and no hard

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work. You have only to keep sitting in ease and appreciate the marvellous, automatic and mechanical results of the working of the *bahis*. Therefore, my friends may rest assured that this Bill and even many more similar in nature will not deter the *sahukars* from following this profession. There is no doubt about it that this Bill is intended to place some restrictions on the activities of the money-lenders and particularly on the activities of the dishonest money-lenders and that no secret has been made of it even by the sponsors of this Bill. But that is no reason why we should raise so much hue and cry over it. On the other hand we, who belong to the money-lending classes or their representatives and who are very well read and who claim to have reached a higher standard of morality, should conduct ourselves and ask our brethren to conduct themselves in such a manner as to earn a good name for the profession and make it popular among the people. We should try to see that all irregularities, malpractices and cheating become a thing of the past and if we can do that, these restrictions which appear at present to cut us to the quick, will appear to be only certain wholesome regulations and there will be no occasion to cry over them or rue the fate.

I may as well assure those who are opposed to this Bill that it has not been brought forward by way of a joke or in a haphazard manner. It is the result of the feelings that those responsible for it have in the matter. I know that the hearts of those who have sponsored this Bill and who at present occupy the Ministerial offices are torn with what they have been seeing in the country side. They have known and seen poverty, misfortune and misery among the people who are being victimised by the money-lenders and it is their legitimate desire that these people should be helped to get out of that deep-dug slough of misery and misfortune. Therefore we should all welcome this step and it is in our own interest that we should welcome it because no trader, no lawyer and no doctor can flourish if these poor zamindars and debtors are allowed to be victimised by the money-lenders for all their lives and are eventually driven to the verge of extinction. Some of my friends, who have pleaded the cause of the *sahukars* have said that they are very good at heart and cannot even tolerate the idea of giving trouble to anybody. This has reminded me of a verse which is as follows:—

سنگین دل است چه چه بظاہر • لائِم است
صائب درون • بندہ بین • بندہ دارہ را

My friends who have been misled to believe this, have not seen them from within, where they are as hard as that *binaca* in the cotton. We who live in the towns know very little what a miserable life the poor zamindars lead. It is up to us, who enjoy all amenities of life and who have little worries, to help the Government in improving the miserable lot of our brethren in the villages.

Begum Rashida Latif Baji: On a point of order, Sir. Is it fair for the honourable member to attack the urban people again and again?

Shahid Karamat Ali: I bow to the objection raised by the lady member. It is not at all my intention to say anything to offend the feelings of the people living in the towns. I was only saying that it is their duty to

help the Government in bringing up the people in the villages to the same level which they have already reached and not try to stand in the way of the Government bringing about these reforms. In fact by townspeople I meant the money-lenders and their representatives. With these words I strongly support the motion before the House (*cheers*).

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, it is a pity that my honourable friend who has just finished his speech has been allowed to make such irresponsible remarks in his speech on such an important matter. All the time he spoke, he tried to present before the House that dark picture about money-lending which is certainly a thing of the past and I think I shall be wasting the time of the House if I try to dwell upon the same stale subject.

I have already said many a time before, that if this Bill was meant to punish the dishonest money-lender I, for one, would not defend him though of course I must plead that the punishment proposed should be commensurate with the offence committed. But my grievance is that whereas there are two classes of money-lenders, honest and dishonest ones, you have provided in this Bill largely for the punishment of the honest money-lenders.

Khan Bahadar Mian Mushtaq Ahmad Gurmani: Now, say something about labour.

Lala Sita Ram: I have already pointed out that this measure hits labour as well. When capital is withdrawn, who will care for labour? My honourable friend should wait to hear from me a lot about labour too and I hope that when I propose something for their betterment my honourable friend will not desert me. I wanted to tell you that if you had any intention to encourage the honest money-lender you should have agreed to my amendment which I moved to exempt the deposits made with money-lenders from the application of the word 'loan' just as you have agreed to make an exception in the case of monies deposited with banks and companies. But you did not accept my amendment. Then, it was claimed by the Government that it was not their intention to raise taxation by passing this Bill. But the honest money-lenders have not been exempted from registration fee and the licence fee. Even if on the authority of the Income-tax department a money-lender is able to establish that he has been keeping regular accounts and has not charged exorbitant rates of interest, you are not prepared to exempt him from the afore-mentioned exactions. Is it what you call encouraging the honest money-lender? Let me in this connection tell you that sometimes the money-lender may not think it worth while to send the six-monthly accounts in the case of some debtors as he knows that no interest is forthcoming from such borrowers. But his licence is cancelled if he repeats this mistake the second time although he is prepared to forego his interest for that period. Is it not just and fair, I ask, to make some exemption in the case of this man in view of the fact that he had no mind to charge any interest?

I refuse to admit that a *sahukar* can charge exorbitant rates of interest these days without the connivance of the debtor. No one who raises a loan for productive purposes is prepared to pay exorbitant rates of interest. For instance, if a person takes a loan of one thousand rupees for business, he will never be prepared to pay 15 per cent. or even 16 per cent. I shall tell

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you who agrees to these exorbitant rates of interest or who suffers himself to be charged at these rates. He is the person who drinks or gambles. This is the type of debtor who borrows a hundred and executes a pro-note for a hundred and fifty or even two hundred. But this debtor is a bad character. He will go on raising money, squander it in one way or the other in drinking or gambling. When the figure of his debt mounts up to say, Rs. 10,000 or Rs. 20,000, he tries to escape payment. How does he do it? He simply asks his son to make a representation that his father is in the habit of squandering money on drink or in gambling and that his ancestral property be exempted from attachment as the son is the rightful owner and the father has no right to deprive him of the benefit of the ancestral property. Does the Government wish to protect this sort of debtor also? Then come *wakf*, *Haq-mahar*, *Hibbeh*, bogus transfers and mortgages and last but not the least the Insolvency Act comes to his rescue. He sells his land to a friend and then declares himself insolvent. In such cases, the creditor does not get a single penny. To say that the debtor has no position whatsoever is perfectly wrong. I would like to submit for the information of the sponsors of the Bill that this measure which they have adopted in order to crush down the dishonest money-lenders would be a help for the dishonest borrower on the other hand. He is equipped with so many weapons to defend himself with. Strictly speaking, the Government under the provisions of the proposed Bill would make the honest borrowers lose. It means that the dishonest borrowers would be encouraged on one hand and so many restrictions would be imposed on the money-lenders on the other that they would think thrice before they advance any loan even to honest borrowers. Any dishonest debtor who would acquire the services of a competent lawyer and defend himself well in the court by hook or crook, would be able to deprive the money-lender of all the capital which the debtor had borrowed from him. I am sure this enactment would largely come to their rescue. Do the Government mean to treat a dishonest borrower and an honest money-lender alike? I have already stated in the note of dissent that so far as the Government want to remove dishonest money-lenders from the province, I am at one with them. Sir, another submission of mine is that for every offence some punishment is mentioned in the Indian Penal Code and if it lacks somewhere the Government may add some new clauses to it. We do not want to shield the dishonest money-lenders. The Government may send them to jail instead of cancelling their licences, we would not speak a word for them. But my objection is that if 10 or 12 persons out of 100 are corrupt or dishonest and we pass an Act in order to reform or punish them, it would not be justified anyway if honest persons are also made to suffer on account of that legislation. Sir, in all the speeches that have been made on the floor of this House, there was one point common to them, *viz.*, a money-lender is always dishonest. Their contention is that charging of interest is *haram*, but I would like to ask these honourable members that if charging of interest and living upon that income is *haram* then what is borrowing and not paying a pie of the borrowed capital? It is surely all the more *haram*. My submission is, Sir, that you make a hero out of this person. When somebody indulges in such practices and tries his utmost to defeat the money-lender in the court by hook

or crook, he is encouraged and patted by everybody. The people would say to him "Bravo"! You have done well." Sir, I admit that money-lenders sometimes get more amount entered in their accounts than what they actually lend to a person, but if some persons do not pay them back a single pie out of the principal itself, then who is the more dishonest and worse cheat? I am sorry that honourable member, Pir Akbar Ali, has gone out of this House. Otherwise I would have given him a hundred and one instances in which money-lenders were deceived by the debtors. I know a person of village Badoke. I do not remember his exact name. Probably his name was Ali Akbar. He was of this sort. He used to borrow money from the money-lenders and squander it on drinks and luxuries. He was a man of no mean rank. He used to deliver speeches in public even against money-lending. To avoid payment to his lender he went so far that he declared himself insolvent and did not pay a single penny to the creditor. The people said, "This man has done well. Money-lenders should be treated like that. They are stone-hearted people etc., etc." Sir, time went on and the village community made him a hero. Even cases would come to him for settlement. The story goes that to this arbitrator there once came a case for arbitration. The point in dispute was that a certain group of crows had stolen a swan whereupon the rest of the swans sought relief from the arbitrator. They demanded the return of their stolen swan. The crows deposed that although they had nothing to say against the charge of theft which they had really committed yet they were on no account prepared to return the stolen swan. Their plea was a simple one and it was this. "Sir, we plead guilty to the charge of theft but kindly just consider how many swans they still have. This stolen swan is the only one we have got." The arbitrator decided the issue in favour of the crows.

Mr. Deputy Speaker : The honourable member should confine himself to the contents of the Bill.

Lala Sita Ram : I mean to explain the principle on which this Bill is based.

Adverting to the story, I may submit that the swans took this judgment very ill. In fact it was against the very rudiments of law. But the strangest part of the story is that even the crows began to cry and murmur. The arbitrator was extremely surprised to see this. He wondered that whereas the swans had a real cause for anxiety and disappointment, what had dismayed the crows. He asked both the parties to appear again before him to show cause why both were disappointed by his judgment. One party could reasonably feel aggrieved as is generally the case, but why should both be dissatisfied by his order which to him appeared quite equitable. The swans replied that their grievance was a genuine one, because he had given his order against them. Then he asked the crows, "What disappoints you in my judgment?" "Nothing but the anxiety as to who shall deliver such partial judgments in our favour when you die and are no more in our midst." (*Cheers and laughter.*) So let it be, Sir, with the findings of our Unionist Government. They are robbing Peter to pay Paul. They are out to fleece the rich of their wealth for no other fault of theirs except that they have wealth with them. Their wealth must be given to the poor, because, they have enough and the poor have none. This is the principle on which

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the Unionist Government is acting. The pity is that it has no constructive programme before it. The Government had better try to make the poor rich, and not rob the rich of their wealth if they have any. This might be the order of the barbarous society of the past but does not sound well to-day. The resources of the poor ought to be improved, instead of the rich being pulled to pieces.

Here I may narrate another story to show that the poor debtors of old are no longer simple now. An agriculturist borrowed a rupee from a money-lender who charged him 2 annas as interest and deducted it from the rupee he lent. The money-lender was glad that he had charged a high rate of interest and what is more, he had deducted it in advance. But the so-called simple-minded debtor said that he had outwitted the clever money-lender, in much as he had borrowed 14 annas from the money-lender which he had no intention to pay back. It was wholly a gain.

Mr. Deputy Speaker : The honourable member is again out of order.

Lala Sita Ram : Sir, the object of this story is to show that the poor debtors whom our Government is out to protect are not quite innocent. They also defraud the money-lenders of their money by borrowing loans which they never intend to repay. Coming to the contents of the Bill I may observe that the penalties proposed in this measure are very severe in the first instance. Secondly, they are vague and indefinite. There is no precision about them. The Government may pass this Bill with the support of their sheer majority, but it is not fair and equitable. The operation of the Bill should have been confined to the limits prescribed in the amendment—that this Bill should be confined, for the present, to those money-lenders who deal with statutory agriculturist tribes—which I had given notice of, but was ruled out by you, Sir.

Syed Amjad Ali Shah : Is the honourable member in order to discuss an amendment which was ruled out of order ?

Lala Sita Ram : It would have been to the advantage of all the agriculturists and the non-agriculturists alike. Sir, even if we admit that the time has come when the debts of the agriculturists should be wiped off, or that restrictions should be placed on the business of money-lending, I would request the Government to do it by all means. But the business of money-lending among the traders and the urban classes should not be stopped. We do not want any such restrictions being placed on the business of traders and merchants.

Besides, the Unionists are not tired of saying that they are out to help the tiller of the soil. But have they made it sure that the so-called Shylocks are really all Shylocks and none aggrieved ? The Government makes nothing of the heavy losses which the money-lenders suffer on account of bad debts which have often to be written off. Who is going to compensate them for that ? Even one bad debt takes away the savings of years of money-lenders. This is never taken into account. It is a thousand pities that the Unionists have never said a soft word on this sad side of the picture. They only dilate on the so-called woes of the debtors but they do not shed a tear when a money-lender is defrauded of his hard earned money. Have you ever cared to see the bright side of money-lending ? The money-lenders very

often advance loans to good people without any security for the education of their children and go a long way in making many families. They enable people, by advancing them capital, to increase their business which fetches them many times profit, and do not ask them for anything more except their reasonable interest. Are you not putting a stop to all this by this severe enactment?

One word more and I have done. The class of money-lenders is only a minority in this province. Their rights, therefore, must be safeguarded. My honourable friend Mir Maqbool Mahmood remarked a little while ago that there were 55,000 money-lenders in the Panjab.

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

Sir, even if we suppose that there are 100 people attached to every money-lender the number of such people would come to 5,500,000. If these figures are correct, they form no minority and my submission is that you are passing a law without giving so many people any chance to say a word about it.

Mr. Speaker: What is the honourable member speaking about?

Lala Sita Ram: Sir, I was submitting that this Bill is against the money-lenders and it is being passed with all its obnoxious provisions.

Mr. Speaker: Which clause or part of the Bill is the honourable member now discussing?

Lala Sita Ram: Sir, I am discussing whether the Bill should be passed or not. It is often claimed by my friends of the Government that they are the protectors of the rights of minorities but actually they believe in 'might is right'. If they want to pass this Bill on the strength of reason they should at least allow the minority its right to place before them its view point. But if you want to pass the Bill on the strength of your majority, you may do whatever you like and we are helpless. With these words I oppose the Bill.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban): Sir, I was surprised to hear the speech of my honourable friend representing the labour constituency. I was of the opinion that the representative of labour would say something in favour of labourers and would protest against the troubles and hardships which the poor labourers have to meet at the hands of the sabukars. But instead of saying anything in their favour he has thought fit to plead the cause of the money-lenders alone. I wish he had said something in favour of the poor people whom he represents here. My friend has stated in the course of his speech that if money-lenders are to be given licences they should not be deprived of them even if they contravene the provisions of the Act. Thereby he wishes to give them licence for doing any and every kind of mischief. The object of the Government by moving this Bill is to check the malpractices of the sabukars. There is no provision in this Bill which can be called harsh if applied to the honest money-lender. If my friends regard this Bill to be harsh, they should look to the laws of *Manu Dharam Shastar* and they would find that those laws were much more rigorous than the laws that have been framed by the present Government. At that time the business of money-lending was not a bed of roses and the rate of interest charged was not as high as is at present in vogue in this province.

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I may submit that the modern money-lender came into existence with the advent of the British in India. For the last 100 years the British people did not even move their little finger to put a stop to the atrocious methods of the money-lenders. They practically remained silent and some of these cruel Shylocks have been charging 100 per cent. interest from the poor people of India. Now when the present Government have taken upon itself the duty of setting this bad state of affair right, my friends are pleading for the sahukars.

Besides, I may submit that there was a time when this money-lending was known as shahkara meaning thereby that it was the work of the kings and that they did money-lending in order to help the poor people. But now this has come to be a sahukara meaning thereby that it is the work of the thieves. I do not mean that all the money-lenders are dishonest and fraudulent people, but just as there are pearls in the sea so there are good and honest money-lenders as well. But it is regrettable that just as there is dearth of pearls in the sea, so there is dearth of honest money-lenders as well.

What is the object of this Bill and what do we want? We desire that just as the banks charge a small rate of interest, in the same way these money-lenders should charge reasonable rates from the kisans. I may submit that the money-lenders now charge 18 or 25 per cent. interest from the poor people. No commercial person can afford to pay high interests, and much less can it be tolerated that a poor man should pay intolerable rates of interest which he cannot possibly repay. There is no justification for them to charge such high rates of interests. It is really inhuman to charge so high a rate of interest from people who cannot make both their ends meet. What we want is that such laws should be passed under which no one should be allowed to perpetrate dishonesty over the poor people and to defraud and cheat them. If anybody is found out contravening the provisions of the Bill he should at once be made incapable of dealing in this business and he should not be allowed to continue his nefarious business. Instead of thanking the Government my friends are blaming them that it has imposed a licence over the money-lenders. I may submit that when a lawyer enrolls himself as an advocate for practising in the High Court he has to pay a fee of Rs. 700. If a fee of Rs. 5 is charged from the money-lender what is the harm in it? This fee is small as it will be levied only in view of the public interest and in order to carry on the work of the department that will be opened for seeing that the provisions of this Bill are properly followed or not.

What is the object of our moving this Bill? The object of this Bill is to lay down conditions for the honest carrying out of the business of money-lending and to punish dishonest money-lenders. Our object is not to rob the rich, but to protect the poor. Just as it is the duty of the Government to see that the poor people get sufficient to make their both ends meet, so also it is our duty that poor man is protected from the clutches of rapacious money-lender. If a rich man becomes poor by only paying a small fee then he should bless his stars only. In Great Britain many rich people have to pay 60 percent. taxes as income-tax and still they remain rich by legitimate trade. I want to draw the attention of my honourable friend Lala Sita Ram to the fact that the rich people there have to

pay death duties as well. In fact Sir, the rich people in Great Britain have to pay heavy taxes from the date of their birth till death. In spite of the fact that they pay so many taxes there are millions of rich persons there. So I submit that if the money-lenders pay a sum of Rs. 5 they will not become the poorer thereby.

I really wonder why my friends have been so much upset over this Bill. They should now be prepared for something much worse. I may tell them that times are in sight when the rich people will have to part with their riches to accommodate their poor and needy fellows. My honourable friend Dr. Gokul Chand Narang shall have to give a part of his earnings from sugar to his needy neighbour and send him two or three bags of sugar.

Dr. Sir Gokul Chand Narang : But you will also be required to supply durries to those who will require them.

Shaikh Muhammad Sadiq : Why not? Some of my friends have complained that these money-lenders have certain bad debts owed from the zamindars and asked, who is going to make up the loss on account of those bad debts. I ask them, who advised them to pile up these debts by charging interest at unheard of rates? Then it was argued that some borrowers take money and squander it on drinking liquor and such other things, and it was asked, why is it that the sahukar who lent money to such a man should be penalised? We know that there are some such cases and we also know that such persons quite willingly write a promote for Rs. 200 while only a sum of Rs. 50 or at the most Rs. 100 was lent to them and we also know that such persons bring ruin not only upon themselves but also on their families and it is one of the objects of this Bill that such persons should not be allowed to ruin their lives. It is to restrict their credit and their folly that this measure and other similar measures have been brought forward.

So much hue and cry has been raised over the penalties provided in the Bill. So far as I can see the Bill provides that the licences of only such persons will be liable to cancellation who will be found to have acted fraudulently. I therefore, see no fun in this hue and cry. By the grace of God there are many honest money-lenders and them this Bill will not touch at all. Then, why is it that my friends are so much upset? I am inclined to think that there is something wrong in the matter, otherwise they should have no fears from any of the provisions of the Bill.

Mr. Speaker : Repetition should be avoided.

Shaikh Muhammad Sadiq : I admit there are strict provisions against dishonest money-lenders, but there is no provision in the Bill which will cause hardship to any honest money-lender. Those who are opposed to this should not also lose sight of the fact that the Honourable Premier has been pleased to assure that as soon as genuine cases of hardship are brought to his notice, he will see that that hardship is at once removed by an amending legislation and I am sure that in practice these provisions will be leniently applied. This should fully satisfy my friends who really fear some harm coming to the honest money-lenders.

Grievance has been made against the powers being vested in the commissioners. My honourable friend Dr. Narang could not have forgotten that when in the old Council I asked him not to give very wide

[Sh. Mohd. Sadiq.]

powers to the commissioners, he was pleased to say that they were officers who could be fully trusted. I do not know why he and his supporters are now so suspicious of these commissioners.

This Bill has been before the Government since 1924 and if it is not passed even now, it will be very unfortunate for the province. Some of my friends have said that many of the money-lenders have been declared insolvents during the last few years. May be it is true, but I ask them why they do not give up this profession when there are so many complaints against it. I feel and I am sure that there must be something nice and good and sweet that keeps the money-lenders stick to this profession in spite of so many complaints. Why should they not continue to stick to it when they can get every kind of amenities and big bellies to boot by following this profession? I know of a person in my own city who advanced only a few thousand rupees to a certain person and after a lapse of some time got a decree for 2½ lakhs of rupees against him. This is what compels the money-lenders to remain in the profession and they know that they cannot get so much benefit anywhere else. And need I remind my friends that even if some of the money-lenders will give up this profession, their money will go to help and flourish industries of the province and that is what we should all welcome. One word more and I have done. This Bill is to apply to all equally, whether Muslims, Hindus or Sikhs. There are money-lenders among the Muslims also and these Pathans are worse than many others. Therefore any particular community should not unnecessarily be apprehensive of this Bill. With these words I lend my whole-hearted support to this Bill.

Dr. Sir Gobal Chand Narang (West Lahore Division, General, Rural) : The first thing I want to say is that the trading classes and the money-lending classes should now understand clearly that they can hope for nothing from this Government and they must take all the steps they can to protect themselves without looking for any assistance or relief from this Government. This Bill along with other Bills is a sufficient evidence to that effect. The next thing I want to say is that this Bill will absolutely destroy credit. They might help the poor agriculturist by all means, but it will destroy credit so far as they are concerned. It will destroy credit so far as trading classes themselves are concerned. In spite of our efforts they have not exempted the trading classes from the operations of this law. If it becomes law, it will discourage industry, it will discourage trade and let me tell you, Sir, it will end in ruining those very classes whom you want to save. That is not the way of raising the prices of agricultural produce. This is the surest way of depressing the prices of agricultural produce and you will see what the result of this Bill is when it becomes law. As Raja Sahib pointed out, it is the agriculturists themselves who will cry over it, and they will come to the Honourable Premier if he is then in his seat to repeal this law. He may take this warning which Raja Sahib who is so to say in *loco parentis* to him has given him. This is the advice or warning that he has given him.

I also believe that this law will lead to corruption and to dishonesty and will demoralise the people in this province whether they are traders or they are agriculturists. Next, I believe that it will encourage slavery and it will also encourage nepotism.

It will make the trading classes, the money-lenders and all others who have anything to do with monetary transactions, in this province, slaves to the collectors, and their independence and freedom of speech and freedom of action would be destroyed. This would set back the hands of the clock of political progress. This is another warning that I am giving him. I have, let me say in one or two sentences, the fullest and heartiest sympathy with the poor agriculturists. I was born among them, I have played with them, I have shared their joys and sorrows during my life in the village. I am a villager, as I have told the House before, and I cannot forget the scenes of misery, and starvation that I have seen among these poor agriculturists. No one probably knows better than I do. They may know equally well as I do, but certainly they cannot know better than myself. I cannot forget a Jat friend of mine of my age who, when the dinner time—I mean *bhatta-wela*—came, was given one *chapati* by his mother to eat. I was then sitting with him at the *auloo* of the well and when that one loaf of bread was given to him, there was not even salt with which to eat that bread. There was no *dal*, no vegetables and, as I have said, there was not even a pinch of salt. I saw that Jat friend of mine eating that bread bit by bit and drinking water from the *auloo* with his hands. I have never forgotten that sight although forty years have passed. These gentlemen should not think that we do not appreciate their misery and their troubles and their poverty. I have seen them and have sympathised with them but let me tell you that it is that very class whom you are now condemning as dishonest and whom the Premier, I am very sorry to say, was pleased to compare with thieves in one of his speeches to-day, it is that class, in spite of some dishonest people amongst them, which comes to the rescue of such starving people. I can say from my own experience, from my knowledge of village life, that many Jats, many agriculturists, would actually starve, their daughters would not get married, their wives would not be able to pass through their lying-in stage successfully but for this accursed bania who comes to their help at the hour of need, and that is the bania whom you are out to destroy simply because there are some dishonest people among them. You can do whatever you like, for power is in your hands, but I have no doubt that you will one day realise that you have done injustice. I would not like to waste one word on what Shaikh Karamat Ali said. He belongs as he said to a non-agriculturist class, to a money-lending class. Every one speaks from his own surroundings, from his personal knowledge. I do not know to which class of non-agriculturists he belongs. He has probably seen all this chicanery, all this fraud, all this deceit, and all this cheating going on at the hands of his own people of whom he has sufficient knowledge. I can speak from my own experience and I know that they have been honest and they would never cheat the poor agriculturists and they have always stood in good stead to them and have always helped them whenever they required help. You can do whatever you like and I would not like to say anything more. I do not want to reply to anything that Shaikh Muhammad Sadiq has said because he has said nothing new. With these words I oppose the motion.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural) : There are certain provisions in this Bill which are *ultra vires* and defective and should not form part of the Act. These are clause 7 and some parts

[Pt. Muni Lal Kalia.]

of clause 6. Clause 7 deals with the procedure which has to be adopted at the time of cancellation of a certificate of a money-lender if he happens to commit some of the offences which are

Mr. Speaker : Does the honourable member propose to move an amendment ?

Pandit Muni Lal Kalia : This is not the stage for moving amendments.

Mr. Speaker : Then please restrict yourself to the contents of the Bill.

Pandit Muni Lal Kalia : Clause 7, sub-clause (1) lays down the procedure which has to be adopted by the collector for the cancellation of the licence if the money-lender happens to commit some of the offences.

Chaudhri Tika Ram : Is that clause going to be put separately to the House ?

Mr. Speaker : According to parliamentary practice when a Bill is read the third time speeches are more restricted than at the earlier stages of the Bill.

Premier : Here it is the other way about.

Mr. Speaker : According to parliamentary practice the speeches at this stage should be restricted to the contents of the Bill.

Pandit Muni Lal Kalia : Clause 7 (1) is as follows :

7 (1) The collector may take proceedings *suo moto* or on the application of any person interested for the cancellation of a money-lender's licence:

Provided that no licence shall be cancelled without giving the money-lender a notice in such form as may be prescribed.

So that the proviso to this clause deals with the procedure that has to be adopted by the collector. I now confine my attention to the third and the fourth sub-clauses of clause 6. According to sub-clause (3) if after the commencement of this Act, a money-lender "has had his suit dismissed with the finding that he has made dishonestly or fraudulently a material alteration in any document relating to a loan." (*Interruption*). I will refer to the definition of the offence dealing with false statement or fabricating false evidence given in section 193 of the Indian Penal Code.

Mr. Speaker : I cannot allow the honourable member to go into such minor details at this stage.

Pandit Muni Lal Kalia : My submission is that the offence given here is identical with the offence that is given in section 193 of the Indian Penal Code. Sub-clause (iv) of this clause is—

Has had his suit dismissed with a finding that it is fraudulent.

This is a thing or an act which is an offence under sections 209 and 210 of the Indian Penal Code. With regard to the offences that are described in these sections 193, 209 and 210, for them a special procedure is laid down in the Criminal Procedure Code under section 195. According to that Code if an offence of this nature is committed, no action can be taken against the persons who committed this offence except on the complaint of

the presiding officer of the court. In this case there is departure from that procedure. In these cases only on the finding of a civil court itself that a civil court comes to the conclusion that there has been a fraudulent transaction, or that there has been a material alteration, in that case the collector will follow a different procedure to try them and deprive the person of civil rights. My submission is that the procedure for this offense is already laid down in section 195 of the Criminal Procedure Code, and as that procedure is departed and the provision given here is repugnant to that procedure, I submit that so far as these two sub-clauses are concerned, they are ultra vires in the light of section 107 and therefore they should not form part of the Bill.

Mian Abdul Rab (Jullundur South, Muhammadan, Rural) (Urdu): Sir, I do not want to take much time of the House. My learned friend Dr. Sir Gokul Chand Narang stated, a few moments ago, that he understood the condition of a zamindar much better than we and further on the honourable member was pleased to cite an instance of a zamindar who was eating a piece of bread. When the honourable member cited that instance of a poor zamindar, I at once remembered a well-known saying in Punjabi—

پنہاں در آکھیا سر ہتھے ہرنالہ ارتی دا ارتی

(Cheers). In spite of the fact that the honourable member is aware of the miserable condition of the zamindars, he does not want to pass this legislation. How strange and cruel! I wish the honourable member could support the proposed Bill in a befitting manner. But how deplorable it is, and I cannot help quoting a verse from Mirza Ghalib which I think would properly apply to the situation. It says—

ہوئے گل نالہ دل دود چراغ سبقت

جو تری ہزم سے نکلا سو ہریشان ہو

Sir, I do not like to indulge in the lengthy discussion regarding the different clauses of the Registration of Money-lenders Bill. But I would like to submit a few words straight off. Just imagine, there is a rich and wealthy sahukar on the one hand and on the other is a zamindar simpleton, down trodden, poverty-stricken, miserable, uneducated and what not. Sir, it behoves our Government to save the poor zamindars from the clutches of money-lenders. The business of money-lending is a profession like hundred other professions. If other professions become defective and corrupt, then we deem it our duty to improve and reform it. Why should not the present Government take similar steps to remove all those defects in money-lending profession, which have gone deep into the soil? As the circumstances when the legal profession was defective necessitated the Government to frame the Legal Practitioners Act, similarly now when the profession of money-lending has become dishonest I do not think there is any harm in passing a legislation in order to purify this profession of money-lending from all wrongs and evils that have taken roots in it.

As somebody has cut short the purport of Hir Waris Shah by saying that "the "jat after all took away the jutti" similarly I would submit that the honourable members may not indulge in lengthy discussion and by way

[Mian Abdul Rah.]

of cutting it short they may kindly let the proposed Bill pass, as it is quite simple and obvious and only those who contravene the provisions of the Bill would be penalised. That is all and I think there is no scope for any further discussion on this subject. I end my speech with a couplet which may perhaps fully explain my meaning—

یہ کہان کی دوستی ہے کہ بیٹے ہیں دوستہ نامع
کوئی چارہ ساز ہوتا کوئی غمگسار ہوتا

Sheikh Karamat Ali: On a point of personal explanation. In my absence Dr. Sir Gokul Chand Narang, as usual, made a sly reference to me saying, "I do not know to what particular class of money-lenders Shaikh Karamat Ali belongs. The few examples that he quoted in his speech showing the malpractices on the part of some of the money-lenders were clearly of cheating in fact and I presume that he may be having an intimate connection with such a class of money-lenders." With due deference to the remarks made by him in my absence I should tell him that I showed good taste in not disclosing the name of the money-lender who was guilty of those dishonest practices to which I referred in my speech or even the caste to which that money-lender belonged. Since my friend, Sir Narang, is very keen on probing into the identity of that money-lender I may say for his personal satisfaction that he belonged to the Narang caste.

Mr. Speaker: That is no personal explanation.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I believe everybody in this House is now getting restive and wants to get away home after the hard labours of these two days.

This Bill has been dubbed by a section of the people as a communal measure. Another section, need a stronger epithet and called it a class measure and both of them joined forces at some public conferences held by them. In a section of the press, I have noticed, it has been dubbed as a black Bill. Now, Sir, so far as the first charge, that it is a communal measure, is concerned, you are aware and every member in this House is aware that money-lending is not confined merely to one community and to one religious community. You have got Aroras, Khatrias and at the same time you have got Sheikhs, Khojas and that very virulent money-lender, the Pathan. So far as that charge is concerned, I am sure every one will agree with me that it is absolutely unwarranted and baseless to call it a class measure. My honourable friends in this House and in the previous council have been crying hoarse, whenever the question of money-lending or any other similar legislation came before the House, "what about that rapacious agricultural money-lender?" They, as a matter of fact, strongly condemn the exclusion of the agricultural money-lender from the purview of the Land Alienation Act and from other legislation with regard to money-lenders. They have themselves admitted that this profession is not confined to non-agriculturists alone. We all know and we admit that this also exists among the agriculturists. Therefore, Sir, it cannot be dubbed as a class measure either. As I have said, it is not a communal measure and it cannot be dubbed as a class measure. Now, my honourable friend also said that the agriculturist money-lender is even more rapacious; we are doing nothing

to him; here is the poor non-agriculturist money-lender and everybody is trying to down him and do all manner of injustice to harm him. I can assure my honourable friend they have also this Bill before them and they must study it. It is my intention, and I have already given an undertaking to this House that this Act will not become law and will not go into the statute book until we also include that rapacious agricultural money-lender and until he also comes within the purview of the Act.

Chandhri Krishna Gopal Dutt : Why not include the agricultural money-lender now ?

Premier : When we come to that I will be able to include him also. We must take everything in turn and at the proper time. Now, so far as the agriculturist money-lender is concerned, he will not only be affected by this measure—because any money-lender whether he is an agriculturist or non-agriculturist will be subject to the provisions of this Bill, but he will also have to take out a license and shall have to get himself registered. He will be bound by every single provision of this Bill which I hope will be passed to-day. But beyond that I am going to bring him within the purview of the Land Alienation Act so as to debar him from purchasing the land of another member of the agricultural group, so that he may be brought to the same level as a non-agriculturist money-lender in every other respect.

My honourable friend Raja Sahib again referred to the English law saying that it took several years before it became the law of the land. I do not wish to repeat my arguments, but I have said that this particular measure has been before the province and before this House or its predecessor for the last 15 years and we have discussed it threadbare. As I have said, we have got over 600 opinions from bar associations, various bodies and influential associations. I do not think it is necessary for Raja Sahib to say so. Further he went on to say that this Bill is likely to kill the honest money-lender. I have said repeatedly that it is meant to cramp the style of the dishonest money-lender only. I hope that unfortunate event will not happen and I am almost certain that this unfortunate event is not likely to arise out of this Bill. As a matter of fact, an honest money-lender, as I have repeatedly said on the floor of this House, will find that this measure will be a source of strength and help to him. If there is a dishonest money-lender, he will not come in this category and he will be weeded out and elbowed out. The honourable member also referred to certain people who lend money casually to their friends and other people. He has read the Bill and I think every member of this House has read the Bill. We have so devised this measure that a casual loan will not come under its provisions. A man, who lends casually to somebody, will not under the circumstances be deemed to be carrying on the business of money-lending. There are several factors and ingredients and all those factors combined make a money-lender. He must be a money-lender, then he must advance loans and that too on interest. Casual loans have been specifically excluded. Therefore, I think that apprehension is not well founded.

Again, my honourable friend, the Raja Sahib, went on more or less to express his sympathy with what he calls the simple-minded village money-lender. I am afraid he does not understand him. I do not want to go

[Premier.]

into the description or dilate upon the merits or demerits of a village money-lender or his capacity to imbibe various rules and regulations and law. The general impression is that it is the village money-lender at whose hands the poor agriculturists have most suffered and they want to save themselves and their brethren. Although there are some simple-minded money-lenders, yet you must also remember that those who deal with them are simpler than those simple-minded village money-lenders, and they get into the clutches even of those simple-minded money-lenders. I am sure Raja Sahib will agree with me that it is only a question of degree. The simple-minded village money-lender is cleverer than the unsophisticated and ignorant villager, who has been ensnared by the money-lender and who can never come out of it, and this will go on from generation to generation, from son to great grandson. There are several such instances.

Then, he went on to say that if we enforce this law it would mean that those people who lend, will not lend money to the agriculturists except on security of ornaments and jewellery of that kind. I would submit that it is not likely to be a bad thing for the province. The result would be that the money of the money-lender will be safe, because he will have a tangible security in his hand, and the borrower will gain because when he deposits a security, the rate of interest would be less. This is a very good thing and this Act is going to produce conditions which the Raja Sahib visualised. I am sure that both the borrowers and the lenders are likely to gain and the province as a whole would gain.

Again, Raja Sahib went on to say that the Government had done nothing to devise any new measures which would increase the purchasing power of the agriculturist and that by this flimsy measure we wanted to please our constituents. I am afraid that this is somewhat personal, but I must confess frankly before Raja Sahib that I am not accused of being too generous or liberal to those people. As a matter of fact I am accused of being not generous or liberal enough, because they say that I want *khush-karo Raja Sahib ko* and that I do not treat them fairly because of my regard and respect for Raja Sahib. Then in the press also, it was the accusation which has been several times levelled against me (Dr. Sir Gokul Chand Narang : By ?) by a section of the press and a section of that press also which is now abusing me for bringing in this Bill. But let me assure Raja Sahib that whatever be the motives of this Government, they are not dishonest motives and we are not following this fashion or going with the tide so far as other provinces are concerned. They may be following this fashion, as he assumed, or doing it merely to keep themselves in office. But there is no such question here. We have been, as everybody is aware, trying to build for the last 15 years a structure of a legislation, which would benefit the people. We started in 1923 and in these 15 years we have built a structure, which though not magnificent, yet will be an envy of every other province in this country, and will also result in bringing prosperity and happiness to all classes of people and not only to the agriculturists. (*Cheers from the Treasury benches.*)

I was not here myself, but I understand that Chaudhri Kartar Singh made a speech and a somewhat irresponsible speech. He had the audacity to say something about the Reserve Bank also. I ask, what does Chaudhri

Kartar Singh know about the Reserve Bank? Does he know what the Reserve Bank means and why it has been instituted? He knows nothing about it and yet he had a fling at this national institution, an institution which has been established at the express wish and desire of the people so that the finances and the fiscal policy of this country eventually—(Chaudhri Krishna Gopal Dutt: Excluding the constitution of the Reserve Bank.) The constitution of the Reserve Bank has been approved by the Central Legislature, but I can assure my honourable friend that the directorate there consists of a majority of elected people and elected representatives and the very best brains in the country, which we could get to control the destiny of this institution, and it is meant to control the currency policy and fiscal policy eventually of this country.

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

Premier : I am merely replying to an argument.

نہم حکم خطرو جان - نہم کہ خطرو ایمان

I think I better ignore it with that indifference which it deserves.

He went on to ask, what is the use of this Bill because the sabukar will not be affected as he will evade the provisions of this Bill by paying only 100 rupees and getting the thumb-impression of the debtor for 500 rupees and so on? This is the very thing that we have been discussing for hours and hours together and we have tried our best to prevent that kind of thing. But if he thinks that our method is defective he should have come forward with some constructive suggestions.

Munshi Hari Lal : I suggest drive against illiteracy.

Premier : No doubt that would be very useful. But if my honourable friend Chaudhri Kartar Singh really meant to help us he ought to have suggested some more effective method instead of merely criticising the Bill. He went on to say that this measure was meant to benefit big zamindars although he knew it full well that this Bill would benefit everybody, zamindar and non-zamindar alike. Though the honourable representative of Labour, Lala Sita Ram, does not wish to help his constituents, in spite of that, this Bill is going to help his constituents, rich and poor alike.

An Honourable Member : What about your constituents?

Premier : I represent the same constituency as the Honourable Itaja Sahib does, but unfortunately, in this particular matter, we have not seen eye to eye. With that great deference that I have for Raja Sahib I do not want to pursue this matter. He may, probably, be doing some justice to money-lending business, but, he will permit me to say, he has done some injustice to a portion of his constituents by not supporting this measure.

Diwan Bahadur Raja Narendra Nath : I have taken a broad view.

Premier : Where he thinks that it is necessary for him to take a broad view, I would not grudge him.

Then Chaudhri Kartar Singh went on to say that if disorder took place in this country as a result of these Bills including the Bill that we are discussing now, the responsibility would entirely be of the Government. After having said that Chaudhri Kartar Singh proceeded "the Congress is

[Premier.] supporting this measure; we are all for this measure." (*Laughter from the Ministerial benches*). If this is the way the Congress is going to support this measure, I would request the honourable member who himself has been opposing the measure from A to Z, to be more honest to himself and to his party. We find the Congress spokesmen occasionally saying that they are supporting this Bill in spite of the fact that they have been opposing certain provisions of it inch by inch.

Lala Bhim Sen Sachar : They are obnoxious provisions.

Premier : It is not for you to judge, it would be for the public outside to judge.

I was submitting, Sir, that most of the speech that the honourable member, Chandhri Kartar Singh, made was contrary to the creed of the party to which he belongs.

Chaudhri Krishna Gopal Dutt : This is very ungrateful on your part. The honourable member is not here to explain his position.

Premier : The honourable member interrupting was not in the House when Chaudhri Kartar Singh made that speech to which I am referring.

Chaudhri Krishna Gopal Dutt : Was the Honourable Premier himself in the House?

Premier : I have ample notes.

Chaudhri Krishna Gopal Dutt : Where did you get those notes from?

Premier : From my honourable colleague, Sir Sundar Singh Majithia.

I am afraid my honourable friend is feeling unnecessarily uncomfortable. I know that similar speeches have been delivered by some honourable members outside the House from certain platforms. I have information, Sir, that some of the Congress members have actually presided over the protest meetings against this Bill. They have explained the Congress position.

My honourable friend Dr. Gokul Chand Narang said that the money-lending class should not expect anything from the present Government and they should now bear the consequence of these measures. I believe that the class to which he refers are not only denouncing the present Government but also the Congress. In reality they denounce the Congress because they see that the Congress has taken a luke-warm attitude. Dr. Gokul Chand was warning those classes who have returned several representatives to this House and it is possible that some of them might have returned members of the Congress in the hope that if Congress got into power they would not be able to steer through these Bills in this House. They must have been disillusioned after having seen the luke-warm attitude of the Congress. But that is the business of my friends of the Congress and their constituents.

Chaudhri Krishna Gopal Dutt : Sir, is not the honourable member irrelevant in explaining the position of the Congress and discussing what an honourable member said regarding the attitude of the Congress? Let

a Congress member get up and explain the position of Chaudhri Kartar Singh and the position of the Congress.

Mr. Speaker : According to the Honourable Sir Sunder Singh, Chaudhri Kartar Singh made certain remarks. It is open to Chaudhri Kartar Singh to come forward and explain his position.

Chaudhri Krishna Gopal Dutt : But the Congress outside this House should not be brought in.

Premier : I have no grievance against the Congress, Sir. So far as we are concerned we came with a clear mandate, a set programme and we are following and we mean to follow that programme. (*Hear, hear.*)

As a matter of fact unnecessary heat has been engendered by my honourable friend opposite. I know that he and his party are in a delicate position. I suppose that in course of time they will be able to answer their constituents. I hope that those classes whom my honourable friend Dr. Narang was addressing in his concluding speech on this Bill will now find that after all in spite of the fact that they voted for certain representatives in this House they had not the courage of their convictions to pass measures like this because there are higher powers and authorities under which they have to work and whom they have to obey. All honour to them. The electors cannot blame them, because it is a very difficult position they are in.

Dr. Sir Gokul Chand Narang : On a point of order. The Honourable Premier appears to be commenting on my speech, but I never mentioned the Congress in my speech nor did I say anything about their electors or voters. Is the Honourable Premier speaking to the motion when he speaks of high command and other things?

Premier : Lest there should be any misunderstanding I shall repeat what Dr. Narang said. What he said was that the money-lending classes should not now expect anything from the present Government. It is with reference to that that I am making these remarks. Those classes have certain representatives of theirs in this House.

Dr. Sir Gokul Chand Narang : Do you say that the money-lenders should not expect anything from them?

Premier : They naturally expect their representatives to safeguard their interests and if they cannot safeguard them, then it is a matter between the representatives and their constituents and not of me or of the Congress party here.

Now, Dr. Narang in his speech, I am afraid through misunderstanding, said that I had compared all money-lenders with thieves. Nothing could be farther from the truth. I can assure him that I did not compare them with thieves. As a matter of fact I have always said that I proceed on the assumption that 90 per cent. of the money-lenders are honest and it is only the 10 per cent. that are dishonest whom I compared to thieves because of their nefarious practices. It is only that section of the money-lending class which I criticised; and I again want to make it clear that as a class I consider the profession of money-lending very honourable and I want to raise it to that level where it was before they got shelter under the British made laws and when they earned the esteem of the elders of the village and served

[Premier.] really as friends in need and in deed and not like the money-lenders of the present day who resort to all kinds of fraudulent devices to augment their income dishonestly. It is only that class that I condemned and not the money-lending class as a whole. I cannot do better here than quote a few lines from the first preliminary report of the Reserve Bank, every word of which I endorse and which will indicate to my honourable friend my attitude towards money-lenders and their profession—

We have already stated that to eliminate this institution altogether will seriously dislocate village economy and embarrass the cultivator. What is required is radical reform in their methods of business through pressure of educated public opinion and suitable legislative action with a view to weeding out the dishonest and more rapacious among them. With regard to the agriculturist money-lender we have suggested in a previous chapter that this class should be brought within the scope of preventive legislation. As regards money-lenders as a whole, some provinces have already taken steps to regulate money-lending by passing Money Lenders' Acts, making the keeping of regular accounts and giving of receipts obligatory, forbidding unjustifiable charges and laying down the maximum rates of interest, but legislation is not by itself sufficient to regulate credit. In the long run this depends on the economic law of supply and demand and legislation can and will be evaded. We feel however that a system of compulsory licensing of all and registration of approved money-lenders coupled with legal provision for keeping regular and standardised accounts and controlling rates of interest should go a long way in restoring harmony between the agriculturist and the Banis and establishing the usefulness of the latter to the village society. We would be prepared to help by accepting the names of money-lenders, approved and registered by Local Governments, as one of the names on two-name paper, coming through scheduled banks, subject of course to general business restrictions as to amount, etc., carrying a particular name. This should result in providing an additional and more direct link between the Reserve Bank and the agriculturist.

That is the position which the expert authority in the country takes and that is the position which I have taken up in bringing forward this measure.

Before I sit down let me assure every member of this House and every one outside whom this Bill will affect that so far as the present Government is concerned and so far as I am concerned, it will be my bounden duty to see that if as a result of this legislation the honest money-lender is put to any real hardship, that hardship will be removed and I will see to it that that hardship is removed without delay. *(Cheers)*.

Lala Sita Ram (Urdu): Sir, I rise to a point of personal explanation. The Honourable Premier and Shaikh Muhammad Sadiq have remarked that in spite of being a representative of labour, I have opposed this measure. My contention is that so long as capital and labour do not go hand in hand, no progress is possible.

Mr. Speaker: Order, order. I cannot allow the honourable member to proceed further, as he is not offering a personal explanation but is trying to make another speech.

The question is—

That the Punjab Registration of Money Lenders Bill be passed.

The motion was carried.

16 Th July 1938

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RULES OF PROCEDURE.

Mr. Deputy Speaker (Sardar Dasaundha Singh): Sir, I beg to present the drafting committee's report on the rules of procedure and to move—

That the report of the Drafting Committee on the Rules of Procedure of the Punjab Legislative Assembly be taken into consideration.

The motion was carried.

Mr. Speaker: The question is—

That the following amendments suggested by the Drafting Committee on the Rules of Procedure of the Punjab Legislative Assembly be adopted:—

Rule 1.—In part (d), line 3, the word "the" before the word "absence" be deleted. In part (i), line 3, for the article "the" before the word "rules," the word "these" be substituted.

In part (j), lines 1-2, the words "of the Assembly" be deleted.

In part (l), line 3, the article "the" be inserted before the word "conduct."

Rule 2.—In line 3, for the word "date," the word "time" be substituted.

Rule 3.—In line 2, for the words "of the rules hereinafter," the words "to these rules" be substituted.

Rule 5.—In the proviso to sub-rule (4), line 2 (i) the word "or" be inserted before the word "second."

(4) for the word "nor" at both the places where it occurs, the word "or" be substituted.

Rule 6.—In line 3, for the word "members," the words "each member" be substituted.

Rule 8.—In sub-rule (2), line 1, the article "the" before the word "leave" be deleted.

Rule 10.—In sub-rule (1), line 3, the words "of the Assembly" be deleted.

The second sentence of sub-rule (1) be numbered as sub-rule (2) and be amended thus:—

"(2) If, at any time at a sitting of the Assembly, neither the Speaker nor the Deputy Speaker nor any member of the panel is present, the Assembly shall, if there is a quorum, by motion elect one of its members present to preside and act as Speaker."

Sub-rules (2) and (3) be re-numbered as sub-rules (3) and (4).

Rule 11.—In the last line, the word "such" be deleted.

Rule 12.—In sub-rule 3 (6), proviso, line 4, the article "the" before the word "leave" be deleted.

In sub-rule (3) (c), penultimate line, for the figure "44," the figure "45" be substituted.

Rule 14.—In sub-rule (2), proviso, penultimate line, the comma after the word "day" be deleted.

Rule 20.—In part (5), line 1, for the word "he," the words "the member asking the question" be substituted.

In part (12), line 1, for the words "set forth," the word "contained" be substituted; and in line 2, between the words "or" and "ordinary" the word "in" be inserted.

Rule 24.—In line 1, for the word "question," the word "questions" be substituted.

Rule 24.A.—The rule be re-numbered as rule 25.

In line 2 of the rule, the words "by the same member" be deleted and these words be inserted in line 1 between the words "questions" and "may."

The subsequent rules be re-numbered serially.

Rule 32.—In sub-rule (1), the words "in the manner hereinafter provided" be deleted and the following be added to the sub-rule:—

"He may either move a motion himself or authorise another member to do so on his behalf or may apply in writing to the Speaker, stating the reason for his absence and seeking the permission of the Assembly."

Sub-rule (2) be deleted and the remaining sub-rules be re-numbered as (2), (3) and (4).

Rule 34.—For the figures "32" and "33" in line 1, the figures "33" and "34" be substituted.

VIII.—Headings.—For the word "of" in the heading, the word "and" be substituted.

[Mr. Speaker.]

Rule 38.—In the proviso, line 2, for the article "a," the article "the" be substituted.

Rule 44.—In line 1—

(i) between the words "If" and "leave," the article "the" be deleted.

(ii) for the words "will be taken," the words "shall be taken up" be substituted.

Rule 45.—In part (ii), for the word "it," the words "the motion" be substituted.

Rule 48.—In line 4, after the word "number," the words "of members" be added.

In line 5, for the word "exist," the words "are present" be substituted.

Rule 60.—In line 4 of sub-rule (1), the word "has" be deleted.

Rule 83.—For the last paragraph as amended by the Assembly, the following be substituted:—

"If any member is unacquainted with English, the Secretary shall, if requested by him, cause the bill to be translated into Urdu, and if any member is unacquainted with both English and Urdu, the Secretary shall, if requested by him, cause the bill, with the permission of the Speaker, to be translated into Punjabi or any other language of the province or transcribed into any other script in vogue in the province."

Rule 85.—In sub-rule (1), line (2), for the figure "83," the figure "84" be substituted.

Rule 86.—In sub-rule (2), line 3, between the words "case," and "a," the word "of" be inserted.

In sub-rule (2), line 4, for the figure "85" the figure "86" be substituted.

In sub-rule (2), last line, for the word "meeting", the word "sitting" be substituted.

In sub-rule (2), proviso, last line, between the words "case" and "more," the word "of" be inserted.

Rule 90.—In sub-rule (1), penultimate line, for the article "a," the words "the necessary" be substituted.

In sub-rule (2), penultimate line, between the words "except" and "that," the word "also" be inserted.

Rule 93.—In sub-rule (1), line 2, before the word "minutes" the article "the" be inserted.

Rule 94.—In sub-rule (1), line 3, for the words "of the report," the word "thereof" be substituted.

For sub-rule (2) as amended by the Assembly, the following be substituted:—

"(2) If any member is unacquainted with English, the Secretary shall, if requested by him, cause the report to be translated into Urdu, and if any member is unacquainted with both English and Urdu, the Secretary shall, if requested by him, cause the report with the permission of the Speaker, to be translated into Punjabi or any other language of the province or transcribed into any other script in vogue in the province."

Rule 98.—In sub-rule (1), last line, between the words "allows" and "the," the words "the new clause or" be inserted.

In sub-rule (2), line 2, the word "such" be inserted before the word "notice"; and the words "of a proposed amendment" be deleted.

For sub-rule (3) as amended by the Assembly, the following be substituted:—

"(3) if any member is unacquainted with English, the Secretary shall, if requested by him, cause every such notice to be translated into Urdu, and if any member is unacquainted with both English and Urdu, the Secretary shall, if requested by him, cause the notice to be translated into Punjabi or any other language of the province or transcribed into any other script in vogue in the province."

Rule 102.—In sub-rule (2), line 6, between the words "or" and "member," the article "a" be inserted.

In sub-rule (2), line 7, for the figure "86" the figure "87" be substituted; and the words "to sit as a select committee" be deleted.

Rule 104.—In line 2, the comma be deleted.

Rule 105.—The commas in lines 1 and 2 be deleted.

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RULES OF PROCEDURE.

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Rule 105-A.—The head line "Resolution re Governor's Ordinance" be inserted before the rule.

In line 4, between the words "Assembly" and "within," the word "and" be inserted.

Rule 110.—The comma in line 2 be deleted.

Rule 116.—The comma in lines 1, 3 and 4 be deleted.

Rule 125-O.—In sub-rule (2), line 2, between the words "of" and "discussion," the article "the" be inserted.

Rule 126.—The rule be inserted after rule 125-A., and be re-numbered in the serial order.

Rule 131.—In line 2 of the proviso, for the word "motions," the word "motion" be substituted.

In line 3, between the words "motion" and "be," the word "shall" be substituted.

Rule 133.—In line 3, for the words "and not to matters," the words "and not deal with matters" be substituted.

Rule 137.—In line 1, between the words "session" and "a," the words "of the Assembly" be inserted.

Rule 138.—The comma in line 3 be deleted.

Rule 139.—In line 2, for the figure "82" the figure "83" be substituted.

Rule 142.—In sub-rule (1)—

(i) line 2, after the word "session," the words "of the Assembly" be inserted;

(ii) in line 3, a comma be inserted after the word "chairman";

(iii) in line 4, the comma after the word "Speaker," be deleted;

(iv) in lines 4-5, for the words "one of the chairmen of the Assembly," the words "a member of the panel of chairmen" be substituted;

(v) in line 6, for the words "chairman of the Assembly" the words "member from the panel of chairmen" be substituted;

(vi) in the last line, the comma be deleted.

Schedule 2.—In the reference at the top, for "143," the figure "152" be substituted.

The motion was carried.

Mr. Deputy Speaker : I beg to move—

That the Rules of Procedure of the Punjab Legislative Assembly do take effect from 1st October, 1938.

The motion was carried.

The Assembly then adjourned till 2 P.M., on Monday, 18th July, 1938.

PUNJAB LEGISLATIVE ASSEMBLY.

2ND SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 18th July 1938.

The Assembly met at the Assembly Chamber, Simla, at 2 p. m. of the clock. Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

FATEHWAL MURDER CASE UNDERTRIAL PRISONERS.

*3326. **Sardar Hari Singh** : Will the Honourable Minister for Finance be pleased to state whether it is a fact that the Fatehwal Murder case under-trial prisoners have resorted to hunger-strike as a protest against the continuance of their grievances ; if so, the details of their complaints and action taken by the Government to redress them ?

The Honourable Mr. Manohar Lal : Enquiries show that the under-trial prisoners in the Fatehwal Murder case did not take their morning meal on the 30th of June, 1938. They all took their evening meal the same day and there has been no hunger-strike since then. The prisoners went on this short and temporary hunger-strike, if it can be called so, because of some alleged grievances against the police. Enquiries show that these grievances were baseless and were made in order to enlist public sympathy.

Sardar Hari Singh : May I ask how he has come to know that they had resorted to one meal hunger-strike only to enlist public sympathy ?

Minister : If the honourable member would see the application which they made to the special magistrate in charge of the case, he will see the utter baselessness of the position taken by them. And what was this hunger-strike ? If a person does not take his morning meal and takes his evening meal in the normal way and makes an application in the court, which I put on the table of the House, there can be no other inference possible than that it was only to enlist public sympathy.

Sardar Sohan Singh Josh : Have they stated that the defence witnesses are being threatened ?

Minister : The statement is here and it makes a meaningless grievance of the fact that prosecution was not proceeding in the manner in which the accused wanted it to proceed.

Sardar Sohan Singh Josh : Is it a fact that pistols have been distributed to the prosecution witnesses in the *claque* so that there may not be any defence witness ?

Minister : As I said, the statement is here and there is nothing in it of the kind.

Sardar Sohan Singh Josh : Can you state how many pistols have been distributed since the starting of this case ?

Minister : None that I am aware of.

Sardar Sohan Singh Josh : Then your knowledge is very poor.

Sardar Hari Singh : Is the answer to this question based on the report made by the Superintendent of Jail ?

Minister : The Superintendent of Jail can only be concerned with this matter to the extent that the prisoners took or did not take any particular meal.

Sardar Hari Singh : I want to know whether the report made by the Superintendent of Jail is the basis of this answer or whether it is the report of the magistrate.

Minister : It is the basis of this answer that they did not take their morning meal and they took their evening meal.

Sardar Hari Singh : What is the basis of the answer ?

Minister : The honourable member has only got to read the application to come to the conclusion, how long this so-called hunger-strike lasted.

Sardar Hari Singh : What were the grievances alleged ?

Minister : Only those set forth here. And if the police were obliged to conduct the prosecution in the way the accused desired, there could be no prosecution at all.

Sardar Sohan Singh Josh : Was the hunger-strike discontinued by these men of their own accord, or was it discontinued because of some body's inducement ?

Minister : I shall be very loath to call it a hunger-strike.

Sardar Sohan Singh Josh : Please answer my question which is whether the hunger-strike was abandoned by the accused of their own accord or because of some body's inducement ?

Minister : Probably they gave it up themselves. No one went about inducing them to do so.

Sardar Sohan Singh Josh : Our difficulty is that he does not know anything.

Sardar Hari Singh : May I ask the Honourable Minister to state the manner in which the accused wanted the prosecution to proceed ?

Minister : The application is here and the honourable member can read it. I can add nothing to it.

Translation of the application made by the accused in Crown versus Fateh Singh, etc., under Section 802-149, in the Court of Rai Sahib Lala Ram Nath Luthra, Special Magistrate.

We the accused in the Fatehwal case consider it necessary to put before you the following facts for favour of proper action—

- (1) We have come to know from a reliable source that the prosecution witnesses are always present in Serai Agha Khan which place is set apart for their staying. Chandhri Shahab Din, Thanedar and Hazara Singh, head constable coach them all the day long to give evidence supporting the prosecution version. It is evident from the fact that the prosecution witnesses are seen in the company of these police officers in the court compound and they identify the accused in the morning and evening.
- (2) It is seen from the evidence of the Supplementary Case that the order of the examination of the prosecution witnesses is changed to suit the prosecution and additional matter is brought in the evidence to cover the defects and reconcile the discrepancies.
- (3) The local officials have put up such witnesses who bear grudge against the accused. The pro-Government witnesses are being produced against the nationalist workers from all sides. The prosecution witnesses have been supplied with arms and they make a demonstration in the *ilaga* by wearing pistols which creates an adverse effect on the defence of the accused. Some police officers after having been relieved from other duties have been specially deputed to supervise and prepare the Fatehwal case.
- (4) The officers are having a regular touring and patrolling of the *ilaga*, e.g., the police officers along with their agents patrol the *ilaga* with a view to overawe and terrorise our relatives and their children so that they may desist from appearing in our defence. We are thus being deprived of our just rights.
- (5) Of the accused that have been arrested many belong to the same families and are agriculturists. Their harvests have been devastated, and they have not been able to sow the crops (*azoni*). Their family members are in a sore condition. Due to the setting in of rains early the crops have been damaged as a result of which there has been nothing left to pay in the revenue and maintain the family.
- (6) In spite of this two of the accused have been enlarged on bail. There is material discrepancy in the statements of the witnesses. On the one hand the Government has not appointed any defence counsel for the 46 accused and on the other hand, money is being freely spent on the witnesses and counsel for the prosecution. Special importance has been and is being attached to the prosecution and efforts are being made to see that the accused do not escape.
- (7) Our counsels have told us that before the enquiry of the Supplementary Case is over you (the court) will be proceeding on leave as a result of which we will remain in illegal custody for another two weeks. In spite of the day-to-day trial the prosecution has taken too long a time. This period will provide a golden opportunity to the prosecution to tailor their witnesses.
- (8) Under these circumstances we feel convinced of the prejudicial attitude of the Police in the last 4 months and we are convinced that we cannot get a redress of our grievances anywhere. Therefore all of us (accused) will go on a hunger-strike as a protest on the 30th June, 1938, and some of us will continue the hunger strike so long as we are not satisfied that those responsible for the illegalities have been punished.

(Signed).—Sohan Singh Bath; Ram Chand; Harbans Singh; Gopal Dass; Eritam Singh, Sargodha; Hakim Singh; Dial Singh; Hem Singh; Sarat Singh; Dan Singh.

ZAILDAR IN ZAIL BEHGAN.

*327. **Subedar-Major Raja Farman Ali Khan**: Will the Honourable Minister of Revenue be pleased to state the population of Ghakhars and Rajputs in Zail Behgan; tahsil Gujer Khan in the Rawalpindi district, and whether any person from among the Rajputs has ever been appointed zaildar or inamkhar in the said zail.

The Honourable Dr. Sir Sundar Singh Majithia : I regret that the information could not be collected at such a short notice. Information is being called for from the local officers and it will be communicated to the honourable member when ready.

SHORT NOTICE QUESTION AND ANSWER.

STRICTURES PASSED BY THE SESSIONS JUDGE, LYALLPUR, AGAINST THE TAHSILDAR, JHANG.

Munshi Hari Lal : Will the Honourable Minister of Revenue be pleased to state whether he is aware of the strictures passed by the Sessions Judge at Lyallpur against Sayed Shabir Husain, Tahsildar, Jhang, in the case against Sawan Singh and his wife Ram Ditti under sections 332, 224 and 225, Indian Penal Code, and if so, whether Government has made or intends to make an inquiry into the matter as suggested by the Sessions Judge in his judgment?

The Honourable Dr. Sir Sundar Singh Majithia : The matter has just come to the notice of Government and an enquiry is being made from the local officers.

RESTITUTION OF MORTGAGED LANDS BILL.

BENEFITS TO BE DERIVED BY MINISTERS.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, Mr. Deshbandhu Gupta gave notice of a short notice question which I understand was disallowed, but I think it will be in the public interest to answer that question. I would, therefore, make a public statement as the question has received a certain amount of publicity and it is necessary to disabuse people's mind of any misunderstanding that may have been caused on that particular point. The question which Mr. Deshbandhu Gupta gave notice of was this—

With reference to the statement made by the Premier in his speech, dated the 8th July on the Restitution of Mortgaged Lands Bill, will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that one of the Honourable Ministers has recently purchased a big plot of agricultural land in Shahpur district which had been mortgaged with non-agriculturist money-lenders for about last 50 years;
- (b) if so, the extent and price of the land paid by him, the date of the purchase as well as the amount due to the mortgagee on the same;
- (c) whether this land will be redeemed by paying a nominal compensation if the Restitution of Mortgaged Lands Bill is passed, as reported on by the select committee;
- (d) the name of the Honourable Minister mentioned in part (c) of this question; and
- (e) what steps Government propose to take in the matter in view of the Premier's statement referred to above?

This was the question and, I think, I might make a statement in the form of a reply to that question so that the position might be quite clear. The answer is—

- (a) No. As a matter of fact the land was purchased by General Sir Malik Umar Hayat Khan during the years 1921—26 who gifted that very land to his son. The Honourable Major Malik Khizar Hayat Khan long ago. This land was mortgaged with Maya Das, a non-agriculturist money-lender, for the last 60 years.
- (b) (1) Sale-deed, dated 18th January 1921, executed by Muhammad and his two brothers in favour of General Sir Malik Umar Hayat Khan relating to 1,900 kanals for Rs. 44,000.
- (2) On 16th May 1923, 640 kanals were sold by the sons of Ahmad Yar to General Sir Umar Hayat Khan for Rs. 21,000.
- (3) On 17th May 1923, 23 bighas of land were sold by Mohammad, son of Ahmad Yar, to General Sir Umar Hayat Khan for Rs. 2,500.
- (4) On 5th January 1926, 550½ kanals were sold by one Jalal to General Sir Umar Hayat Khan for Rs. 16,507.

The mortgage amount was Rs. 3,600 plus Rs. 3,514 on account of interest and compound interest as found by the civil courts the cost of improvements, etc., to be ascertained after April 1939, when he received possession according to the judgment of the High Court. The judgment was given by Justices Tek Chand and Din Muhammad.

- (c) In view of answer to part (b) above, this does not arise, because the actual amount plus interest and compound interest have already been paid. Unfortunately my friend paid in a lump sum the interest as well as the compound interest to the previous mortgagee.
- (d) The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana.
- (e) This does not arise. On the contrary the Honourable Minister shall be losing Rs. 60,000 by the contemplated legislation in the following manner:—

Jowala Shahai had a mortgage deed, dated 26th October 1888 for Rs. 4,000 executed by one Ahmad Yar in his favour whereas Maya Das had a prior mortgage for Rs. 3,500 in his favour in respect of this very land. The mortgage deed in favour of Jowala Shahai had to take effect after the expiry of the stipulated period in favour of Maya Das. Now on 4th May 1923 the amount due to Dev Datt, son of Jowala Shahai was Rs. 24,000 and this had to carry interest at Rs. 0.13-7 per mensem in accordance with the stipulation in the mortgage deed. Thus the amount of interest due from 4th May 1923 up to date exceeds Rs. 34,000 and therefore by the passing of the legislation in question the Honourable Minister would lose Rs. 60,000, minus the amount of compensation to which The Honourable Minister of Public Works may be found entitled under the new law which would be approximately Rs. 10,000. Even so the loss would amount to half a lakh of rupees.

Sardar Sohan Singh Jush : Can we ask certain questions ?

Mr. Speaker : There can be no question, no criticism, and no debate on a Minister's statement.

Pandit Muni Lal Kalia : This was in the form of an answer to a question and not in the form of a comprehensive statement.

Mr. Speaker : The form of statement is immaterial.

Pandit Muni Lal Kalia : It was not a comprehensive statement.

Premier : The net result is that the Honourable Minister is going to lose half a lakh of rupees if this Act is passed. I can refer you to the High Court judgment. If you will come to me, I will give you the High Court judgment.

MOTION FOR ADJOURNMENT.

LATHI CHARGE BY POLICE ON KISANS OF CHAK No. 254,
LYALLPUR DISTRICT.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural): I move for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the lathi charge by the Police on peaceful Kisans of Chak No. 254, Ganga Singh Wala, District Lyallpur, on 15th July 1938, in connection with the agitation against the reduction in width of canal outlets, causing injuries to many innocent persons.

Mr. Speaker: The adjournment motion which is proposed to be moved is to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the lathi charge by the Police on peaceful Kisans of Chak No. 254, Ganga Singh Wala, District Lyallpur, on 15th July 1938, in connection with the agitation against the reduction in width of canal outlets, causing injuries to many innocent persons. May I ask whether the honourable member has leave of the House? Is there any objection?

Premier: I have got two serious objections. Firstly, I should like to know the authority of my honourable friend for making the statement. Secondly, I beg to submit that if there is any substance in these allegations, I am not aware of it, because I have received no information so far. Unless we get full details, we cannot know whether the police were acting within their authority or not, under the ordinary law.

Mr. Speaker: An adjournment motion cannot be based on an uncorroborated statement. Up till now the Premier has received no information. So the motion appears to be out of order. But if the honourable member is in a position to have it corroborated—

Sardar Hari Singh: The adjournment motion is based on certain private advices which we have received from very responsible, and well-placed public men. Private information and telegrams have been received by the Leader of the Opposition from well-placed and highly responsible public men belonging to the Lyallpur district and we have no reason to disbelieve the accuracy and the correctness of the reports that we have got. The Premier may not have received the information and we have no quarrel if he has not received any information so far. If he is not willing to discuss it to-day on the ground that he has not got details of the case, the adjournment motion may be allowed and it may be discussed to-morrow. So far as we are concerned, we have got facts in our possession.

Mr. Speaker: The honourable member may move the adjournment motion to-morrow.

Sardar Hari Singh: Very well.

Mr. Speaker: I think the Premier will, in the meantime, be able to ascertain facts.

Premier : It is suggested by my honourable friend who has moved this adjournment motion that the allegations were addressed to my friend, the Leader of the Opposition. I, therefore, think that he should have made himself responsible for this adjournment motion and not somebody else.

Dr. Gopi Chand Bhargava : I declare that I am fully responsible for what my friend and colleague, Sardar Hari Singh—an honourable member of my party—has said in his adjournment motion. I received much more information than what has been stated by him. My information last night on the telephone was that two people were arrested or were taken, I do not know whether in custody or otherwise, by the Deputy Superintendent of Police of Lyallpur. They were brought to Lyallpur and then one man returned alive and the dead body of the other was returned. That is not brought out in this adjournment motion. The second point that I beg to submit is that we shall move it to-morrow and I think you will not have any objection to our moving it to-morrow on the ground of its being not recent.

Mr. Speaker : Certainly not.

THE PUNJAB ALIENATION OF LAND (THIRD AMENDMENT) BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I introduce the Punjab Alienation of Land (Third Amendment) Bill. I also beg to move—

That the Punjab Alienation of Land (Third Amendment) Bill be taken into consideration at once.

The Bill, as I have said on several occasions on the floor of the House, is to implement the undertaking given by me with a view to restrict the agriculturist money-lender from purchasing land of his debtors. I need not make a lengthy speech at this stage, because I believe that the whole House would be in sympathy with this measure; and this is merely in pursuance of the undertaking which I gave to this House on several occasions.

Mr. Speaker : The motion moved is—

That the Punjab Alienation of Land (Third Amendment) Bill be taken into consideration at once.

Sardar Hari Singh : Sir, I beg to move—

That the Punjab Alienation of Land (Third Amendment) Bill be referred to a select committee with instructions to report thereon by the 22nd July, 1938.

Premier : 22nd would be too late; let it be by to-morrow.

Sardar Hari Singh : Yes, to report by to-morrow.

Premier : I am quite prepared to accept that amendment.

Mr. Speaker : The question is—

That the Punjab Alienation of Land (Third Amendment) Bill be referred to a select committee with instructions to report thereon by to-morrow.

The motion was carried.

Sardar Hari Singh : I move that the select committee do consist of the following gentlemen :—

Raj Bahadur Mr. Mukand Lal Puri.

Chaudhri Muhammad Hassan.

Sardar Kapur Singh.

Minister for Revenue.

Minister for Development.

Pir Akbar Ali.

Shaikh Karamat Ali.

Mir Maqbool Mahmood.

Advocate-General.

Nominee of the Speaker.

Member-in-charge of the Bill, and

The mover.

The motion was carried.

Mr. Speaker : The quorum of the select committee will be 5 and my nominee will be the Deputy Speaker.

The Assembly agreed to the proposal.

THE PUNJAB RESTITUTION OF MORTGAGED LANDS BILL.

Mr. Speaker : The Assembly will now proceed to take the Punjab Restitution of Mortgaged Lands Bill into consideration clause by clause.

Clause 2.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I beg to move—

That in lines 1-2, for the words "the Punjab Alienation of Land Act, 1900" the words "any enactment for the time being in force" be substituted.

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

In lines 1-2, for the words "the Punjab Alienation of Land Act, 1900" the words "any enactment for the time being in force" be substituted.

Lala Duni Chand : On a point of order, Sir. An identical amendment, which stood in my name, was rejected. May I know whether a similar amendment can be now moved ?

Parliamentary Secretary : The honourable member's amendment was that the words "the Punjab Alienation of Land Act" be retained and further additional words be added; while my amendment substitutes other words for the words "the Punjab Alienation of Land Act, 1900." Therefore, that amendment was not exactly the same.

Lala Duni Chand : The object, which the Government has in view, is the same as it was in my amendment. But it was rejected because it was moved from this side of the House.

Mr. Speaker : The point raised by Mr. Maqbool Mahmood appears to be a sound one. The honourable member suggested that in addition to the words "the Punjab Alienation of Land Act," the words "or in any other law for the time being in force" be inserted. Now, the amendment moved by the Government member is that for the words "the Punjab Alienation of Land Act, 1900," the words "any enactment for the time being in force" be substituted. I think the two amendments are not identical.

Dr. Sir Gokul Chand Narang : This amendment has been practically sprung upon us, to extend the scope of the Bill. Will the honourable mover of this amendment be kind enough to explain this amendment and what his object is in moving it.

Mr. Speaker : What happened was this. Amendment No. 5 which stood in the name of Lala Duni Chand was moved the other day and lost. What the Parliamentary Secretary is now moving is that for the words "the Punjab Alienation of Land Act, 1900" the words "any enactment for the time being in force" be substituted. To a certain extent, it does, no doubt, extend the scope of the Bill.

Dr. Sir Gokul Chand Narang : On that ground I am not objecting to it. I am only asking the honourable mover of the amendment whether he would be kind enough to enlighten the House as to the object of this amendment, because personally I must say that I have not been able to see the implications of this amendment.

Mr. Speaker : I cannot allow this question at this stage for the simple reason that the amendment, which stood in the name of Lala Duni Chand, was moved the other day and rejected. It was at that stage that this question should have been asked.

Dr. Sir Gokul Chand Narang : It was never moved—

Mr. Speaker : No. It was moved after the recommittal motion was turned down.

Lala Duni Chand : Yes, I moved it and it was rejected.

Mr. Speaker : The question is—

That the words "the Punjab Alienation of Land Act, 1900" stand part of the clause.
The motion was lost.

Mr. Speaker : The question is—

That the words "any enactment for the time being in force" take the place of the words which have been deleted.

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I beg to move that—

In line 4 between the words "to" and "the" the words "or after" be inserted.

In the first place, as there has been no discussion on the motion which has just been passed, I do not know how you are going to adjust the language of sub-clause 2, because, if we substitute those words the clause would read thus :—

"Notwithstanding anything contained in any enactment for the time being in force."

[Dr. Sir Gokul Chand Narang.]

I do not know how these words are to be interpreted which come after that in the 4th line, i.e. "which were effected prior to the commencement of that Act by a member of a tribe, since notified...." I must, therefore, modify my amendment.

The position is not clear.

Mir Maqbool Mahmood: Sir, this amendment cannot be moved. My amendment and amendments Nos. 19 and 28 can come together. Amendment No. 28 says—

That in lines 4—6, the words "commencement.....to the same group" be deleted.

And amendment No. 19 suggests—

That in line 4 between the words "to" and "the" the words "8th June, 1901," be inserted.

So if you take amendments Nos. 12, 13 and 28 together, then the clause will be perfectly logical and consistent, as we propose that it should be.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural):
ir I move—

That in line 4 between the words "to" and "the", the words "or after 8th June, 1901" be inserted.

Sir, my original amendment was that the words "or after" be inserted between the words "to" and "the", but I have slightly modified my original amendment, this being a consequential amendment arising naturally from the amendment which has just been passed. My position is this that there is no sanctity attached to the date 8th June 1901 and if the idea is to do justice or rather to show pity and render assistance to the poor mortgagor, that pity should not be restricted and bound by this time-limit terminating on the 8th June 1901. There is no reason why it should not extend further.

The original idea was that all mortgages affected by agriculturists in favour of non-agriculturists before the commencement of the Punjab Alienation of Land Act should be redeemed on payment of some compensation or without compensation as the case may be. Now the argument is two fold. One is that no sanctity attaches to the 8th June 1901. If people deserve any consideration who executed their mortgages before 1901, people who executed mortgages after 1901 also deserve the same consideration. If those mortgagors were poor there is no evidence before us to show that the mortgagors who parted with their land after 1901 were very rich or that they parted with their lands without any detriment to their economic interest. No reason whatsoever has been given for this distinction. On the other hand it is being suspected that this date is fixed on a particular ground and I want to make that ground clear. It is being said that up to 1901 the mortgagees were as a rule members of one particular community. After 1901 owing to the help which the Punjab Alienation of Land Act gave them, the members of another community also came in as mortgagees; and the idea is that by confining the redemption of mortgages to those which were affected prior to 1901 it is intended to afford protection to the mortgagees who came in after 1901 and belonged to a particular community. Otherwise if, as professed by the Government, the intention is to afford relief to the poor there is no reason why that relief should be restricted to the period prior to 1901.

As I have said there is nothing to show that after 1901 there was a wave of prosperity all over the province and that people executed mortgages in favour of other people simply for fun or pleasure. We are not aware of any particular wave of prosperity or wave of insanity coming over the province after 1901 that people should have parted with their lands simply for the fun of it. We must assume that even after 1901 people who parted with their lands did so under pressure of necessity, that they were driven to this course by poverty. If that is so, I should like to know the reasons why a line should be drawn at the 8th June 1901.

Then again, whatever might have been the justification for fixing that date as the turning point in these transactions, now that the Government has moved an amendment which has been accepted to the effect that the words 'The Punjab Alienation of Land Act' should be deleted and in their place the words 'any enactment for the time being in force' be substituted, the sanctity that attaches to the date of commencement of the Punjab Alienation of Land Act disappears and all mortgages whether in connection with the Land Alienation Act or not have been brought within the purview of this Bill. Therefore, no sanctity should now attach to the 8th June 1901. In fact, as I submitted, there is probably greater necessity for affording relief to those people who executed mortgages of their lands after 1901. In any case, as I have said, there is no difference pointed out between one set of mortgages and another. I would, therefore, submit that the words I have suggested should be inserted after the words 'prior to', namely, the words 'after the 8th June 1901.'

Mr. Speaker : May I propose the amendment in the following form ?

That in clause 2, lines 4-5, for the words "commencement of that Act" the words "or after 8th June 1901" be substituted.

Dr. Sir Gokul Chand Narang : I agree.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, my honourable friend asked, why are we restricting the provisions of this Act to mortgages prior to 8th June 1901? There are several reasons. He said that it is suspected that this date 8th June 1901 has been inserted with some sinister object and that otherwise there was no sanctity attached to that date. Let me point out that our object was very simple and there is nothing sinister about it at all. The 8th June 1901 was the date on which the Punjab Alienation of Land Act which is known as the Magna Charta of the agriculturist classes came into force. That is the reason why that date has been fixed. Prior to 8th June 1901 there was no distinction between agriculturists and non-agriculturists and, therefore, in deference to the wishes of several honourable members on both sides of this House, we have decided that we would not make any distinction between agriculturist and non-agriculturist classes prior to that date after which the agriculturists received immunity from the exploitation by other classes.

My honourable friend's next objection was this—"if you have pity for those people who had mortgaged their lands prior to 1901, why should not that pity be extended to people who mortgaged their lands after 1901?" My honourable friend is a lawyer and he must have had occasion to read the Punjab Alienation of Land Act several times. He must, therefore, remember that one of the things which the Alienation of Land Act did away with was the

[Premier.]

conditional sale. If he will refer to section 10 of the Act he will find that conditional sale was done away with. It is only those conditional sales affected prior to 1901 which could neither be converted into sale nor redeemed which would still subsist. That is obvious.

3 P.M.

Dr. Sir Gokul Chand Narang : Read the book again.

Premier : I have read it.

Dr. Sir Gokul Chand Narang : Then you have not understood it.

Premier : My honourable friend may please himself if he thinks that I have not understood. It is only those mortgages that still subsist that we want to redeem. Why do we want to redeem them? Our main reason is that they have been in possession of mortgagees for periods ranging from 40 to 60 years and on grounds of justice and equity we feel that people who have benefited for such a long period from 48 per cent. to more should now return the lands to their owners. My friend asks, why should you not extend the same privilege for mortgages after 1901? My reason is that after 1901 only agriculturists could mortgage lands for a period beyond 20 years with another agriculturist. The agriculturists could also buy land and agriculturists could also sell land to other agriculturists. There is no bar. Therefore, after 1901 if there are any mortgages those mortgages must still be in existence for the mere reason that they benefit the mortgagor and not the mortgagee, because the mortgagees could buy that land and the mortgagor could sell it to the mortgagees. I will give you one instance. My honourable friend is trying to look cynical. Now there are several people, pensioned soldiers and retired military officers, who saved a little bit of money and have come back. They find that their own land is not sufficient to give them occupation. Their holdings are very small. They find that one of their agricultural brethren of the same tribe who was at one time poor now holds a bigger plot and is in debt and he wants to get out of it. They pay a portion of their savings and take a small parcel of land on mortgage and add it on to their own.

Lala Duni Chand : Similar was the case prior to 1900. Were there no soldiers then?

Premier : Prior to 1900 it was the black fish swallowing the red and the yellow ones and it is that kind of mortgages which you find still subsisting. So far as transactions between agriculturists are concerned, as I have said there is no bar to an agriculturist buying land of an agriculturist. So if the mortgage subsists it benefits the mortgagor himself. Apart from that there are other grounds and from my point of view stronger grounds which would not allow me to extend the provisions of this Act beyond 1901. In the first place we stand by the Land Alienation Act and I am not prepared to do anything—and I am sure that the majority of this House agrees with me—to undermine the efficacy of that Act so long as we stand by that Act. (Hear, hear). When you decide to do away with that Act or to throw that Act into the dust-bin—I hope that time will not come during my regime

at any rate—when you decide to do that, then it will not be necessary to make an Act of this kind. It is only to protect that sturdy peasantry of the Punjab that we want to make this enactment which, without doing any real injustice to any other class, would do some good to that class and give them a sense of safety and security which the Land Alienation Act has given them. In view of this, I cannot accept my honourable friend's amendment.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, may I draw the attention of the honourable mover of this amendment to an aspect of the case which will show how terribly iniquitous the effect of his amendment would be? Assuming for the sake of argument that his amendment is accepted by the House, then the result would be that a mortgage made only 5 years ago will have to be forcibly redeemed by payment of either nothing or a nominal figure. As I understand, the policy of this Bill is that lands which have been mortgaged before the 8th June, 1901, and have stood unredeemed since that date up to this time, shall be restored to the mortgagors and taken back from the mortgagees either on payment of nothing or on payment of a nominal figure. This is on the basis that the mortgagees have in the meantime enjoyed the proceeds of the land at least since the 8th of June, 1901, namely 38 years, —not to take into account the period of the mortgage that might have elapsed before the 8th of June, 1901. My learned friend is attacking the principle of this Bill and he has made no secret of his view, that a Bill of this kind is of an expropriatory nature. I want to put it to him, does he want to make the expropriation still more grievous? Is he really serious that mortgagees affected within the last 4 or 5 years shall be wiped off by a stroke of the pen, and that those mortgagees who have been in enjoyment barely for 4 or 5 years must be regarded as having been fully paid out their debt? It appears to me that my learned friend has not fully appreciated the consequences of his amendment. I would put it to him, what does he mean? If he wants the Bill to be extended to all mortgages which have been affected since 8th of June, 1901, irrespective of the parties in whose favour they may have been executed, then the result would be that the very expropriation on the ground of which he is bringing forward his amendment will be rendered still more grievous.

Rai Bahadur Mr. Mukand Lal Puri: What do you say about the expropriation?

Malik Barkat Ali: Not that there is any expropriation, because this Bill necessarily postulates enjoyment for at least 37 years and many more also, though under the Land Alienation Act 20 years' enjoyment is enough. I certainly would be satisfied with an enjoyment of 37 years and more as a sufficient discharge of the original debt. So far as the present amendment is concerned, I do not know how he makes his case of expropriation better by the introduction of this amendment.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural): With your permission I am going to speak on this amendment. Although I have got a more comprehensive amendment later on, I think I had better speak on this one and give a reply to certain arguments used by my friend, the Leader of the House, opposing the amendment of Dr. Sir Gokul Chand. I confess, Mr. Speaker, that I have never heard so fallacious and fatuous arguments, I think, he would pardon me, falling from the lips of my

[S. Hari Singh.]

friend, the Honourable Premier for whose debating talents I have got a great regard. His arguments might have appealed to the phalanx of the majority of members, who sit behind him but his arguments are not at all going to appeal to the poor agriculturist mortgagor who wants back his land whether that land is in the hands of a non-agriculturist money-lender or an agriculturist money-lender. He wants land to till, he wants bread, he is hungry, he wants land both from the *bania* as well as from a zamindar although that zamindar may be an ex-captain of the Army, a comrade in the arms of the Honourable the Premier. What is his argument in reply to the demand of the hungry mortgagor who wants back his land? It makes no difference whether his land is with a *bania* or in the hands of anybody else. These arguments are totally fallacious and fatuous. Mr. Speaker, I am at one with my friend, Dr. Sir Gokul Chand that the retention of 8th June, 1901, in the Bill as it is going to be amended by amendments moved by Mir Maqbool Mahmood taking together certain consequential amendments that are going to be taken up later, is not intelligible. In view of the fact that the Bill is going to be amended so that all the mortgages before the 8th June, 1901, shall be restituted, no sanctity can be attached to the 8th June, 1901. It could have some logic and meaning if this Bill were going to be based on the Land Alienation Act, but the Land Alienation Act is no longer the basis of this Bill. The mortgages, whether with the agriculturist or the non-agriculturist, before a certain date are going to be restituted. Where then is the sanctity, where then is the logic attached to 8th of June, 1901? My friend got up and said 8th June, 1901, is the date on which the Magna Charta of the zamindars, the Land Alienation Act, was inaugurated. This is a purely sentimental argument. I respect the sentiments of my honourable friend, I have a great regard for his respect for the Land Alienation Act. Let him keep it in tact as long as he is in office, I have no quarrel with him, but that is not the argument for the retention of the 8th June, 1901. Because the 8th of June is the birth day of the Land Alienation Act, therefore we want that mortgages before that date should be restituted and mortgages after that date should not be restituted, is no argument at all. He went on to sermonise on the virtues of the Land Alienation Act. That was totally beside the point. We have nothing to do with the virtues or the vices of the Land Alienation Act at present. He further went on to say that we want to retribute all mortgaged lands which have been subsisting for between 40 to 60 years. I may tell him that there may be mortgages of a shorter duration from which the mortgagees have got adequate return. Supposing I got some land mortgaged to me in the year 1930, for an amount of Rs. 400. Suppose further that that fellow was very ignorant and a very poor man and fell into my snare and mortgaged 8 acres of land for Rs. 400. I may have got more than Rs. 400 and its interest out of that land. Why should not that land pass from my hands into the hands of the mortgagor when I have got according to the argument on which this Bill is based, enough by way of return on my capital? Why should not mortgages after 1901 be restituted? Again, I put it to my friend, the Leader of the House, suppose a mortgage was effected on the 7th of June, 1901, and another on the 9th of June, 1901. Why does he wish that the mortgage effected on the 7th of June should be restituted and not the

one brought about a day after the 8th June, 1901? I want to give two examples which would show the nature of mortgages effected after the date—8th of June, 1901. These examples are taken from page 197 of Mr. Darling's famous book "Punjab Peasant in Prosperity and Debt". One case gives an account of a transaction between 1901—11. An agriculturist borrowed Rs. 2,500 at 25 per cent. interest, probably from an agriculturist money-lender. In the year 1912, he got Rs. 50 more and the total became Rs. 2,550. This is the sum of money he borrowed from an agriculturist friend. The debtor repaid in the following way. Two thousand and four hundred maunds of grain worth Rs. 5,000 in one instalment. Then again another instalment of grain and cattle worth Rs. 800 and a third instalment between the years 1912 and 1918. During these years he paid cash amounting to Rs. 1,100. In all he paid a total sum of Rs. 6,900 between the year 1912 and 1918. In the year 1918 a settlement of this account was made and 8 acres were mortgaged to secure Rs. 1,300 of unpaid balance while a bond was executed for Rs. 1,200. In 18 years a loan of Rs. 2,500 became Rs. 9,400. Interest at 12 per cent. in 18 years would amount to Rs. 5,400. So the total would be Rs. 7,900. Now the poor debtor has paid the whole of the sum and its interest, yet he has mortgaged 8 acres of his land for the unpaid balance of Rs. 1,300. Now my friend wants that this mortgaged land should not be restituted to the poor debtor. That shows his sympathy for the debtor peasant of this province. He is not going to liquidate this mortgage.

Premier : This mortgage could only be in favour of an agriculturist.

Sardar Hari Singh : This mortgage possibly still subsists. After the year 1901 a mortgage could be effected only in favour of agriculturists. Mr. Speaker, another case illustrating the same thing relates to the year 1896. A land owner of Gurdaspur district died. He left behind an unpaid debt of Rs. 400. This is the district from which my friend, the Honourable Minister of Revenue hails as a member of this House. Probably he must have been canvassing for votes in Batala tehsil from the sons of the deceased.

Minister for Revenue : How do you know?

Sardar Hari Singh : I presume that when canvassing for votes he must have been—

Mr. Speaker : Please speak to the motion.

Sardar Hari Singh : His son executed a bond which was renewed in 1899, 1903 and 1906. In the year 1909 the debt which was Rs. 2,700 was repaid by borrowing the amount from another money-lender—an agriculturist money-lender. A few years later, you will be surprised to hear, fifty acres were mortgaged to secure the debt which had risen from Rs. 400 only. This debt now amounts to Rs. 5,000 though nothing was borrowed in the interval. Rupees 400 which was the amount of debt raised has amounted to Rs. 5,000 in twenty years' time. Fifty acres of land of the poor debtor which he had mortgaged in return for the original money is still with the mortgagee and my friend opposite wants that this 56 acres of land should not be returned to the mortgagor. That shows his sympathy for the poor peasant who is poverty-stricken—nay for the peasants of the province of the Punjab.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (Urdu) : Sir, I have risen to support the amendment moved by my friend, Dr. Sir

[Pandit Shri Ram Sharma.]

Gokul Chand Narang. The first and foremost reason for my support to this amendment is that this clause, as it stands, does not in any way benefit that part of the country from which I come. I may add for the information of the House that my ilaqa is Haryana, i.e., southern districts and when I say my ilaqa, I mean thereby the poor *kisans* and zamindars of that area. Sir, I do not know what is going on in the rest of the Punjab, i.e., in the Western or the Central Punjab. But as far as the South Eastern Punjab is concerned this Bill does not benefit that part of the Punjab at all, because it does not give any relief to those people whose lands were mortgaged after 8th June, 1901. This Bill only gives relief to those people whose lands were mortgaged before 8th June, 1901, and the lands of those persons which were mortgaged after June, 1901 will not be redeemed at all. I, therefore, request the Government to do away with this distinction between the lands that were mortgaged before June, 1901, and the lands that were mortgaged after June, 1901. If the Government are desirous of helping the zamindars of that area they should, and also the Minister who belongs to that area, should do their best to remove this time-limit of June, 1901, so that the poor zamindars of Haryana and particularly of Tehsil Jajjar would also benefit by this Bill.

The second thing, which I wish to submit before the House, is that before the year 1901 only 16 lakh acres of land went into the hands of the non-agriculturists and after the year 1901, 36 lakh acres of land passed into the hands of big landholders. I may submit that the Government are claiming that they are giving relief to the poor zamindars and that they want to extricate them from their woeful condition but in fact they are doing quite the reverse of it. Everybody knows that since the year 1901, something like 36 lakh acres of lands passed into the hands of well-to-do and rich landholders whose representatives are sitting in large numbers on the benches over there, but the Government have not even moved their little finger to save the small landholders from going into the dust. I have risen to support this amendment merely for the sake of bringing to light the woeful plight of those poor *kisans* whose lands are held in mortgage by the rich zamindars after 8th June, 1901.

The next point to which I wish to refer is that after the year 1901, there were certain groups of people who were declared as agriculturists and they were termed as a special group of agriculturists. Some of these groups were declared agriculturists in the year 1908 and others in 1914. Recently in reply to my question the Honourable Revenue Minister stated that seven such groups have been declared agriculturists, who mainly depend on agriculture. I ask my friends on the opposite benches that if they have been declared agriculturists under special circumstances and if they have lost much of their lands during the last 20 years, why should they not receive the same facilities which are being provided to others? I may further submit that they mainly depend on agriculture and there are many such special groups of agriculturists who depend on land for their maintenance. I am of the opinion that their mortgages should also be included in the same class as has been included the mortgages previous to the year 1901. I may submit that zamindars are not only those who lived previous to the year 1901, but there are other zamindars who should also be regarded as

zamindars. I mean the special groups. Let not anybody think that I am calling them zamindars by way of courtesy, but it was the Government of this province who declared them as agriculturists and for the reason that their lands were going into other hands and in order to save them from utter destruction and ruin they declared them as agriculturists. They have been saved from the jaws of death and I would request the Honourable Premier, the Honourable Minister of Development and the Honourable Minister for Revenue, if they have any sympathy for these zamindars who were declared zamindars after 8th June, 1901, to come forward and help them. They should not confine their sympathies to the people who mortgaged their lands before the year 1901, but they should also take into consideration all these people who have been declared agriculturists after the year 1901, and they should do something to get their mortgages made before their being declared agriculturists redeemed as well. In my opinion they deserve it more than others. If they do not deserve such help, why did the Government declare them as agriculturists? I, therefore, request the Government that no differentiation should be made between the agriculturists previous to the year 1901 and those after the year 1901.

Besides, I may submit that as long as the lands of those people who mortgaged them after the year 1901 are not redeemed those people cannot benefit by this Bill. I am personally unable to understand as to why the Government are not prepared to help these people. Further the Honourable Premier stated a very interesting thing in the course of his speech. This is that those military men who have returned to their homes with a little savings of theirs and have bought some lands, cannot in any way harm other zamindars. I do not mind if the poor military people, who draw a small salary or who have obtained a pension of Rs. 12 or 14 or less than Rs. 25, have bought some lands for their livelihood. But, Sir, most of the lands have passed into the hands of captains, majors and colonels who brought much wealth and have literally enslaved poor zamindars. They are the people who have taken large tracts of land and are ruling like anything over them. It is the duty of the Government to save the poor and small landholders from big landholders and big military pensioners. But instead of helping them this Government have brought in a Bill the object of which does not seem to benefit a very large number of poor zamindars. The Government are showing undue favour to big landholders, who are depriving the small zamindars of their small holdings. This argument holds no water that the Government have moved this Bill in order to safeguard the interests of the poor landowners.

Sir, it is strange that no opportunity is missed to taunt and thereby to bring into disfavour the Congress party in the Assembly. This is really very bad. It so happens that the honourable Dr. Narang is in favour of this amendment and sympathises with the poor zamindars. Otherwise this amendment had been tabled by the members of the Congress party as well and even if he had not moved this amendment, you would have seen that the Congress party would not have kept quiet over it. And if in spite of it, it is said that the Congress party has been keeping quiet and has adopted an attitude of neutrality, it cannot be helped. I ask where it is and on what suitable occasion the Congress has kept quiet. We have demanded on more than one occasion that such of the zamindars, who do not own more than

[Pandit Shri Ram Sharma.]

ten acres of land in the canal irrigated areas, should be exempted from the payment of land revenue. We have raised our voice against the imposition of any land revenue on those zamindars who own not more than 24 acres of land in the *barani* areas and we have asked for remission of *chahi* rates and for many more such concessions for the poor agriculturists.

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

Pandit Shri Ram Sharma : Sir, I am only trying to clear our position particularly because the question of our attitude has been raised and discussed here on many occasions. I challenge the Government to refute the arguments that I have advanced in favour of the amendment. I am sure that in their heart of hearts the Government members feel that they stand on very flimsy ground so far as this matter is concerned, but because this amendment has been moved from this side of the House, it has to be opposed, however, righteous the cause may be that we plead. With these words I support the amendment now before the House.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) (Urdu) : Sir, I rise to oppose the amendment moved by my honourable friend, Dr. Sir Gokul Chand Narang, which provides that the provisions of this Bill should also apply to all subsisting mortgages of land which were effected after the 8th June, 1901. This amendment not only extends the scope of the Bill but also infringes one of the basic principles underlying the Punjab Alienation of Land Act. We have two distinct periods in the economic history of the province since the inception of the British rule in the Punjab, one period relates to the time preceding the commencement of the Punjab Alienation of Land Act and the other which follows it. To understand the position fully, we must keep in view the distinctive features of these two periods. Prior to the British rule though debt was as common as it is to-day, yet the money-lender was not so powerful as he subsequently became. He laboured under two restraints which the British rule removed, or anyhow weakened. The first was the existence of a vigorous village community which was strong enough to hold the *bania* in partial check. The money-lender was no doubt considered a necessary factor in the village life, but was not allowed to coerce his debtor and unconscionable bargains were usually avoided. The second check was the apathy of the state towards the recovery. There were no formal courts of justice and if a cultivator owed a money-lender money or grain and matters could not be arranged between themselves, the case went before the local *punchayat*. The *punchayat* after examining the *bania's* accounts and taking into consideration the paying capacity of the debtor brought about a settlement. The creditor and the debtor were kept on a footing of comparative equality and the latter was not allowed to antagonise or coerce the former. For some time after the establishment of the British rule these satisfactory conditions continued. The village communities retained their cohesion and though courts were set up everywhere in which debtors could be sued, suits against agriculturists were heard by the deputy commissioner and his assistants, who, with their intimate knowledge of village life, tended to decide them according to the broad principles of equity, justice and good conscience, rather than by a rigid application of the law. Kindly feeling, therefore, prevailed between debtor and creditor during this

period. In 1875 suits for debts were handed over to civil courts presided over by professional judges, men trained in the straightest sect of the law, for the most part born in the town, knowing little of the village and often allied to the money-lender by caste if not by actual relationship. Owing to the pressure of work, there was little temptation on their part, to go behind the bond and the loose haphazard way in which the money-lender kept his accounts, made it extremely difficult to disentangle the facts. Cases were too often rushed through and decided on unreliable evidence by these town-bred men of the desk who were ignorant of rural affairs. The rigid application of the law, which ensued, put the ignorant peasant entirely at the mercy of his creditor. For 25 years the money-lender had been entirely uncontrolled and in this brief space a serious situation developed. The British rule freed the *bania* from restraints and armed him with the power of the law. He became as oppressive as he had hitherto been submissive. In the words of Mr. Thornburn: "Shylock was a gentleman by the side of Nand Lal Kirar, as Shylock, though he spoiled the gentiles, was yet a man of honour, Nand Lal has none commercially speaking. His greed for gain, the shameless effrontery with which he adds 50 per cent. to a debt, calls the total principal, causes his debtor to execute a bond for that principal with interest at 36 per cent. per annum more, a year or two after strikes a balance against his debtor and wears him into mortgaging to him an ancestral plot of good land on the understanding, carefully excluded from the bond that the mortgagor is to remain in cultivating possession, have entirely alienated the sympathies of people from men of his calling. Such hard business qualities make him feared, hated and despised by the agricultural classes."

Prior to the British rule a money-lender conspired not for the land, but for the crop as the land was then of little value and difficult to acquire; nor had the ordinary *bania* either aptitude or inclination to farm it. Being, too, a shopkeeper as well as a money-lender he preferred to get the produce, on which, without much effort, he could reap a double profit, one from the producer to whom he lent and the other from the consumers to whom he sold. He was, therefore, content with the crop and shared with the State the whole of the cultivator's surplus. After 1870 the circumstances, however, changed: land which had been almost unsaleable began to have value. In the days of pre-British rule owing to the general insecurity and the exactions of those in authority, no money-lender would buy land; but with the advent of security and good Government, of a fixed assessment and rising prices, it became an object of general desire. Land became a first rate investment which was always rising in value. As soon as the money-lender realized this, he began to use it as an outlet for his rapidly accumulating capital, and finding the investment more and more profitable sought with increasing ingenuity to get the cultivator into his clutches and oust him from his land. In little over 25 years, he succeeded in acquiring over 2½ million acres of land in different parts of the province by sale and mortgage. It was this phenomenon as much as anything else that led to the passing of the Punjab Alienation of Land Act in 1900.

In introducing the Punjab Alienation of Land Bill the Honourable Mr. Rivaz (afterwards Sir Charles Rivaz) said, "After all, it must be borne in mind that we are aiming at reverting to some extent to a state of things which prevailed in the Punjab before it came under British

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rule. It is an arguable question whether the right of free transfer of land was recognised under Native rule, or whether it is what has been called the 'fatal gift' of the British Government, but, in any case, the question is, for practical purposes one of mere academic interest; for it is an undisputed fact that in former times the exercise of the right of transfer, at all events, in favour of money-lenders and other outsiders, even allowing that such right did exist in theory, was, for several reasons, exceedingly rare, and we know that even in these days in most Native States alienations of land are either absolutely prohibited or largely restricted. We know, too, that in the Punjab the custom of transferring land did not gain a footing for several years after the annexation of the Province, but that as land has increased in value and become more attractive as a profitable investment, the number of transfers has increased correspondingly and is still increasing." He further remarked, "That the Punjab is pre-eminently a land of yeomen and peasant proprietors, and the expropriation by the money-lending classes of these sturdy land-holders—men who furnish the flower of the Native army of India, and who look forward, amid all the hardship and glories of a military career, to spend their declining years on their ancestral acres—has, under the influence of conditions which have sprung up under British rule, been progressing as I have shown, in different degrees of rapidity in all parts of the Province. The sole and entire object of the measure which I have been explaining is, while affording ample facilities and a sufficient market for unobjectionable transfers, to arrest the further progress of this mischief and to check, by remedial action, an ever-increasing political danger."

Sir, such were the conditions before the enactment of the Punjab Alienation of Land Act. The present Bill deals only with those subsisting mortgages which were effected during this period, i.e., prior to the commencement of the Punjab Alienation of Land Act, 1900. During this period the creditor did not take the land of his debtor in mortgage as a security for loan, but he used this device in order to expropriate his debtor who was, unwilling, under the influence of custom and traditions, to sell his land. The money-lender did not demand any security at the time of advancing loan, but after sometime when the debt had accumulated by the addition of compound interest at usurious rates, the money-lender cajoled his debtor into mortgaging his land under the threat of civil suit and imprisonment. In most cases the conditions of these bargains were unconscionable. The produce of the mortgaged land was taken by the mortgagee in part payment of the interest, while the remaining interest was to be added to the mortgage money. Under such conditions it became impossible for a mortgagor to get his mortgaged land redeemed, and after the expiry of 60 years the mortgagee became the permanent owner of the land. I shall illustrate my point by giving an example of such mortgages. In Attock district an agriculturist debtor mortgaged his land to a money-lender in the seventies for Rs. 500. About two or three years ago he applied to the court for the redemption of his mortgaged land on payment of the mortgage money. The case came up to the High Court in appeal and the High Court decided after calculating the compound interest on mortgage money that the mortgagor could only get his land redeemed after paying Rs. 2,70,000.

On the 8th June, 1901, the Punjab Alienation of Land Act came into force. Henceforward the professional money-lender could not dispossess an agriculturist from his land for more than 20 years. The main object of the Act was to prevent the peasant proprietor from being expropriated by the village money-lender. Since then money-lender had to be content with the produce only. Repayment of debt depended entirely upon the harvest and if a series of harvests failed it became difficult to realise the debt. The limitations imposed on the power of alienation of an agriculturist restricted his credit. On account of insecure agricultural conditions and visitation of famine, the peasant proprietor needed money in his 'lean' years. In the time of his need he mortgaged a portion of his land to his thrifty and better off neighbour or relative who lent him the money on the security of land. In better years he got his mortgaged land redeemed. A glance on the figures will show that between 1901 and 1920 the area redeemed is in excess of the area mortgaged. Between the years 1921 and 1925 the mortgaged area is more than the area redeemed. This excess is due to the following reasons :—

- (a) Rise in the standard of living as a result of the high prices of agricultural produce during the post-war years and the expansion of credit.
- (b) By the activities of military pensioners who advanced money on the security of land.
- (c) The purchase of considerable areas of land in canal colonies for which purpose the zamindars raised money by mortgaging their lands.
- (d) The amendment of the Limitation Act in 1923—24 which induced the money-lenders to call in debts and compel the zamindars to mortgage their lands in order to pay.
- (e) Successive failure of harvest due to climatic conditions, floods and attacks of pests.
- (f) Unprecedented and sudden fall in prices of agricultural produce.

But in spite of this the percentage of the area redeemed over the total mortgaged area during this period is much higher than the period preceding the commencement of the Punjab Alienation of Land Act. It may also be remembered that during this period the mortgaged area has not passed out of the hands of the village community. The land has merely passed from one person to the other belonging to the same tribe. After 1901 the credit of an agriculturist has been further restricted by the passing of certain legislation such as the Usurious Loans Act, the Punjab Regulation of Accounts Act, the Punjab Relief of Indebtedness Act and the Punjab Debtor's Protection Act. If the provisions of the present Bill are made applicable to the period after the 8th June, 1901, we shall be jeopardising the interests of peasant proprietors and agriculturists inasmuch as he will be forced to sell his land instead of mortgaging it. Moreover, a peasant proprietor can always seek remedy under the Punjab Redemption of Mortgages Act and it is unnecessary to apply the provisions of the present Bill to the subsisting mortgages effected after the commencement of the Punjab Alienation of Land Act. As I have already shown, the mortgages effected prior to the commencement of the Punjab Alienation of Land Act were, in a large

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majority of cases, unconscionable and the accumulated usurious rate of compound interest makes it impossible for a mortgagor to redeem his land. The fact that merely 1½ million acres of land mortgaged during this period has not been redeemed so far, speaks for itself. Under the existing law all subsisting mortgages become sales after the expiry of 60 years. The main object of the present Bill is to avoid such expropriation. It provides for the restitution of mortgaged lands to the mortgagors where the mortgagee has benefited from the income of such land to the extent of double the mortgage money or where the mortgagee has been in possession of such land for more than 90 years, on compensation at given rates. No land mortgaged after the 8th June 1901 could either become sale before 1961 or could ever permanently pass into the hands of non-agriculturist mortgagees. My friend Pandit Shri Bam Sharma remarked in his speech that the area under mortgage prior to 8th June, 1901 is 16 lacs of acres while the mortgaged area after that date is 87 lacs of acres and that it would be in the interest of the poor zamindars to extend the application of this Bill to this latter period. I have already explained the difference between the nature of the mortgages effected before and after the commencement of the Punjab Alienation of Land Act. I might further point out that a large number of mortgages effected after the 8th June, 1901, will come out to be benami transactions. The number of genuine long time mortgages from agriculturists to agriculturists is comparatively small. We have already passed a measure during this session nullifying benami transactions. Another Congressite friend, Sardar Hari Singh remarked that he could not understand as to why the mortgages effected before and after the 8th June, 1901, should be treated on different basis and why a special sanctity has been attached to the 8th June, 1901. Probably, on account of his associations with the 'banias' my honourable friend's genius and agriculturist spirit is rusted. Let me point out that there is a glaring difference between these two periods and we do attach a special sanctity to 8th June, 1901, because on this historic day the Manga Charta of the agriculturists, the Punjab Alienation of Land Act was brought into force. (*Cheers*). A new era started from this day in the life of the agriculturists of the Punjab and they were protected from the exploitations of the banias and allowed to live a life of self-respect (*cheers*). The present Bill provides no discrimination between the agriculturist or non-agriculturist mortgagee, because it relates to a period when no distinction existed between these two classes. If the scope of the Bill is extended to the period following the commencement of the Punjab Alienation of Land Act, it will in a way, abolish the distinction which the Punjab Alienation of Land Act provides and in the wider interest of the agriculturist community we are not prepared to accept the removal of this distinction between the agriculturist and non-agriculturist classes. (*Cheers*).

I would appeal to my agriculturist friends sitting on Congress benches to beware of the mischief which this amendment will create in removing this distinction. I hope my simple-minded friends will see through the game and will not be misled by the soft words and misleading arguments of Dr. Sir Gokul Chand Narang.

Dr. Sir Gokul Chand Narang: You too are a zamindar; why are you not misled by what I say?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Because I know you too well.

پھر (تجے) کہ خواہی جانہ می خوش

من انداز قدرت رومی شد اسم

With these words, Sir, I oppose the amendment under consideration.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, in answer to the very pertinent objection raised by the Opposition and Dr. Gokul Chand Narang as to why this date has been fixed, nothing has been said beyond singing the praises of the Land Alienation Act. I have no desire to detract in any way from the value of these praises, but these praises are no reply to the serious argument of the other side. The Government have signally failed to give any reason why the year 1901 is fixed. Let us now carefully consider what the scope of the present Bill is. The Bill, as originally introduced, related to mortgages by members of tribes, who have been since notified as agriculturists, in favour of non-agriculturists alone. Now, this has been extended to 3 other kinds of mortgages. First the mortgages by a member of the notified agricultural tribe in favour of another member of the agricultural tribe, a transaction which is not prohibited by the Land Alienation Act ; it has further been extended to all mortgages which have been effected by non-agriculturists in favour of non-agriculturists, again a transaction with which the Land Alienation Act had no concern and mortgages to which this Bill was never originally intended to apply ; and thirdly it has also been extended to mortgages effected by non-agriculturists in favour of agriculturists, again a transaction which was not prohibited by Land Alienation Act. Therefore, Sir, whatever reasons there may originally have been to fix the 8th June, 1901, the date when the Land Alienation Act came into force in this province, there is absolutely no reason now why you should select only the mortgages effected before the year 1901 for resumption. I submit there is absolutely no reason now for confining the operation of the Bill to mortgages effected before the year 1901. Let us see if there is any other general ground for this selection. The main ground for allowing this restitution is that mortgagees by being in possession of the land have derived more advantage from the land than is justified by the amount of principal which they have advanced or by the amount which may be due on the mortgage. We, living in this province, know very well as to when the price of agricultural produce was highest and what are the years when the persons in possession benefited most. We know very well that the value of the agricultural produce in this province was never so high as during the War years 1914—1919 and if any mortgages have been paid off or paid off twice, thrice or four times over, they have been paid off during those 6 years. If you do not extend this Bill to those years what on earth is the use of bringing in this Bill at all, if the object is to allow lands to be redeemed, whose mortgagees have derived considerable profit from the land ? I do not say that you should necessarily extend it to the year 1938. What harm would be done if this was extended to 1930 or 1925 or even to the year 1920 ? So, I respectfully say that there is no earthly reason why the scope of the Bill should be confined to mortgages effected before 1901. The Honourable Premier has said that Dr. Gokul Chand Narang has attributed a sinister motive to the Government. Dr. Gokul Chand pointed out that whatever may be the reasons, the fact

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remains that mortgages before 1901 happened to be in favour of one community and after 1901 they happened to be mainly in favour of agricultural tribe or they happened to be in a large majority of cases in favour of another community. (Premier: Question.) This argument is not met by a mere denial on the floor of this House or by merely questioning the statements which are made. As soon as the select committee sat, I asked the Chairman to allow me to have the statistics on the following points:—firstly, the probable acreage of land which is likely to be affected by this legislation; secondly, the approximate amount of mortgage money that is likely to be dealt with by this legislation; and thirdly, the most important of all, the number of mortgagees likely to be affected with their distribution communitywise. This is an information which does not require any census operation. It can easily be obtained from revenue records of this province. Only the girdawar kanungo of a tahsil is to be asked to supply that information. I asked for this information, because in a legislation of such important character, you could not do justice to it without being in possession of those necessary details. I must say that the Chairman, the Honourable Minister for Revenue, was pleased to take down my queries in writing and sent a chit to the Financial Commissioner asking for that information. The answer came that information on none of those points was available at Simla. Then I asked that I would like to examine witnesses who would bring all the material on record before the select committee, but that request of mine was not granted. Therefore, Sir, when you deliberately shut out all enquiries on the matter and do not even take steps to supply this information, when it is formally asked, by a mere denial here on the floor of the House and by mere questioning of my or Dr. Gokul Chand's statement, you cannot be said to have controverted these statements. We did not rest here, we did much more; we sent a petition to the Honourable Premier signed by a dozen Hindu members of this House and we enclosed a cheque for Rs. 1,200 requesting him to get this information before this Bill is passed into an Act. We pointed out to him that we sent the cheque for the maximum amount which would be spent on getting that information. It was a matter of only a few days to get that information by means of girdawar kanungos. We were desirous to get that information and we had done this simply to give an opportunity to the Government to dispel that suspicion which the Honourable Premier says, Dr. Gokul Chand Narang has attributed in a sinister fashion. Why did not the Government take that opportunity before enacting this Bill into law? Is it not a fact that the date has been fixed to deprive one community of crores of rupees in the interest of another community? These are our allegations and these are our grievances. This is where the shoe pinches.

My friend, Malik Barkat Ali said, "You are opposed to expropriation." I for one endorse that view. I am opposed to it tooth and nail. He said, "Why extend the area of that expropriation by extending the scope of this Bill to mortgages before 1901?" My answer is that if by any chance you include within the purview of this legislation persons in whom the present Government is even slightly interested, the nature of the compensations proposed would not be an eye-wash which is provided in this legislation but would be something reasonable.

as stated in the Preamble and not 5 times or 10 times the land revenue, a matter which has absolutely no connection with or relevancy to the amount of mortgage money which may be a charge on the land. There is absolutely no reason why this legislation should be confined to mortgages up to 1901, except the one which I put forward before the select committee and which Dr. Narang supported on the floor of the House and to which no satisfactory answer has been given. There is just another point, to which I should like to make a reply, I mean the point made by Malik Barkat Ali, viz., that if Dr. Narang's amendment is accepted even mortgages of five years would be redeemed. I say what harm is there if that is so. Only those mortgages will be redeemed for which the mortgagors have derived sufficient benefit and if the transaction is of such a type that within even five years the benefit derived has been to such an extent as to wipe out the amount due to the mortgagee, well and good, the sooner the mortgage is redeemed the better. If they accept the principle that the mortgagee is to be ousted as soon as the amount due to him is paid irrespective of the terms agreed upon, where is the harm if mortgages of five years also be redeemed? I, therefore, strongly support the amendment moved by Dr. Narang.

Parliamentary Secretary (Mir Maqbool Mahmood): I have been rather surprised at the attitude of Rai Bahadur Mr. Mukand Lal Puri and the attitude of certain other speakers from the Opposition whose main line of argument was that through some sinister reasons of their own, the Government has selected the year prior to 1901 for limiting the application of this Act, because at that time it were mostly the non-agriculturists who had mortgaged lands. I wish to invite the attention of the House to page 387 of the Provincial Banking Enquiry Committee Report. They will find in that Report on the authority of Mr. Darling and of that great industrialist, the late Lala Harkishan Lal, that during 5 years ending 1900, the area mortgaged to the agriculturist tribes out of the total percentage of mortgaged area, was 61 per cent. Now, Sir, I ask my honourable friend Rai Bahadur Mr. Mukand Lal Puri and those who support him, is it fair that without a proper study of facts and figures they should charge the Government with a sinister proposition which on facts and figures is negatived? Sir, on actual data the Government want the restitution of mortgaged lands, $\frac{2}{3}$ of which were mortgaged to the agriculturists and only $\frac{1}{3}$ to the non-agricultural tribes. This is my first submission.

The second argument was raised by my honourable friend, Sardar Hari Singh, for whose acumen and industry I have great respect, on what authority and logic are the Government denying the benefit of this legislation to mortgagors between the year 1901 and later date. He said that most of the mortgages were effected after the year 1901 and how can we deny the benefit of this humanitarian legislation to those mortgagors? I will confine my figures to the amendments tabled by Sardar Hari Singh. In one of those amendments he suggests that this Act shall apply to all mortgages of land, unless they are in conformity with section 6 of the Punjab Alienation of Land Act, in other words, he advocates that the mortgages of the last 20 years—say up to the year 1929 should not be excluded and all others included. Let me invite his attention to the figures as they speak. He will find from the Provincial Banking Enquiry Committee Report and from Mr. Darling's book, the Punjab Peasant in Prosperity and Debt, that up to the year 1900 or 1899 when the Punjab

[Mir. Maqbool Mahmood.]

Alienation of Land Act was introduced the mortgaged debt was in the near figure of 16 crores of rupees. In the year 1929 it has been calculated that the actual figures of mortgage debt work out to about 52 crores of rupees. Professor Brij Narain has given a figure which has been accepted by the Provincial Banking Enquiry Committee, that the value of the rupee in this later period was about $\frac{2}{3}$ of the value of the rupee in the earlier period. If you accept this value the mortgage debt in the year 1929 would come somewhere near 21 crores on the rupee value of 1901. A Government which is giving, by legislation, a relief applicable to mortgages amounting to about $\frac{2}{3}$ of the par rupee value is not entitled to such glib-tongued criticism from the honourable members opposite.

One of the honourable members of the Opposition suggested "look at what we and our party elsewhere have been doing; how badly you fare as compared with what we have done in this respect." I ask, Sir, does this argument lie well on the lips of those of my friends opposite who have from their camp tabled even to this Bill certain amendments which with one stroke of pen would deny the benefit of this legislation practically to 99 per cent. of the poor peasants? I will now quote a few figures in reply to some of the arguments of the Opposition. The first is that so far as figures speak, in the year 1900, 61 per cent. of the mortgages of agricultural land were held by the agriculturists. Secondly, by this legislation we are offering relief which should effect in par money value about 16 crores out of 21 crores of mortgage debts. It may be asked, why have we not applied this Bill to the later period. Apart from the arguments advanced by my friends, Mian Mushtaq Ahmad Gurmani and Malik Barkat Ali, I submit that if we applied the Bill to the latest 20 years, i.e., from now up to say the year 1909 it will not be fair because the mortgagee would in all such cases not have taken undue benefit out of his mortgage transaction and if we applied it from 1901 to 1919, we will be guilty of that charge of discrimination against agriculturists which my honourable friend Rai Bahadur Mukand Lal Puri has been loudest to warn us.

Dr. Narang said, "why this discrimination against non-agriculturist mortgages?" Has he considered that the mortgages effected between 1901 and 1919 and which are still subsisting were practically all with the agriculturists, because under the Alienation of Land Act non-agriculturists could ordinarily not have a mortgage for more than 20 years? Dr. Narang does not want any discrimination against the non-agriculturists, but does want us to discriminate against the agriculturists of the Punjab? I appeal to my friends opposite that when they claim equity they should deal equity to all classes.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*): Sir, the section of this Bill that is now under consideration aims at restituting those lands to the agriculturists which had passed away into the hands of non-agriculturists prior to the introduction of the Punjab Land Alienation Act of 1900. The amendment that is before the House at present was also tabled by me and is included in the list of amendments. The only difference is that you have suggested the addition of a word or two at the end which has been accepted by my learned friend Dr. Sir Gokul Chand Narang. I have risen to support this amendment and it means that all those lands

which were mortgaged prior as well as subsequent to the enforcement of the Land Alienation Act of 1900 should be returned to the original mortgagors. The Bill should affect all mortgages irrespective of the fact whether they were mortgaged before 1901 or after that date. In short this amendment aims at restituting those lands as well which were mortgaged after 1901. It is this proposal that I intend to support. I may be allowed to mention that before the introduction of the Land Alienation Act in 1901, a large area of land belonging to the agriculturists had passed into the hands of the non-agriculturists with the result that a number of agriculturists had become landless. When the Government noticed this they hit upon the idea of introducing the Land Alienation Act. Their first ground for passing this Act was that if the agriculturists become landless, they would create trouble and disorder in the country. Their second ground for this Act was that 'kisans' generally supply recruits to the Army but if kisans were no more in possession of their lands, who will supply the recruits to the Imperial forces? I admit that this Act has also benefited the agriculturists but the fact remains that the Government was actuated to pass that Act by considerations of recruitment to the Army. I feel a little hesitation in exposing the real intention of that Government.

Besides, the Honourable the Premier remarked that if the Congress opposed this measure the 'kisans' would hoot them out of their meetings. But I am prepared to make this amendment the basis of our popularity among the kisans. Let it serve as a test. If the agriculturists do not readily approve of our amendment, we are prepared to resign from the Assembly. Is the Government also prepared to accept the challenge and resign office on this issue?

Minister for Revenue: May I ask what the honourable member is going to challenge me about?

Sardar Sohan Singh Josh: Sir, I have thrown no challenge to him so far, but if you now permit me, I have a mind to say something. (*Great uproar and noise*) I cannot proceed owing to the noise in the House. I seek your protection, Sir. There is noise and people are hurling challenges against one another.

Sir, It is a well-known fact that since the enforcement of the Land Alienation Act, no land could have passed from the hands of the agriculturists into the hands of the non-agriculturists. All mortgaged lands, therefore, which have passed from the hands of the poor agriculturists must have gone into the possession of bigger agriculturists. I may point out here that agriculturist money-lenders are far more cruel than the non-agriculturist money-lenders. It was possible sometimes for the agriculturists to intimidate the *bania* and get the time limit of his debts extended but the agriculturist money-lenders recover their debts forcibly from the debtors and take the adverse possession of their lands. In these days all the mortgaged lands go into the possession of the agriculturist money-lenders. But the Unionist Government proposes by passing this Bill to restitute only those lands which are mortgaged with non-agriculturists and it does not intend to return those lands of the poor agriculturists which are in possession of the agriculturist money-lender, although they are only 5 per cent. in the province. May be they are even less in number. As a matter of fact

[S. Sohan Singh Josh.]

the Unionist Government is not out to protect 95 per cent. of the agriculturists but wants to benefit the remaining 5 per cent. only who are money-lenders. I think the agriculturist money-lenders are less than 5 per cent. of the total number of agriculturists in this province. Here I may be allowed to mention that I have toured extensively in the rural areas and gathered an idea of what the people really want. In fact I have been feeling their pulse on this point.

Premier : But the truth seems to be the other way about.

Sardar Sohan Singh Josh : The people want that their lands which have passed into the hands of the agriculturist money-lenders should be restituted to them. But the Premier seems to think that if some land belonging to an agriculturist goes into the possession of some other agriculturist then it does not matter very much. In a way it remains in the same general group of agriculturists. But I may remind the Honourable Premier that if my neighbour takes possession of my land I wish to kill him in order to recover my land. In view of this fact I wish to make it plain to the Government that, whatever I may feel personally about this Bill, the Congress does not like any class legislation. In the eyes of the Congress all the rich are rich and all the poor are poor, unlike the Unionist Government which regards even the big zamindars as the poorest of the poor. This Government makes distinction between people who do not differ in reality. It means to protect the agriculturist money-lenders and ruin the non-agriculturist money-lenders. Perhaps the House has not forgotten the time when the Government vehemently opposed the Resolution that aimed at excluding the lambardars, sufedposhes and zaidars from the right of voting in the provincial elections. In fact the Government wanted to safeguard the interests of their henchmen. It is an open secret that this Government has all along been keeping the interests of the rich in the fore-front. Even now it is following the same policy. But if our amendment is accepted the poor stand to gain by it to a large extent. They can get back a considerably large area of land which they have parted with already. In view of these facts I strongly support this amendment so that the poor agriculturists may benefit by it.

Honourable members : The question may now be put.

Mr. Speaker : The question is—

That the question be now put.

The Assembly divided : Ayes 79, Noes 89.

AYES.

Abdul Hamid Khan, Sufi.	Asbiq Hussain, Captain.
Abdul Haye, The Honourable Mian.	Barkat Ali, Malik.
Abdul Rahim, Chaudhri (Gurdaspur).	Chhotu Ram, The Honourable
Afzaalul Hasnie, Sayed.	Chaudhri Sir.
Ahmad Yar Khan, Chaudhri.	Dasaandha Singh, Sardar.
Akbar Ali, Pir.	Dina Nath, Captain.
Ali Akbar, Chaudhri.	Faiz Muhammad, Shaikh.
Anjad Ali Shah, Sayed.	Faqir Chand, Chaudhri.
Anant Ram, Chaudhri.	Faqir Hussain Khan, Chaudhri.

Farman Ali Khan, Subedar-Major Raja.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Fateh Jang Singh, 2nd-Lieutenant Bhai.	Muhammed Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
Fateh Khan, Khan Sahib Raja.	Muhammad Yasin Khan, Chaudhri.
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.	Muzaffar Khan, Khan Bahadur Nawab.
Fazal Karim Bakhsh, Mian.	Nasir-ud-Din, Chaudhri.
Few, Mr. E.	Nasrullah Khan, Rana.
Ghazanfar Ali Khan, Raja.	Naunihal Singh Mann, Lieutenant Sardar.
Ghulam Moby-ud-Din, Maulvi.	Pir Muhammad, Khan Sahib Chaudhri.
Ghulam Rasul, Chaudhri.	Prem Singh, Chaudhri.
Ghulam Samad, Khawaja.	Pritam Singh Siddhu, Sardar.
Gopal Singh (American), Sardar.	Ram Sarup, Chaudhri.
Habib Ullah Khan, Malik.	Ranpat Singh, Chaudhri.
Hans Raj, Bhagat.	Ripudaman Singh, Thakur.
Hari Chand, Rai.	Sahib Dad Khan, Khan Sahib Chaudhri.
Hernam Das, Lala.	Shahadat Khan, Khan Sahib Rai.
Het Ram, Rai Sahib Chaudhri.	Shah Nawaz, Mrs. J. A.
Indar Singh, Sardar.	Shah Nawaz Khan, Nawab Khan.
Jafar Ali Khan, M.	Sham Lal, Rai Bahadur Chaudhri.
Jagjit Singh Man, Sardar.	Sikander Hyat-Khan, The Honourable Major Sir.
Karamat Ali, Shaikh.	Sohan Lal, Rai Sahib Lala.
Kishan Das, Seth.	Sultan Mahmood Hotians, Mian.
Manohar Lal, The Honourable Mr.	Sumer Singh, Chaudhri.
Maqbool Mahmood, Mir.	Sunder Singh Majithia, The Honourable Dr. Sir.
Mubarik Ali Shah, Sayed.	Suraj Mal, Chaudhri.
Muhammad Akram Khan, Khan Bahadur Raja.	Talib Hussain Khan, Khan.
Muhammad Ashraf, Chaudhri.	Tara Singh, Sardar.
Muhammad Haasan Khan Gurchani, Khan Bahadur Sardar.	Tikka Ram, Chaudhri.
Muhammad Hussain, Chaudhri.	
Muhammad Nurullah, Mian.	
Muhammad Saadat Ali Khan, Khan Sahib Khan.	
Muhammad Sarifaz Khan, Raja.	

NOES.

Ajit Singh, Sardar.	Girdhari Das, Mahant.
Baldev Singh, Sardar.	Gokul Chand Narang Dr. Sir.
Bhagat Ram Choda, Lala.	Gopal Das, Rai Bahadur Lala.
Bhagat Ram Sharma, Pandit.	Gopi Chand Bhargava, Dr.
Bhim Sen Sachar, Lala.	Hari Lal, Munshi.
Chanam Singh, Sardar.	Hari Singh, Sardar.
Dev Raj Sethi, Mr.	Harjab Singh, Sardar.
Duni Chand, Lala.	Kabul Singh, Master.
Duni Chand, Mrs.	Kartar Singh, Chaudhri.

Kartar Singh, Sardar.
 Kishen Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.

Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Dr. Sir Gokul Chand Narang : Sir, it seems that the House is impatient and some people have even complained that this is an attempt to stifle discussion. Whether that is true or not, I shall be very brief. I shall very briefly touch the points discussed by the Honourable Premier, Malik Barkat Ali, Mir Maqbool Mahmood and some others.

The Honourable Premier and Malik Barkat Ali were pleased to say that the 8th of June 1901 was fixed because it was presumed that people who had secured mortgages before 1901 had derived sufficient benefit from mortgages. My simple answer to this is that this presumption is absolutely unwarranted. Some people might have taken their mortgages in 1900, while others might have taken their mortgages in 1902, so that it cannot be said that people who took mortgages in 1900 have derived sufficient benefit from the mortgages and those who took mortgages in 1902 or soon after the Land Alienation Act came into force did not derive sufficient benefit from the mortgages.

Then again, my submission is that you will kindly refer to sub-clause (a) of clause 7 which runs as follows :—

“ If the Collector finds that the mortgage is one to which this Act does apply, he may, notwithstanding anything contained in any other enactment for the time being in force, direct by order in writing—
 (a) that the mortgage be extinguished.”

So that it is clear that the test is not the measure of time, but the test is the measure of the benefit derived from the mortgage. From their own argument, therefore, the fixing of the closing point at the 8th June, 1901 is out of order. It is quite possible that a man who has had a mortgage for ten years might have derived more benefit from his mortgage than the man who has been in possession for 50 years up to 1901 or up to now. If there was any condition or provision for the measurement of the benefit derived or the test was simply the duration of the mortgage, there might have been some force in the argument of the Honourable Premier and that advanced by Malik Barkat Ali. I was more surprised at the argument advanced by Malik Barkat Ali. He was absolutely ignoring the provision of clause 7 of the Bill. He drew my attention, as he said, to one aspect of my argument and that was that some people might have taken their mortgages only for 5 years and they might not have derived sufficient benefit. If they have not derived sufficient benefit the mortgage would not be compulsorily redeemed and compensation would not be given. Then again, I would put just one question to the Honourable Premier and Malik Barkat Ali, though the latter is not here at present. When I was discussing the question of *benamis*, the Honourable Premier would remember that one of the points urged by me was this. Suppose a man

has taken a *benami* mortgage in January 1938 and this Bill which has already been passed comes into force in another few weeks or a few days. What becomes of the money which may be ten thousand or fifty thousand rupees and the man who has taken the *benami* mortgage in the full belief that it was an innocent mortgage. Then they said he is a thief and like a thief he must be punished simply because he tried to circumvent the Land Alienation Act. Now the same argument is being urged which was not accepted when I urged it in favour of my amendment which I was moving in connection with that Bill. Then, my honourable friend, the Premier tried to discuss a question of law and I submit with all respect, as usual he floundered when he was discussing the question of conditional sales and their effect. I must say that I was not able to follow the legal conclusions which he was trying to place before this House and I would ask him again if he can possibly do so to make his position clear when he gets up to reply. The cat was out of the bag when the Honourable Premier admitted that after 1901 all the mortgages are in favour of the zamindars and, therefore, we cannot touch them. The question is not of legality or illegality. Even the mortgages executed before 1901 were legal. They were not *benami*. We are no longer discussing the *benami* transactions. We are discussing the mortgages which from every point of view, the point of view of law and morality, were perfectly valid and good and are now sought to be set aside, not on the ground of fraud or deceit or any such consideration, but simply on the ground of—Government has really no ground—benefiting poor people, on the assumption that all mortgagors were poor and all mortgagees were rich. If this is so and the question of Land Alienation Act and its circumvention does not arise at all, what is then the distinction between the mortgages effected before 1901 and those effected after 1901? Beyond this that those prior to 1901 might also be in favour of non-agriculturists while those executed after 1901 would be almost entirely in favour of agriculturists Government have no grounds whatsoever. The sum and substance of the whole argument of the Honourable Premier was that it was '*Ghar ki ghar men rahi*' گھر کی گھر میں رہی. It does not matter whether a poor and starving agriculturist mortgaged the only land that he had in favour of a big bellied agriculturist who had lakhs and lakhs at his disposal. It does not matter simply because it is an agriculturist who is mortgaging it in favour of an agriculturist. Now, is that an argument, is not that an evasion of the principle trotted out by themselves? Is it not clear that they are not proceeding on any moral principles at all but that they are proceeding only on class considerations and are making a discrimination between one class and another? If they were proceeding on moral principles, even on economic principles, even on partially socialistic principles, they would have fixed no limit of time, because there is nothing to show that the mortgagors, before 1901 were poor and those after 1901 were rich. Then again, I may ask the member-in-charge of the Bill, rather I would draw his attention to the argument of the Honourable Premier that if after 1901 it is '*Ghar ki ghar men rahi*', گھر کی گھر میں رہی, then why are they dragging in the agriculturist mortgagees of the period prior to 1901? That also is '*Ghar ki ghar men rahi*', گھر کی گھر میں رہی. Why are you dragging them in? And here I may just refer back to the argument

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which I advanced on a previous occasion. I trust many people said to Raja Sahib, "ap te galeem Bahanna jayman vi gale." آپ نے گلوں بادمان چومان when he insisted that agriculturists should also be included. It means that the agriculturists before 1901 will also be ruined if they happened to be mortgagees. Some of course will benefit if their lands are restored to them but I am just now discussing the argument of the Honourable Premier that after 1901 it is a case of *Ghar ki ghar men rahi* گھر کی گھر میں رہی transfer of an agriculturist in favour of an agriculturist. If that argument has any force, you should exclude the agriculturist mortgagees who had secured mortgages before 1901 because the same principle would apply to them with equal force. Originally, as you know, they were confining the operation of the Bill only to non-agriculturists, but it was owing to some reason, may be to remove the legal defect in the Bill under Section 298, that they decided otherwise. All right, drag in the agriculturist also so far as the mortgages before 1901 are concerned. I am not concerned with the motives but I am only concerned with the argument advanced by the Honourable Premier and I beg to submit that that argument had absolutely no force. It is an argument of sheer force, of expropriation or spoliation and if I may use an anglicised Indian word of purely 'loot'. Because certain people who hold certain mortgages have not got physical strength on their side and they cannot fight, they are being looted. There is no other argument except the argument of force. A lathi, which happens to be now in the hand of Sir Sikender Hyat-Khan, is being used against these poor people who have the misfortune of securing mortgages before 1901. This is the position, and you see the hollowness of the argument advanced by the other side. You know Sardar Hari Singh did great service to the House when he quoted certain figures to show how these big zamindars who take poor zamindars' lands on mortgages, suck their blood and, as I submitted day before yesterday or the day before, they are worse blood-suckers than the most blood-sucking of the banias because in addition to the power of money that they have, they have the advantage of having superior force also in their hands. They have the lathi in their hands while the bania has only his bahi which cannot break anybody's bones. The zamindars have bahis and have also got lathis. We have heard stories here of poor zamindars and agriculturists labouring from sun-rise to sun-set and working in the cold nights of Poh and Magh and the hot days of Jeth and Asrah and then the bania coming and taking away his produce. Is it the bania who takes away the produce? Is it not the agriculturist landlord who takes away half his produce? Measure the paunches even in this House and you will find that the weight is on the side of the zamindar benches if I may take the liberty of saying so. It is, therefore, a myth to say that it is the bania alone who loots these people and it is only against the bania mortgagee that a relief to the mortgagor is necessary. In no less degree is relief necessary for poor agriculturists against the big wigs of the zamindar classes and there is no reason why they should not have been dragged in if a feeling of pity and compassion was at the bottom of this Bill.

The Honourable Premier said, "Well, you will see what happened after 1901. Poor soldiers returned from the War and after their pensions they

took some mortgages and therefore, it would be very harsh to deprive them of those mortgages." Was the Indian Army recruited only after 1901? Were not there any poor soldiers in the field before 1901 whose conditions required consideration? And then, is it the poor soldier alone who has to be considered? Is it he alone who takes a mortgage for the maintenance of his family out of the small earnings, out of the small savings of his service? Can't you consider the case of a poor clerk who has been working for eight to ten hours a day for 25 or 30 years and retires after a long service with a few hundred rupees in his hand? He goes to his village, he would like to keep a cow and for the maintenance of that cow he would like to have a small piece of land if possible and invests a few hundred rupees in a mortgage. Why should he be deprived? Why should a widow, who gets a little insurance money after her husband's death, and invests it in a mortgage, be deprived and why should her orphaned children be deprived of this advantage? The whole argument was one sided and discriminatory. These gentlemen seem to feel only for one class. For them other classes do not seem to exist. They wax eloquent when they talk of the poor zamindar but they do not know that the number of non-zamindars is equal to the number of zamindars in this province and they are also the creation of the same God who rules this universe. Now that they are in power, it is their duty to look not to the interests of one class only but to the interests of other classes as well.

Parliamentary Secretary (Mir Maqbool Mahmood): On a point of order. The motion now before the House is not whether the Bill only applies to the agriculturists and not to non-agriculturists. The motion is with regard to the extension of time and so far as its application to agriculturists and non-agriculturists is concerned, the Government has already made that point clear.

Dr. Sir Gokul Chand Narang: I know that. Probably he was not present here when his Chief advanced this argument. He said, "After the year 1901 it is the zamindars who have taken the land and, therefore, they should be protected and they should not be included in the operation of this Bill." There is, therefore, no point of order. As you will see, Sir, the same argument was repeated by my honourable friend, Khan Bahadur Mian Mushtaq Ahmad Gurmani. He said, "This Land Alienation Act is the Magna Charta of the zamindars. We are not going in any way to impair its efficacy and its efficiency". He merely repeated and translated the words of the Honourable Premier. He said, "For the sake of a few people we are not going to injure the zamindars". What did he mean by "few people"? Who are these "few people"? These few people are the mortgagors and cannot be anybody else and who are these mortgagors? Are they few? Is it a few people whose lands to the extent of 84,37,800 acres are with these big wigs of the agricultural classes? Are they few people? On the other hand, perhaps comparatively speaking it is a few people who have taken and grabbed their lands and the number of people who have been deprived of their lands is much larger. Look at the argument being advanced from that side. You will remember when it was a question of benami the Honourable the Premier argued, "oh, for the sake of a few people are you going to injure 2½ crores". There the number of mortgagors became 2½ crores and the number of

[Dr. Sir Gokul Chand Narang.]

mortgagees a few thousand at the utmost; and now the number of mortgagees is very large and the mortgagors are very few! These *benami* transactions, as he himself argued, are included in these 34 lakh acres. That means that they are smaller than the holders of the 34 lakh acres, so that it is not a question of *benami* holders: the beneficiaries under the *benami* were more numerous than in the present case. The number of mortgagees, therefore, is certainly smaller than the number of mortgagors: the argument of my honourable friend was that he would not touch the Land Alienation Act for the sake of a few people. These mortgagors now become a few, who according to the Premier were 2½ crores. I cannot understand the sense of consistency or inconsistency of the gentlemen opposite. The honourable Mir Maqbool Mahmood referred to the Punjab Banking Enquiry Committee, page 337. He said that even five years before 1900 the percentage of land held in mortgage by agriculturists was 61. That is perfectly right and he says, "have we not done a great favour to the non-agriculturists or an act of great justice or impartiality that we have brought in the holders of 61 per cent. of mortgaged land under the operation of this Bill". My submission is why not bring in now cent per cent. people who are holding mortgages after 1901? They may not be cent per cent. I am only adopting the argument of the Honourable the Premier. If they are cent. per cent. what is the justification for allowing them to sit tight on their mortgages, some of which they might have held for the last 37 years because they might have taken them immediately after the Act of 1901? Is there any justification to allow them to suck the blood of the poor mortgagees, because *ex-hypothesi* according to these gentlemen they are poor and they are helpless and simplotons as my honourable friend Mr. Gurmani himself claimed to be (*laughter*). Why should the mortgagors after 1901 lose to the extent of 34 lakhs of acres? Why should these zamindars be not given any relief? My honourable friend S. Sohan Singh Josh is a man of the masses, a man of the people, and he has said on the floor of the House that he has gone from village to village and met people and he was prepared to accept the challenge of the Honourable the Premier, whether it was parliamentary or not I am not concerned, and that he was prepared to resign his seat and seek re-election on the strength of this amendment of mine. He feels sure and I am sure that he would be returned even with a greater majority if he resigned and made that a test of his election propaganda. There is, therefore, nothing to justify the conclusion that ordinary agriculturists, poor agriculturists, are not for the inclusion of mortgages after 1901. Then Mir Maqbool Mahmood advanced a very interesting argument. He said Mr. Puri and Dr. Narang have been advancing arguments against discrimination and will it not be discriminatory to deprive poor zamindars who had taken mortgages after 1901? Well what can I say to an argument like this? Unfortunately he is not attentive. The argument has only to be stated to carry its refutation with it. It is not by division of time that we have to judge of discrimination or lack of discrimination. We have to take the whole thing together, all mortgages as such, apart from the fact whether it is an agriculturist in favour of an agriculturist or in favour of a non-agriculturist, whether they were made 50 years ago or 80 years ago because the test is the receiving of benefit and not the duration of time. Therefore this is a Bill of discrimination flung at our face, and what we are asking for is to

remove the discrimination, I would submit if they have any honest motives behind this Bill, if they have any sincerity behind this Bill, if they are really anxious to help the poor agriculturist, who under stress of circumstances and to meet his urgent needs, mortgaged his land, probably the only holding he had in favour of an agriculturist or non-agriculturist, they should make no distinction whatsoever either as to the caste of the mortgagee or as to the time before which or after which the mortgages were executed.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) (*Punjab*): It has been stated by my learned friends Dr. Narang and Pandit Shri Ram Sharma that they do not object to the mortgages made with petty military pensioners who made their pile and are receiving their pensions also. But they object to high salaried military officers. They have asked us why do not the Government weigh these two classes of military pensioners in one balance. Furthermore, it has been stated by my honourable friend, Pandit Shri Ram Sharma, that he and his colleagues are soldiers of the Congress Party, although they may not have seen swords in actual use during their life time. (*Laughter*). It is not an insinuation, Sir, I have made this remark because they believe in non-violence. In reply to the objection raised by my honourable friends opposite I would like to submit that honorary captains and subedar-majors are not generally high-salaried officers. The honourable members can verify this statement from my honourable friend sitting there who is a retired Subedar-Major. The pensions given to these captains and subedar-majors are say Rs. 50, Rs. 60 or Rs. 75. If these military officers hold mortgages in their native villages, I do not think they deserve to be rebuked on that score. Now, the point is this that before 1901 there was no distinction between an agriculturist and a non-agriculturist. Everybody could purchase land without let or hindrance. The people who were not notified as agriculturists at that time are now raising a hue and cry that they may also be included among notified agriculturists so that they may be able to deprive the petty zamindars of their lands. That is why the honourable members opposite are making persistent efforts to oppose the proposed Bill. Sir, the Land Alienation Act was passed during the regime of Lord Curzon and proved a boon for the petty zamindar. Before that a zamindar could mortgage his land with a non-agriculturist, but after 1901 only agriculturists were permitted to purchase and that is why they are opposing the proposed legislation. My honourable friend, Mr. Mukand Lal Puri was pleased to remark that during the Great War wheat was very dear. The zamindars made heaps of money and they could have redeemed their lands. (*Voices: We can't hear; a little louder please.*) You cannot provoke me like that. Sir, the Opposition wants us to collect facts and figures regarding the mortgaged land proposed to be restituted under this Bill, community-wise and class-wise. Let me assure the honourable members sitting on the opposite benches that the Government is making inquiry into this matter and as soon as relevant facts and figures are collected they would be placed before the House. I express my deep regret that I could not collect them here at Simla but I hope to be able to do so at Lahore. It is very unfair on the part of the Opposition that they have adopted new tactics. They want to blacken the face of the Government by presenting them a cheque of Rs. 1,200 for the expenses to be incurred in connection with the collection of facts and figures....

Dr. Sir Gokul Chand Narang : Our money is not smeared with coal-tar.

Minister for Revenue : Why do you wish to offer us a cheque for Rs. 1,900? Government can spend money to collect figures.

Now, Sir, the question is that my honourable friends opposite want that facts and figures regarding the redeemed land should be collected at their expenses. In this connection I would like to submit that at present we are collecting facts and figures regarding benami transactions and as soon as this work is completed we will at once turn our attention to the collection of facts and figures regarding redeemed mortgaged land and try to satisfy our friends.

Dr. Sir Gokul Chand Narang : On a point of order. Sir, the honourable members sitting on this side are taking exception to the words "Cha!" used by the Honourable Minister.

Minister for Revenue : If the Opposition really object to it I am ready to withdraw it.

Sardar Partab Singh : As far as I remember the honourable members are taking exception to these words: "They are going to blacken the face of the Government, etc., etc."

Mr. Speaker : The Punjabi language is not unparliamentary. *(Laughter).*

Minister for Revenue : Sir, the total area of land which has been redeemed by zamindars from agriculturists is—*(Here the Honourable Minister began to quibe and there was laughter and noise).* I began to count the figures for the benefit of the Opposition so that they may be fully satisfied. I was submitting that the total area of land which has been redeemed by zamindars from agriculturists is 118,000 acres.

Rai Bahadur Mr. Mukand Lal Puri : Up to which year?

Minister for Revenue : For the year ending 15th June, 1931. Now I will tell you how many acres of land were redeemed by zamindars from non-agriculturists.

Rai Bahadur Mr. Mukand Lal Puri : May I know whether these figures relate to the redemptions made in one year or more?

Minister for Revenue : These figures relate to one year only. I may submit that my friend, Dr. Sir Gokul Chand Narang, has stated that after the year 1901 lands have not been mortgaged with the non-agriculturists but only the big landholders got them from the small landholders. I have already given a reply to this very question on some previous occasion and I do not like to add anything to what I have already said that the number of big landlords is very very small.

Again my friend, Dr. Sir Gokul Chand Narang advanced another argument that the bania has not got a lathi in his possession by which he can compel the ministerial party to accept his view points. The zamindars in his opinion have a lathi and they get every thing done if they so desire. But I may submit that the bania has such a lathi which can break all other lathis and that is his *ba'it*. The lathi of the zamindar is powerless to save him from the lathi of a Bania.

I may submit that once a poor jat questioned someone as to how *baniya* make money. He was told that they made it by the *pasaku*, i.e., a *baniya* weighs less by binding a small stone with his balance and thus he earns much. A jat also conceived the idea of opening a shop of *tas tale*. He opened a shop and sat on his shop and attached a big stone with his scales as *pasaku*.

Dr. Sir Gokul Chand Narang : Sir, should not we reserve these talks for after-dinner function? I think that would be the most appropriate occasion.

Minister for Revenue : I was submitting that the Jat sat in his shop and was waiting for some one to come to him and buy from him. After a short while a small girl came with some corn in her lap and asked the Jat shopkeeper to give her oil in exchange. (*Interruptions*). The Jat shopkeeper put the whole of the grains in one pan of his scales, but on account of the weight of stone which he had tied with his scales as *pasaku*, the pan did not come down. When the girl asked for *tale* in exchange for her corn he remarked how could he give her oil, her corn was not sufficient to adjust even the poise of the scales. So, Sir, is the case of my friends on the opposite. They are crying because their *pasaku* is being adjusted.

Mr. Speaker : Question is—

That in lines 4—5 of clause 2, for the words "commencement of that Act" the words "or after 8th June 1901" be substituted.

The Assembly divided. Ayes 83, Noes 90.

AYES.

Ajit Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mr.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur, Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Singh, Captain Sodhi.
 Kabul Singh, Master.

Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalra, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Ragbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Saropuran Singh, Sardar.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).

Abdul Rahim, Chaudhri (Gurgaon).
 Afzaalali Hasnie, Seyed.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.

- Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazel Din, Khan Sahib Chaudhri.
 Fazel Karim Bakhsh, Mian.
 Few, Mr. E.
 Ganba, Mr. K. L.
 Ghasanfar Ali Khan, Raja.
 Ghulam Moby-ud-Din, Maulvi.
 Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Bai.
 Harnam Das, Lala.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Kishen Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurohani,
 Khan Bahadur Sardar.
 Muhammad Hussain, Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Nurullah, Mian.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan
 Sahib Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfaraz Khan, Chau-
 dhri.
 Muhammad Sarfras Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Wilayat Hussain
 Jeelani, Makhdumzada Haji
 Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmami, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qazilbash.
 Sardar.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Nasir-ud-Din, Chaudhri.
 Nusrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah.
 Nur Ahmad Khan, Khan Sahib
 Mian.
 Pir Muhammad, Khan Sahib
 Chaudhri.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat, Singh, Chaudhri.
 Ripudaman Singh, Thakur.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Khan.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sunder Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

Parliamentary Secretary (Mir Maqbool Mahmood) : I move—

That in line 4, between the words "to" and "the", the words "8th June, 1901" be inserted.

The motion was carried.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I move :

That in lines 4—8, the words "the commencement" to the same group" be deleted.

The motion was carried.

Mr. Speaker : The question is —

That clause 2, without the explanation, as amended stand part of the clause.

The motion was carried.

Sardar Mula Singh : Sir, what about my amendment?

Mr. Speaker : The honourable member's amendment is out of order. The object of this Bill is not to create a new class of agriculturists. So by moving an amendment to a clause of the Bill under consideration, the honourable member cannot amend the Land Alienation Act.

Mr. Speaker : The motion is—

That the explanation stand part of the clause.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, my submission is that this explanation should not stand part of the clause or of the Bill. This explanation did not exist in the Bill as originally introduced and it seems that it was introduced during the discussions in the select committee. My submission is that it will be gross injustice to deprive people who have already been sued and against whom a decree for redemption has been passed and a certain sum as redemption money has been fixed in that decree. The decree might not have been executed. The amount settled by the court might not have been paid. But the rights of the parties *inter se* have certainly been settled by the courts. I submit that in such cases this Act should not apply. After all the principle on which this Bill is based is that the poor mortgagor should be protected against the rich and possibly rapacious mortgagee who has secured valuable lands for inadequate consideration or even if they have been secured for adequate consideration, has received sufficient benefit out of the income of the land. Now when a mortgagor goes to court and sues the mortgagee for redemption and is prepared to pay the principal money with whatever interest the court might have decreed, the mortgagor does not deserve any concession. I am told that a case was actually in the minds of some gentlemen who have been dealing with this Bill. In that particular case a decree has already been passed and the amount has been settled. No appeal has been filed against that order. It means that the mortgagor has accepted the decree and is not feeling any grievance against the decree as passed by the Court.

*That in line 7 between the words "person" and "who" the words "other than a member of a scheduled caste" be inserted.

Premier : May I ask the honourable member to make himself more clear, because after all I must know the exact nature of the case he is referring to.

Dr. Sir Gokul Chand Narang : I shall make myself clear by putting the Honourable Premier a question whether he was not aware that there was a definite case, probably coming from Jullundur or some such place where a decree was passed for redemption on payment of Rs. 50,000 or Rs. 60,000 and it is pending execution and whether the decree-holder in that case will not be benefited by the inclusion of this explanation in that clause?

Premier : I am afraid my honourable friend has again got his facts topsyturvy. The information which I received is this that a decree had been given in a certain case where the original amount of mortgage was only Rs. 500 but a decree was eventually given for about Rs. 50,000 and where the mortgagor himself applied to the court that his property should be sold and the mortgagee be paid Rs. 50,000 and the rest may be paid back to him or the remaining land be handed over to him. I understand that the mortgagee himself objected and went right up to the High Court to object to the land being sold, because he said that he is a non-agriculturist whereas the debtor is an agriculturist and his land cannot be sold.

Dr. Sir Gokul Chand Narang : Was it a suit for redemption?

Premier : Yes.

Dr. Sir Gokul Chand Narang : And the decree was passed on payment of Rs. 50,000?

Premier : Yes. The mortgagor accepted the decree and he was preparing to sell the land so that the amount of the decree should be deducted out of the sale-proceeds of the land and the rest of the land or the money be given to him. The mortgagee in that case protested and objected to this and went right up to the High Court and said that because this man is an agriculturist and the mortgagee is a non-agriculturist, this transaction cannot possibly be valid and therefore he should not be allowed to sell his land and the High Court has held that he cannot sell his land and therefore it cannot be redeemed.

Dr. Sir Gokul Chand Narang : Where does the case stand now?

Premier : It is a subsisting mortgage.

Dr. Sir Gokul Chand Narang : I am greatly obliged to the Premier for throwing further light on this case. My information certainly was hearsay, for I was not a member of the select committee. But it does not matter how this case stands or any other particular cases stand. The question is whether there cannot be cases and numerous cases where suits for redemption have been upheld and decrees have been passed and probably execution proceedings are going on? Is there any justification for treating these mortgages as subsisting mortgages, as this explanation says? You kindly read this explanation once more with your usual care. The explanation says —

A mortgage shall be deemed to subsist notwithstanding a decree or order for its redemption having been passed, provided redemption has not taken place before the commencement of this Act.

There might be hundreds of cases where decrees have been passed and execution proceedings are pending and the mortgagor decree-holder is probably about to pay the money and redeem the land. Does the principle of this Bill apply to such cases? The principle of this Bill, as I understand it, is, as I was just pointing out when I was interrupted, compassion and pity for the poor mortgagor, but when a mortgagor himself goes to court and says that he is prepared to pay ten thousand or fifty thousand or even a hundred thousand rupees if the land is given to him, what right has the Government to intervene and say, 'no we shall give you the land without payment of anything on payment of a nominal consideration?' What justification is there for including such mortgages in the Bill? It is clearly a matter between two parties. The parties have agreed or the parties have been made to agree by the court that has passed a decree in a suit for redemption, or perhaps the mortgagor is raising money for the redemption of the mortgage and then this Bill is brought forward and he stays his hands. He says 'let me see when this Bill is passed, the moment this Bill is passed I get my land without payment of the consideration or the redemption money which a regular court of law has decreed and which I have accepted as proper and just.' My submission is that this Explanation is fraught with the greatest mischief and embodies the greatest injustice that any law-maker can conceive of and I think the Government would be fair enough to delete this.

Lala Duni Chand (Ambala and Simla, General, Rural) : I have an amendment in my name in regard to this Explanation and it runs:—

That for the Explanation, the following be substituted:—

A mortgage shall be deemed to cease to subsist if a decree or order for its redemption has been passed before the commencement of this Act.

My reasons are that after a mortgagor and a mortgagee have fought out in a court of law and the mortgagor has got a decree the mortgage debt is sometime not paid for five or even six years. My submission is that if the parties concerned have fought out their case in a court of law and a judicial decision has been given, it is extremely unfair and unjust that this Act should come and intervene. If the redemption has taken place or not, the Explanation as put in the Bill appears to me to be quite unnecessary. If the redemption has actually taken place the mortgage ceases to exist. If there is any question of a mortgage subsisting or not subsisting that question can arise only if the decree is passed and the redemption has not taken place. Therefore, with that object in view, I have substituted my explanation in place of the Explanation put in by the Government. My explanation, as I have explained, is that if a decree has been passed the mortgage will not be regarded as a subsisting mortgage. It will be a judicial decision and a judicial decision must be accepted. There should be a finality to the dispute between the parties. There were certain points of dispute and both parties fought out those points in a court of law and the court gave its decision. After that to set aside that decision and return the land to the mortgagor without payment of the mortgage money and to prevent the mortgagee from having the land sold appears to me to be unjust. There might be some equity in favour of the mortgagor. If he has, he must fight out in a court of law, but after he has fought it out in a court there can be no equity in favour of the mortgagor.

[L. Duni Chand.]

I further submit that it is a kind of reflection upon the judicial courts. Some of the mortgage decrees may be decrees of the Privy Council. Most of these big mortgage cases go to the Privy Council. Some of the Privy Council decrees might be now pending in execution courts. There might be various decrees of the High Court which this Bill is going to set aside. With these remarks, I move my amendment.

Mr. Speaker : Explanation under consideration. Amendment moved—

That for the Explanation, the following be substituted.

A mortgage shall be deemed to cease to subsist if a decree or order for its redemption has been passed before the commencement of this Act.

Malik Barkat Ali (Eastern Towns, Muhammadan Urban): I rise to oppose the amendment of my learned friend Dr. Sir Gokul Chand Narang as also the amendment tabled by my learned friend, Lala Duni Chand. I am really surprised that in supporting his amendment arguments of the kind put forward should have really been put forward by a lawyer of the standing of Dr. Sir Gokul Chand Narang. Dr. Sir Gokul Chand Narang will bear me out that irrespective of this Bill even under the law as it stands under the Transfer of Property Act, the mere passage of a decree for redemption does not mean redemption and does not extinguish the mortgage. (*Hear, hear*). Under the Transfer of Property Act a mortgage is extinguished only when redemption has taken place; and even where a redemption decree has been passed, if that redemption decree has not been executed, it is perfectly open to a mortgagor to bring a second suit for redemption. A second suit for redemption can be permissible to a mortgagor in these circumstances only, because in the eye of the law the mortgage is not extinguished; the mortgage subsists. If that is the existing law, namely, that the passage of a decree for redemption will not automatically extinguish the mortgage but that the mortgage subsists, how can my learned friend argue that this Explanation which merely restates the existing law amounts to great injustice? I can quite understand the argument of my learned friend and it was because I felt that an argument of this kind might be advanced to mislead the collector—it was my fear that the ingenuity of my friends like Dr. Sir Gokul Chand Narang may at times mislead the collector in holding: “well, the mortgage has been extinguished because a redemption decree has been passed, although not yet carried out”—that I had the audacity of—call it whatever you like—suggesting the insertion of this Explanation. The responsibility of this Explanation, I candidly confess, rests on my shoulders, and the Premier who has been unjustly attacked, had nothing to do with it; and I respectfully submit that this Explanation is perfectly in keeping with the existing law on the subject. I challenge any of my friends opposite—Lala Duni Chand or any other friend—to establish in this House that under the existing law of redemption, a decree for redemption—an unexecuted decree for redemption—automatically extinguishes the mortgage. If they admit that under the existing law a mortgage subsists, in spite of a decree for redemption, which has not yet been executed, then when you have enacted in clause 2 that this Act shall apply to all subsisting mortgages, my submission is how can you oppose the insertion of this Explanation? You can certainly say that the Explanation is redundant. But we have introduced this Explanation as a measure of precaution lest any lawyer on the other side might try to mislead

the collector or lest any collector, through any mistake, may pass a judgment which will work out injustice. That being so, if it is a fact that an unexecuted decree for redemption is nothing, that in spite of it the mortgage subsists, then this explanation is inserted merely out of the abundance of caution (*ex abundanti cautela*). It has been stated by Lala Duni Chand, but before I argue on his contentions, let me say that his amendment is as follows :—

That for the explanation, the following be substituted :—

A mortgage shall be deemed to cease to subsist if a decree or order for its redemption has been passed before the commencement of this Act.

Lala Duni Chand will agree with me that if his amendment is accepted it really reverses and wipes out the existing law under the Transfer of Property Act, because, as I have already said, a decree for redemption which has not been executed, namely, where redemption has not actually taken place, where land has not gone back into the possession of the mortgagor, the mortgage subsists and until the land has come back to him on the basis of that very mortgage, a mortgagor can bring a second suit for redemption. A reference was made to a Jullundur case. Details of that case are horri-fying indeed, and I should like to acquaint my learned friend Dr. Sir Gokul Chand Narang, if he wants to be acquainted—if he likes to—with the details of that case. (*Dr. Sir Gokul Chand Narang* : I do not want to be acquainted) but if he is not anxious, it is not necessary for me to give the details of that case, though that case was mentioned by him and that case may have been the inspiration for this explanation. But the explanation is of general applicability and will apply to all mortgages which subsist on the date of the commencement of this Act. It has been said that where a court of law has passed a redemption decree and has directed that on payment of a particular amount redemption shall take place, you cannot disregard the amount fixed by the court and place the case again under the jurisdiction of the collector. My answer is that if the poor mortgagor because of his inability cannot pay that heavy amount and redemption has neither taken place nor will take place, how can you by any reasoning or justice on your side argue that this Bill should not apply to that land because the poor mortgagor had the misfortune of knocking at the doors of courts of justice? If mortgages subsist, what does it matter if courts have worked out any sums? Courts go by the terms of the contract between the parties; there is no doubt about it. This Bill has been introduced because of the hardship involved in taking account according to the terms of the contract. If we were to go by the terms of the contract between the parties, no redemption could possibly take place. The cases which this Bill is intended to meet are cases of genuine hardship, cases where, as a matter of fact, mortgagees have got more than their original advance, several times more than the original advance plus even the interest and when it is a question of calculation according to the *bansi's baki*, in spite of those benefits the *bansi* can still show you a balance of several thousands as against the original advance of three thousand. This Jullundur case was a case of 1871 in which the original advance was Rs. 2,000 and later on increased to Rs. 8,000 and notwithstanding the fact that the mortgagee had been in possession of this valuable land situated in the vicinity of a town—very valuable land indeed, most fertile land—he could not produce his accounts—he dare not—he was a mortgagee with possession, bound under the law to keep

[Malik Barkat Ali.]

accounts—the first court gave a decree for redemption on payment of about Rs. 30,000. When the matter went to the High Court, the amount was raised to something like Rs. 60,000. The mortgagor had come to the court with the payment that he may be ordered redemption on payment of nothing. The redemption was finally ordered on payment of Rs. 65,000. The man is not in a position to pay. He tried his best to find the money but he could not. He went to court with the request, "Very well, let me parcel out this valuable land into two or four pieces and let me sell half or one quarter of it because I feel certain that the sale of half or one-fourth will fetch a sum of Rs. 65,000." When he went to court with this request, the mortgagee opposed him in that request and threw against him section 16 of the Land Alienation Act which lays down that the land of a member of an agricultural tribe cannot be sold by a court in execution of a decree. It was thus objected that the court cannot order this land, even half of the land, to be sold. The court did as the mortgagee desired. The poor mortgagor went to the High Court. The High Court had every sympathy with him. One of the Honourable Judges told me to cite this case before the legislature and discuss it in the Legislative Assembly so that the Assembly may prescribe an appropriate remedy to meet a situation of this kind. I drew the attention of the High Court to Order 21, Rule 81 or 88, of the Civil Procedure Code, which lays down that it is open to a judgment-debtor to sell his property privately with the permission of the court. I asked for that permission but unfortunately there is a clause in that very rule which says that this rule to permit private sale on certain conditions shall not apply to those mortgage decrees in which the sale of property is directed by the decree itself. Therefore, the Civil Procedure Code did not help the poor mortgagor. I was actually asked by the Honourable Judge to move the Premier with a view to have rule 88 amended so that justice may be done. These are the particulars of that case. The land still remains unredeemed and shall remain unredeemed because the wherewithal for that redemption—the amount—cannot be obtained. Therefore, I put it to the House, if the mortgage subsists, what does it matter whether the amount as worked out by the court is this much or that much? After all, the collector has been given power in every case to work out equities. Why should people who have got redemption decrees passed on the basis of contracts, be deprived of those equities which are the basis of this legislation? I, therefore, respectfully submit that the addition of this explanation is essential particularly in view of the attitude taken up by some of the members on the opposite side. The explanation only seeks to make the position perfectly clear so that people who fall within the purview of this legislation may not be deprived of its benefits on the ground of any technical quibble of the character discussed in this House. I, therefore, support the explanation as it stands in this Bill.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, I have heard with a certain amount of despair the learned speech which has just now been made. You will notice that the explanation did not form part of the original Bill but was introduced in the select committee.

Mr. Speaker: The honourable member is repeating the arguments given by Dr. Sir Gokul Chand Narang.

Rai Bahadur Mr. Mukand Lal Puri : If one cannot even begin a speech by an introductory remark of that kind then no speech is possible.

Mr. Speaker : The honourable member is dealing with the fact whether the explanation was in the original Bill or it was inserted afterwards in the select committee.

Rai Bahadur Mr. Mukand Lal Puri : That is very relevant to the motion placed before you. No valid reasons have been given as to why the explanation was added. Of course, I understand the reasons now after the explanation of Malik Sahib, that the impelling motive of adding the explanation was the case of a particular individual mortgagor, who had been adjudicated by a court to pay 60 thousand, and in the interest of equity he thought that a man like that should be saved from payment of these dues. I have noticed in Simla several mortgagors against whom decrees up to a tune of Rs. 50,000—at any rate I have met one and know another—had been passed and who have flocked to Simla to induce the Ministers and legislators to help them to get out of the adjudications of the court and in some cases of the Privy Council. It is such things against which I wish to lodge a most vehement protest, i.e., that a legislation should be passed not on any general ground but with a view to meet individual cases and in whom some members may possibly be interested or who may succeed in inducing members to take interest in their case.

Dealing with the merits of the point raised by Malik Sahib, the question is not whether a second suit for redemption is barred or is not barred. The question simply is whether the collector is to be allowed to go behind the adjudication of the highest courts say that of the High Court or of the Privy Council. The question in redemption suits always is a question of account taken between the mortgagor and the mortgagee and if the Privy Council have passed a decree that after account-taking between the mortgagor and the mortgagee, an amount of Rs. 50,000 is due, should it be open to the collector to say that on his account-taking not only Rs. 50,000 is not due as decreed by the Privy Council but say Rs. 500 is due or that even nothing is due. No doubt technically a second suit for redemption is not barred but in the second suit for redemption the second court will be bound by the adjudication which has taken place between the parties in the previous suit by the principle of *res judicata*. Therefore, the mere fact that in some cases, a second suit for redemption is not barred, does not make any difference because the findings of the first suit are findings in the second suit. It is preposterous, in my opinion, that valid decrees of the highest courts passed in accordance with the law of the land should be ignored and thrown to the winds. Are you going to allow the collector to upset the decrees of the court, by which the parties have so far considered themselves to be bound? I say this kind of *zulum* should not be allowed to be perpetrated. By adding the explanation you have only brought to light and into prominence what is being enacted. Therefore, as I have submitted, I have no quarrel with the proposition of law which my learned friend pointed out: I object to the main policy of the Government which allows not only an old mortgage to be redeemed, without any payment, but which allows the decrees of the Privy Council to the tune of Rs. 50,000 or a lakh which have been passed several years ago, to be set aside by the collector. Sir,

[R. B. Mr. Mukand Lal Puri.]

I wholeheartedly support the amendment which has been read out and commend it to the consideration of the Premier and of the House. It will not only be a great injustice but a violent interference with the principles on which our Government and in fact all civilised governments are based, if by this legislation you are also going to interfere with the previous adjudications by courts.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I do not think it is necessary for me at all to make a speech on this subject because my honourable friend Malik Barkat Ali has again come to my aid with his knowledge of law and his eloquence. He has met all the various points which Dr. Sir Gokul Chand Narang made and which my friend Mr. Puri has now made. But the two main points which were raised by both the speakers—also to some extent by Lala Duni Chand—were that by putting in this explanation we are practically putting the collector in the position where he will sit in judgment over the various civil courts which have given decrees. I am not a lawyer and I do not want to join issue with my friends over a legal point which I would, as a layman, call a legal quibble; but what my friend Malik Barkat Ali has explained is that a decree may have been given under which the mortgagor may be enabled to redeem his land and the decree may have been given two years ago and therefore he is exactly in the same position as the mortgagee in whose favour a decree is given. There is no difference whatsoever between them.

S. R. M. There is no question whatever of flouting the rulings of the Privy Council or the orders of the Privy Council, or going behind the decision of the Privy Council, much less setting aside the decision of the Privy Council. The position is that when a decree is given by a civil court with regard to a certain mortgage, it is open to the mortgagee to get the decree executed and it is also open to him not to get it executed. The exact position, which my honourable friend, Malik Barkat Ali, tried to explain was that we want to apply this measure, which has been devised purely on principle of equity, to all the subsisting mortgages. Now, before the Act comes into force, there may be several mortgagees, who think that it is going to pay them and they can get those decrees executed before it comes into law, or they can wait till the Act comes into force. If the High Court or the Privy Council or the lower courts have given judgments on the basis of the existing law, then it would be considered defective and, therefore, such decrees are out of the picture. Anybody who has not had his decree executed before this law comes into force will be on the same footing as a man who has not got into the court at all.

My honourable friend gave certain instances, but he forgot to cite one instance which I would quote now and that is that there is an instance where my honourable colleague, the Minister for Public Works, will lose to the tune of 60 thousands rupees as soon as this law comes into force. Now, in equity, we wish to see redeemed all mortgages that have been in existence for more than 40 years. In this case the redemption would cause hardship upon him, but we do not want to cater for any individual.

My honourable friend had the audacity to say that several people have been canvassing with regard to their individual cases. It is a most unbecoming insinuation on his part. After all, the legislature consists of a majority of persons who are not persuaded or tempted like him in these matters. We are not here to cater for any individual. We are here to cater for the vast majority of people who have lost their lands. I think that the arguments put forward by my honourable friend, although they may appear to have some ostensible validity, have no force in equity or justice.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (Urdu) : It is a legal question and I, not being a lawyer, cannot go into the details of this motion. However, it is an ordinary custom that if a mortgagor wants to get his mortgaged land redeemed, he applies to the civil court and gets a decree for a certain sum fixed by the civil court and unless the mortgagor deposits the money decreed with the court, his land is not redeemed. If he does not deposit money, he has to do it and get a fresh decree from the court. So, in this case the mortgage subsists unless and until the decree money is paid off and the redemption obtained. Sir, I am of opinion that a mortgage must be considered to subsist even after a decree is passed by a court and therefore this explanation added to the clause must be allowed to remain in tact.

Mr. Speaker : The question is that—

The original explanation to clause 2 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is that—

Clause 2 as amended with its Explanation stand part of the Bill.

The motion was carried.

Clause 3.

Mr. Speaker : The question is—

That sub-clause (1) of clause 3 stand part of the clause.

The motion was carried.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I beg to move that—

At the end of sub-clause (2) the following be added :—

“specially appointed by the provincial Government to perform the duties of the collector for the purposes of this Act.”

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

At the end of sub-clause (2) the following be added :—

“specially appointed by the provincial Government to perform duties of the collector for the purposes of this Act.”

Dr. Sir Gukul Chand Narang (West Lahore Division, General, Rural) : Sir, the clause, as it stands, reads thus:—

“The expression ‘Collector’ means the collector of the District in which the mortgaged property or any part thereof is situated, and shall include the assistant collector of the 1st grade.”

[Dr. Sir Gokul Chand Narang.]

To this the honourable member wants to add as follows :—

“specially appointed by the provincial Government to perform the duties of the collector for the purposes of this Act.”

I shall be very brief and say only one or two sentences. I feel, Sir, that as this is rather an extraordinary and revolutionary law, it would be much better if the duty of deciding these cases is left only to the collector, and if that is not to be done, as there is a provision for the duties being entrusted to the assistant collector of the 1st grade, I would particularly object to a special man being appointed for this purpose.

Premier : Sir, I would like that the word “empowered” be substituted for the word “appointed”. The object is that instead of allowing every assistant collector automatically to act under this Act, we want to further impose the restriction that only those assistant collectors of the 1st grade, who are specially empowered, should deal with these cases, and we would see that only suitable and capable assistant collectors are empowered.

Dr. Sir Gokul Chand Narang : Yes, you may use the word “empowered.” But it would all depend upon the person you empower.

Premier : We will try to be as careful as we can to see that a proper person is appointed. So, I suggest that in place of the word “appointed” the word “empowered” be substituted.

Mr. Speaker : The question is that—

For the word “appointed” the word “empowered” be substituted.

The motion was carried.

Mr. Speaker : The question is that—

At the end of sub-clause (2) the following be added :—

“specially empowered by the provincial Government to perform the duties of the collector for the purposes of this Act.”

The motion was carried.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Sir, I beg to move—

That after sub-clause (2) the following explanation be added :—

“The words ‘mortgagor’ and ‘mortgagee’ shall include the successors-in-interest or assignees of the original mortgagor and mortgagee.”

Mr. Speaker : Motion moved.—

That after sub-clause (2) the following explanation be added :—

“The words mortgagor and mortgagee shall include the successors-in-interest or assignees of the original mortgagor and mortgagee.”

Parliamentary Secretary (Mir Maghbool Mahmood) : I support the amendment moved by my friend and suggest that the words ‘as the case may be’ be added at the end of his amendment.

Mr. Speaker : I cannot allow this amendment to amendment without notice.

(The proceedings here were expunged by the order of the Assembly.)

Parliamentary Secretary (Raja Ghazanfar Ali Khan): I want to withdraw my amendment.

The motion was, by leave, withdrawn.

Parliamentary Secretary (Mir Maqbool Mahmood): I move—

That the following new sub-clause be added:—

"(4) Mortgagor or mortgagee respectively shall include the assignee and the representative-in-interest of such mortgagor or mortgagee as the case may be."

Mr. Speaker: Motion moved—

That the following new sub-clause be added:—

"(4) Mortgagor or mortgagee respectively shall include the assignee and the representative-in-interest of such mortgagor or mortgagee as the case may be."

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, one has to refer to the principle of the Bill again and again, but a little introduction seems sometimes to be inevitable. In this case not only is the mortgagor likely to benefit by the passing of this Bill into law but under Mir Maqbool Mahmood's amendment, if accepted, it means that his assignee would also benefit. One might put up with the property of a richer man passing into the hands of a poor man to whom that property originally belonged, whether the compensation is inadequate or adequate. One might put up with that amount of injustice. But where an assignee of a mortgagor is sought to be benefited, then certainly it becomes incumbent upon us to raise our protest. Yesterday or the day before yesterday I referred to a case. I have got it in writing from a mortgagee, a very poor man who possessed mortgage to the extent of only Rs. 600, one-half of what he and his brother held on mortgage. The land is worth about Rs. 2,000. The equity of redemption has been purchased by a big man from the mortgagor for Rs. 100. I have the concrete case with me. I have got the names and locality and everything else so that there cannot be any question about the genuineness of this grievance. Now the land is worth about Rs. 2,000. A big zamindar, a Sikh Sardar, has purchased the equity of redemption for Rs. 100 and as soon as this Bill becomes law, he will move the collector, if this amendment is accepted, as the assignee of the original mortgagor and will get that land worth Rs. 2,000 for Rs. 100 which he paid to the original mortgagor, and, may be, a few rupees which may be 5 or 10 or 20 time the *jama* of the land at the time. Do you really intend to include such cases in your law? Are you out to protect the poor or are you out to pamper the rich people, the land grabbers, whose hunger for land is never satisfied and who purchase the equity of redemption from the poor mortgagors, who under stress of necessity, are obliged to part with their land? I hope in the name of goodness you are not going to pamper the already much too pampered class of big zamindars who are out to buy out the poorer people. If you allow this amendment to become law there will probably be hundreds and may be thousands of such cases of transfers of equity of redemption for nominal consideration and big people will come in to take advantage of this Bill. I particularly appeal, earnestly appeal, to the Honourable Minister of Revenue to take this into consideration. This is an amendment—I do not know whether it has been moved with or without his knowledge and permission—but which if it has been moved without his permission, he should strongly oppose it and not be taken in by its innocent look. I have no objection if you substitute the word "assignee" for the

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 word "mortgagee," because then it means something. If you do not include this he might be dead and the original mortgagor would not be able to get hold of the land. But to allow an assignee of a mortgagor to grab that land is against the principles of this Bill, although as a matter of principle I do not want the word "assignee" to be brought into the Bill at all, whether in the case of the mortgagor or in the case of the mortgagee and my reasons are these. The mortgagee might have parted with his mortgagee rights in favour of another person. He might have transferred those rights to somebody else and anything might have happened to that land. A disturbance of these transactions certainly should not be allowed by any law and so far as the mortgagor is concerned, it is, as I have pointed out, entirely inequitable that a big man should come in and on payment of a nominal consideration should get the land of a poor man. In that case the mortgagor parted with his land first in the form of mortgage and then in the form of sale of his proprietary rights called the equity of redemption. He is out of it altogether and this Bill will confer no benefit upon him whatsoever. But he will be exploited by the land grabbers who are out to wipe out the poor and on payment of nominal consideration they will acquire valuable lands. I hope the Honourable Revenue Minister is following me and is giving all attention to my request. In the name of the poor people, let the land, if it has to go out, go to the poor mortgagor and not to the other people. Now I will draw your attention to a preliminary provision in a Bill which we have just passed, *viz.*, the Alienation of Land (Further amendment) Bill. I am not going to discuss any of its provisions, but I am going to point out only this. In clause 2 dealing with definitions we had the words "assignee or representative-in-interest." After a good deal of discussion, whether assignee or representative-in-interest should remain or 'lawful heir' should come in, the words 'lawful heir' were inserted. I would, therefore, suggest, if the honourable member, Mir Maqbool Mahmood, is really out to protect the poor mortgagor, that we substitute the words 'lawful heir' and not 'assignee,' because, as I have pointed out, if the word "assignee" is allowed to creep into this clause, the benefit will go to the land grabbers and not the original mortgagor. I have already given an instance but the Honourable Premier was not here at that time. He is now here and I hope the Honourable Minister of Revenue would kindly communicate to him the concrete instance that I have given.

At this stage Mr. Speaker left the chair and it was occupied by Mr. Deputy Speaker.

(Punjabi) : Sir, if I am permitted to repeat in Punjabi what I have already stated in English, I would do so. I was referring to a case and the Honourable Premier was not here at that time.

Mr. Deputy Speaker : Yes.

Dr. Sir Gokul Chand Narang : The point is this. I have received a letter from a poor man who possessed a mortgage to the extent of only Rs. 600. He writes in his letter that he and his brother held one-half of that mortgage. The land was worth about Rs. 2,000 and a big Sardar of the village purchased the equity of redemption from the mortgagor for Rs. 100. I want to point out to my learned friends opposite that as soon as this Bill becomes law the poor mortgagor would not be able to reap the benefit and

the land would not be redeemed to him. But it would be redeemed to that big zamindar, a Sikh Sardar, who has purchased the equity of redemption for Rs. 100 only. The mortgagee, the big sardar, will have to pay a small amount of land revenue as compared with the benefit of the land. By quoting this instance I want to bring home to the sponsors of the Bill that if this amendment is accepted by the Government the mortgagor would not be able to reap the benefit but on the other hand the big-bellied zamindars would be benefited by this Act. There is not only one case of this kind. One can imagine many other cases of this kind. This will lead to disastrous results and many poor persons will be deprived of their lands. The rich will derive undue advantage of the poverty of poor agriculturists and will get possession of the whole of their land by paying them a fraction of the price. The impoverished cultivators, whom it is being sought to help, will fail to get any benefit out of this Bill. In view of these hard facts I would strongly but respectfully urge upon the Government to reject the amendment straight off. This should on no account be accepted by the Government.

2nd Lieut. Bhai Fatch Jang Singh (South East, Sikh, Rural) : I am utterly at a loss to understand the point of view expressed by the learned Doctor. Dealing with the assignee of the mortgagee or his representative-in-interest, the position will be the same whether this amendment is adopted by the House or not. The assignee is out of benefit in both cases. My learned friend gave an example. Now suppose a land has been mortgaged for Rs. 2,000. Somebody else buys the right as an assignee for Rs. 100. I ask the honourable member whether that assignee would not be justified to recover that Rs. 2,000. It is in that spirit that this amendment is quite just. The land that passes possession, cannot be redeemed unless the Rs. 2,000 are paid. Dealing with the assignee of the mortgagor, if a person in his life time assigns his land to his son or to his daughter as a gift or the interest of the mortgage to his wife, that son, daughter or wife should certainly benefit by the assignment. If they are debarred from that benefit, it would mean that you are imposing restrictions on the natural right of the man who assigns the land. With these words I support the amendment.

Lala Duni Chand (Ambala and Simla, General, Rural) : I oppose the amendment. If there is any fair-minded member in this House his conscience must revolt against such machinations (*Interruption*) as this amendment involves. So far as the sons, daughters and other heirs are concerned, we have no objection whatsoever to their having the same advantage as the original mortgagor. Let the mortgagor or his heirs have the land free of payment. So far as this amendment is concerned I accept the principle, but to extend the benefit to the assignee, I think, is a gross act of injustice. Suppose a man mortgages his land for Rs. 50,000, but the value of equity of redemption is Rs. 500. You know very well that sometimes the value of redemption is very little and sometimes nil. Suppose the mortgagor transfers his redemption to a stranger for Rs. 5, 10 or even Rs. 100. The assignee thus acquires a right under this law, if this amendment is accepted and he is freed from the obligation of paying Rs. 50,000. I concede that there are certain equities in favour of a mortgagor. Let those equities be extended to his heirs, because his heir is entitled to all the

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benefits and rights of the mortgagor. But it is unfair that this redemption should go to a stranger who should have the benefit of these Rs. 50,000. I think the honourable member who moved this amendment must have felt abashed at the time. His conscience must have pricked him. This is the most unjust and inequitable amendment that can be thought of. I know that in 99 per cent. of cases the mortgagor is unable to redeem his property. It is for this reason that the period of limitation for redemption has been fixed at 60 years. But it is very seldom that the mortgagor or his heirs have been able to redeem the property. What happens is that some enterprising person gets hold of the mortgagor and gets the transfer of equity of redemption to himself for a nominal sum. The mortgagor knows that it will not be possible for him to redeem the land. So he transfers the right of redemption for a nominal consideration of Rs. 500 or some such small amount. The transferee of the equity of redemption is placed in the position of the mortgagor and he acquires the right to redeem the land. Now, according to this amendment, the assignee or the transferee of the right of redemption will have all the benefit of this law and any decree obtained by the mortgagee will not be of any use to him. The mortgagee will have to surrender his land and all the rights to it. What this amendment comes to is this that a perfect stranger will have all the benefits to the detriment of the mortgagee. I, therefore, oppose the amendment.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban): I have no intention to be very long on this amendment. I merely want to add a few words to what has been said by Lala Duni Chand and in saying so I beg leave to remind the Honourable Premier of a portion of his speech that he made when dealing with the introduction of this Bill. He assured us by saying "I am proposing this measure with a view to benefit those who are without land. I want to return the land to the landless, I want to return the land to those who have no other means of subsistence, I want to return the land to the poor, I want to return the land to the indigent." This is what the Honourable Premier told us while introducing the measure in this House. Through you I just put it to the Premier, how he will prevent the passing of this land from the person whom he wants to benefit into the hands of a person who is already possessed of considerable land and who certainly does not stand in any need of this extra stretch of land? There may be a well-informed person, there may be a clever man who might have scented this legislation and he might have gone about purchasing the equity of redemption from various people. If this amendment is incorporated, how is the Premier's above-quoted object to be fulfilled? How is the landless person, who has no land, going to be put back in possession of his land? I do not propose to say anything further and I would be glad to hear what the Honourable Premier has to say.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): In the amendment which was accepted by the Government to a similar clause relating to the Alienation of Land (II) Amendment Bill the question raised was that lawful heirs of the alienor should be allowed to benefit from the cancellation of the alienation and it was the feeling of the House that a person who had purchased the rights of the alienor—may be for a mere trifle—did not have any equities in his favour and therefore, the benefit of these cancellations should not be extended to

him. This very reason which led the legislature to incorporate a few days ago that amendment in that Bill applies *a fortiori* to the case of mortgages which we are considering now. You have no doubt observed that these mortgages are very old and in some cases have not been redeemed because the mortgage amount which is a charge on them either exceeds the market value of that land or is equal to the market value of the land so that it is neither worth the while of the mortgagor, nor that of any other enterprising zamindar friend of his to help him out of this mortgage. Therefore, in this case what has happened is this. Supposing a piece of land is mortgaged and the amount due on the foot of the mortgage is Rs. 50,000 and the value of the land is Rs. 55,000 or Rs. 52,000 or even perhaps Rs. 50,000. After all the value varies according to the estimate or the views of the purchaser. In such a case it is not worth the while of the mortgagor to redeem that property and it may be that at a time of necessity he borrows a hundred rupees from a neighbour and sells the equity of redemption. The purchaser thinks that he is getting the ownership of a big piece of land for a song and one hundred rupees is nothing to him. The mortgagor thinks that the property is already mortgaged for about the market value of the land and he says he is getting one hundred rupees for nothing. Now, Sir, if this legislation is passed what would be the result? This Rs. 50,000 would be wiped out and will go to the person who has only paid a hundred rupees and the mortgagor the alleged poor man in whose interest this legislation is being brought would get nothing. If you are enacting this legislation in the interests of the persons to whom this land originally belonged, and if you want to benefit that class of persons, it is necessary that you should confine the benefit or the power of redemption only to these persons who were the actual mortgagors or their lawful heirs, may be their sons may be their nephews or their collaterals or daughters. But if you once permit the assignee, who is not the lawful heir, to redeem the land, you are certainly not conferring the benefit upon that class whom you profess to benefit. Therefore, I request the Premier not to be content in a formal manner with accepting an amendment or not accepting an amendment, but to draft an amendment himself which would carry out the purpose of his Bill, as well as safeguard against the possible injustice which I have mentioned in this case. Now, according to the decree of the court, as I have submitted, Rs. 50,000 are due to the mortgagee because your Bill applied to the mortgage as well as to the decree. You are depriving one man of Rs. 50,000 not to pay it to the original owner but to the man who has only paid Rs. 100. In fact the mortgagee is much more interested in the land than the assignee because he is connected with it from old times, and the purchaser of the equity of redemption is a recent purchaser. Therefore, I have requested the Premier to draft an amendment on the lines of the amendment which was drafted at the time of the last Bill and put it before the House and I have no doubt that the House will welcome such a suggestion. The mere moving of an amendment that the words mortgagor and mortgagee shall include the successor in interest or assignee of the original mortgagor and mortgagee may not serve that purpose, because even if that clause does not exist my own view is that the use of the words mortgagor and mortgagee without anything more would include his assignees or representatives in interest according to the interpretation clause in the General Clauses Act. Therefore, I again request the Honourable Premier to have an

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amendment of this type that the words mortgagor and mortgagee shall include his lawful heirs but not assignees and not to allow such injustice to be committed.

Khan Sahib Chaudhri Sahib Dad Khan (Hissar, Muhammadan, Rural) (*Urdu*): Sir, I feel that it is necessary to include this provision in the Bill. I need hardly remind the House that many cases may arise in which the assignees or representatives-in-interest are *bona fide* successors of the original mortgagors and have been assigned the equity of redemption not with any bad intention but because they were the only *bona fide* successors. In order to illustrate my point, I may say that supposing a mortgagor, who had mortgaged his land for a sum of money and sells the equity of redemption, on which a suit for pre-emption is brought and decreed. The pre-emptor then sues for the redemption of that mortgage, and he is ordered to pay Rs. 22,000 according to the terms of the mortgage deed. Now the pre-emptor mortgagor finds that he cannot pay the sum of Rs. 22,000 in order to get back his land which he must pay according to the decree so as to redeem his land.

Rai Bahadur Mr. Mukand Lal Puri: Do you want that the remaining sum of Rs. 19,000 should not be paid back and that the advantage of this non-payment should go to the assignee or the successor-in-interest?

Khan Sahib Chaudhri Sahib Dad Khan: I wonder why my honourable friend Mr. Puri, who is a lawyer of great repute, has not been able to follow what I mean. It is not my object that the assignee should get back the land without paying the sum decreed, but what I mean to say is that supposing the original mortgagor is unable to pay that amount and sells the equity of redemption to his successor-in-interest, who is more favourably circumstanced and who can pay that amount, that successor-in-interest should not be debarred from redeeming that land. It may also happen that there may be cases in which the original mortgagors may sell the equity of redemption and the persons who have the right of pre-emption go to the court and get a decree in their favour. In such cases the pre-emptors will be debarred from getting the lands in question redeemed if the proposed provision is not made in the Bill. In any case it is necessary that *bona fide* successors are allowed to redeem lands mortgaged by those to whom they succeed and I feel that the words chosen are quite suitable to secure that object. With these words I support the amendment.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, as I am not a lawyer, I am at a disadvantage with regard to this discussion. My friends have put forward certain instances which ostensibly show that if we include this word, this might mean some hardship. On the other hand I have got a problem for them and if they answer my question and satisfy me, perhaps I might be prepared to meet them half way if not to the full extent. My difficulty is this. You have given one instance. I give you another instance from a different point of view. Under Customary Law daughters do not succeed in some cases. (*Interruptions*). There are two lawyers at loggerheads. (*Dr. Sir Gokul Chand Narang*: Both are right.) (*Interruption*).

Mr. Deputy Speaker: I would request the honourable members not to interrupt.

Premier : Under Customary Law, in a large number of cases the daughter is not a lawful heir and supposing a father assigns his equity of redemption or lands, which he has mortgaged, to his daughter, if we do away with the word 'assignee' would she benefit from this Act or not?

Rai Bahadur Mr. Mukand Lal Pari : You can make an exception.

Dr. Sir Gokul Chand Narang : He has put this question to me. Can I answer that with your permission?

Mr. Deputy Speaker : Yes.

Dr. Sir Gokul Chand Narang : In the first place, under the Customary Law, the daughter ordinarily is not the heir so far as ancestral property is concerned. She is the heir if the property is self-acquired. Among certain people, who are not governed by Customary Law, but by Muhammadan Law, she is an heir. When a proprietor dies without any sons, and only a daughter is left, that is the case which the Honourable Premier seems to contemplate. (*Premier : No, no.*) It makes the position clear. A proprietor has either a male issue or he has not. Let us first take the case where he has sons and also has a daughter. If after mortgaging a portion of his land he assigns the equity of redemption to his daughter, certainly she is not in the least an heir if the family is governed by Customary Law and she should really not come in as an assignee; she should not benefit by this Act because the lawful heirs, the sons, are there. This is the proper position. If he has assigned that land which is under mortgage to his daughter and then dies, let us say, then as assignee she will take, subject to the mortgage money being paid to her brothers who are the real heirs, so it is the lawful heirs who must benefit and not people who are not in the line of lawful heirs. That is the position. A person governed by the Customary Law cannot get out of the law by which he is governed by making such an assignment in this indirect manner.

Pir Akbar Ali : I take exception to the proposition put forward by the honourable member. This is not the correct law. (*Interruption.*)

Lala Duni Chand : With every respect to the legal view that Dr. Sir Gokul Chand Narang has put with regard to the daughters, I say—and I say without any fear of contradiction—that under all cases daughters are heirs both with regard to the ancestral property and self-acquired property under the Customary Law. The only difference is that they are not preferential heirs in the presence of near collaterals. They may not be nearest heirs but they are in the category of heirs.

Premier : That does not help us.

Pir Akbar Ali : With your permission may I submit that that was not the question. The question put by the Honourable Premier was not whether a daughter is an heir or not.

Mr. Deputy Speaker : Order please. The honourable member may put a question if the Honourable Premier gives way, otherwise the honourable member has no right to explain. Moreover, if he gives way, the honourable member may put a question to the Honourable Premier but he cannot answer any questions.

Rai Bahadur Mr. Mukand Lal Pari : Cannot the Premier's objection be met by specifically excluding gifts in favour of relations from the

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definition of 'assignment.' We can add a proviso to meet his object which is very legitimate that such assignee should also get.

Mr. Deputy Speaker : Order please. This is not a question. The honourable member may explain all this privately to the Premier.

Rai Bahadur Mr. Mukand Lal Puri : I put it in the form of a question. Is not the point of the Premier met by putting in a proviso to this effect ?

Provided that gifts in favour of relations would not be considered assignments under this section.

If this proviso is put in the object of the Premier would be carried out and the other object of the Bill would also be carried out.

Lala Bhim Sen Sachar : Would the Honourable Premier allow me to answer his question ? (*The Honourable Premier agreed*). May I put it to you ? You want to take the case of a daughter in which a man would like to pass his land to that daughter. As Dr. Sir Gokul Chand Narang has told you, in the case of male heirs and others that question need not come in. You admit, and the Honourable Minister of Development will also admit, that a daughter will be included in the list of heirs. So, when there are no nearer heirs, then the daughter will automatically come in and if the other heirs are there, she will not come in and your question will be met thereby.

Premier : I am afraid the question which I put has not been satisfactorily answered from my point of view. They are thinking merely of succession but I am not thinking of succession at all. I am merely thinking of assignments deliberately made from the self-acquired property to the daughter. That is the case I had in view and there may be several other similar cases ; and therefore there seems to be some doubt. I suggest in the circumstances that we pass this clause as it is. Later, I shall discuss with my friends opposite and if it be felt necessary we can put in an amendment later on.

Dr. Sir Gokul Chand Narang : May I make a suggestion ? Instead of passing this amendment I would suggest to the Premier that it would be better to pass over the present amendment until a suitable draft has been made of this amendment and we may consider it afterwards as was done exactly in the case of another Bill. We can keep it over and in fact I would assist his draftsman in drafting the amendment if he so desires.

Mr. Deputy Speaker : Does the Honourable Premier accept the suggestion which has been made ?

Premier : I am not prepared to accept the suggestion. I think that if the word *bona fide*, which has been suggested by Khan Sahib Chandhri Sahib Dad Khan, is added that would meet all the difficulties. (*Dr. Sir Gokul Chand Narang : No. (Interruptions)*).

Mr. Deputy Speaker : I would request honourable members not to make such suggestions here. All this should be discussed and decided outside the House. Does the Honourable Premier agree to the postponement of the consideration of this clause ?

Premier : I am doubtful if this would serve any useful purpose for the simple reason that my question has not been satisfactorily answered. I gave the instance of a daughter, and then there is the case of a son-in-law. All those cases might crop up and by deleting that word we might be barring those transactions.

Pandit Muni Lal Kalia : Sir, the legal aspect of the question now before the House has been discussed threadbare. We have only this simple point to consider—whether the object of the Bill will or will not be fulfilled if this amendment is accepted.

(After informal discussion.)

Premier : I suggest that we might postpone the consideration of this explanation till a later stage. In the meanwhile we might have conversations amongst ourselves.

(This was agreed to.)

Clause 4.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Bural)

Sir, I beg to move—

That in lines 2-3, between the words "apply" and "may" the words "and who pays less than Rs. 300 per annum as land revenue to the Government" be inserted.

If this amendment is accepted, clause 4 will read like this—

A mortgagor to whose land the provisions of this Act apply and who pays less than Rs. 300 per annum as land revenue to the Government may at any time present a petition to the Collector praying for restitution of possession of the land mortgaged. The petition shall be duly verified in the manner prescribed for such petitions.

while moving this amendment, Mr. Deputy Speaker, I have to make a few observations.

Mir Maqbool Mahmood : On a point of order. We have already decided in Clause 2 that notwithstanding anything in the enactment for the time being in force this Act shall apply to any subsisting mortgages of land which were effected prior to the commencement of that Act....."

That covers all the mortgages prior to that day and the amendment of my honourable friend is against that clause.

Rai Bahadur Mr. Mukand Lal Puri : That was the extent of the Bill; here we are laying down to whom it is to be applied.

Mr. Deputy Speaker : The honourable member is perfectly in order.

Sardar Hari Singh : I was submitting that the intention of this Bill, as stated by the Premier the other day and as stated again during the course of discussion on another day, is that the land should go back to the landless people, and to the people who need land and the people from whose hands the land passed out many years ago and those people who find it difficult to make both ends meet. If that is the real object of this Bill, I hope my friends opposite will have no hesitation in accepting this amendment which merely says that the big landlord should not fall within the provisions of this Act. The chief objection, on the basis of which agitation outside the House—in the province—exists against this Bill, is that this Bill is intended to benefit big landlords. The smaller peasants are benefited under this Bill only accidentally. If this limit and if this line of demarcation between the big landlords and small landlords is accepted by the honourable

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members opposite, that objection will be liquidated entirely and the agitation against this Bill will have its bottom knocked out altogether. My honourable friend has told the House already that there are not very many big landlords in this province. Therefore if this line of demarcation is accepted, we shall be excluding not very many people from the benefit to be provided under this Bill. Therefore, I commend it to the attention and consideration of the House that it may be accepted. I am also agreeable to raise the limit further, if the principle of this amendment is accepted, and it is merely this, that those big landlords, who do not work with their own hands, should not be benefited under the provisions of this Bill.

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

In lines 2-3, between the words "apply" and "may" the words "and who pays less than Rs. 300 per annum as land revenue to the Government" be inserted.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I rise to a point of order. My point of order is that this clause 4, which we are discussing now, is merely a procedural clause. It has got nothing to do with the substantive clauses of the Act itself. It merely lays down the procedure, that is, how the people, who are affected by this Act, should proceed in making applications and in securing the benefit of this Act. Therefore, I do not think that my honourable friend's amendment would be in order, since we have already passed the substantive clause where he should have moved that amendment. So I request you to consider that aspect of the question also.

Sardar Hari Singh: On a point of order Sir. I beg to submit that this was the very point of order raised by Mir Magbool Mahmood. When you have once given your ruling, you should not entertain this point of order again.

Mr. Deputy Speaker: I can have the benefit of the advice of the learned Advocate-General, and if necessary, I might revise my own ruling.

Pandit Muni Lal Kalia: Will you hear the other side also?

Mr. Deputy Speaker: Yes.

Advocate-General (Mr. M. Sleem): Sir, I wish to submit that clause 2, which has already been passed, is as follows:—

"Notwithstanding anything contained in any enactment for the time being in force, this Act shall apply to any subsisting mortgages of land, which were effected prior to the commencement of that Act by a member. . . ."

Now the amendment proposed really amounts to this, that it shall only apply to those subsisting mortgages in which the mortgagor pays less than Rs. 300 per annum as land revenue to the Government. Clause 4 deals only with the procedure. Supposing this amendment is passed, what would be the procedure with regard to other subsisting mortgages, because section 7, to which we will come later, says:—

"If the Collector finds that the mortgage is one to which this Act applies, he shall, notwithstanding anything contained in any other enactment for the time being in force order in writing that the mortgage be extinguished. . . ."

So, the position would really be that the Act shall apply to all subsisting mortgages of a certain kind, but the procedure would be limited to those

mortgages in which the mortgagor pays less than Rs. 300 as land revenue. I hope I have made myself clear. If it has been an amendment to clause 3, it would have been perfectly in order.

Pandit Muni Lal Kalra : Sir, the point is not so difficult as it is presented to be. It is a simple case. Clause 4 relates to 'Petition for restitution.' This amendment qualifies the persons, that is, persons who pay less than Rs. 300 per annum as land revenue to the Government, are qualified to present that petition. There is no difficulty in it. It only qualifies a person who can apply for a petition. This is the only proper place where this amendment can take place and should be inserted.

Rai Bahadur Mr. Mukand Lal Puri : May I deal with the point which has been raised by the learned Advocate-General? The mere fact that this amendment can be moved to another section, does not debar the House from considering it as an amendment to this section, if it is otherwise relevant. My honourable friend has pointed out that in section 2 we have created a substantive right, and he proceeded to argue that having created a substantive right, the remedy should also be afforded for carrying on that right. Are you not aware, Sir, that under the law, as it stands to-day, a right may exist and yet the law may provide no remedy? You are aware of the well-known principle of law that a time-barred debt is not extinguished. It exists and according to law, it can form a good consideration for a new contract, but due to efflux of time, by operation of the statute of limitation, the remedy to recover it is barred. Therefore, there is absolutely no contradiction in section 2, providing that this Act shall apply to all subsisting mortgages, but when we are to provide remedy, we lay down that although the Act applies to all subsisting mortgages, the only persons to whom remedy is afforded are persons who pay less than Rs. 300 per annum as land revenue to the Government. The point raised by my honourable friend is purely a technical one. You have already given your decision and that point has absolutely no force.

Dr. Sir Gokul Chand Narang : I would add one sentence and that is that a subsequent clause may restrict, extend or expand any provision which goes before; so I do not see any real technical objection to this amendment. It may be that it would have, perhaps, been better if this amendment had been moved at that time, but I do not think that any rule of procedure or any rule of interpretation of a statute or of making a statute bars the present amendment. I entirely endorse the remarks of Mr. Puri that it is a question of remedy and that it is not a question of creating a right. A time-barred debt may be recovered without any offence having been committed, though no court would grant any relief with respect to a time-barred debt. A debtor is not prevented from paying or a creditor from recovering a time-barred debt. Only the case cannot go to a court.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Urban) (*Urdu*): Sir, I am greatly surprised to find that whenever we raise any question to benefit the poverty-stricken peasantry of the Punjab, the Unionist Government takes shelter behind some legal quibbles and avoids the issue altogether. The amendment that we have brought forward to-day is going to prove a touch-stone for ascertaining whether the Unionists have a genuine sympathy

[Mr. Dev Raj Sethi].

for the poor. There are about 31 lakhs of zamindars in the province. Out of these the number of those who pay Rs. 1,000 or more as land revenue annually, is about 800. Those who pay Rs. 500 or more as land revenue, number 3,000. The number of those landholders who pay Rs. 300 or more as land revenue is only 20,000. Thus out of a total number of 31 lakhs, 20,000, 25,000 or even 30,000 zamindars can be sacrificed by the Government as they form only one per cent. of the total number of zamindars in the province. We want the Government to ignore this small fraction and concentrate their attention on the remaining 99 per cent. of zamindars. It is these poor agriculturists who need the help of the Government very badly. A man paying Rs. 300 as land revenue is likely to possess 100 acres of land or more. Why should a zamindar with 4 squares of land be entitled to any relief? But the Unionist Government seem to be bent on continuing the old feudal system in this province. This Bill is not meant for the benefit of the poor agriculturists. In reality this measure is designed to hoodwink the poor agriculturists whose name is being exploited to the advantage of the bigger zamindars. This attempt of the Unionists amounts to throwing dust in the eyes of the public. But I may remind them that these tactics of theirs are not going to deceive the masses any longer. The Government intends to favour not the 31 lakhs of Zamindars in the province but the big landlords primarily.

Besides this, the agriculturist money-lender is no less cruel to the poor agriculturist than the non-agriculturist money-lender is. But it is a thousand pities that the Government wants to protect the agriculturist money-lender and is out to ruin the non-agriculturist money-lender by not applying the Act up to-date. This is clearly a class legislation. In order to remove this blot from the face of this Bill, the Congress Party has given notice of an amendment to the effect that those who pay Rs. 300 or more as Land Revenue should be exempted from the operation of this Bill. If this amendment of the Congress Party is accepted, the Bill will become an impartial measure and will really benefit the debt-ridden peasantry of the province. With these words I strongly commend this amendment for the favourable consideration of the House.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) (*Urdu*): Sir, the honourable member who has preceded me, was pleased to remark that the Congress Party has put the Unionist Government to test by moving the amendment under consideration. He also suggested that if the Government did not accept the amendments it will mean that the object of the Bill is not to help the poor peasants but to benefit the big zamindars. I am however, of the opinion that my Congress friends, in trying to put the Government in the wrong, have exposed themselves. I will presently show that the amendments moved by our Congress friends are aimed at helping and benefiting the capitalist 'sahukars' and money-lenders at the cost of the poor peasants. The Congress Party has proposed two amendments. Sardar Hari Singh's amendment proposes to deprive all those agriculturist mortgagors who pay Rs. 300 or more land revenue, from the benefits of the Bill, as in his opinion a person who pays Rs. 300 or more as land revenue is a big zamindar. The other amendment, which stands in the name of Dr. Gopi Chand Bhargava,

Leader of the Congress Party, and 5 other Congress members, seeks to exclude all those mortgagors, the value of whose land exceeds Rs. 8,000, from the benefits of this Bill. I shall discuss these amendments seriatim.

In regard to Sardar Hari Singh's amendment, Sir, let us first see as to whether a person who pays Rs. 800 per annum as land revenue is really a big zamindar. I believe every member of this House knows that land revenue is one quarter of the total net assets of the land-owners. Therefore, the net assets of a person who pays Rs. 800 per annum as land revenue, will amount to Rs. 1,200. After paying the land revenue he will have Rs. 900 per annum.

Rai Bahadur Mr. Mukand Lal Puri : This is wrong.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I am surprised at the ignorance of my lawyer friend. He had better read the Punjab Land Revenue Act and the Settlement Manual to refresh his memory. Sir, as I have submitted, the net assets of a person, who pays Rs. 800 as land revenue, come to Rs. 900 per annum or Rs. 75 per month. I might point out in this connection that the net assets of a person do not represent his net profits or net annual income. In fact, the net income of a land-owner falls much short of his net assets, but without going into the complex and highly technical question of net assets, even if we presume that the annual net assets of a land-holder represent his annual income, the land-owner paying Rs. 800 per annum as land revenue does not get more than Rs. 75 per month. Now let us compare the economic position of this so called big zamindar with that of a non-agriculturist who derives his income from sources other than agriculture. A money-lender, a business man, an artisan, an industrial labourer or any other person, who is not dependent on agriculture, is immune from income-tax up to a net income of Rs. 2,000 per annum. A public servant or a private employee drawing Rs. 100 a month is not only immune from income-tax, but his salary is not liable to attachment in execution of a decree of a Civil Court. It means a non-agriculturist whose income is less than Rs. 167 per mensem is not considered rich enough to pay the income-tax, while my congress friends are pleased to classify an agriculturist with an income of Rs. 75 a month from land as a big zamindar. A zamindar paying even Rs. 500 per annum as land revenue does not have an income of more than Rs. 125 per month.

Rai Bahadur Mr. Mukand Lal Puri : A zamindar of what standing pays Rs. 800 as land revenue ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, as I have already said a land-owner whose income is not more than Rs. 75 a month pays Rs. 800 per annum as land revenue.

Rai Bahadur Mr. Mukand Lal Puri : Sir, that is not my question. I want to know as to how much land is owned by a person who pays Rs. 800 per annum as land revenue ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, I do not blame my friend for asking such a question. After all he is a non-agriculturist. (Cheers). Let me, however, tell him that it is wrong to judge the economic position of a land-holder from the area he owns. The income of a zamindar is dependent on many factors such as the quality of his land,

[K. B. Mushtaq Ahmad Gurmani.]

irrigation facilities, standard of cultivation and weather conditions. An owner of a thousand acres of desert or unculturable land may not be getting an income of even one hundred rupees per annum from such land. A zamindar owning ten acres of land in a colony district gets more income from his land than a person owning one hundred acres of "barani" land. You cannot, therefore, determine the income of a land-owner on the basis of the area that he owns. This income can be more accurately assessed on the basis of land revenue. May I know if my friend will call a money-leader possessing time-barred or bad debts to the value of a lakh of rupees, which he can never recover, a rich man or a big *sakutar*? Sir, the House will agree with me that a person, who pays Rs. 300 or even Rs. 500 per annum is no more than a peasant proprietor and if we accept Sardar Hari Singh's amendment we would exclude a large number of deserving persons from the benefits of this salutary measure.

Now coming to the next amendment Sir, which proposes to exclude all mortgagors the value of whose lands exceeds Rs. 3,000, from the benefits of this Bill, I would submit that if this amendment is accepted, every mortgagor who owns more than 7 acres of cultivated land will be deprived of the benefits of the Bill. The quadrennial average sale price of cultivated land in the Punjab for the years 1931—1935 is estimated at Rs. 410 per acre. Therefore, on an average the value of a holding of $7\frac{1}{2}$ acres or more will exceed Rs. 3,000. The average net income of a land-owner owning 8 acres of land in a colony district, does not exceed Rs. 120 per annum or Rs. 10 per month. Do our Congress friends consider an agriculturist having an income of Rs. 10 per month a big landlord? This attitude of the Congress Party needs no comment. Their amendments show as to how far they are interested in the welfare of the peasants and the poor classes of the province. It will not be out of place to mention that in the Congress provinces only those land-owners who pay Rs. 5,000 or more land revenue per annum have been classified as big zamindars. In the Punjab we have only 23 zamindars who pay Rs. 5,000 or more as land revenue and only 13 who pay Rs. 10,000 or more. This will show that the number of big zamindars even according to the Congress standard is insignificant in this Province. It is, therefore, unnecessary to exclude any mortgagor from the benefits of this measure. The Leader of the Opposition and other honourable members sitting opposite suggested in their speeches that it was undesirable to give the benefit of this measure to big and well-to-do zamindars. According to them even those land-owners whose income from land is Rs. 10 per month are big zamindars in the Punjab. I am at a loss to understand as to how could those, who had not been able to redeem their mortgaged lands for more than 40 years, be considered as well-to-do and rich zamindars?

Mr. Dev Raj Sathi : They waste their money on luxuries.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, I wish my capitalist friends sitting opposite would come and live with us in the villages. I am sure, they will not stand the hardships of village life even for a week. Probably my friend is not aware that even the biggest zamindar in the province does not get as many amenities of life in the village as an ordinary citizen enjoys in the town. (A voice: How many big zamindars live in

the villages?) My friends are probably unaware of the fact that the class of absentee landlords does not exist in this Province. There are few land-owners in the Punjab who do not permanently reside in their estates. I would like to draw the attention of the House to one other aspect of these amendments. While the movers of these amendments propose to exclude peasant proprietors and agriculturists having an income of Rs. 10 per month from the benefits of this Bill, they do not exclude those mortgagors who may be paying income-tax and may be having an income of lakhs of rupees from sources other than agriculture. According to these amendments a mortgagor who pays less than Rs. 300 per annum as land revenue, even though he may be paying Rs. 1,000 as income-tax, or a person the value of whose land is less than Rs. 3,000 but apart from such land he has other property worth lakhs of rupees, will be allowed to enjoy the benefits of this Bill, while on the other hand a zamindar solely dependent on agricultural income will be deprived of the benefit from the provisions of this Bill if he is paying more than Rs. 300 land revenue or if the value of his land exceeds Rs. 3,000. Sir, may I know whether by excluding these persons from the benefits of this Bill, we shall be helping the smaller agriculturists or poorer mortgagors? By excluding these persons we help neither the poorer mortgagors nor the peasants. We shall be helping only the capitalist money-lender mortgagee, who has already recovered from these mortgagors many times the value of his mortgage money, at the cost of the poor mortgagor. I cannot conceive of any other reason for my Congress friends having moved such frivolous amendments except that "blood is always thicker than water." (*Cheers*). This, however, cannot be true in the case of my friends Sardar Hari Singh and Sardar Sohan Singh Josh. With regard to their attitude, the only explanation that I can think of is that they have been influenced by the associations of their non-agriculturist comrades. I am more than ever convinced in the truth of the Persian couplet which says

اسی را با خر بہ بندد مدح یکجا ہم
 رنگ از یکجا بماند خوئے او دینار شود

Sir, I cannot persuade myself to act in accordance with the Persian proverb :

نه خود خویم نه بکس دهم کفده کلم و به سگ دهم

which seems to be the attitude of my friends sitting opposite.

Sir, I oppose the amendments under consideration.

Sardar Kartar Singh (*Lyallpur East, Sikh, Rural*) (*Punjab*): Sir, the matter now before the House is what kind of zamindars should be permitted to benefit by the provisions of this Bill and what kind of zamindars should be debarred from getting any benefit. On the last occasion the Honourable Premier agreed to the principle that big (*mota*) zamindars should not be given any concessions under the provisions of this Bill.

Premier: May I inquire what does the honourable member mean by the word *mota* zamindars?

Sardar Kartar Singh: I was submitting that the Honourable Premier has already agreed to the principle that big zamindars would not be given any concessions under the provisions of this Bill. But now

[S. Kartar Singh.]

it has been suggested by his companions that those zamindars who pay Rs. 1,000 or more as land revenue should not be given any concessions. May I submit that outside the Punjab province it can be conceded that those people who pay Rs. 1,000 or more as land revenue should be regarded as big zamindars, but here in the Punjab we would have to fix some other limit because different conditions prevail in different provinces? It is, therefore, necessary that we should consider this matter very carefully and specify a certain sum; that those zamindars who pay more than that sum as land revenue should be regarded as big landlords and should not be permitted to benefit by the provisions of this Bill. I may also submit that the standard that has been fixed for voters of the landholders' constituencies in the Punjab is Rs. 500 only. It is stated in the constitution that those zamindars who pay Rs. 500 should be regarded as big landlords. I, therefore, submit that we in the Punjab should also fix Rs. 500 as the lowest limit, i.e., those zamindars who pay Rs. 500 or more as land revenue should be regarded as big landlords. Although up till now I have not formally moved my amendment, I now submit it for the consideration of the House. I may add that I have based my amendment on the definition that has been laid down for the voters of the landholders' constituencies in the Punjab and on the basis of which five seats have been allotted to the big zamindars. It is, therefore, just and proper that the basis on which 5 landholders' seats in the Punjab have been created should be adhered to in this respect as well. If the amendment, which says that those people who pay Rs. 300 or more as land revenue should be regarded as big landlords, is not accepted, then at least that amendment which lays down that those zamindars who pay Rs. 500 or more as land revenue should be regarded as big landlords and should not be allowed to benefit by this Bill, should be accepted.

The Honourable Premier has declared over and over again that the Bill that has been passed for registering the money-lenders means that the class of money-lenders should be purged of the dishonest money-lenders and only the honest money-lenders should be allowed to carry on the business of money-lending. What we desire is that not only the dishonest money-lenders should be turned out of the class of honest money-lenders, but that big zamindars should also be left out of the pale of those zamindars who would benefit by the provisions of this Bill. It is highly necessary that the dishonest rich people and dishonest big zamindars should also be corrected. They should not be allowed to benefit at all so that they should not grow rich at the cost of others. It has been stated on the floor of the House—rather an appeal has been made—that no distinction and differentiation should be made between different classes of zamindars. But I may point out that we, on this side of the House, cannot be deceived by the speeches of my friends on the opposite. Further, we have been asked by the honourable members on the opposite that we should act in a brotherly way. Some of my friends on the opposite have also urged that the interests of the rich and poor zamindars being common, where is the harm if perchance any big zamindar gets any benefit under the provisions of this Bill? But may I inquire the reason why the poor zamindars should be left to die of hunger and the big zamindars should get all the benefit? These big zamindars who are snakes in the guise of human beings would begin to suck the blood

of the poor zamindars under the provisions of this Bill. These big zamindars are more dangerous than the dishonest money-lenders. They will very quickly eat away the small landholders.

It has also been stated that those zamindars who pay Rs. 800 as land revenue are not big zamindars at all. But my friends on the opposite are not aware of the fact that the big zamindars have many other means of income. They do not simply depend on land. They act as *zaildars* and *lamabdars* and they receive *panchotra* from the Government. Besides this, they can secure very easily Government services for their relatives and the poor zamindars have to forego all these concessions.

Mr. Deputy Speaker : Please speak to the motion.

Sardar Kartar Singh : Sir, I was submitting that the big landholders should not be given benefits under the provisions of this Bill, because in addition to the income which they get from land they have other income as well. If honorary magistrates are to be appointed they are selected from amongst their ranks and many from among them become rich by getting bribes from the public and in a few years' time they build palatial bungalows for themselves. I, therefore, submit that in order to know their exact position we should not only look to the amount of Rs. 800 which they pay as land revenue, but we should take into consideration other factors as well. I would submit that all the possible ways of earning money are entirely in their hands and, therefore, they should not be allowed to benefit under the provisions of this Bill. The Congress Party cannot put up with this. I request the Honourable Premier that the big zamindars of the constituency of which he is a representative should not try to lower their prestige by joining among the ranks of the poor landholders. Before I finish my speech I may submit that if the amendment of Sardar Hari Singh is not acceptable then at least my amendment should be accepted. I have given notice of one amendment and I request that it should be accepted. With these words I whole-heartedly support the amendment now before the House.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian), (Urdu) : Sir, I may first of all be allowed to say that after we have passed clause 2 of the Bill, the amendment now moved is meaningless.

یہ تو قریم کی توہین ہے قریم نہیں

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

Chaudhri Jalal-ud-Din Amber : But since you have allowed it to be moved, I proceed to say something about it. We know to our cost that in spite of any number of restrictions provided in the Alienation of Land Act on the sale of agricultural lands in favour of non-agriculturists, a back door was found out in the form of benami transactions and it is with a view to close that door that it was found necessary to amend that Act. Now my friends, who happen to be very clever, have moved this amendment so that a back door may again be left open, even now, to allow them to enter through it. I feel sure that if this amendment, which says that all zamindars paying Rs. 800 or more as land revenue per annum, should not be allowed to take advantage of the provisions of this Bill, is passed, the whole object

[Ch. Jalal-ud-Din Amber.]

of the Bill will be frustrated. I must say once again that this amendment is intended to provide a back door for the clever people to expropriate once more the zamindars of the province. I am here reminded of an Urdu verse which is as follows:—

پکا اسے کیا ہے کسی پتلا کار نے دوہرا مکان بنایا ہے رہنے کو یار نے
جب میں گیا ادھر وہ ادھر سے نکل گیا

Our experience of the past has made us very careful and it is now our duty to allow no loophole to be left in this Bill. I may also say that this sum of Rs. 800 is not the standard to judge whether a zamindar paying that amount annually as revenue is rich. That is not a very great amount and that should make no sensible person to think that such zamindars are really very rich who will be able to purchase any lands from their poor brethren. And one thing more. If you dub all mortgagors paying less than Rs. 800 as revenue as poor then it might reasonably be asked why should not the mortgagees paying less than Rs. 800 as revenue be dubbed as poor. (*Voices from the Congress benches:* We have no objection to that). This discrimination will land us in many difficulties besides frustrating the object of the Bill and, it is, therefore, necessary that we should all oppose it. This Bill, if passed, will affect those lands which were mortgaged forty years ago. I am sure, if their owners had been well-to-do people they would have certainly redeemed them by this time.

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

The very fact that these lands were allowed to remain mortgaged for such a long time is proof positive to show that the owners of these lands were terribly poor. There are grades even of poverty. I think that a person who may otherwise be called well-to-do can come under the category of poor if he cannot meet his requirements. But there is one sure test of a big zamindar and a small zamindar which has suggested itself to me at this time. The big zamindars may be those who refuse to be led by others and the small zamindars those who are easily misled. (*Hear, hear.*)

The policy of our Congress friends has been strangely uncertain so far as these agrarian Bills are concerned. It can be aptly illustrated by this line—

صائب چہنچہ بھی نہیں سامنے آئے بھی نہیں

Although they say that these agrarian Bills are necessary, they move such amendments to them which are calculated to defeat their very object. It is really very strange that they want to benefit the poor zamindar and at the same time oppose such measures which are meant to bring about this result. I, for one, have not been able to follow the trend of their speeches and I feel like reading to them these verses of the Urdu poet—

کلام میر سمجھ اور زبان دہریا سمجھ
مگر ان کا کیا ہے آپ سمجھیں یا خدا سمجھ
اگر اپنا کہا تم آپ ہی سمجھ تو کیا سمجھ
مزا کہنے کا جیسا ہے اک کہے اور دوسرا سمجھ

With these words, I wish to remind my friends on the opposite benches that our first and foremost duty should be to help the poor zamindars. They are our brethren. We should not move amendments to these measures calculated to benefit them, with a view to defeating their very object.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, this very question was discussed to some extent on the first day when this Bill was introduced and I had occasion even to quote certain figures which were conclusive. Apparently my friends opposite do not believe in reason or logic but they merely believe in the propaganda value of their amendments. My honourable friend the mover of this amendment himself suggested an amendment in the select committee which fixed the limit at rupees one thousand and not at rupees three hundred and I had the fullest possible sympathy with that amendment, because, as has been explained in this House on more than one occasion, a zamindar who pays one thousand rupees as land revenue has only a net income of Rs. 3,000 a year based on calculation on which land revenue is assessed in this province, and even so my honourable friends opposite cry themselves hoarse just as I had been crying myself hoarse from those benches in the old days, that we are heavily pressed and land revenue should be further reduced, and now my honourable friends want to create a new definition of big landlords. As I have submitted, a person who barely has Rs. 250 a month cannot really be called a big landlord as if this is the ideal that they have before them. Is this the standard to which they want to raise the province? The standard that I have in view and to which I want to raise my zamindar brethren and all others in the province is that they should be able to live as comfortably as they live in other civilized countries. But according to the present amendment a zamindar who is getting barely Rs. 75 a month would be a big zamindar.

Sardar Hari Singh: Then raise the limit.

Premier: Why do you want to raise the limit? Where are you going to draw a line? It is merely a question of degree. You can draw a line at Rs. 200, or Rs. 300 to-day and to-morrow raise it to one thousand. My idea is that every one who pays land revenue should have an income so big that he can live comfortably in the same style as some one paying Rs. 2,000 land revenue does. That is the ideal which we should keep before us and not the ideal by which you want to bring the standard down. I perfectly know that there is a school of thought led by one of our most prominent leaders which this country has ever produced, a school of thought which believes in simple living to the extent that we should subsist on the barest necessities and that we should not even wear clothes except a loin cloth. This standard, from a spiritual point of view, may be an ideal worthy of emulating but from a simple worldly point of view or economic point of view and even cultural point of view, I think it would be wrong for a country to adopt that standard. If the country is to adopt that standard, why are we trying to emulate Russia or other civilized countries, why do we quote day in and day out that people of these countries are living in comfort and although they are merely labourers they enjoy all comforts of life? But here even those who have got large parcels of land are not living in comfort. (*Interruption*). My honourable friend Dr. Sant Ram Sethi is feeling very uncomfortable. I sympathise with him, but he should

[Premier.]

wait. As I said, he himself moved an amendment suggesting one thousand as the limit, but he has thought better of it.

Dr. Sir Gokul Chand Narang : Select committee proceedings are confidential.

Premier : As a matter of fact they were mentioned in this very House and when it was done I said that they should be confidential, but it was ruled that they were not. My honourable friend has apparently thought better of it, because Rs. 800 will probably give more value for propaganda purposes than rupees one thousand. But if my honourable friend were honest and I should not think otherwise and there are other honest members also on the opposite benches (*Voices : All are honest*) I am not talking from the point of view of personal honesty or morality, I am merely saying that when he goes to his constituency he should have the courage of his conviction and go and tell those people that we want all zamindars to be provided with comforts of life. As I submitted the other day, there are only 13 people in the province who can be called big zamindars in the real sense of the word. If you compare our standard with any other province like the United Provinces or Bihar and then see these 13 people, you will find that they do not compare with the taluqdars or big zamindars in the United Provinces, because they hardly pay Rs. 10,000 or more. But as I pointed out the other day, in the United Provinces there are hundreds of zamindars who pay several thousands and even in the Congress Party there are at least three who pay more than thirty thousand as land revenue and yet they are socialists and we here are big zamindars. They say, why should you benefit those big zamindars because they have squandered their money on luxuries? We are dealing with all mortgages made between 40 and 60 years. Let me borrow an argument from my honourable friends which they are never tired of repeating in this House. Supposing a man who mortgaged his property in 1878, squandered his money. We are assuming that there was an instance where the land was mortgaged, because of his extravagant habits and money spent on extravagance and luxuries and may be even on evil living but that happened in 1878. We are now in the year of grace 1938. During these 59 years that original mortgagor probably joined the majority—the great majority—and his sons or grandsons or great-grandsons may be 8, 12, or 16 are not those big land-owners. Even assuming that they were big land-owners who mortgaged their land, they will not be big land-owners now. They will be small petty zamindars at the moment and, as I said, I repeat the argument put forward by my friend, is it fair, is it just to pillory those grandsons and great-grandsons, for the sins of their great-grandfather because their land has been out of their possession for the last forty to sixty years and punish those great-grandchildren or grandchildren for the sins of their great-grandfather or grand-father who might have, in a solitary instance, mortgaged his land, because he spent the money on unwise and extravagant habits? Supposing, a big landlord has got ten thousand acres of land. He has mortgaged five thousand acres to somebody else. Do you think that five thousand acres were mortgaged to my friend Sardar Hari Singh or people of my calibre? No, because we would not be able to pay that amount on the mortgage.

S. P. M.

That mortgage must have been made to a very big fish (*A* *voix*: Crocodile) or an agriculturist or a non-agriculturist whale and do you want that non-agriculturist whale or a big agriculturist fish to continue to benefit at the expense of that fellow who either for some necessity or sheer force of circumstances was forced to mortgage five thousand acres to that big fish? What would be the result of your amendment? Supposing we accept it and we assume also, just for the sake of argument, although I will be able to convince the House that even that assumption would not be correct, then what would be the result? Assuming that there were two, three, four or five big land-owners who each mortgaged five thousand acres of their land with a big agriculturist or a big *sahakar*. We want to redeem those lands, because we assert that fairness and equity demands that those people who have benefited from these lands for forty to sixty years have got enough benefit out of the land, and therefore these lands should go to the original owner. In all these cases where big slices of land have been mortgaged, they were mortgaged not to small petty people like Sardar Hari Singh and myself but to big fishes and it would be no hardship if we take from those big crocodiles and whales that land and give to the descendants of the original owners who probably are 25 now instead of one.....

Lala Bhim Sen Sachar : And not 25 in the case of mortgagees.

Premier : My honourable friend has not followed my point. I am afraid I can supply argument but I cannot supply the capacity of understanding. (*Loud applause*). My point is that the main basic principle of this Bill is this, that a land has been out of possession of *A* and it has been with *B* a mortgagee for say forty to sixty years. My honourable friend is perfectly aware that when you lend out money on mortgage, you usually lend about one-fourth of the capital value of the property on mortgages. My honourable friend is a banker and he is also a big insurance magnate. He knows perfectly well what proportion of the capital value is advanced on mortgages and where the agriculturist is concerned, my honourable friend is also aware that there the loan advanced is even less than is done in the case of business and tradesmen. Assuming and taking a generous view that the amount of money advanced on a mortgage is 25 per cent. of the capital value of that land and then again, assuming that the income from that land is 3 per cent. that 3 per cent. would, since the amount advanced on mortgage is one-fourth of the capital value of land become 12 per cent. on the amount actually advanced. That is for one year and if you multiply 12×40 —and mind you—that is a very conservative figure because minimum figures have been taken, you get a figure of 480. That mortgagee has benefited to the extent of 480 per cent. on that land. If you take the period nearing sixty years, it would be somewhere 700 per cent. I ask you now in all fairness and justice, put your hands on your heart and say whether it is not a fair and equitable return. Is it not an even unconscionably large return? It is unconscionable and I say that anything beyond the spirit of *dandapat* would not be fair but would be unjust and cruel and therefore my honourable friend should keep that aspect of the matter in view.

I am glad that nobody has mentioned to-day the Ministers and Parliamentary Secretaries but let me, on the floor of this House, most emphatically repeat my assertion and statement which I made that not a single

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Minister of the Crown on these benches or a single Parliamentary Secretary is going to benefit by this Act (*loud cheers*). As a matter of fact, as I told you this morning in my statement, one of the Ministers is going to be affected adversely and he is going to lose to the tune of Rs. 60,000 and I know of several other honourable members in this House who are going to lose much more and I would not give my own instance because that would be sheer presumption and may be considered presumptuous on my part, but I know that my family is going to suffer to the tune of several lakhs of rupees if this Act comes into force. But my honourable friend is under a delusion if he thinks that bigger people are going to benefit. They are actually going to suffer for the simple reason that several mortgages.....

Dr. Sir Gokul Chand Narang : No one will touch you.

Premier : The mortgage rights in the case of original mortgages which were made to non-agriculturists passed from hand to hand and I know that in my own district there are several big owners who bought mortgage rights of land which was mortgaged to non-agriculturists and now it is with big zamindars there. They will all suffer and, as a matter of fact, I am giving away no secret when I say that I received several letters and S. O. S. messages from that part of the world saying that they are going to be affected adversely and they have, as a matter of fact, more or less appealed to me as a representative of their district, to see that they do not suffer and my reply to them was that on a matter of principle I and my family and friends must come first to suffer (*loud cheers*). If we are going to suffer, it is our misfortune, but I wanted to mention this fact that they are not going to benefit in practice and you will see that when this Act is enforced they will be the people who will actually suffer.

Take even the original limit of a thousand rupees and assume again for the moment that that zamindar is a big zamindar. I do not for the moment concede that that is my view, but assume that he is also a big zamindar. You know perfectly well that only a portion of cultivated area in the Punjab is mortgaged. Let me give you the average figure. Average figures from 1901 onward are between $2\frac{1}{2}$ to $3\frac{1}{2}$ acres for each mortgage. The present number of mortgages is 1,849,000 and total cultivated area is 8,867,000 acres and if you calculate you will find that the average area of mortgaged land is $2\frac{1}{2}$ acres, not big but there may be some big mortgages as well. That is the average area. The cultivated area which is mortgaged is 8,867,000 acres. That would work out to somewhere near $2\frac{1}{2}$ crores. Keeping these figures in view does my honourable friend consider that it will be necessary for us to draw a line anywhere? As I was saying, even taking the Congress figure only 775 zamindars pay a thousand rupees of land revenue and their average income is 250 per month. Let us for the sake of argument assume that they are big zamindars. My honourable friend is aware that a big zamindar, if he pays one thousand as land revenue, according to our census figures, in the next generation that will be divided into 5 and each zamindar would be paying barely 200. If you go to the third generation it will come down to 40 each. Now, as I mentioned before, the number of those who pay a thousand rupees is only 775 and even amongst the big people if you take the provincial average of 12 per cent. who mortgage their land, the total number

would be between 80 and 90 in the whole province—of those who pay a thousand rupees or more than thousand rupees. Of those 80 people most of them in the next generation will be paying 200 per annum as land revenue even below the figure which my honourable friend has suggested in his revised amendment. My honourable friend assumed that he is going to live for an indefinitely large number of years and that therefore his property will not go through the process of disintegration which is the continuous process in this province and will not be reduced to smaller zamindars. Why does he assume that he will remain and always continue as a big zamindar—I am not prepared to concede that they are big zamindars. I would only call those people big zamindars who pay more than Rs. 5,000 and their number, as I have said, is only 28. If you take the provincial average you will find that there would be only 2 big zamindars who have effected mortgages. For the sake of these 2 zamindars you want to amend the whole Act. You do not keep in view the fact that if the present owner dies to-morrow his successor would be paying 200. (*A voice*: Then he can redeem). But what is the object of trying to separate about 80 people in the province and making the law discriminatory? As I have said, if these big zamindars, who pay Rs. 5,000, as land revenue, mortgage their land, it must have been mortgaged to people who are even richer than themselves. (*Lala Duni Chand*: This criterion applies only to present mortgages). Why take the trouble because in a few years they will come below that category? Then my friend's objection is that it is in the neighbouring province and not in this province— (*Sardar Hari Singh*: Then give us more booty). I am not a *lotera* (a robber). I believe in honest dealings. My honourable friend's amendment would exclude all those persons who pay Rs. 901 as land revenue but my honourable friend's amendment would not exclude those who pay Rs. 299 land revenue and ten thousand as income-tax. He merely wants to exclude his own brethren, he does not want to exclude those who pay ten thousand as income-tax: I was merely pointing out that my honourable friend has forgotten the other rich people and merely wants to come down upon his own class and community whom he professes to serve.

I would not take any more time of the House except to answer one point which was again made by one of the non-agriculturist friends of the Congress Party. He says, "Why do you call all these people zamindars because these big people stand on a different footing altogether?" That is natural, because the honourable gentleman is not a zamindar and does not know the conditions in the province. If he had known the conditions of the province, he would not have made that remark. He has been returned from a rural constituency unopposed and if he would fight the election on agricultural votes, he would have found several things about the zamindars and he would not have made the slip that he has made. Now let me tell you what is the position in the Punjab, and let me inform my honourable friend opposite that the main characteristic and the main pride of the Punjab is that ours is a province of peasant proprietors (*hear, hear*). That is our strength and it is for that reason that the question of big zamindar does not exist in this province. If you look to the neighbouring province you will find that the big zamindar is enjoying himself in Lucknow and the

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poor tenant—there is nobody in between—tilling the soil day and night. Now, of course, something is being done there, but there is still much hue and cry and tenant agitation persists. There is no such thing here. If there had been such a thing, our condition would have been exactly the same as in the United Provinces and in other provinces. Why it is not so is because our average holding is less than 10 acres. There may be the Nawab of Mamdot who owns more than 5,000 acres. But if you look to the vast majority of the people, the total number approximately is 35 lakhs who are land-owners, but the number of those who can be termed as big zamindars is only 13. In the United Provinces a big zamindar is a big zamindar and nobody can go near him. If he is a Rajput he is Rajput by himself. There a poor Rajput tenant has got nothing in common with a big zamindar. What is the position here in the Punjab? The Nawab of Mamdot is a Pathan and is a big zamindar, but a small Pathan in the village who pays Rs. 5 does not consider himself in any way less than the Nawab of Mamdot. That is our proud characteristic (*hear, hear*). It is that characteristic which has supported the Punjab through centuries of vicissitudes and privations. Other provinces may suffer but I am sure the Punjab will not suffer because of that characteristic. My honourable friend is perfectly aware that in a *bradri* I may be rich—

Dr. Sir Gokul Chand Narang : Then do not say that you do not waste time.

Premier : My honourable friend naturally finds it waste of time.

Dr. Sir Gokul Chand Narang : Go on. I am enjoying the lecture thoroughly, only it is not relevant.

Premier : I am glad that my honourable friend is enjoying it. He considers it a waste of time because I am trying merely to depict the position of this province and of big zamindars to whom he wants to give some relief. He knows perfectly well that I may be a big zamindar, though I am not, but assuming that I am a big zamindar and in my *khattar bradri*, which my honourable friend opposite probably knows, or take the Rajput *bradri*, we all sit in a *punchayat*. I may be a man with an income of Rs. 20,000 and there may be another man paying Rs. 5 as land revenue or earning an income of Rs. 15 per mensem whoever the aged gentleman or the leader of the *bradri* may be, I would pay my homage and respect to him and it is he who will decide everything and not I, in the *punchayat*. (*Cheers*). That is the position which my honourable friend is forgetting. Therefore, he would be well advised not to be misled by his friends who want to push a wedge into the society and in the community of zamindars for their own purpose. You want to draw a line of Rs. 1,000 to-day, what would happen if to-morrow it comes down to Rs. 500 or Rs. 300? It is a question of degree and therefore you will be more or less driving in a wedge which eventually may be ruination not only of this community but of the province as a whole. It is for that reason that I am not prepared to accept this proposal.

(Voices : Question may now be put.)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Sardar Hari Singh : I hope, my honourable friend, the Leader of the House, who has just sat down, will listen to my remarks as patiently and attentively as I have listened to his speech. Sir, in answering the irrelevant portions of the Honourable Premier's speech, I hope, you will allow me to be irrelevant, if you consider that I am irrelevant in certain matters, because I am compelled to answer all the arguments and points raised by him—because unless they are answered, they may create a wrong impression inside and outside this House. For some days past, it has been the fashion with the Honourable Premier to flirt with Sardar Sohan Singh Josh and I have often asked Sardar Sohan Singh Josh to stand up and repudiate his flirtations. Their political ideologies lie poles asunder. (*Interruptions*). Let the Honourable Premier rest assured that my honourable friend Sardar Sohan Singh Josh would not be willing even to accompany him to heaven. The Honourable Premier himself is a big landlord, he owns a big cement factory and belongs to an aristocratic family in the Punjab and beside whom sit such big landlords as my honourable friends, Tiwana and Majithia, the latter of whom besides being a landlord, is the owner of big sugar factories in the United Provinces. (*Minister for Revenue :* Dr. Sir Gokul Chand is also the owner of a sugar factory). He has pointed out that Dr. Sir Gokul Chand Narang is also the owner of a sugar factory. Has he forgotten that only a year and three months ago, he was a colleague of Sir Sikander and he may be a colleague of Sir Sikander in a future Ministry? After a few moments of relaxation, let us be serious now. We have been seeing Sir Sikander always getting upon his legs and talking of the interest of poor down-trodden peasantry of the Punjab. All this sentimental talk of solidarity of zamindars in the Punjab is a mere camouflage. The fact of the matter is that there is now a sharp cleavage and division between landlord and his tenant. (*Premier :* Question). The big landlord, like a communal leader, is trying to exploit him for his own benefit. The late Maulana Muhammad Ali, in one of his statements said, that the communal leader in India is in reality a self-seeker. Similarly, a big landlord who talks of the interest of the entire zamindar community of the Punjab and the zamindar class of the Punjab is not his real benefactor. The peasants are wide-awake and they are no longer to be enchanted by the magic of words.

Now coming to the kernel of the argument advanced by my honourable friend against this harmless amendment of mine, he said that he has the feeblest sympathy for the amendment which I proposed to the select committee, that those zamindars who pay Rs. 1,000 per annum as land revenue to the Government should be excluded from the benefit enjoyed under this Bill. I hope, he will listen to me with as much courtesy and attention as I paid to his speech. All his arguments and all his eloquence has left us utterly cold. He had a very poor case to defend and he could not change a bad case into a good one. His position is not clear because at one moment he says that he has got sympathy for my proposal and then he says that it is quite irrelevant, not reasonable and is harmful to the peasants of the Punjab. He blows hot and cold in the same breath—having sympathy and no sympathy. What is his argument? He says, "What are you going to do, there are only very few big landlords in the Punjab, why are you talking of big zamindars?" What is my definition of a big landlord? My definition is that a big landlord is a zamindar who does not till the soil with his

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own hands. What right and justice morally has he to have more land than the one who tills the soil with his own hand? It is utterly immoral, unjust and unwise to give him more land than the person who tills with his own hands. (Premier: How many are there)? There may be 20, there may be 50 or 100. My argument remains that a person, who is a parasite on society in the garb of a landlord and with all the praises of solidarity of zamindars on his lips, has no right to have more land unless he tills it with his own hands. My honourable friend went out of his way to have a fling at our great national leader, Mahatma Gandhi, by contemptuous mention of his loin cloth.

Premier: I said nothing which was undesirable or which could be in any way disrespectful to Mahatma Gandhi.

Sardar Hari Singh: My honourable friend cannot appreciate the simplicity of Mahatma Gandhi. He cannot appreciate what the loin cloth denotes; it denotes the subjection and poverty of India. How can he appreciate that? He was born with a silver spoon in his mouth and all along he has been rolling in wealth. He must remember that he must be born a hundred times before he can have a fling at Mahatma Gandhi. (Interruption). I again say that Sir Sikander must be born a hundred times before he can speak of that great national hero in the way in which he has done to-day.

Premier: I am not so devoid of manners as to attempt even remotely a fling at a great leader like Mahatma Gandhi. I have every respect for him. My friend is merely trying to make capital out of my remarks which implied or meant no disrespect to the personality of Mahatma Gandhi.

Sardar Hari Singh: I submit, Sir, that my honourable friend again went out of his way unnecessarily to call my amendment a propaganda amendment. Let me remind him that as he is the Leader of the House, he is also a leader in playing to the gallery.

Mr. Speaker: It is unparliamentary to say that a member is playing to the gallery.

Sardar Hari Singh: If it is unparliamentary, why has the Honourable Premier been allowed to use the word "propagandists" for us so many times?

Mr. Speaker: The expression that members are playing to the gallery is unparliamentary. The honourable member should withdraw it and proceed with his speech.

Sardar Hari Singh: I withdraw and I substitute it by saying that my honourable friend himself is a pastmaster in the art of propaganda stunts.

Premier: Thank you for this compliment.

Sardar Hari Singh: The Honourable Premier advanced the argument that the big landlord must have mortgaged his land with a landlord wealthier than himself. Let me remind him that he in the select committee as well as in the House said that it was the small-holder, the poor zamindar who was buying lands from big landlords. (Premier: Since 1901). Even

before that. I can conceive of cases where a tenant of a landlord after saving some money out of his hard-earned wages and income might take a bit of land by way of mortgage from his landlord. How does my honourable friend in equity and justice ask that that tenant should part with the mortgaged land of the landlord who does not till the land himself? Why should poor zamindars be made to pay for the extravagance and follies of the big landlords who do not work but simply squander away money on immoral vices? Why should those big landlords get back lands from their tenants or even from banias? I can have every sympathy for the poor zamindar who parted with his land by way of mortgage for he ran into debt in order to pay land revenue of the Government under that most iniquitous system of land revenue assessment in the world. That poor zamindar might have parted with his land on account of adverse natural circumstances. I can conceive of a poor peasant struggling against poverty working day and night, but not being able to make both ends meet and getting some money from a landlord or some bania and thus parting with his land by way of mortgage. Such a poor peasant ought to be protected, but no sympathy should be shown to that big zamindar who runs into debts on account of his follies and vices.

One word more and I will finish my speech. The party in power now here in this province is standing on the plank of the Land Alienation Act and they think that as long as they are in power they can win the support of the poor ignorant zamindars by strengthening this plank. I want to remind them that this sympathy for the poor peasant will be revealed when they bring forth proposals for the reduction in land revenue. This plank is not going to last for any length of time in the face of new economic forces at work. Perhaps they are aware of it and that is the reason why they have added a further plank of the Muslim League in order to keep in office a little longer. But I want to warn them that such plank will not help them in this province now and the poor zamindar is no longer going to be exploited by the slogan of zamindar solidarity.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): The honourable member opposite was pleased to call the big zamindars parasites. I really do not know whether it is the big zamindar who is a parasite or he who exploits other people for his own advantage (*hear, hear*). My own impression is that those who call the big zamindars as parasites, and themselves live on other people's income are the biggest parasites.

Now, the Honourable Premier has told the House so often and I have said too that in this province the question of big zamindars does not arise at all. This is a province of petty land-holders (*An honourable member: Like yourself*). Yes, like myself. I am not a big landlord. If there is a petty landholder who ekes out his living by taking some more land of his neighbour on rent, if that is the sort of zamindar whom my honourable friend was please to call a parasite, I do not know what name he would give to a really big zamindar.

My honourable friend said "let me conceive a case." Probably he conceived several times, but brought forth nothing. He said that the big zamindars wasted their time and money in debauchery and such other things. Probably some landholder may have done so. What happened 97 years ago and even before? Has he got any knowledge of what happened in the

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past? Or, was he merely conjecturing all sorts of ideas to strengthen his case? He thought that probably by his argument he was cutting to pieces the case which was so ably presented to the House by the Honourable Premier. He said that the big zamindars enjoyed *nauteshes* during Holi festival and thus squandered their money. But it is equally probable that our friends opposite are doing the same whenever they indulge in entertainments. Therefore the honourable member should not have had the audacity to call everybody names in this House. He must have some decency not to speak in that language. In his vocabulary a zamindar is the only man who can till the land whether he is big or small. If that is the sort of big zamindar whom he calls a parasite, then God save us from such friends (*cheers*).

Mr. Speaker : The question is—

That in lines 2-3 between the words "apply" and "may," the words "and who pays less than Rs. 300 per annum as land revenue to the Government" be inserted.

The Assembly divided: Ayes 80; Noes 58.

AYES

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Kishan Singh, Sardar.
Muhammad Hassan, Chaudhri.
Mukand Lal Puri, Rai Bahadur Mr.
Muni Lal Kalra, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES

Abdul Haye, The Honourable Mian.
Atsaaalali Haanie, Sayed.
Akbar Ali, Pir.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Barkat Ali, Malik.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammed, Shaikh.
Faqir Hussain Khan, Chaudhri.
Fateh Jang Singh, 2nd-Lieutenant
Bhai.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.

Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Maulvi.
Gopal Singh (American), Sardar.
Hans Raj, Bhagat.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Jagjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Khizar Hayat Khan Tiwana, The
Honourable Nawabzada Major.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Mubarik Ali Shah, Sayed.

Muhammad Akram Khan, Khan Bahadur, Raja.	Nur Ahmad Khan, Khan Sahib Mian.
Muhammad Azam Khan, Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.	Ram Sarup, Chaudhri.
Muhammad Hussain, Sardar.	Ripudaman Singh, Thakur.
Muhammad Hussain, Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Nurullah, Mian.	Shahadat Khan, Khan Sahib Rai.
Muhammad Saadat Ali Khan, Khan Sahib Khan.	Shah Nawaz, Mrs. J. A.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Shah Nawaz Khan, Nawab Khan.
Muhammad Wilayat Hussain Jeejani, Makhdumzada Haji Sayed.	Sham Lal, Rai Bahadur Chaudhri.
Muhammad Yasin Khan, Chaudhri.	Sikander Hyat-Khan, The Honourable Major Sir.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Singha, Mr. S. P.
Muzaffar Khan, Khan Bahadur Captain Malik.	Sohan Lal, Rai Sahib Lala.
Nasir-ud-Din, Chaudhri.	Sumer Singh, Chaudhri.
Nawazish Ali Shah.	Sunder Singh Majithia, The Honourable Dr. Sir.
	Suraj Mal, Chaudhri.
	Talib Hussain Khan, Khan.

The Assembly then adjourned till 2 p.m., on Tuesday, 19th July, 1938.

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 19th July, 1938.

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

SHORT NOTICE QUESTION AND ANSWER.

RE-ASSESSMENT OF AMRITSAR DISTRICT.

Chaudhri Faqir Hussain : Will the Honourable Minister of Revenue be pleased to state whether his attention has been invited to the feeling of uncertainty and difficulty felt by a large section of the rural section of the Amritsar district, with regard to the pending re-assessment; if so, what action has the Government taken or proposes taking in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : Government are aware that in certain sections of the Amritsar rural population misunderstandings have arisen with regard to the pending re-assessment. As enjoined under the Rules, the Settlement Officer has already invited objections from all concerned, which have been receiving, and will continue to receive, the consideration which they deserve. Moreover, the Settlement Officer and his subordinate officers are ready and willing to explain any points with regard to the pending re-assessment and to clear away any ambiguities or doubts brought to their notice by any *bona fide* persons interested in these matters. Further, the Government has already given proof of their practical sympathy by declaring that for five years after the announcement of the new settlement old rates should remain in force and the new rates of assessment would not be applied till the five year period is over.

If there be any genuine misunderstandings or difficulties, which cannot be met by local officers, and *bona fide* representations are made to the Government through the proper channel, they will receive the sympathetic consideration which they deserve. At the same time, I would like to warn all concerned not to allow themselves to be exploited by interested parties, who distort facts and create misunderstandings where none should exist.

Lala Bhim Sen Sachar : What is the nature of the misunderstandings that have arisen?

Mian Abdul Rab : May I know from the Honourable Revenue Minister what steps he proposes to take to acquaint the rural population with the implications of the sliding scale system? I mean to explain to those people who do not come to the Settlement Officer of their own accord.

Minister : The Settlement Officer will be instructed to explain the implications and the method of the application of the sliding scale system to the people in the *ilaga*.

Mian Abdul Rab : I am enquiring about those people who do not come to him of their own accord. Has the Settlement Officer been instructed to go about and explain things in the villages ?

Minister : He is already going about from village to village in connection with his inspection work and during these inspections he comes in contact with the zamindars and explains to them the implications of the system.

Lala Bhim Sen Sachar : What is the nature of the misunderstandings that have arisen?

Minister : Probably these have been created by people thinking that the assessment is going to be enhanced.

Lala Bhim Sen Sachar : Has the assessment not been enhanced as a matter of fact ?

Minister : No papers have yet come to me ; the Settlement Officer is yet doing his work and no final assessment has so far been made.

Lala Bhim Sen Sachar : How do you assume that the rates will not go up ?

Minister : No. We do not.

Lala Bhim Sen Sachar : Then why do you say that for five years the old rates will be applicable ?

Minister : In case the new assessment, when it is made, is more than the old one according to undertaking given the old assessment will remain in force for five years.

Sardar Partab Singh : What steps does Government propose to take to explain to the villagers the implications of the sliding scale ?

Minister : I cannot add anything to the reply already given.

Sardar Partab Singh : You have not answered this question.

Minister : I have.

Sardar Partab Singh : You have said that the Settlement Officer is going about on his inspection work and in that work he comes in contact with the villagers. You have not said anything further.

Mr. Speaker : Is the honourable member addressing the Minister or the Chair ?

Sardar Partab Singh : I am addressing the Minister through you.

Mian Abdul Rab : May I know whether the Government will consider the advisability of issuing pamphlets in Urdu in order to explain in simple language to the rural population the difficulties of the sliding scale system ?

Minister : It is a request for action, but we shall consider it.

Sardar Partab Singh : Will the Revenue Minister kindly state if he will instruct the settlement officers to go to the meetings held to discuss the implications of the sliding scale system and explain to those attending the meetings the implications of the system ?

Sardar Sohan Singh Jash : May I know whether it is a fact that the land revenue will be increased ?

Minister : My honourable friend either does not intentionally try to understand or he was not attentive when I gave the answer to that question.

Sardar Sohan Singh Josh : What is meant by the words 'bona fide person'?

Minister : I mean only zamindars and not officious outsiders.

MOTION FOR ADJOURNMENT.

LATHI CHARGE BY POLICE IN CHAK NO. 254, LYALLPUR
DISTRICT.

Mr. Speaker : Has the Honourable Premier been able to collect information in connection with the adjournment motion?

Premier : I have collected all the information which I could collect during the period. I may be permitted to say that the information in possession of the honourable member opposite is not correct.

Mr. Speaker : What is the correct information?

Premier : I will communicate it to the House, if you allow me.

Sardar Hari Singh : That may be given when we are discussing the adjournment motion.

Premier : As I said yesterday, the information is based on incorrect information, as the honourable member himself admitted.

Sardar Hari Singh : No. I did not.

Premier : The allegations or insinuations contained in that adjournment motion have no foundation.

Sardar Hari Singh : In answer to that remark of the Honourable Premier, I beg to say that I have got a written documentary evidence which is more reliable than the information supplied to the Premier by the Deputy Commissioner. I have got this information from the District Congress Committee, Lyallpur.

Mr. Speaker : Sardar Hari Singh has asked for leave to move a motion for adjournment of the business of the House to discuss a definite matter of urgent public importance, namely—*Lathi* charge by the police on unarmed peaceful kisans at Chak No. 254, Ganga Singh Wala, district Lyallpur, on the 15th July in connection with the agitation against reduction in the width of canal outlets, causing injuries to many innocent peasants.

Premier : My information is that there has been no *lathi* charge and, therefore, I would not be in a position to refute those charges. They can make any charges that they like but I have received definite information that there was no *lathi* charge in the Lyallpur district.

Dr. Satya Pal : We do not believe it.

Premier : If you like I can give the information which is in my possession, to the House.

Mr. Speaker : I do not think an adjournment motion can be effectively discussed unless the facts, on the basis of which the administrative responsibility of the Government is to be attacked, are correct. So, the Honourable Premier may state the facts he has ascertained.

Sardar Hari Singh : I have got facts in my possession.

Premier : The facts are that an *anti*-Canal Day was observed in about fifty villages of the Lyallpur district on the 15th July, 1938, when attempts were made to organise a general boycott of canal water as a protest against the remodelling of outlets recently carried out by the Irrigation Department. The boycott was very partial and was confined to the Sikh zamindars of about fifty villages. In the district as a whole there was a strong feeling against the boycott which the people generally considered to be unnecessary as well as futile. To counteract this feeling the Congress and certain so-called socialist workers of the district—I say 'so-called' because they are not real socialists like my honourable friend Sardarohan Singh Josh—conducted an intensive propaganda campaign in several parts of the district. On the day of the boycott—may I, Mr. Speaker, claim your ear because you have to give a decision on the adjournment motion—batches of Congress and socialist workers carrying Congress flags toured the affected area, inducing the people to close the outlets. At some places these workers were noticed both by the canal and civil authorities closing down the outlets against the express wish of the villagers themselves. At Tarkani on the Lower Gugera Branch a definite complaint was made to the Executive Engineer that a strong *jatha* of Congress and socialist volunteers was forcibly closing down the outlets in the neighbourhood. This *jatha* made a similar attempt at another point but dispersed on the arrival of the police which had to be despatched to the locality to preserve the peace. In the adjournment motion the allegation is made that the police made a *lathi* charge on the peasants of Chak No. 254-R. B. on the 15th July, 1938. This allegation is entirely without foundation. No *lathi* charge in the sense of concerted action by a body of the police against a mob was made at Chak No. 254-R. B. or anywhere else in the district on the 15th July 1938. (*Interruptions.*) My honourable friends are very impatient. If they will listen to me they will not laugh but will hang their heads in shame.

Dr. Satya Pal : The use of the word 'shame' is unparliamentary or we will call the word 'shame' to the Premier, if he says this any further.

Premier : I am not calling you 'shame'.

Dr. Satya Pal : Yes, you have said so. If it is parliamentary, we will call the Premier to hang his head in shame—

Mr. Speaker : Even if the word 'shame' is not unparliamentary, I think its use in this House is not desirable.

Premier : I would say that they will hang their head in despondency if that will suit them better. (*Interruptions.*) If my honourable friends would listen to me they would probably feel quite different to what they are at present. Their exuberance will be gone, in any case, if they would listen to me. From enquiries it appears that the Congress and the socialist volunteers posted at and near Chak No. 254-R. B. made an attempt to close the outlets and adopted a truculent attitude when the villagers, who resented interference of the Congress workers, objected to the closing down of the outlets. In the meantime the Deputy Superintendent of Police, Lyallpur, accompanied by the Executive Engineer of the Hafizabad Division reached the spot and made an effort to induce the Congress volunteers to refrain from intimidating the villagers. The volunteers who were about thirty-five in

number and two of whom were armed with a spear and an axe, refused to listen to the officers and became extremely aggressive and threatening in their behaviour. The Deputy Superintendent of Police was abused by them in filthy language. The volunteers insisted that they would not desist from closing the outlets with or without the consent of the villagers. In the altercation that followed—I must crave your indulgence because you will have to give a decision—

Lala Deshbandhu Gupta : On a point of order. I had no intention to interrupt but I want to know whether the Honourable Premier is in order in making a statement like this at this stage. I think he could have given his reasons for objecting to the adjournment motion in a few words.

Premier : A few words about the salient features ?

Mr. Speaker : He has the right to object and he can support his objection by reasons. Besides, he is stating facts at my request.

Sardar Hari Singh : Will you allow me to read a counter-statement ?

Mr. Speaker : If necessary I will allow the honourable member an opportunity to give his version, and in that case he shall certainly be entitled to make a counter-statement. I asked the Premier to state true facts to enable me to give or withhold my consent to the adjournment motion.

Lala Deshbandhu Gupta : What I wanted to submit is, whether it is fair to the House that the Premier should be allowed to make a statement on a subject which is the subject matter of an adjournment motion and if you rule, after hearing that statement that—

Mr. Speaker : Order, please. Notice of the adjournment motion was given yesterday when it was taken up. I asked the Premier if he was in possession of facts. He said that he had absolutely no knowledge. Upon this I requested him to ascertain facts, because without knowing facts I cannot decide whether I should give or withhold my consent to the motion and the honourable members cannot effectively dissent and attack the administrative responsibility of the Government. It appears that there are two different sets of facts. One on one side and the other on the other side. The House will hear both parties and then give vote either for one party or the other. I think he has a right to state but if the honourable members of the Opposition do not want facts to be stated, I will request the Premier not to state them further.

Dr. Gopi Chand Bhargava : My point is that the Government shall state their case. We have got information and—

Mr. Speaker : I do not think the Honourable Premier is stating the facts in detail.

Dr. Gopi Chand Bhargava : He is stating the information that he has got through his officers. We have got information through our friends who were on the spot. It is very difficult for the House to decide—unless both things are stated—whether one is correct or the other is correct. For you to presume that this is correct and then to rule the motion out of order is—

Mr. Speaker : Order, order. Did not the honourable member himself say that such and such a thing was done and so and so was killed ?

Dr. Gopi Chand Bhargava : No, Sir. I did not make any detailed statement about the facts. I said that whatever was stated by my friend Sardar Hari Singh was quite correct. Now I have the detailed information with me.

Mr. Speaker : The honourable member gave us some information yesterday.

Dr. Gopi Chand Bhargava : That is what was given in the adjournment motion and that is what we received by telegram or telephone. I have now got detailed information with me.

Mr. Speaker : I may have to hear the honourable member before allowing or disallowing the adjournment motion.

Dr. Gopi Chand Bhargava : You have to satisfy yourself, before permitting an adjournment motion, whether it is of recent occurrence, whether it is of urgent public importance and whether the administrative responsibility of the Government is there. We bring a charge against the Government that their police beat some people—whether it is correct or not is to be seen after the discussion.

Mr. Speaker : That is quite right; but yesterday, when the Premier was not in possession of facts, the honourable member himself volunteered to state facts and I allowed him to do so. Why is he objecting to-day to the statement of facts by the Honourable Premier?

Dr. Gopi Chand Bhargava : I do not object to his making a statement. My point is that that statement should not be the criterion for you to decide whether the motion is in order or not.

Mr. Speaker : Please, let him speak.

Pandit Muni Lal Kalia : May I know whether the motion is in order?

Mr. Speaker : I have not decided yet. Please, let the Honourable Premier finish his statement.

Pandit Muni Lal Kalia : May I draw your attention to Standing Order 28 which lays down the procedure to be followed. There is no provision for making such a statement.

Mr. Speaker : Is the honourable member quite sure?

Pandit Muni Lal Kalia : With your permission I will read out the Standing Order :—

If the Speaker is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Assembly and ask whether the member has the leave of the Assembly to move the adjournment. If objection is taken, the Speaker shall request those members who are in favour of leave being granted.....

That is the procedure that has been followed always and now it is a departure from that procedure.

(The Honourable the Premier stood up to speak).

Lala Deshbandhu Gupta : The Honourable Premier should only confine himself to where his responsibility is involved.

Lala Bhim Sen Sachar : Certain conditions have to be satisfied as to whether the occurrence is of recent occurrence or not and whether it is of public importance or not, etc.

Mr. Speaker : If the objection taken is reasonable, the motion shall be disallowed. It is my duty, I think, to try to satisfy myself that the facts on which the administrative responsibility of Government is proposed to be attacked are *prima facie* correct. True facts are not within the personal knowledge of any honourable member.

(*Sardar Sampuran Singh stood up.*)

Mr. Speaker : The honourable member can only say whether he has a personal knowledge of facts.

Sardar Sampuran Singh : You do not allow me to speak.

Mr. Speaker : Please let the Honourable Premier finish his speech.

Sardar Sampuran Singh : I got up to say that it is within my personal knowledge and you want to stop me.

Mr. Speaker : Please withdraw the remarks that I want to stop you. What I said was "Let the Honourable Premier finish his statement." After the Premier has finished, if any honourable member wishes to state facts from his personal knowledge, he shall be welcome to do so.

Premier : My honourable friend was probably in Simla when this incident took place.

Sardar Sampuran Singh : I have been at Lyallpur since then.

Premier : He will give his statement based on hearsay. But to go on with mine. The volunteers insisted that they would not desist from closing the outlets with or without the consent of the villagers. In the altercation that followed the Deputy Superintendent of Police succeeded in disarming the man with the axe and in doing so he was compelled to use his cane, resulting in very minor injuries to not more than four persons who obstructed the police officer. The man who was armed with the spear escaped and the crowd dispersed. The recovered axe was deposited in the police station the same day. The only police officers who accompanied the Deputy Superintendent of Police were his reader and orderly. Neither of them took any part in dispersing the crowd. The Deputy Commissioner and the Superintendent of Police have visited the spot and they are satisfied that no *lathi* charge resulting in injuries to "many innocent persons", as alleged in the adjournment motion, was made by the police.

Dr. Satya Pal : There was a *lathi* charge.

Premier : There was no *lathi* charge. No formal complaint against the police has been lodged by any of the persons immediately concerned. The Congress leaders of Lyallpur, however, produced two men before the Superintendent of Police, on the 15th July and stated that they had been beaten by the Deputy Superintendent of Police. On examination the two men were found to have minor scratches on the legs.

It is necessary to point out that in organising *anti*-canal demonstrations the Congress and Socialist workers of the district have acted in a highly objectionable and provocative manner. In the course of the numerous

[Premier.]

meetings that were held in the district to prepare the peasants for the boycott, several objectionable speeches were made by Congressmen. One of them, speaking at Chak No. 54-B. B. on 26th June, 1938, foully abused the police. Another speaker went out of his way to abuse me roundly.

Mr. Speaker : This has no bearing on the motion.

Premier : I am coming to that part where the villagers were asked to go away and they did not. That speaker also stated that registered bad characters were being sent out to India by the British Government as Viceroys and Governors. During the demonstrations on the 15th of July, a number of Congress workers are alleged to have made a cut in the Toko distributary near Chak Nos. 913, 922 and 925-J. B. in the jurisdiction of police station Toba Tek Singh. Six of them, including a paid Congress worker, were arrested by the police under sections 147, 480, 379, Indian Penal Code, and sent up for trial. The case is *sub-judice*. I do not think I need give any more details. My honourable friend, the Leader of the Opposition, gave us the benefit of some information yesterday which he had about a certain man having been taken to the police station alive and his dead body being brought out from there on a stretcher, later on.

Dr. Gopi Chand Bhargava : My information was that the Deputy Superintendent of Police took two people with him and I do not know whether they were in custody or not, but they were taken by him because he wanted them to give false evidence.

Premier : My honourable friend, the Leader of the Opposition, yesterday in this House stated that two people were taken to the police station but when they came out, only one of them came alive and the dead body of the other came out on a stretcher.

Dr. Gopi Chand Bhargava : I did not say that.

Premier : It may be different to-day. I hope it is. That is, so far as I recollect, the statement which he made deliberately and he said, in addition to what is being alleged in the adjournment motion, that he had the information that two men went into the police station and only the dead body of one came out on a stretcher. It is a very wild allegation and it is to that that I am referring.

"The son of a sardar of Chak 51-J. B., Police Station Sadr Lyallpur, died suddenly on the 16th July, 1938. His body was sent for *post-mortem* examination, but no cause of death could be ascertained. His viscera has, however, been sent to the Chemical Examiner for analysis. A magisterial enquiry into his death is in progress. It is believed that the man committed suicide in a fit of temporary insanity, but the motive for the suicide is not yet known. No allegations of violence have been made either by the father of the deceased or his other immediate relations."

Dr. Gopi Chand Bhargava : I do not allege it.

Premier : My honourable friend does not allege it now.

Dr. Gopi Chand Bhargava : I never alleged it yesterday.

Premier : I was referring to the statement made by the honourable member yesterday that two men were taken into the police station alive

and when they came out, one of them was alive and the other's body was brought on a stretcher. That is what I am referring to.

Sardar Sampuran Singh : You do not allow members on this side to speak.

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

Sardar Sampuran Singh : If you say that what I said was wrong then I will withdraw.

Mr. Speaker : The charge, the honourable member has made, savours of partiality. So, he should withdraw it at once.

Sardar Sampuran Singh : I withdraw my words.

Premier :

"Some of the Congress workers have, however, mischievously alleged that the deceased committed suicide because he was being forced by the police to give evidence in the case against the persons arrested in Toba Tek Singh for alleged cutting of the canal bank. So far as it is known at present, there is no foundation whatever for this allegation."

That is the information which I have got and I hope that on the basis of that information you would rule that rather wild adjournment motion out of order.

Dr. Gopi Chand Bhargava : Sir, the Honourable Premier has referred to the statement which I made yesterday and said that it was a wild statement. He presumed that I am going to withdraw a word or a syllable or even a single sentence of it. Therefore, I think I should give a personal explanation to the House, through you.

Mr. Speaker : All the Honourable Premier said was that probably the honourable member, in the light of information which he may have since received, may not now stick to his yesterday's statement.

Dr. Gopi Chand Bhargava : He said that my statement was wild and that I made a wrong statement yesterday and that I am going to withdraw it to-day. My submission is, as I said yesterday, two men were brought by the Deputy Superintendent of Police because they refused to give false evidence at his bidding. They were brought with him and in the evening or next day one reached alive and the dead body of the other reached the village. I did never say or allege that the man was killed by the police because I was not sure. But this is a fact that one man did not return alive and it was his dead body that reached the village.

Premier : I am very glad that my honourable friend takes that view now.

Sardar Sampuran Singh : I got up sometime ago to find out the meaning of personal knowledge. Do you expect any member of the House to be an eye-witness to the whole affair or by 'personal knowledge' do you mean the knowledge of a person who went to the spot and made enquiries ?

[S. Sampuran Singh.]

If you consider that 'personal knowledge' means to make enquiry on the spot or from the person who had the knowledge of it, then I have personal knowledge and if you expect us to be present at the spot, then I have no personal knowledge; unless you give your ruling on that point, I have nothing to say.

Dr. Gopi Chand Bhargava : The Deputy Commissioner has also no personal knowledge of the affair.

Mr. Speaker : May I ask the House whether the honourable Sardar Hari Singh has the leave of the House to move his motion ?

(As more than the requisite number of members stood up to support the leave being granted, the leave was granted.)

Mr. Speaker : Now the question is when this motion should be taken up.

(After informal discussion.)

Mr. Speaker : The motion will be taken up either to-morrow or the day after, that depends on what progress we make to-day from 11 to 1. The House will now proceed to consider the Punjab Restitution of Mortgaged Lands Bill.

THE PUNJAB RESTITUTION OF MORTGAGED LANDS BILL.

Clause 4.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural)
Sir, I beg to move—

That in line 3, for the words "at any time", the words "within six months from the date this Act came into force" be substituted.

My reason for moving this amendment is this. In the clause, as it stands, the provision is like this: "A mortgagor may at any time present a petition to the Collector praying for restitution of possession of the land mortgaged." Now the words 'at any time' mean that he may move even after 10 years. That surely seems to be very absurd on the face of it. When limitation is fixed almost for every remedy in law why should this be left without any restriction of time? Surely, if a mortgagor is an aggrieved party, he will have no objection to approach the collector at as early a date as possible after this Act has been passed or after this Act comes into force. I have, therefore, proposed that any mortgagor or any interested person who is to be benefited by the provisions of this Bill should be obliged to present a petition to the collector within 6 months after the date when this Act comes into force. Six months surely is not a short time, because people will in all probability come to know within six months time that this Act has been passed and that they have such and such a remedy under this Act and they will then be in a position to present petitions to the collector. There is another difficulty which might arise from leaving these words in the Bill and not fixing any time for the presentation of petitions. You will kindly refer to clause 7

(2) (i), (ii) and (iii) and you will find that the amount of compensation depends upon the time for which a certain mortgage is in existence. For instance, in part (i) you find that the amount of compensation would be 80 times the land revenue assessed on the land at the time when it was mortgaged if the mortgagee has been in possession for a period exceeding 30 years but not exceeding forty years. In (ii) it is said 'fifteen times the land revenue assessed on the land at the time when it was mortgaged if the mortgagee has been in possession for a period exceeding forty years but not exceeding fifty years'. Lastly in part (iii) we find 'five times the land revenue assessed on the land at the time when it was mortgaged if the mortgagee has been in possession for a period exceeding fifty years.' Now, my submission is that if no time limit is fixed there may be a mortgagor, whose land is not very productive, but at the same time he thinks that he can get back that land on payment of 80 times the land revenue if the mortgage has been in existence for over 30 years but not exceeding 40 years. Now, supposing his land has been under mortgage for 39 years and 8 months, if he at once approaches the collector he would have to pay 80 times the land revenue. But if he approaches a few months after, say 9 or 10 months after, the amount of compensation would be automatically halved—from 80 times the jama it would come to 15 times and then in another case if the mortgage has been in existence for 49 years and a few months he will have to pay 15 times the jama. But if he knows that if he waits for 9 or 10 months the compensation would be reduced to one-third, he will certainly wait till that period. Therefore, the mortgagee would suffer. In the first instance he would suffer a cent. per cent. loss. In the second case he would suffer a loss of 200 per cent., because instead of getting Rs. 300 he will be getting only Rs. 100, as the case may be, that is one-third of the compensation in the latter case and only half of the compensation in the former case. That certainly should not be the object of the legislators on this point. Therefore, when they are taking away the lands from the hands of the mortgagees and are setting aside contracts solemnly entered into by the parties after a lapse of 30 or 40 or 50 years and may be even 59 years, it is only reasonable that the amount of hardship should be reduced to the minimum possible and mortgagors should not in any way be induced or tempted to resort to this practice which though it is not positive dishonesty, Government should not encourage. Otherwise Government would be a party to this fraud of a certain kind, if these mortgagees are deprived even of their extremely reduced dues. I hope I have made myself clear to the Honourable Revenue Minister and the Honourable Premier. I am not even sure that they have been paying proper attention to what I said. But it is not my fault if they have not listened or are not in a mood to consider.

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

That in line 3 for the words "at any time" the words "within six months from the date this Act came into force" be substituted.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): My honourable friend wishes to limit the period by which applications have to be made. He has presented one side of the picture. I may be permitted to present the other side of the picture. Supposing there is a person who has been ill for more than six months or is absent from India for six months or he is a

[Minister for Revenue,]

minor who cannot take advantage within the period which my honourable friend wishes to fix. Then what will happen? These people would be deprived of the advantages they can derive under this Bill. The second point is that there may be a possibility of a sort of collusion between the mortgagor and the mortgagee. They may come to an agreement. If a mortgage has been running for 40 years, they may come to some arrangement to wait for another 5 years. As I said, if a man is ill of a very serious disease and is not able to take advantage of this Act then the six months may not be enough. What will happen then? (*An honourable member*: He can apply through an attorney). (*Dr. Sir Gokul Chand Narang*: I will tell you when I get my turn to speak). You will tell me and my honourable friend opposite has said 'through an attorney.' But the Act may not provide for any pleaders. The last Act did not provide for a pleader and probably my honourable friends want to bring in a pleader into this Act in this way. (*An honourable member*: I meant a mukhtar). Then my honourable friend said that within the six months time, the amount may increase or decrease, the compensation that is to be paid. Probably if the time is fixed the compensation may even be increased. It may be either this way or that way. Therefore in these circumstances I think that the proposition of my honourable friend is not suitable and I am not prepared to accept it.

Dr. Sir Gokul Chand Narang: I have to restrain myself in order to make a very respectful reply to the Honourable Revenue Minister. It is not his fault if he has made the reply that he has made. I wish nobody had prompted him to make this reply (*Interruption*) or, I would say, advised.

Mr. Speaker: Please do not be personal.

Dr. Sir Gokul Chand Narang: I did not mean anything disrespectful. They are all supposed to act with the advice of one another, responsibility being joint. The constitution is changed and therefore I did not mean any disrespect when I said that he spoke on the advice of others. I will do the same in similar circumstances. There is no harm in that. No disrespect at all. But coming to the merits of his reply, I would submit this. One of the objections that he urged was that the mortgagor might be ill. Now Sardar Sahib, if he were a lawyer, would have known that there are about 185 or 186 or perhaps more articles in the Limitation Act which prescribe limitations for various remedies at law and the limitation is sometimes 3 months or 6 months or 12 years or even 60 years or a few days in some cases. You will see that the objection that Sardar Sahib has raised could be raised against the whole Limitation Act and if there is any force in his objection, then the Limitation Act should be wiped out, because it is not only the mortgagors under this Act who are likely to fall ill, but others are also liable to fall ill, allowing the limitation to expire. But there are remedies. One was the remedy suggested by my honourable friend, that if he is so unwell he can engage an attorney. The reply that Sardar Sahib gave to this side remark was still more interesting. He said, "We do not know if we are going to allow the appearance of lawyers." But what my honourable friend on this side referred to was not lawyers but attorney and attorney means mukhtar. Any one can be arranged to put in this

petition. You are probably going to make rules under this Act under clause 18 (3). Probably you will make a rule that he can send in an application by post or through an attorney or a pleader. There is no reason why even under this Act lawyers should be prevented from representing their clients. Under the Land Alienation Act certainly you have ruled the lawyers out of order. But there seems to be no reason why lawyers should be ruled out under this Act. But if they are to be ruled out still there are other remedies. One man can be appointed as mukhtar for 20 people, if necessary, who are lying ill in a hospital. He can represent the whole ward in a hospital of mortgagors who may unfortunately be lying ill. Then the next objection of Sardar Sahib was still more interesting and that was that a mortgagor may be a minor. Is only a mortgagor going to be a minor or are those people under about 200 articles of the Limitation Act also going to be minors at the time the limitation expires? Sardar Sahib should know that limitation does not run against a minor. That is the law. As long as he is a minor, up to 18 years, it does not run against him. If he has a guardian up to 21 years it does not run against him and after attaining majority he has 3 years at least within which to set the law in motion. So that the only grounds on which my honourable friend has opposed my amendment—he will agree with me now at least—hold no water. He shakes his head. I have no reply to the shaking of his head. I cannot outshake him. That is my difficulty. (*Interruption*). Yes, I cannot out-vote him. I can shake his arguments, but no arguments that he gave can be called arguments. I am sure he did not follow me. He said that compensation might decrease or increase. I am not talking of decreasing or increasing. What I was talking about is that by lapse of a few months the mortgagee may be deprived of even this meagre compensation which my honourable friend has been pleased to provide in the Bill. I cannot say anything more. It is my misfortune if I cannot convince him.

Mr. Speaker : The question is—

That in line 3 for the words "at any time" the words "within six months from the date this Act came into force" be substituted.

The motion was lost.

Mr. Speaker : The next amendment* of Rai Bahadur Mukand Lal Puri is out of order.

Dr. Sir Gokul Chand Narang : Sir, this clause, as I submitted, has fixed no time for putting in applications and my amendment has been rejected by the Government but my submission is this. It is very clear from the attitude of the Honourable Premier and his colleagues that they had in mind the acceptance of the next amendment. They do not disapprove of the principle involved in my amendment. Unfortunately they find that the amendment that follows mine is out of order.

Mr. Speaker : I request the honourable member to speak to the clause and not to the amendment which has been held to be out of order.

Dr. Sir Gokul Chand Narang : I am giving reasons to oppose this clause. I said that they have made a mistake under a misapprehension

*That between the words "at any time" and "present" in line 3, the words "before a suit for redemption is barred" be inserted.

[Dr. Sir Gokul Chand Narang.]

probably and therefore this clause should not be passed, because according to their own views this clause, as it stands, is not perfect and I would request them to have it suspended and to pass over to other clauses and in the meantime to remodel it and have it considered later. If my view about their attitude is not correct and if they think that the clause is perfect, as it stands, then I have nothing further to say.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, so far as I have followed the discussion of this Bill on the floor of this House, the idea of the Government is to allow restitution of mortgages which were effected sixty years ago, that is, the mortgages commencing with the year 1878. If this is the intention of the legislature, then, I think, that intention is not covered by the clause that is before us, because a mortgage might have been executed in the 16th century and if before the sixty years have expired there has been an admission of the liability by the mortgagee that the mortgage subsists, another period of sixty years is allowed under the Limitation Act and if there have been successive admissions it would be possible to redeem a mortgage of the 16th century now and not only the mortgage effected in 1878. If the intention of the Government is to include all these old mortgages also, there is no difficulty, but if the intention is to include mortgages since 1878 only then that intention has not been carried out.

Lala Duni Chand (Ambala and Simla, General, Rural): I merely want to say a word with regard to the legal aspect of the question. In clause 2 we have already said 'notwithstanding anything to the contrary.' When we have done that, it can be argued on the basis of clause 2 that notwithstanding the period of 60 years, the right that has been given under this Act is there. There is another clause which deals with subsisting mortgages. I submit there is the difficulty. It can be said that this clause is subject to clause 2. Therefore, I simply make a suggestion to the Honourable Advocate-General whether that difficulty is not possible to arise. Another thing that has been pointed out by my learned friend, Mr. Mukand Lal Puri, is also there and these are the things that are to be considered.

Mr. Speaker: Question is—

That clause 4 stand part of the Bill.

The motion was carried.

Clause 5.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): I propose that—

For the words "after such enquiries as may be prescribed" in lines 3-4, the words "after such enquiry as is prescribed for trial of suits under the Punjab Tenancy Act" be substituted.

The object of the amendment is quite clear from the words thereof. It is to suggest that the collector should follow the procedure for the trial of suits rather than of enquiries which may be purely dependent upon his discretion. The idea is to limit his discretion by certain rules and the best rules that can be thought of under the circumstances are the rules with which he is familiar and which he follows in the trial of the cases every day.

Mr. Speaker : The question is —

For the words "after such enquiries as may be prescribed" in line 34, the words "after such enquiry as is prescribed for trial of suits under the Punjab Tenancy Act" be substituted.

The motion was lost.

Mr. Speaker : Question is—

That clause 5 stand part of the Bill.

The motion was carried.

Clause 6.

Mr. Speaker : Question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clause 7.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I move—

That in sub-clause (1), line 1, between the words "Collector" and "finds" the words "who for the purposes of this Act, shall act as a Revenue Court" be inserted.

I would not repeat the arguments which have been given in support of amendments of a similar character which were moved in connection with other Bills. The object of this amendment is perfectly clear and that is that the proceedings before the collector may be more regular, may be more thorough, more comprehensive and, therefore, more calculated to do justice. As I said the other day a collector is a very busy officer, he is doing so many duties, he is a collector of revenue, he is the chief magistrate of the district, he is head of the Excise Department, he is the head of the Police Department, the Registrar of the district, he is so many things in one person. He is responsible for the maintenance of law and order in the whole of the district and he is also the president of the municipal committee in some cases and of the district board in most cases and with the passing of these Bills more work has been thrown on his hands. Therefore he will find it more and more difficult to do this work as a collector, but if he has to do this work, then my submission is, let him do this work as a court, so that he will be bound by certain rules of evidence and certain rules of procedure and will be able to do that work more thoroughly. For another reason also I would urge this amendment and that is this, that the civil courts are not to have any hand in the adjudication of these matters between the mortgagors and the mortgagees and, therefore, it is necessary that there should be some resemblance of judicial procedure observed by the people who have to deal with such cases.

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

That in sub-clause (1), line 1, between the words "Collector" and "finds" the words "who for the purposes of this Act, shall act as a Revenue Court" be inserted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I might point out to my honourable friend that clause 7 must be read with clause 5 where we have already said that on receipt of such petition the collector

[Premier.]

after such enquiries as may be prescribed shall record an order in writing with reasons stating whether the mortgage in question is one to which this Act applies. He will have to make enquiries and in the rule-making power also we have got it that the Government shall prescribe the manner and method in which the enquiry shall be made. So, I do not think that I can accept this amendment as such as the principle is there already and we will prescribe the manner in which the collector shall make enquiries under the rules.

Pandit Muni Lal Kalra: Mr. Speaker, the amendment that is being now proposed is of a very harmless character and is very useful for the reason that even in ordinary mutation cases, as you are aware, there are questions which are complicated and intricate. Even in such cases, after summary procedure, matters can be taken to civil courts. In the cases under the Bill intricate questions will certainly arise about the restitution of mortgaged property, such as whether it was a mortgaged property or what kind of mortgage it was—and there are so many other questions—would arise and, therefore, it is necessary that the collector should act as a revenue court, as is provided under section 88 of the Punjab Tenancy Act, because there is the satisfaction that the parties concerned in that case will have the right to produce evidence, to quote law and to prove the *bona fides* and at the same time ask for compensation in such cases, but if they are deprived even of such an elementary facility, the question would be that the collector in his capacity as a deputy commissioner may do in his discretion whatever he likes and his finding may be altogether arbitrary. Therefore, I submit that this is an amendment which is a healthy one and which will to a great extent prove useful for the persons who are interested and whose rights are going to be affected by this amendment.

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

Shaikh Karamat Ali (Nankana Sahib, Muhammadan, Rural): I rise to oppose this amendment on the consideration that Dr. Sir Gokul Chand Narang had been pleased to advance a paradoxical argument to-day on the floor of this House. He has several times conceded that the collector is a responsible official and I believe, that everybody who is here in this House will certainly agree with me when I submit, that one who has been called a responsible officer can ill-afford to behave otherwise than be just and reasonable in arriving at certain decisions on transactions under this Bill. It is supposed by him that he is an over-worked officer. I do not understand this argument. What is the meaning of calling an officer an over-worked officer? So far as certain applications under this Bill are concerned, I will take them as mere additions to the cause list of the deputy commissioner and whenever he is deciding them he will not be obsessed with any domestic duties and there is no reasonable ground to believe that he will not properly attend to the business that is before him. I believe that when those applications made under this particular Act are before him, he would decide them with a clean and free mind as if he has got no other work to attend to. So, under these circumstances, I think that the mere fact that a collector is over-worked as President of the District Board, does not warrant that he would not be in a position to arrive at a just decision or arrive at a

true finding. Further, my friend has also raised an objection—not of course on any judicial grounds—that if he were to act as a court he would decide better than when he acts as a revenue officer. Even there I disagree. If the collector has been considered to be in one way permanently associated with a particular form of work, I should say that he would carry that permanent stamp of character even in the decision of cases when he is deciding as a court. That would not certainly alter the position of the collector. Therefore, I oppose this amendment. (*Loud applause*).

Rai Bahadur Mr. Mukand Lal Puri : After hearing the arguments of my learned friend one would be led to think that the civil courts exist in this country on mere sufferance. There is no matter which should be left to the decision of the civil courts. Whatever view might be held as to the amendments of the Land Alienation Act where the collector acts in an executive capacity or whatever view might be held with respect to the registration and licensing of money-lenders where the collector may again have to perform an executive function, there should be no two opinions as to the proper forum for the decision of matters which we are now considering. My learned friend would concede that the decision of a dispute between a mortgagor and a mortgagee is a matter properly for the civil courts. Under this Act he will have to do the accounts-taking between a mortgagor and a mortgagee.

Shaikh Karamat Ali : On a point of order. My honourable friend is discussing the situation here not from the point of view of the amendment put forward but how the civil court could decide. I think he should confine his argument to the amendment that is before the House.

Mr. Deputy Speaker : He is simply developing an argument and he is in order. (*Hear, hear*).

Rai Bahadur Mr. Mukand Lal Puri : Those of us who have to do with cases of this type know very well what a difficult matter it is even for the best of the civil judges to arrive at a correct decision in such complicated matters. Not only is this account-taking to be done but he has also to decide whether a mortgage subsists—a matter which is very difficult. Ordinarily, these matters should have been left to the civil courts but if the civil courts are for some reason or other under a cloud—(*Premier : No.*) If they are not under a cloud, what do the civil courts exist for except for deciding matters of this type? What is the underlying idea in ousting their jurisdiction in matters which are properly within their jurisdiction? But I was submitting that whatever be the policy of the legislature into which it is hardly time to enter, whatever may be the policy as to why these civil courts are being ousted, the prayer is that whatever officer decides that matter, he should decide it as a court, i.e., he should act as if he was discharging judicial functions. I do hope that if a Government wishes to entrust any officer with the decision of any matter it will insist upon his possessing the requisite amount of knowledge and ability to discharge those duties satisfactorily. Therefore, that is a matter for the Government. I take it that the Government will only entrust the decision of these complicated matters to such collectors of whom they can say that they would be able to understand the technicalities and the intricacies of the mortgage law. That is a matter for the Government.

[R. B. Mr. Mukand Lal Puri.]

All that I want to see laid down is that that officer in arriving at a decision should follow the forms of procedure which are laid down for courts and I ask my learned friend, in fact I am surprised at the argument of the honourable member from Sheikhpura, if he would advocate the abolition of procedure of courts in the decision of such cases, I should like him to say for what cases he would like that procedure to be followed.

Dr. Sir Gokul Chand Narang : I have still to reply.

Mr. Deputy Speaker : Amendment Nos. 2 to 8 are in a way similar to amendment No. 1. If the honourable members, in whose names these amendments stand, want to speak, they may speak on this amendment and then all these amendments, if necessary, will be put to vote later—the principle involved being the same. In that way we will be able to save some time.

Dr. Sir Gokul Chand Narang : You have put them on their guard and given them a warning.

Lala Bhim Sen Sachar : Sir, the amendment of which I have given notice relates to line 5 of sub-clause (1) and it says that after the collector is satisfied that the mortgage is such to which this Act applies, he shall proceed further in the matter. What I say is that before he gives his finding he should afford the parties concerned the fullest opportunity for producing evidence. It will be admitted that the task to be entrusted to the collector will be of an important nature. He will have to apply the best of his judicial talents in determining the matters before him. When that is so and when there are parties more than one, who will be affected by his decision, it will be right that these parties are given an opportunity of placing their case as fully as possible before the collector; and not only that but the collector should be bound to record evidence, because you will agree that this is not a proceeding of a summary nature. We are taking these powers away from the civil courts and placing them in the hands of collectors on the ground that the civil courts delay matters or that it is more desirable to entrust these powers to collectors. But the collector's enquiry should not be of a cursory nature: we expect that the collector will make as full an enquiry as possible into the facts of the case before him and for these reasons we have given notice of this amendment. I hope Government will accept this amendment unless this will be thrown out on the score that this amendment has been moved by the Congress party.

Lala Duni Chand : Sir, up to this time the boast of the Government has been that nobody should be punished except under the law. It has been the boast of the Government that no right should be taken away except by conforming to the form of procedure. There is the Civil Procedure Code and the essence of this code is that before any right is given to anybody or before any right is taken away from anybody, a certain procedure must be complied with. What is the position now? Good-bye is being said to all forms of procedure. There is the amendment of Mr. Puri. He merely says that the procedure prescribed for suits under the Tenancy Act should be adopted in the proceedings under this Act. There is the amendment of my friend Mr. Sachar. He says if you are not going to accept the amendment it must be the duty of the collector that before he extinguishes the

mortgage and before deciding a case under this Act he should hold some sort of enquiry and should record the evidence. That amendment is to be rejected summarily. I want to know from the Government whether they have any respect for the law, for the spirit of law. It is out-heroding Herod. This Government is making an improvement on the previous Government.

Mr. Deputy Speaker : Please speak to the motion.

Lala Duni Chand : I am giving reasons why this amendment should be accepted and certain procedure should be laid down. These powers are being given to the executive Government. The executive Government shall make some rules. I say when you are dealing with a question of such momentous consequence it is not fair to those who are affected by the decision of the question that at least some right should be given that they should produce evidence and should have the satisfaction of placing their case before the collector exercising the powers of a revenue court. We are simply wondering to what limits we are going. I know it is hoping against hope. What we say is and I would invite the attention of the Government that they may go on doing this for 3 years, 6 years or even ten years but the day of reckoning is bound to come, the nemesis is bound to come.

Premier : Sir, you will not expect me to attempt to answer the rather irrelevant speech made by my friend who accused us of out-heroding Herod. (*Dr. Sir Gokul Chand Narang :* Are you replying?) I have not spoken yet. Let me point out that we are doing nothing more or nothing less than what we have already done in the case of several important enactments.

Lala Bhim Sen Sachar : On a point of order. I am afraid the Honourable the Premier has spoken already. The Chair ruled that these amendments should be put together.

Dr. Sir Gokul Chand Narang : Sir, the only reason why I have got up to reply is to say a few words with respect to the arguments, if they can be called by that name, advanced by my honourable friend, Shaikh Karamat Ali. He accused me of having urged paradoxical arguments. What was the paradox? He said that on some occasion, which I cannot recall, I said that the collector is a responsible officer. If I said it before I was perfectly right and if I did not say before I say it now that the collector is a responsible officer, a very responsible officer, a most responsible officer. What I want by this amendment is to make him all the more responsible (*hear, hear*). No one will deny, even Shaikh Sahib will not deny, that when an officer sits as an executive officer he acts in a different manner from that in which he would act if he was sitting as a court. Because, then he is bound by certain rules of evidence and procedure and therefore his consciousness of responsibility is much greater than it is when he is acting in his executive capacity. I have not been able to discover any paradox in the argument which I have submitted. Even a patwari is a responsible officer, a very responsible officer. Once he lays the foundation of claims to lands, sometimes it is impossible to set them aside even by the Privy Council. All the higher officers act upon what the patwari has entered in the revenue records after they have been duly checked by higher authorities. Therefore, a patwari is also a very responsible officer. Would my honourable friend then entrust the decision of those cases to a

[Mr. Sir Gokul Chand Narang.]

patwari or to a kharango? Certainly not. The difference between a collector and a patwari, so far as the executive capacity is concerned, is one of degree and not of kind. Therefore, when I suggest that the collector should be made to sit as a court, I do not mean any discourtesy to the collectors. In fact, whenever I have spoken against collectors acting in their executive capacity, I have always been careful to pay compliments to them, to call them responsible officers, able and competent officers and possessed of all sorts of virtues. But I would not allow even a High Court judge to dispose of cases in a summary way. If the cases involve the question of title and rights to property worth thousands and lakhs, I would certainly ask even the High Court judges to act in a judicial capacity and not in an executive capacity. That is so far as the paradox is concerned.

Then, Sir, he said that the collector would be always responsible when he was disposing of those cases. No other calls or distractions would take him away from the decision of those cases. When he is acting as an executive officer, he has so many other duties to attend to and he will be exposed to the temptation of going through the work that is in hand as expeditiously and summarily as possible. What my contention aims at is that that temptation of disposing of cases in a summary manner should not be placed in his way. Expeditiousness is good, but if a judge sits down and says, 'I must finish these 12 cases to-day', then he is liable to do injustice because then he will not be able to pay the same attention as if he was not weighed by this feeling that he has to dispose of so many cases a day. Then the judge ceases to be a judge and becomes a contractor. The work done on a contract is never as good as the work done *amasi*. I am only giving an illustration. I do not mean that any collector or any other officer takes up the work exactly in that spirit of contract at all. Certainly not. I do not mean that. I am only comparing the same gentleman sitting as an executive officer with the same gentleman sitting as a court. It cannot be denied by any reasonable person, who is at all conversant with the procedure in courts, that a person sitting in a court is likely to do more justice and to act more judiciously than if he was sitting as an executive officer.

Mr. Deputy Speaker : The question is that—

In sub-clause (1), line 1, between the words "Collector" and "finds" the words "who for the purpose of this Act, shall act as a Revenue Court" be inserted.

The motion was lost.

Mr. Deputy Speaker : If any of the honourable members, in whose names amendments Nos. 2 to 8 stand, wants to move his amendment he may do so. It will be put to the vote of the House, but the mover shall not be allowed to make a speech.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : I beg to move that—

In sub-clause (1), line 5, between the words "finds" and "that," the following be inserted:—

"after making such enquiries as may be prescribed, from the parties concerned and recording evidence."

The motion was lost.

Lala Bhim Sen Saehar (North-Western Towns, General, Urban) : Sir, I beg to move that—

In sub-clause (1), line 7, between the words "exceed" and "the" the word "double" be inserted.

It is not necessary for me to make a long speech in support of my amendment. It is very obvious to fix the criterion of double the amount.

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

In sub-clause (1), line 7, between the words "exceed" and "the" the word "double" be inserted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, you must have noticed that we have, in the clause as drafted and approved by the select committee, included the words "equal or exceed", which means that we have strictly adhered to the spirit of the rule of *damdupat*. My honourable friend now wants something more than that and I am afraid he has not adduced any logical reasons for fixing that amount. You might as well say, treble, 4 times or 6 times. We have gone on a definite principle, that is, the spirit underlying the principle of *damdupat* and, therefore, any other figure would not be logical. It may be satisfactory from the point of view of my honourable friend or those of his view of thinking, but it would not be logical.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I will make only one or two observations. Whatever the scale of compensation you may fix, it may be five times the land revenue, ten times the land revenue or fifteen times the land revenue, you cannot call it a compensation. It is nothing as compared with the market value of the mortgaged land; it is mere camouflage. (*Khan Bahadur Mian Mushtaq Ahmad Gurmiani*: What amendment is the honourable member discussing?) The amendment moved by my honourable friend, Lala Bhim Sen Saehar. If Malik Barkat Ali were here I wanted to put him a question as he is an expert lawyer; whether 15 times or 30 times the land revenue is only an artificial value for determining the jurisdiction. Thirty times the land revenue by no means represents the market value of the land. It really means that so much is fixed for the purposes of jurisdiction value or court fees value.

Mr. Deputy Speaker : These details are not relevant.

Lala Duni Chand : Sir, I am trying to show that what the Government has fixed as compensation is nothing. Am I not within the rules of relevancy? Any lawyer will tell us that it has been laid down by a number of rulings of the High Court that the market value of land in the Punjab is two hundred times or four hundred times the land revenue. Supposing there is a mortgage of five hundred bighas of land say for Rs. 5,000, five times the land revenue may be only Rs. 50. Will this sum be a measure of compensation? I have no objection to having no compensation at all, but it should not be proclaimed before the world that we are giving compensation. This is no compensation. For these reasons, I strongly support the amendment now before the House.

Parliamentary Secretary (Raja Ghasanfar Ali Khan) : This amendment relates to the compensation to be determined by the collector to the mortgagee when ordering the restoration of the land to the mortgagor. My

[Raja Ghazanfar Ali Khan.]

honourable friend, Lala Duni Chand, has tried to prove that the Government are merely, to use his own words, camouflaging and that they are not giving any compensation. With your permission, Sir, I will quote facts and figures and will leave it to the honourable member to judge for himself whether his arguments are fallacious or not. I will show by these figures that the mortgagees have derived the benefits more than 10 times the amount originally advanced. Supposing we take the year 1935. The total area under mortgage is 5,048,808 acres. This area is assessed to a land revenue of Rs. 59,70,339. Now in accordance with the speech of the Honourable Premier made the other day, it was stated that while assessing the revenue the Government assessed revenue at the rate of one-fourth of the produce. Therefore, if my honourable friend will multiply this figure of Rs. 59,70,339 by four and if we take it that the average period under which this land remained under mortgage is 50 years, he will find the average benefit derived by the mortgagee. I am taking the figure 50 years, because this Bill relates to the mortgages of lands as back as 1878 and if we count up to 1938, it will be about 60 years. But on the other hand if we take another piece of land which was mortgaged in 1900, that is a few months before the Land Alienation Act came into force, the period will be 40 years. Therefore I have taken the average, i.e., 50 years. Now, if you multiply the figure which I have already given, namely, Rs. 59,70,339 by four and take into consideration the period for which the mortgagee held that land in his possession, we find that the average benefit which he has derived per acre comes to about Rs. 189. It is Rs. 284 per acre maximum in the case of land mortgaged for 60 years and Rs. 139 is the minimum. Therefore, the average comes to Rs. 236 per acre. But if you observe the figures given in the revenue reports you will be pleased to notice that the average price of land per acre is Rs. 60. I am not taking into consideration the question whether the mortgagor has been paying interest. Suppose a man has mortgaged his land for cash payment. The mortgagee would still have derived four times the amount which he originally advanced.

Lala Duni Chand : Then, is it the contention of the honourable member that because the mortgagee has received three or four times the value of the money he advanced, therefore, he should be entitled to no more compensation? If so, I have no quarrel with him.

Raja Ghazanfar Ali Khan : That is exactly my position. If the mortgagee has received more than twice the amount he is not entitled to anything more. On the other hand, if he has received less than twice the amount, then we have proposed a scale of compensation. I personally consider that there will not be any case where a mortgagee has not derived more than four times the benefit. Therefore this section will not be very much operative except of course in certain very, very rare cases where land has not been in his possession for certain reasons beyond his control. I do not like to tire the House by quoting figures for various years. As a matter of fact, the figures I have quoted will satisfy my honourable friend.

There is a great difference between the amendment moved by me and the one moved by Mr. Bhim Sen Sachar. The difference is this; when my amendment definitely says twice the amount originally advanced, his amendment

is vague and ambiguous. If you read the original clause you will find that the intention is that if the man has derived benefit more than twice the amount originally advanced he should not be entitled to any compensation. It is merely with the object of making the clause more clear that I have thought it necessary to give notice of my amendment and I hope it will be accepted unanimously.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : The amendment of Raja Ghazanfar Ali Khan is practically the same as the one moved by Lala Bhim Sen Sachar. But there is another amendment in the name of Mir Maqbool Mahmood and I do not know whether he intends to move it, but I think it is a bit more clearly worded than either of these two amendments. In any case I oppose both the amendments now before the House. My reasons are these. It has been assumed, and this is what I gather from the speech of the Honourable Premier that by introducing these amendments they are carrying out the principle of *damdapat*. I have no quarrel about the expression *damdapat*; ancient law gives certainly prescribed this limit. But what is the interpretation of this expression? At the time when this principle was laid down there was no law of limitation. So far as my knowledge goes, Manu Smriti or any other Smriti which may be quoted in support of this principle does not lay down any law as to limitation. If there was any gentleman here of about a hundred years of age, he would support me when I say that until the British people came to this country there was no such system of law known as the law of limitation as has been introduced into this country by the Limitation Act. What did the people do before this law of limitation came into force? No one ever denied his liability. There were no legal quibbles and there were no laws which encouraged debtors to deny their liabilities. In fact it was considered as one of the greatest sins to deny one's debt, or to refuse to pay back what one had borrowed from one's neighbour. It was also considered a great shame in society, as it was then constituted, to deny one's liability for debt. Therefore, debtors always were ready to pay their debts if they could. If you talk to very very old people they would tell you that no one showed any inclination to be dishonest or any inclination to deny his liability. What used to happen was that the money-lender would go to the house of the debtor and sit *dharna* at his house and would not leave the house until the debt was paid provided the borrower could pay. Not only that. It was a well recognised convention which was permitted by society as constituted in those days for a creditor to catch hold of the debtor if he turned dishonest and to bring him to his own house or to his shop and put his legs in stocks. This practice as called *kath marna*. The debtor was chained to the stocks, a contrivance made of wood with holes in it in which the legs of the debtor were put and screwed and he was thus detained until he agreed to pay his debt or some relations of his came and paid the debt due from him. This was recognised by the society of those days. Then came the law of limitation. In those old circumstances the principle of *damdapat* might have been in force. But that did not mean that a debtor could evade his liability for an indefinite period of time or a creditor kept quiet for 50 years or 60 years. Probably there was no such system of mortgages as prevails in these days and people lent only to those in whose honour they trusted and people who borrowed kept their honour and paid their due debts

[Dr. Sir Gokul Chand Narang.]

so that if it was a matter of three or 4 years or 5 years or on account of bad seasons even six or seven years, no creditor was allowed by custom or under the injunction of Shastras more than double of what he advanced. But is there any authority in any of the Smritis or ancient laws which deserve any respect that if a debtor refuses to pay his debt for 50 years, provided it could be kept alive by some device, the creditor is not authorised to recover more than double the amount which he had advanced? My submission is that there is no such provision. Even under the Relief of Indebtedness Act which the Punjab Government passed a short time ago what was provided for was this, that the interest was restricted to a certain rate and when the debt and interest were added a new starting point was fixed and after that date it has been provided—that the creditor would not be allowed to recover more than double the amount standing on that date. Let me make it clear by giving an example. Supposing in 1930 I advanced Rs. 1,000 to some one at 10 per cent. interest and on the 1st of January, 1935, say, when the Act came into force that debt stood at Rs. 1,500. Now that Rs. 1,500 would be the starting point and even if my debt after that date stands out for ten years I shall not be entitled to recover more than Rs. 3,200, not that I shall not be entitled to recover more than 1,000 plus 1,000 or Rs. 2,000. That is not the law as passed by the Punjab Legislative Council only about 9 or 2½ years ago. The starting point was fixed. Now the Honourable Premier says, it does not matter if the limitation for the redemption of mortgages is 60 years. If a loan was advanced say in 1878 and the redemption takes place in 1938, the mortgagee is not entitled to recover more than twice the amount advanced in 1878. This is the proposition which is now being urged. If he advanced Rs. 100 in 1878, he is not allowed to recover more than Rs. 200 in 1938. This is the position. I will just present to you the other side of the picture. Supposing the mortgagee who had Rs. 100 in 1878 had not invested it in mortgage but had invested it in some other way or say in Government promissory notes at 5 per cent. even. (Premier: Three per cent.) But even then my submission is that he would be entitled to interest and compound interest on the investment that he has made. I would ask the Honourable Premier who said 'at 3 per cent.', is he not aware that people with whom we are dealing are not in the position of the Government of India or the British Government? The security of the gentlemen, the mortgagees we are discussing today has no comparison whatsoever with the security of a stable and powerful empire like the British Indian Empire or the British Government in Great Britain. It is, therefore, entirely out of question to institute a comparison between these original mortgagors and the original mortgagees and the British Government and people who invest in British or British Indian securities. Let us for a moment think what the reasonable rate of interest in those days was. My honourable friend would not deny that 12 per cent. was the ordinary rate at which the ordinary zamindars borrowed money. Even their sabukars could not borrow at less than 12 per cent. Until recently, 30 or 25 years ago I can quote hundreds of instances where the sabukars have been borrowing at 12 per cent. and advancing to the agriculturists at 18 or 20 or 24 per cent. (Interruption). Even Government was borrowing at a much higher rate than 2 per cent. Even the Punjab Government borrowed, as my honourable friend says, at 5½ per cent. I will not take either 24 or 12:

per cent. on the one side or 8 or 6 per cent. on the other. It would be unfair to take 8 or 6 per cent. and it may be considered equally unfair to take 24 per cent. But I ask my honourable friends whether it would be considered unconscionable or extortionate to charge 10 per cent. even in these days and can they say that a rate of 10 per cent. interest was extortionate or unconscionable 60 years ago when these mortgages or some of them were actually executed. I would take 10 per cent. and I will show what this mortgagee, if instead of having invested his money in that way, had lent it out at 10 per cent. would have got in 1938. It is a very simple matter and this could be easily calculated. At 10 per cent. a sum of Rs. 100 would in—

	Rs.
7 years amount to	200
14 " "	400
21 " "	600
28 " "	1,600
35 " "	3,200
42 " "	6,400
49 " "	12,800
56 " "	25,600

I shall stop there. Rs. 25,600, it looks horrifying.

But the rate of ten per cent. was charged by the hypothetical investor, not from an agriculturist but from a sahukar who was borrowing in order to advance to others and not only to advance it to others but even for celebrating his daughter's marriage or his son's marriage or for meeting such other expenses. I ask these gentlemen even now, let them go to the countryside and ask the country sahukars at what rate of interest they borrow, so that they may know that it is not only the agriculturists who pay Rs. 25,600 after 56 years, but it is the sahukar also who would have to pay Rs. 25,600 for one hundred rupees which he borrowed in 1878. It looks very alarming, but you should remember that during these 56 years—the original borrower married, he produced sons, after that he had grandsons and that one man has grown probably into a big family since he borrowed one hundred rupees which probably he spent on marriage at that time (*laughter*). This is only by the way. They considered the multiplication of the money during 56 years, but they did not consider the multiplication in which they have been themselves engaged during the last 56 years. This is the position, so that it is not a question of being horrified at one hundred rupees becoming Rs. 25,600. I am not going to make any member of this House in Rs. 25,600, I have given this only as a mathematical calculation. For what purpose? Only to show that a person who invested his one hundred rupees in mortgage in 1878 even if the benefit that he has received is four times the original principal consideration of the mortgage, he should not be considered a tyrant, he should not be considered a rapacious money-lender, and he should not be considered a man who can be robbed with impunity by paying him Rs. 200 at the end of 60 years or so. Now, I come to what he might have been receiving during these 56 years. How much has he received? Now, the calculation which was urged before the House by Raja Ghasanfar Ali was, to use a very respectful word, not quite sound. It was full of—well—it contained a fallacy.

Raja Ghazanfar Ali Khan : Just like a zamindar.

Dr. Sir Gokul Chand Narang : Our Speaker is a zamindar but he is a very good mathematician. So I do not think zamindars do not understand arithmetic. They are very clever now. Some of the zamindars are more clever than the much maligned money-lender and can refer you to the Judges of the High Court, Judges like the late Sir Henry Rattigan and others who have said, it is a myth to say—and they said it probably 20 years ago—it is a myth to say that the agriculturist of the Punjab is a simpleton and helpless fellow who does not understand his own interest. This is what the High Court judges, impartial European judges, have pronounced about the so-called simplicity and helplessness of the zamindars. But that was a parenthesis.

Mr. Deputy Speaker : This is not relevant to the motion.

Dr. Sir Gokul Chand Narang : So far as that was concerned, yes, it was in a way irrelevant, though I could justify it, but I am not at present joining issues with you in this connection. So far as the calculation that the hon'ble member presented to us goes it is this. He says the total area of land under mortgage in 1935 was 5,048,808 acres. I believe that is the figure he gave, and the land revenue payable on this is Rs. 59,70,999, if I could follow his figure correctly, and upon this he builds an argument. He says this revenue represents only one-fourth of the assets—he did not use the word net assets—but I believe he meant net assets—one-fourth of the net assets; therefore, it means that the persons who were assessed to this amount of land revenue must have collected assets worth four times this figure of land revenue. Does he himself understand it?

Raja Ghazanfar Ali Khan : Yes. The Honourable Minister for Revenue says it is 16 times.

Dr. Sir Gokul Chand Narang : This was his calculation. Now the first flaw in the argument is this. When we are dealing with land under mortgage to the extent of 5,048,808 acres we assume, or rather he assumes that all this land was probably in the possession of one man, or that the conditions of the various people who held this land on mortgage were exactly identical. This is the first flaw, as this is not the case.

Raja Ghazanfar Ali Khan : No. I do not assume that.

Dr. Sir Gokul Chand Narang : He says, he does not assume that. If so, then there is no force in his argument. It may be that some people out of them might have made ten times of what they spent, it may be that some people have not recovered the principal mortgage money which they advanced.

Raja Ghazanfar Ali Khan : I agree.

Dr. Sir Gokul Chand Narang : My honourable friend agrees. My submission is that to apply a formula indiscriminately to a whole class of people without taking into consideration the rights or wrongs of the individual cases is following a wrong principle, because by applying this one common formula to thousands of mortgagees, their number must be thousands, you might be doing a great injustice in some cases and you might be doing an undeserved favour to others. Therefore, I submit that this is a faulty way of reasoning, and should not have been adopted for the purposes of this clause.

Then, secondly, the hon'ble member forgets that when these calculations are made, many expenses are left out. I am not sure and I would stand corrected if I am wrong. If there is a family of agriculturists, say a father, a mother, daughters and sons. They are all working. If they have half a dozen bullocks they are all working. The lady of the house, the chauthrani gets up in the morning. She grinds the corn, I am talking of poor people and not of big zamindars, she grinds the corn, then if they are fortunate enough to have a cow or buffalo, she churns the milk. All this is done before the sun rises whether it is winter or summer. Then she cleanses the utensils of the House and plasters the *chaukas*—and other parts of the House. Then she takes a little bread left over from last night *bas roti* or cooks fresh bread and when this is done, she goes with a *dohari* or an earthen pot full of whey and with a few loaves of bread on her head to the farm which may be at a distance of a mile or even more. There she feeds her husband and sons or brothers who might be working there and who may have probably been working since midnight ploughing the fields. They take their breakfast there. She does not waste her time there. She goes and picks up fuel from here and there to bring home. Not only that. If the crop is in ear, she plucks the ears of wheat or barley, as the case may be, because she has no store of flour in the House. She brings them to the House, then she beats them into corn to prepare the flour for the next day or for other meals of the day with the fuel which she has brought from the field. All that work goes towards making the assets of an agriculturist. Do you take that into calculation? (A voice: Never.) You never take that into calculation. Then the labour of the father of the family. I could explain his condition in words which would bring tears into your eyes and into my eyes. You know because you are a Jat yourself. You may be rich but you may have poor neighbours and relations and you know the life that they lead. We are tired of working six hours here. They work eighteen hours a day and then they get a poor ration of bread not with butter. They would be lucky if they get a little *lassi* and salt with their bread. Do you include that labour and labour of the brothers and sons and daughters into the calculations that you make and of the bullocks as well? You do not. Coming now to the application of these calculations. The income cannot be counted on this estimate. You should add that labour also. If the mortgagee is in possession he puts in that labour himself if he is an agriculturist, because you are taking them also into consideration now. You are not making any allowance for that labour. If he is not an agriculturist himself and keeps that land *khud kashi*, he employs labourers whom he has to pay in cash or in kind out of the produce of the land. If you take all that into consideration, the whole of your calculation falls to the ground and you cannot say that this income has been four times or ten times or fifty times of what he has received. If you have to institute a comparison do institute it on the lines that I have suggested. Calculate even at 6 per cent. This is a rate of interest at which many of us will consider themselves lucky if they could get accommodation. If he would calculate even at 6 per cent.—the rate at which big empires sometimes borrow—even then a hundred rupees would come to a lot. It may not be 25 thousands, it may be much less, you can calculate in two minutes. In twelve years a hundred rupees would become two hundred ordinarily. In 24 years it will become four hundred. In 36 years it will become eight hundred and

[Dr. Sir. Gokul Chand Narang.]

in forty-eight years it will become sixteen hundred and in sixty years it will become thirty-two hundred rupees. That one hundred rupees in sixty years, if I am not mistaken, would at least become several thousand rupees. Can you say that 6 per cent. is an extortionate rate of interest? Certainly not. How many zamindars are here in this House, which is full of big zamindars, who can borrow even at six per cent.? I would not go into people's private affairs but I can state without any fear of contradiction that not 5 per cent. of the people present in this House can do so.

Rai Bahadur Mr. Mukand Lal Puri : Not one per cent.

Dr. Sir Gokul Chand Narang : I would say not more than 5 per cent. of people present here including the Ministers themselves--I may make bold to say -- would be able to borrow at less than 6 per cent. So, if by investing one hundred rupees in 1878 at such a low rate of interest as six per cent., the investor would get Rs. 3,900, i.e. 39 times of what he invested, is there any justification now to restrict him to two hundred rupees in place of one hundred rupees which he advanced in 1878? (*Interruption.*) Even if he had invested in Government securities, let us say at 5 per cent., you can calculate it would even then come to about two thousand rupees. Even at 3 per cent. it would be much more than the Honourable Premier is now proposing to give to the mortgagee who invested his money in 1878. My submission, therefore, is that my honourable friend's argument and the proposition advanced by the Premier are not at all sound and do not meet the justice of the case.

The principle of *dandapat*, therefore, does not come into play so far as this case is concerned. You are probably aware that in the Bill, as it stands, they did not make any provision even for this amount -- twice the amount. One might at the first view feel a certain amount of satisfaction that good sense was dawning upon some of the members of the Ministry. The proposition they had originally published in the Bill appeared so atrocious and monstrous... (**Rai Bahadur Mr. Mukand Lal Puri :** This is worse than the original Bill), that double the amount might on a superficial view look satisfactory but then I come to the other side of the picture. It may be that a collector might have arrived at a higher figure than twice the amount under the Bill as it stood and it may with this amendment work a greater hardship on the mortgagee than the Bill as it stood might have done because the collector might calculate the amount due by taking into consideration a reasonable rate of interest. No judge, whether he sits as an executive officer or as a court, can ignore the broad principles of equity which must be recognised universally. You know that if I borrow money, and there is no rate of interest even prescribed in some cases, interest may be awarded not on the basis of the contract but by way of damages or compensation. You must be familiar with such cases where interest is awarded even when there is no contract to pay interest because every reasonable person thinks that if A uses B's money for some time he ought to compensate him in one way or another. I do not mean any disrespect and I would like to be understood in the spirit in which I am speaking, even some of the most pious people who are forbidden to charge interest, charge it in one form or another. They do not call it interest but they call it *munafa*. They give some money on loan to a shop-keeper and supposing the shop-keeper makes

some profit they would, without being partners in the legal and ordinary sense of the term, share in the profits, but they would not share in the losses if the business ends in a loss. So that even those pious and very religious people are not afraid of receiving some compensation for the use of their money by the borrower. Therefore, a collector, if he acts reasonably and justly, may make some allowance for interest at a reasonable rate when he is calculating the amount which must be awarded to the mortgagee. When he is calculating the amount of benefit he must not only take into consideration the principal but also the interest which he might consider reasonable; and therefore the amount of benefit received may in this case be higher than what is proposed in this amendment. From whatever point of view you may look at the amendment, Sir, it does not seem reasonable or just. I would therefore oppose it.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban) : Before I proceed I would like to know from the Honourable the Revenue Minister who has been fathering this Bill rather half-heartedly as to what is meant by sub-clause (1) of clause 7. I think there is some ambiguity about it. The way in which my honourable friend, Dr. Sir Gokul Chand, has interpreted it, is not, what I think, the interpretation that should be placed on this sub-clause. I would therefore like to know from the Honourable the Revenue Minister as to what he means by the words "equal or exceed the amount due under the mortgage." The amendment proposed by my friend, Raja Ghazanfar Ali, to my mind, reduces the amount that should go to the mortgagee more than this clause as it stands does. I would like to have an interpretation of my honourable friend, the Revenue Minister, so that I may proceed with it.

Mr. Deputy Speaker : It is for the honourable member to interpret it in a reasonable way.

Lala Deshbandhu Gupta : I thought it would be helping me.

Mr. Deputy Speaker : The honourable member may speak to the motion, if he likes.

Lala Deshbandhu Gupta : I think, I am perfectly within my rights to ask for a correct interpretation. Well, Sir, I beg to support the amendment that has been moved by my friend Lala Bhim Sen, and in doing so I would submit that it is wrong to interpret the principle of *dambhapat* as meaning that the interest should not exceed

Mr. Deputy Speaker : This argument of the honourable member has already been advanced.

Lala Deshbandhu Gupta : I do not think that it has : there is some difference in what I am saying.

Dr. Sir Gokul Chand Narang : Sir, may I ask which amendment of Lala Bhim Sen is before the House because it appears from the motion of Lala Deshbandhu Gupta that he is not supporting amendment No. 14.

Mr. Deputy Speaker : Amendment No. 14 is before the House.

Dr. Sir Gokul Chand Narang : Then it is double the amount.

Lala Deshbandhu Gupta : I think there is some confusion and the Minister should not talk with reserve. If the clause means that the amount due under the mortgage means the principal as well as the interest that should

[Lala Deshbandhu Gupta.]

accrue on a certain date on that capital, that is, I think, the reasonable interpretation which should be placed on this sub-clause and if it means that I think the effect of the amendment moved by Raja Ghazanfar Ali Khan would be probably to reduce the amount which according to this clause should accrue to the mortgagee, and the amendment proposed by Lala Bhim Sen is that the amount due should be taken into consideration by calculating the benefit which accrues to the mortgagee. With these words I support the amendment.

Malik Barkat Ali : I am really surprised at the amendment that has been tabled on behalf of the Congress Party, because it appears to me that in the good name of the Congress an amendment like that could never have emanated from this quarter. What is the amendment? The clause as it stands in the Bill is as follows :—

If the Collector finds that the mortgage is one to which this Act applies, he shall, notwithstanding anything contained in any other enactment for the time being in force, in cases where he finds that the value of the benefits enjoyed by the mortgagee, while in possession, equal or exceed the amount due under the mortgage—

According to the amendment proposed, the mortgagee on the date when the collector takes account is entitled to twice the amount due under the mortgage. Under the terms of the mortgage the mortgagee is entitled to the principal amount plus all the interest that has accumulated and nothing beyond that can be claimed by him from the mortgagor; and yet my learned friend who has tabled this amendment wants the mortgagor to pay not this maximum only but double this maximum. On what authority, and under what law and according to what rules of morality do my learned friends impose upon the mortgagor the obligation or penalty of double the maximum to which under the terms of the contract he is liable. When the mortgagor is not liable to pay anything more than the principal plus the interest that has accumulated, and due at the time when the collector takes account, do you want to penalise this poor mortgagor, who has my sympathy, who has the sympathy of this House if this Bill is passed and the sympathy of the Government which has tabled this Bill? You are penalising the mortgagor by compelling him to pay double the amount of what he is liable under the terms of the mortgage. I hope my friends opposite are following me and they will realise that it was perhaps in an unthinking moment that this amendment was tabled by them. If, however, it was not tabled in an unthinking moment and if, as Lala Deshbandhu Gupta has said the reasonable interpretation of the words "the amount due under the mortgage" means the principal plus the interest due on the date of account—that is the maximum liability of the mortgagor,—how can you double this liability? This is my respectful submission to those friends, Dr. Gopi Chand Bhargava, Munshi Hari Lal, Sardar Sohan Singh Josh, the friend of the poor, Mr. Dev Raj Sethi, to whom this remark equally applies, and Lala Deshbandhu Gupta....

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

Malik Barkat Ali : My respectful submission is that I oppose the amendment of the Congress on the very obvious ground that the obligation

of the mortgagor cannot exceed the obligation imposed on him under the terms of the mortgage contract. How is it open to anybody to double that obligation? Is it not penalising the poor mortgagor? I oppose the amendment of the Congress but support the amendment of Raja Ghazanfar Ali Khan, because one can understand the words twice the principal sum originally advanced as the maximum of the amount which is due to the mortgagee but it is difficult to understand "twice the amount due under the mortgage" as a measure of the legal obligation of the mortgagor.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, I cannot understand the theory underlying twice the amount of what was originally due as principal. This is a kind of *take ser bhaj* *take ser khaja*. That is how you fix the amount, irrespective of the number of years that a mortgage may have been in existence, irrespective of the number of years that the money may have been outstanding. You give him twice the amount if the mortgage has been outstanding for 40 years. You give him twice the amount if the mortgage has been outstanding for 100 years. The amount due on a mortgage necessarily depends upon the time for which a mortgagor, a borrower, has had the use of his money. The rule of *damdapat* really applies, as those of us who understand it know, to debts which are not renewed after the period of limitation. Therefore, there is no earthly reason why twice the original amount should be given. If I may refer you to another argument you will find that even those persons, who might have bought Government pronotes in 1878 at a very low rate of interest like 8 per cent. would have received about 3 or 4 times the interest. Is it contended that those original Government bonds and promissory notes should now be wiped off? After all what is a mortgage? A mortgage is a loan secured by the security of immoveable property. Anyone who wishes to make good investment considers the mortgage of immoveable property as the safest investment and if during the course of 40 or 50 years that borrower has had the use of money and supposing more than the principal has been paid in interest, is there anything improper in it, is there anything inequitable in it? If you wish to interfere with the mortgages which are inequitable and unjust and whose terms are hard, you are at liberty to do so. In fact this legislature has already interfered with those mortgages by the amendment of the Usurious Loans Act. According to the amendment of the Usurious Loans Act, in 1934 in the Punjab, and which was given a retrospective effect no more than 9 per cent. interest can be allowed on mortgages, so that if according to the terms of the mortgage a higher rate of interest was fixed, that higher rate of interest, according to the law now in force, will have to be scaled down. If you think that the rate of interest is higher than the present temper of the House is, reduce it to 6 per cent or 7 per cent. Allow the mortgagees that rate, and deduct from the amount due, the benefit that he has derived and give the balance to him.

Lala Bhim Sen Sachar: Sir, there are just a few words I want to address, through you, to the Honourable Premier. The honourable Malik Barkat Ali has pointed out his objection to the amendment that has been moved by me. There is another amendment that has been moved by Raja Ghazanfar Ali Khan. I have no hesitation in frankly admitting that neither my amendment nor the amendment of Raja Ghazanfar Ali Khan is properly conceived. I have not the slightest hesitation in admitting

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this. There has arisen a confusion in the wording of the clause itself and in the wording of the amendments, as given notice of by me and by Raja Ghazanfar Ali Khan. The Honourable Premier takes his stand on the law of *dandupat*, if I understand him correctly. We are told now to make a mental adjustment and to conform ourselves in our conduct and commercial dealings to the rule of *dandupat*. I shall request Raja Ghazanfar Ali Khan to say whether he has conceived his amendment on the strength of the rule of *dandupat* as understood by him and as adumbrated by the Honourable Premier. If I am correct in my assumption, then I shall make bold to say that the Honourable Premier has quite wrongly understood the rule of *dandupat* as it stands. The rule of *dandupat* could not be as unreasonable as the interpretation of my friend Raja Ghazanfar Ali Khan or of the Honourable Premier would make it appear. The rule of *dandupat* says that at the time of recovery the amount of interest cannot exceed the amount of principal. Sir, a man advances Rs. 1,000 and that amount remains in the hands of the debtor, say, for 10 years. The debtor pays the interest on that amount for 10 years when a suit for recovery of the amount is brought in a court of law by the creditor. Now, suppose the interest due at that time exceeds Rs. 1,000 the creditor cannot under the rule of *dandupat* be given more than Rs. 1,000 in the shape of interest, but the amount that has been realised by the creditor before filing of the suit is not to be taken into calculation and is not to be deducted at the time of determining the amount that is due to the creditor. I hold that distinguished authority of Mulla's Principles of Hindu Law, in my hand. If the learned Advocate-General were here, I would have made a present of this to him. On page 616 of the Principles of Hindu Law, 8th Edition, 1936, it is said thus :—

The rule of *dandupat* is a branch of the Hindu Law of Debts. According to this rule, the amount of interest recoverable at any time cannot exceed the principal.

There is also an illustration, and it is as follows :—

A lends Rs. 1,000 to B at interest at 15 per cent. per annum. A allows the interest to run into arrears until it amounts to Rs. 1,200, that is, until it exceeds the principal (Rs. 1,000). A then sues B to recover Rs. 2,200 that is Rs. 1,000 for principal and Rs. 1,200 for interest. A is not entitled to more than Rs. 1,000 for interest, as that is the amount of the principal. But if B pays A Rs. 400 for interest before suit, and A then sues B to recover Rs. 1,800, that is, Rs. 1,000 for principal and Rs. 800 for interest, A is entitled to Rs. 800 for interest, for it does not exceed the principal Rs. 1,000, though he will thereby be getting Rs. 1,200 in all for interest. The reason is that the payment of Rs. 400 and the payment of Rs. 800 would be payments at different times, and all that the rule of *dandupat* says is that a creditor is not entitled at any one time to recover interest exceeding the amount of the principal. The rule of *dandupat* does not say that a creditor shall not in any case be entitled to interest exceeding the principal. The result is that part payments of interest made before suit cannot be added to the amount of interest claimed in the suit so as to attract the application of the rule of *dandupat*.

S. P. M.

Premier : That goes against you.

Lala Bhim Sen Sachar : We have been told in this House that the reason for this limit which is being placed is that according to the rules of *dandupat* if a man has enjoyed double the benefit of the original amount....

Premier : That is not Raja Ghazanfar Ali's amendment.

Lala Bhim Sen Sachar : That is the amendment as I read it. It says 'the principal sum originally advanced'.

Premier : That is principal *plus* interest. If you take an advance of Re. 1 and pay Rs. 2, you pay the principal and the equivalent amount of interest.

Lala Bhim Sen Sachar : What I mean to say is that a man who has advanced 100 rupees, can according to the rule of *damdapat* recover up to 100 rupees in the shape of interest even if he has realized interest exceeding 100 rupees before he came to a court of law. I do not see why we should not modify our notions of benefit that we have to get in such transactions. Times do require that we bring about a change in our outlook. We will have to see that those who are possessed of more than what is necessary in our society willingly give to those who stand in better need of it. We have to move with the times; we have got to hear the voice of the masses outside, as the Honourable Premier has always been pleased to say.

Mr. Deputy Speaker : The honourable member is irrelevant.

Lala Bhim Sen Sachar : I am trying to show that we will have to abide by that social change which cries aloud and those who will hear that call will have to suffer the consequences. Therefore it is necessary that we adjust ourselves to the changed circumstances. But while doing so, we have got to take our stand on principles which are sound and safe. (*Premier :* Hear, hear.) The Honourable Premier has taken his stand on the very holy doctrine of *damdapat*.

Premier : Holy and hallowed.

Lala Bhim Sen Sachar : Hallowed, yes, because it has been adopted by my friend. But the pity is that he is not applying this principle in the sense in which it should have been applied. Personally I admit that so far as this provision goes, we are all very badly placed. If we want to give relief to those to whom relief is due we should adopt measures which actually do give relief to the poor. My submission is that it is not too late for the Government even now to consider and see the just application of the principle of *damdapat*. As I have said before, I am personally in a very bad fix. If I do not press my amendment, I will expect Raja Ghazanfar Ali also not to come forward with his amendment. In the light of the remarks that I have made, I leave it to the Honourable Premier to take a dispassionate view of the whole thing.

Mr. Deputy Speaker : Shall I put the motion of the honourable member to the vote of the House?

Lala Bhim Sen Sachar : No, Sir. I beg leave to withdraw my motion.

The motion was by leave withdrawn.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I beg to move—

(i) That in line 7 of sub-clause (1), between the words "exceed" and "the", the word "twice" be inserted.

(ii) That for the word "due" the words "of the principal sum originally advanced" be substituted.

The motion was carried.

Premier : Before you put the clause to vote I may be permitted to say a few words. Lala Bhim Sen Sachar in his first amendment wanted that enquiries must be made from the parties concerned. That does not appeal to me for this reason that he deliberately wants to restrict the discretion of the collector. Why should he confine his enquiries to the parties concerned? He should, if necessary, go outside the parties and make necessary enquiries or take evidence. I was going to point out to him that there is a provision in clause 13 which will come up later where it has been laid down that Government will define the procedure and I can assure the honourable member that the procedure we lay down will not be restrictive as suggested in his amendment. We will give him instructions that he should make enquiries, if need be, beyond the parties and satisfy himself before coming to a decision. The procedure will be laid down under clause 13. Therefore I do not think this amendment is necessary. As a matter of fact it goes against the interest of the parties concerned.

With regard to the amendment which has been under discussion, my friend Lala Bhim Sen Sachar apparently has become wiser or somebody cited to him Mulla's interpretation.

Lala Bhim Sen Sachar : Why do you not give me credit?

Premier : Very well, he may have the credit if he wants it. My friend Dr. Gokul Chand Narang says, "Why adopt the principle of *damdapat*?" It is not adopting the principle of *damdapat*. What we actually have done is to take the principle of *damdapat* as a criterion on which to base this assessment of compensation to be paid to the mortgagees.

Dr. Sir Gokul Chand Narang : You take the name simply to deceive the people.

Premier : No. It is taken only as a criterion. My honourable friend, if he will remember what I said yesterday, and I quoted figures which could not be challenged, that in practically all these cases, barring certain exceptions which I will mention, the mortgagees must have benefited to the extent of anything like 480 to 700 per cent. That is not the principle of *damdapat*. We have merely laid down a criterion that where they have gone beyond that limit the release of the land must be automatic. That is not the principle of *damdapat* at all. (Interruption). I will study Mulla when I have a little leisure. I tried to explain to my honourable friend that we have merely taken the principle of *damdapat* as a criterion on which to base the assessment on which the mortgagee should be recompensed. That is all. As I said, in several cases you will probably find that the mortgagee has already benefited to the extent of anything ranging between 480 and 700 per cent. There may be exceptional cases as my friend Dr. Narang pointed out and I believe in one of his amendments he has indicated that where it is beyond the control of the mortgagee, either due to river action by which the lands might have been washed away or due to waterlogging or some other cause beyond his control he could not get any return from his land, he will be able to go to the collector and prove that even though the land has been in his possession for forty years he has not been able to take double the amount advanced as benefit from the land. In such a case the collector will go into the question and if he finds that the mortgagee has made out a case he will award due

recompense. It is in order to provide a limit so that the mortgagee may not be put to unnecessary loss that we have provided this clause. But I am sure that such cases are not likely to be more than 10 per cent. In such cases where there is real hardship we have laid down a limit. It is obvious that there should be a limit to the amount of compensation and it is for that reason that we have taken this principle of *dāmdūpat* as a criterion. Otherwise the scale further down makes it quite clear and gives the collector direction as to how he should assess the benefit where the amount fixed in sub-clause 7 (1) has not been exceeded. So, I do not think my honourable friend's argument will hold ground now that I have explained the other side of the picture. The illustration which Dr. Narang cited with regard to the Government securities overlooked one very obvious factor. It is this. In 1875 some people got Government securities at Rs. 100 face value or at par. My friend knows that in spite of the fact that the credit of the British Government and of the Government of India or for that matter of the Provincial Government is very high and it is considered as a gilt-edged security, even these securities dropped down in value to Rs. 60.

Dr. Sir Gokul Chand Narang : Then are you creating war conditions in peace time ?

Premier : No. I am merely pointing out that there is a danger of the capital value of these securities falling. But here in the present case there is no such danger. The mortgagee has got the land. The mortgagee has advanced only about one quarter of the value of the land, therefore he is quite safe. My honourable friend no doubt remembers the well-known adage that 'a bird in the hand is worth two in the bush.' Here it is not only one bird, but practically a whole parcel of land in his possession. Therefore the analogy cited by my friend does not hold good. (*An honourable member :* The mortgagee's right can depreciate). That is why we have provided for compensation.

My friend, Dr. Narang, cited an instance where a person advanced Rs. 100 and by collecting compound interest after a certain number of years he would get Rs. 25,000. I know of an actual instance in my own district where a pro-note for a sum of Rs. 5,000 within a short time amounted to Rs. 5½ lakhs and the court decreed that amount. Even if he sold his property it would not fetch such an amount. (*Dr. Sir Gokul Chand Narang :* Did he approach you for this Bill?) Unfortunately that mortgage which was in favour of a non-agriculturist was transferred to an agriculturist and it is that agriculturist who is going to suffer. (*Dr. Sir Gokul Chand Narang :* He knows how to look after himself). The point which I wanted to make was that it is such instances that make it necessary for the Government to enact such laws, to protect those people who are duped. Our predecessors have been forced, on account of such circumstances, to enact the Land Alienation Act and similar laws.

Now, my honourable friend, Lala Bhim Sen Sackar, suddenly found that *dāmdūpat* should not be the principle which should be accepted even by him or his party. As I have explained, we have not taken the principle of *dāmdūpat* as such. We have merely taken it as a criterion to give an indication to the collector. My honourable friend, Dr. Sir Gokul Chand

[Premier.]

Narang said that in the 1935 Act we had adopted a different calculation and that we have tried to smuggle a different principle in this Bill. I have already said that we do not want to smuggle any principle. We have brought it boldly and without any kind of duplicity. Here you say it was not the principle of *damdapat* which is concerned. But I may draw the attention of my honourable friends to what Madras has done. I will read out two sections from the Madras Act, VI of 1938. There the principle of *damdapat* has not only been accepted but it has been given retrospective effect without any limit. Here are the two sections. One section says :

Where an agriculturist has paid to any creditor twice the amount of the principal whether by way of principal or interest or both, such debt including the principal shall be deemed to be wholly discharged.

Retrospective effect with vengeance. The next section says :

Where the sum repaid by way of principal or interest or both falls short of twice the amount of principal...

the very thing that is now incorporated in this amendment--

such amount only as would make up this shortage or the principal amount or such portion of the principal amount as is outstanding whichever is smaller shall be repayable.

(An honourable member : Please read the sections well). I have read them. It shall be deemed to have been wholly discharged. (An honourable member : That is due). My honourable friend will benefit by studying it later on. I hope that if my honourable friend will now read what Madras has done he will change the view he has expressed--I do not know whether it is on his own behalf or on behalf of his party--and I hope they will not accept that point, because I am certain that the principle which my honourable friend has put forward and which was to some extent visible in his amendment would be this. If a man has borrowed Rs. 100 and that amount has grown according to my honourable friend to Rs. 25,000, my honourable friend Lala Bhim Sen Sachar would want the mortgagor to pay at least Rs. 50,000, double the amount accumulated on that day. (Lala Bhim Sen Sachar : That amendment has been withdrawn.) But that is what my honourable friend has been arguing. Is that the view which the Congress has been taking about the wiping of debts? (Honourable members : No, no). I have quoted Madras and there the Congress has taken the position which I have taken in this Act. (An honourable member : Is it propaganda?) In view of what I have said I do not think it necessary to add anything further and I hope that the House will accept this clause without a division.

Mr. Deputy Speaker : Question is--

That sub-clause (1) of clause 7 as amended stand part of the clause.

The motion was carried.

Mir Maqbool Mahmood : Before Dr. Sir Gokal Chand Narang is allowed to move his next amendment, I wish to raise a point of order. We have already adopted Raja Ghazanfar Ali's amendment to substitute the words 'of the principal sum originally advanced' in place of the word 'due.' That being so, the next amendment proposed by Dr. Sir Gokal Chand Narang which says that in calculating the amount *due* under the

mortgage, is not in order for, there are no such words as *amount due* left in the clause as amended.

Dr. Sir Gokal Chand Narang : If you will permit me, I will submit that Mir Maqbool Mahmood is not at all right in the argument which he has advanced. My amendment really affects the following words in the clause which has been passed, the words—

In cases where he finds that the value of the benefits enjoyed.

The amendment that I propose will affect the calculation of the benefits enjoyed by the mortgagee. That is the point that may be accepted on principle. What has been passed is passed but the question is how he is to determine whether the benefit received is equal to or exceeds twice the original amount advanced. I move—

That at the end of sub-clause (1) the following proviso be added :—

- (i) Provided that in calculating the amount due under the mortgage the Collector shall add to the principal mortgage money compound interest with yearly rests at the rate of nine per cent. per annum and if the rate provided in the mortgage deed is less than nine per cent. per annum, at that rate.
- (ii) Provided that if the land comprised in the mortgage exceeds 25 acres or the mortgagor or his successor in interest is a person assessed to more than Rs. 100 as land revenue inclusive of local rates and other cesses, the petition shall be dismissed.

The motion was lost.

Rai Bahadur Mr. Mukand Lal Puri : I move—

That the following be added at the end of sub-clause (1) :—

In computing the amount due under the mortgage, where no rate of interest is specified in the mortgage deed except that profits are stipulated in lieu of interest, interest at the rates provided for in the Unsecured Loans Act as amended by the Punjab Relief of Indebtedness Act will be allowed for the period for which deduction is made on account of profit.

The motion was lost.

Raja Ghazanfar Ali Khan : I beg to move—

That in sub-clause (2), line 2, for the word "considers" the word "finds" be substituted.

The motion was carried.

Raja Ghazanfar Ali Khan : I beg to move—

In lines 2—4, for the words "after taking————", sub-section (1)" the following be substituted :—

The value of the benefits enjoyed by the mortgagee while in possession is less than twice the amount of the principal sum originally advanced and

Sir, I need not make a long speech in favour of the amendment which I have moved just now. The fact of the matter is that the section which is now before the House has got some defects in drafting, and it is with a view to remove those defects that I have moved this amendment. It was prescribed in the clause that the benefits accruing to the mortgagee in possession would be so much, but in point of fact when we look back to the relevant clause we find no mention of the benefits there. It was, therefore, necessary to rectify this mistake.

Rai Bahadur Mr. Mukand Lal Puri : How will it read ?

Raja Ghazanfar Ali Khan : If this amendment is accepted by the House, the clause will read as follows :—

If in cases to which this Act applies, the collector finds that the value of the benefits enjoyed by the mortgagee while in possession is less than twice the principal sum originally advanced—

So on and so forth.

Sir, the effect of this amendment would be that if a mortgagee has not enjoyed benefits equal to double the amount of the principal sum, then he will be compensated according to terms laid down in the succeeding lines of the clause. If, on the other hand, the mortgagee in possession has enjoyed the benefits which equal in value twice the principal sum, then it will not be necessary to compensate him in accordance with the succeeding conditions. In fact this thing is so clear that we need not labour the point any longer and I commend this amendment to the notice of the House. But before I resume my seat, allow me, Sir, to reply to the objections that my honourable friend, Dr. Sir Gokul Chand Narang, has levelled against the Government in this connection, in his amusing speech.

Dr. Sir Gokul Chand Narang : Is the honourable member in order in discussing a clause that has already been considered and adopted ?

Raja Ghazanfar Ali Khan : I will omit the name of the honourable member in my speech and proceed on with the argument. It has been argued that if a debtor owed Rs. 100 to a creditor some 60 years ago, then it would amount to Rs. 25 lakhs during this period of 40 years. I may submit that it has been argued by my honourable friends on the opposite side that if Rs. 100 were lent on interest 60 years ago then in the course of those 60 years this sum would amount to Rs. 25,000. Further, Sir, my honourable friends Lala Bhim Sen Sacher and Dr. Sir Gokul Chand Narang, have taken it for granted that when the lands were mortgaged, they were mortgaged in return for cash sums. Again they have also taken it for granted that if 100 years ago anybody lent Rs. 100 to a zamindar, then in the course of 60 years, i.e., in 1880 it became Rs. 25,000.

Dr. Sir Gokul Chand Narang : I object to this because the honourable member is replying to a debate which took place on an amendment which was passed sometime ago. He could have got up and replied because he was the mover of that motion. He is entirely out of order now.

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

Raja Ghazanfar Ali Khan : I will not discuss or say anything about the personality of Dr. Sir Gokul Chand Narang. I may submit that the reason for giving this compensation is that the Government have satisfied themselves that these lands were mortgaged in lieu of cash money. In this connection I may submit that if 100 years ago Rs. 100 were lent by a sahukar to a zamindar, that sum of Rs. 100 according to the calculation of my friends opposite became Rs. 25,000 in 1880. Now, when that small sum of Rs. 100 became Rs. 25,000 in the course of 60 years, then the alexer bania asked the poor agriculturist to mutate that mortgaged land to him for all times. Now, Sir, consider this fact for a while, that if 60 years ago anybody has realized more than double the amount of his principal, does it not seem justifiable that the poor land owner should get his land back mortgaged many years ago ? I do not see any reason why my

friends should be so very greedy as to earn more than double the amount of money originally advanced as a loan. It was for these reasons that the Government have brought forward this Bill. The real object of this Bill is that the lands of those poor people which are in possession of others since very long should be restored to them. May I question my friends opposite whether these poor creatures are entitled to get back their lands or not? This is the main reason for bringing forward this Bill. I am of the opinion that it was the duty of the honourable members opposite to congratulate the Government that they have introduced such Bills the object of which is to give relief to the poor and down-trodden zamindars of the Punjab. But instead of doing that they are blaming Government for introducing such Bills. I am confident that if anything can be done for the poor agriculturists, that can be done only by such Bills as these. I even make bold to say that our Government have brought forward such Bills on which even the Congress can very well take pride.

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

That in lines 2—4, for the words " after taking——, sub-section (1) " the following be substituted :—

the value of the benefits enjoyed by the mortgagee while in possession is less than twice the amount of the principal sum originally advanced and

Dr. Sir Gokal Chand Narang : Sir, in order to understand the amendment, I think we should try to see how the clause would read if these words are incorporated in the clause as proposed. It would read thus—

(2) If in cases to which this Act applies, the Collector finds that the value of the benefits enjoyed by the mortgagee while in possession is less than twice the amount of the principal sum originally advanced and some payment is still due—

That is how it would read. The rest of the clause stands as it is and then this compensation is to be awarded. My submission is that the amendment if accepted would lay down a most arbitrary principle. As it is a complicated matter, I would like to give an instance to make it clear. Supposing a man got a mortgage on one hundred rupees and it is found in 1939 that he has received only Rs. 50 as benefit. His land might have been unproductive or there may be other reasons. He gets only 50 rupees. In another case it is found that in 1939 the benefit amounts to 199 rupees. What does the Government provide? It says, give thirty times *jama* to the first man and also thirty times *jama* to the other man. (*Premier* : Not exceeding thirty times.) Either I do not understand or these honourable members of the Government do not understand. Sub-clause (1) means that if the benefit received either equals or exceeds twice the amount of the original mortgage money the mortgagee might be dispossessed and the mortgagor might be put in possession. Where there is a payment due and the benefit received is less than rupees two hundred in the instances that I have quoted, then the rest of the clause follows and the whole position is made absurd. (*Premier* : It is not.) I hope you will try to follow the case I shall now put to make it more clear. There is a mortgage of ten thousand rupees and it is found that in one case a mortgagee has received a benefit the value of which is only two thousand rupees. It may happen that the land might not have been productive and in the other case it is found that the benefit received by the mortgagee is nineteen thousand rupees. Some payment is still due in

[Dr. Sir Gokul Chand Narang.]

both the cases. In one case one thousand rupees is due and in the other case eighteen thousand rupees would have been due according to that calculation, but what is the operative clause now after this amendment? Kindly read that. It is—

..... some payment is still due to the mortgagee according to the terms of the mortgage, the Collector, shall, by order in writing and notwithstanding anything contained in any other enactment for the time being in force direct that the land be restored to the mortgagor and he be put into possession subject, however, to the payment of compensation by the mortgagor to the mortgagee at rates not exceeding the following scale:—

And then follows the scale. Thirty times is the limit in both cases. Is it just? I deliberately want to cut short my arguments here. I have said what I wanted to say: it is for Government to understand it or not to understand it.

Raj Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) (*Urdu*): Sir, the Assembly has now finally decided that the lands mortgaged before 1901 be restituted and now the question arises what compensation should be paid to the mortgagees. It has been proposed in the Bill that if the mortgagees have, during the time that the lands mortgaged have remained in their possession, received benefits from such lands to the extent of double the amount originally advanced, they should be dispossessed of such lands without any compensation being paid to them. Now, I ask whether there is any plot of agricultural land, unless of course it is waterlogged or barren, which could not have yielded benefits to the mortgagees to the extent of double the amount originally advanced to the mortgagors and if there is no such land in the Punjab, then why not say straightaway that all lands mortgaged before 1901 will have to be restored to the mortgagors without any compensation. Why then encumber the Bill with the addition of so many superfluous words? I think the Punjab Government is unabashedly passing such measures which will permit one class of people to be looted to pamper another class of people. I cannot help saying that this sort of loot has never before been permitted by any Government in the Punjab and it is my prayer that this kind of loot may not be permitted by any Government in future.

Another submission that I want to make is that some provision should be made to enable the people to carry on their business. To make my point clear I may be permitted to say that as there are persons who must borrow, there are persons who must lend and invest their money, if not for themselves, for making a provision for their children. There is no doubt that there are a number of ways in which a person can invest his money. I know that that money can be deposited in a bank, with a sahukar or it can be invested in Government securities. But it is also a fact that a person, while investing his money, has to see which is the safest investment. About banks our people are usually very nervous lest any of them should fail and it may also happen, as it happens every day, that the sahukar may fail or may turn out to be dishonest. Government securities do not give good return and it is a matter of common knowledge that land is considered to be the safest security and the safest investment all over the world. I need not repeat that the first mortgage of immovable property is considered the safest investment in the whole civilised world.

Mir Maqbool Mahmood : On a point of order, Sir. I am very sorry to have to interrupt the honourable member. The House has already decided that in case where the benefit exceeds twice the original amount lent, the land shall be restored without compensation and the only thing under consideration is that in case the benefit enjoyed does not exceed twice the original amount, what should be the basis in principle on which compensation should be paid.

Rai Bahadur Mr. Mukand Lal Puri : Yes, that is exactly the matter that I am discussing. What I really want to urge is, what is contained in detail in my amendment standing as No. 31 in the list of amendments and it is as follows :—

That in sub-clause (2), the part, occurring after the words " following scale in line 13," be deleted and the following be substituted in its place :—

- (i) on payment of the amount which he finds due, or
- (ii) on payment of three-fourths of the sum which the Collector finds due, or
- (iii) on payment of the sum which the Collector finds reasonable. The Collector shall be deemed to be acting judicially in determining reasonable amount under this Act.

Now this is what I want. I have left the choice to the Government knowing full well that I must submit to the fate of the vanquished. I will illustrate my point by an example. Supposing a person has invested a sum of Rs. 1,000 or Rs. 15,000 without any dishonest intention and in a perfectly honest manner and has taken on mortgage the land of a zamindar say about 8 or 10 bighas in area in lieu of that money, with the stipulation that no interest will be charged for that loan, but that the produce of the land will be taken by him. You know, Sir, that such usufructuary mortgages have taken place and do take place every day and this must also be known to you that the usufruct or the profits from lands mortgaged do not exceed the interest at the rate of three or four per cent. per annum. Now this is a rate of interest that is most reasonable and equitable and I am sure that no reasonable person will question that statement. But in spite of that my friends on the Government benches are never tired of repeating on every occasion that the money-lenders are tyrants and blood-suckers and that the debtors or zamindars are tyrannised and fleeced. I wonder on what grounds they justify such remarks. But that is only by the way. My submission is why on earth you should treat such a mortgagee, who has taken on mortgage the land of a zamindar on such reasonable and equitable terms and without any bad intention or motive, as if he had been sucking the blood of the poor zamindars. I fail to understand why you should proceed on that assumption. In my amendment which I have read to the House I have asked that a collector may be empowered to look at the terms of a mortgage and he may also be empowered to allow, I do not say 18 per cent. or even 12 per cent. rate of interest on the sum advanced, but only 6 per cent. which is and which must be admitted to be a most reasonable rate and which is much less than the rate allowed according to the Usurious Loans Act. That would be a reasonable attitude. But it is a pity that even this power is not being given to the collectors. On the other hand, it is being provided that all mortgagees, howsoever honest and fair and equitable they might be to the mortgagor, must be made to restore the lands without any compensation and without any discrimination. This I must repeat is most unfair and this is why I consider this to be the most objectionable of all Bills introduced and passed in this session of the Assembly.

[R. B. Mr. Mokand Lal Puri.]

Here I would like to address an appeal to the Government benches. The traditions of the province are based on justice and fair play and it is up to them to maintain those traditions. They should not act in a manner which may encourage any party, that may be in power, to tyrannise over any other party in the province. The request that I have made in my amendment is quite simple and most reasonable. I ask, why is it that a mortgagee, who has been very fairly dealing with the debtor, should be treated as if he has been acting dishonestly? Why is it that he should not be paid what is due to him under the contract which the most careful and exacting scrutiny may regard to be not only above board but very fair and equitable? Let the collectors see and go into all such contracts and find out what is due to a mortgagee and what they find due to such mortgagees should be allowed to be paid to them. I have also given this choice that if that may not meet with the wishes of the Government, only 75 per cent. of what has been found due by a collector may be paid to the mortgagees and I have also put forward another alternative that only that much may be paid to the mortgagees which is found by a collector to be reasonable. But, if any of these alternatives is not acceptable to the Government, I must say that the Government has adopted an attitude which does not savour of justice and equity.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (*Urdu*):

Sir, it has been a matter of surprise for me that so many able lawyers do not know even this as to how much income a particular piece of land yields normally in 20 years. If they had known it, they would not have asked for compensation. It is a well known fact that after the enforcement of the Land Alienation Act no land can remain mortgaged for over 20 years. After the lapse of this time the land is restored as a matter of course to its owner. It is assumed, and not wrongly too, that the land has repaid more than what was due to the mortgagee. Under these circumstances, there seems to be no earthly reason why a mortgagee should be given compensation if he has benefited from the produce of land for a period of forty years. This is why the collector has been empowered to order that the lands be restored without any compensation to the mortgagors, if he is satisfied that the mortgagees have benefited from their produce for over forty years. I, for one, do not see any inequity in this provision. Nor can I appreciate the attitude of my honourable friends opposite who go on moving amendment after amendment in order either to prolong the discussion of this Bill to six months or to defeat its very object. Our friends are trying to mock at us by saying that we are perturbed to find that our *tarras* are fast disappearing. We can very well retort by saying that they should take care of their sarees. Everybody knows that a lost *tarra* may be regained for two annas but a saree, if lost, cannot be replaced for less than two hundred rupees (*Laughter*). Moreover, it is idle for my honourable friends to find fault with our Premier for having introduced these agrarian measures. They will not find the Honourable Premier's equal in their ranks. If they think, they have anybody in their ranks who can equal the Premier's ability and integrity, we should like to know who he is (*cheers and laughter*). With these words, I oppose the amendment.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I think there is hardly any necessity for me to reply to the arguments of my honourable friend, Mr. Mukand Lal Puri, after the impassioned speech of Chaudhri Ali Akbar (*Laughter*). There seems to be a strange division of labour between Dr. Sir Gokul Chand Narang and Bai Bahadur Mr. Puri as when one is present in the House the other is not here. In these circumstances, I have to repeat to one what I have already explained to the other. It is really very unfortunate that a learned lawyer of Dr. Sir Narang's calibre should have said that this clause is defective. I have to point out as a layman to him that so long as the mortgagee is not in possession of the land, the collector will have no jurisdiction over the case. We have, therefore, limited the operation of the clause. I shall give you an instance. Suppose a land was mortgaged in 1876 but was washed away by river action or rendered uncultivable by some other natural calamity so much so that the mortgagee had no opportunity of benefiting from the transaction so far. We have provided for compensation to such a mortgagee. You see, we are not unjust. We will not injure anybody's legitimate interests nor will we overlook them. But still I feel that no less than ninety per cent. of mortgagees have already benefited to the extent of 400 to 700 per cent. from their transactions. In their cases we have empowered the collector to write off the mortgages and restore the lands to their owners.

Then, we have provided for a compensation up to thirty times the amount of land revenue, assessed on the land at the time when it was mortgaged. This is the provision which my honourable friend, Dr. Sir Gokul Chand Narang has been pleased to call "egregious." I, personally, see no inequity in it. Then the learned Doctor Sahib has remarked that the condition of "while in possession" will make the evasion of the Act possible. With due deference to his legal acumen, I think he is not right. The provision which we have made is just and fair and nobody will unnecessarily suffer on its account. I do not propose to make a lengthy speech on this subject. The House has already accepted the principle enunciated in clause 7 (1) and there is no going back on it. We have provided for compensation with the limitations imposed by this clause.

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

Mr. Speaker: Some honourable members have approached me with the suggestion that the House should not meet to-morrow. May I ask the Honourable Premier as to what he thinks of the progress we have made to-day?

Premier: I submit, Sir, that the progress which we have made is very satisfactory and we will be finishing this Bill to-night. We may, if necessary, sit a little longer. Since this is the position, I suggest we sit to-morrow and finish the whole business the day after.

Dr. Gopi Chand Bhargava: It is no doubt your privilege to fix the sittings of the House in consultation with the Leader of the House and I also know that whenever I put forth our case we are never accommodated. But I may point out that from the date we have been discussing this question of the sittings of the House the Honourable Premier has been pleased to say that if we are prepared to finish on Friday, we can sit on Thursday and Friday and we can have an off-day to-morrow. We are

[Dr. Gopi Chand Bhargava.]

now asked to sit to-morrow and on Thursday to consider the report of the select committee. We are not given even 24 hours to go through the report of the committee or to hold party meetings to discuss the provisions of the Bill. We have already been over-worked. It is not only that we are overworked, but the reporters and the other establishment of the office have been very hard worked working from 10 A. M. to 9 o'clock in the night. It is highly desirable that they also should have rest. For these reasons it is necessary that we should have an off-day to-morrow. That is all that I have got to say in the matter. If you think that my request is reasonable you may be pleased to concede it.

Premier : If my honourable friend wants to-morrow to be an off-day because he wants to hold his party meeting in connection with this Bill I shall readily concede his request provided he gives an assurance that the whole business will be finished by Friday. Because I felt that the business could be finished in two days, I thought we might sit to-morrow and the day after and finish the business. If the honourable member has got special reasons to have to-morrow an off-day to consider the report of the select committee, I am prepared to accommodate him. But he must give an undertaking that we will finish the business on Friday. If he is prepared to give that undertaking, by all means the Assembly can have an off-day to-morrow.

Dr. Gopi Chand Bhargava : The Honourable Premier used the argument that because we have to finish in two days therefore we may sit on Wednesday and Thursday and finish the business. Now, he says that if I promised to finish in two days, that is by Friday, he is prepared to have an off-day to-morrow. I do not understand how the argument can be used both ways.

Mr. Speaker : I rely upon the good sense of honourable members to finish the work on Friday. So, to-morrow will be an off-day. (*Cheers*).

Lala Bhim Sen Sachar : I beg to move—

That at the end the following exceptions be added :—

Exception I.—The Collector shall in proceedings under this section consider the general financial position of the mortgagor and if he finds that the mortgagor is the only or main source of livelihood of the mortgagor, who is incapable for reasons of age or sex or for other sufficient reasons of earning his or her livelihood otherwise, the Collector shall refuse to take action under this section.

Exception II.—No action under the Act shall be taken by the Collector under this Act where the mortgagor is a tenant or happens to be a smaller landholder than the mortgagor.

Mir Maqbool Mahmood : On a point of order. I submit that the amendment of my honourable friend, Lala Bhim Sen Sachar, is out of order. He wishes through his amendment now to make exceptions to clause 2 which has already been passed. This amendment should have been moved as an exception to clause 2. In clause 2 we have already decided that this Act shall apply to any subsisting mortgages made prior to 8th June 1901. That having been done, the clause which my honourable friend now wishes to introduce goes counter to clause 2 as already passed and therefore, it is out of order.

Lala Bhira Sen Sachar : This is a clause dealing with compensation and the collector when he deals with that question will have to determine the extent of the benefit that is derived. I do not think my amendment is out of order.

Mr. Speaker : The amendment is inconsistent with what the House has already passed. The exception should have been moved when the original clause was discussed so the amendment is out of order now.

The question is—

- (b) In lines 2—4, for the words "after taking—————, sub-section (1)" the following be substituted :—
'the value of the benefits enjoyed by the mortgagee while in possession is less than twice the amount of the principal sum originally advanced and.'

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I move—

That before the *Explanation* the following proviso be added :—

Provided that where the consideration for the mortgage was paid in cash each compensation shall be equal to the amount found due under sub-clause (1).

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (2) of clause 7 as amended stand part of the clause.

The motion was carried.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I beg to move—

That to the *Explanation* the following be added :—

excluding the period during which owing to river action or for any other reason beyond the mortgagee's control he remained out of possession.

Mr. Speaker : Certain amendments of which notice had been received and which are on the agenda, amendments 19 to 44 in this case, were declared from the chair as having the same underlying principle and it was stated that they would all be discussed together but put to the vote of the House, if necessary, separately. The honourable member has moved the amendment and I will put it to the vote of the House. He cannot discuss it.

Dr. Sir Gokul Chand Narang : My amendment is an independent amendment and it has nothing to do with the amendments that have gone before. In fact you put the clause without the *Explanation* and this is the first time that you have put the *Explanation*. This therefore is the time for me to move an amendment to the *Explanation*. No doubt, you may have said that all these amendments must be discussed together, but with due respect I submit that you overlooked the fact that my amendment stands by itself.

Mr. Speaker : The honourable member may be quite right there.

Dr. Sir Gokul Chand Narang : If you overlooked that fact then I think you are not bound to rule it out of order.

Mir Maqbool Mahmood : On a point of order. You did not overlook the point, Sir, because in the amendment of Raja Ghazanfar Ali, the benefits are to be calculated only for the period when the mortgagee is in possession.

[Mir Maqbool Mahmood.]

and my honourable friend wants a certain period not to be calculated when he was not in possession. Therefore, you are perfectly in order in taking all these amendments together.

Lala Bhim Sen Sachar : On a point of order. The question is that there are more amendments than one before the House. You adopted the procedure that these amendments would be discussed together and put to the vote of the House separately. The movers of the various amendments will have the right to move them. Now, the mover of an amendment has also a right to reply to the debate. I do not know why the mover should not have his right of reply. It is merely for the sake of convenience that they are discussed together, but the right of the mover to reply is always there.

Dr. Sir Gokal Chand Norung : In reply to the point of order raised by Mir Maqbool Mahmood I may be permitted to say that Raja Ghazanfar Ali's amendment does not in any way conflict with my amendment, because the words used in his amendment are 'while in possession.' A person is in possession of land whether the land is under water or river. He is in constructive possession if not in physical possession, though probably he is even in physical possession as he can plant something there. What I am saying is that though the land is in his possession, while he has not derived any profit from it being under river, that time should be deducted.

Mir Maqbool Mahmood : But then he does not derive any benefit.

Mr. Speaker : In connection with the point of order raised by Lala Bhim Sen Sachar, I will read out to the House the practice in the House of Commons. *Campion* says—

"When the question is proposed on an amendment, the debate should be strictly relevant to that amendment and not relate to other amendments, but the chairman sometimes for convenience allows debate to range over several amendments which raise different aspects of the question raised by the amendment actually under consideration, on the understanding usually that when these later amendments are called, they may be divided on if desired, but not discussed." (Page 101).

Rai Bahadur Mr. Mukand Lal Puri : Does that lay down that there will be no right of reply?

Mr. Speaker : The question is—

That to the Explanation the following be added:—

'excluding the period during which owing to river action or for any other reason beyond the mortgagee's control he remained out of possession.'

The motion was lost.

Mr. Speaker : Question is—

That the Explanation stand part of the clause.

The motion was carried.

Mr. Speaker : Question is—

That clause 7 as amended stand part of the Bill.

The motion was carried.

New Clause (7-A).

Rai Bahadur Mr. Mukand Lal Puri : I beg to move—

Mir Maqbool Mahmood : On a point of order. The honourable member's amendment is covered by amendment No. 44 in the new explanation proposed to part (f). You will find it on page 9 of the second revised list of amendments.

Rai Bahadur Mr. Mukand Lal Puri : You will find that several amendments were allowed to be discussed in one lot relating to the amount which a mortgagor had to pay before restitution with respect to the principal amount advanced and if in one of these amendments some compensation for improvements is also mentioned, certainly that is not the reason why my substantial amendment should be disallowed.

Mr. Speaker : Has compensation for improvements not been provided for anywhere in the Bill?

Rai Bahadur Mr. Mukand Lal Puri : No, nowhere, and I want a new clause to be added.

I beg to move—

“ That the following be added as clause 7-A after clause 7 :—

In cases where any additions, improvements, or structures or planting of trees, etc., which have enhanced the value of the land, have been effected by the mortgagee, the Collector shall assess the market value of the same and shall grant the same, in addition to the compensation mentioned in section 7.”

Mr. Speaker : Will the honourable member ask for leave to move the new clause? If the House allows him to move the clause, then he may stand up and propose that it may be considered. If the House agrees to consider it, then it will be taken into consideration.

Rai Bahadur Mr. Mukand Lal Puri : I beg to ask for leave of the House to permit me to move this new clause 7-A. In the original Bill and in the Bill that has emerged from the select committee, no provision has been made on this subject which is a necessary part of any mortgage transaction. I am leaving out part (2) for the present. I am confining my amendment to part (3) in the first instance. So, I ask leave of the House on that ground. You will notice that a mortgagee is in possession of the property legally and properly and not on any grounds which are even remotely a contravention of law. He is in legal possession of the property and according to the law of mortgage he is entitled to be reimbursed for necessary improvements. It may be that the mortgage deed which exists in his favour definitely allows him to effect improvements, or definitely enjoins upon him to make improvements.

Mr. Speaker : The question of leave to move the new clause is before the House. If the House allows the honourable member to move the clause, he may make a speech on it.

Rai Bahadur Mr. Mukand Lal Puri : I would place my case before the House as briefly as possible.

Mr. Speaker : A new clause is just like a Bill. It has to pass through all those stages through which a Bill has generally to pass. As the honourable member can, at this stage make a speech in the case of a Bill, he can make a brief speech in support of his new clause.

Dr. Sir Gokul Chand Narang : On a point of order. It has not so far been opposed.

Mr. Speaker : I have not yet put it to the House.

Rai Bahadur Mr. Mukand Lal Puri : I was pointing out that every mortgagee is entitled to make necessary improvements and then I submitted that a mortgagee may have been authorized to make improvements and the improvements may have considerably enhanced the value of the property. There is absolutely no equity why a mortgagee should not get value of the improvement which might have increased the value of the property to two hundred times its original value and, therefore, it is necessary that this legislature before it deprives him of the improvements which he has made under the authority of the mortgage deed, should allow some compensation to him. Therefore, it is a case of omission by the original framers of the Bill and by the select committee and, therefore, I ask the leave of the House to allow me to move this new clause.

Mr. Speaker : The honourable member has sought leave to move the following clause as clause 7-A—

" (i) In cases where any additions, improvements, or structures or planting of trees, etc., which have enhanced the value of the land, have been effected by the mortgagee, the Collector shall assess the market value of the same and shall grant the same, in addition to the compensation mentioned in section 7.

The question is that leave sought by the honourable member may be given.

The Assembly divided : Ayes 16, Noes 74.

AYES.

Bhagat Ram Sharma Pandit.
Bhim Sen Sachar, Lala.
Deebbandhu Gupta, Lala.
Duni Chand, Lala.
Girdhari Das, Mahant.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Kartar Singh, Chandhri.

Kartar Singh, Sardar.
Kishan Singh, Sardar.
Mukand Lal Puri, Rai Bahadur Mr.
Muni Lal Kalis, Pandit.
Sahib Ram, Chaudhri.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Balwant Singh, Sardar.
Bhotu Ram, The Honourable Chaudhri Sir.
Dina Nath, Captain.
Faiz Muhammad, Shaikh.

Faqir Hussain Khan, Chaudhri.
Fateh Jang Singh, 2nd Lieutenant
Bhai.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Fakhsh, Mian.
Gauba, Mr. K. L.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Maulvi.
Ghulam Rasool, Chaudhri.
Gopal Singh (American), Sardar.
Habib Ullah Khan, Malik.

Hajbat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jalal-ud-Din Amber, Chaudhri.
 Joginder Singh Man, Sardar.
 Karamat Ali, Sheikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Abdul Bahman Khan, Chaudhri.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Nurullah, Mian.
 Muhammad Saadat Ali Khan, Khan Sahib Khan.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Khan, Chaudhri.

Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Wilayat Hussain Jaisani, Mahdumzada Haji Sayed.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Musaffar Ali Khan Qazilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nasrullah Khan, Rana.
 Nannihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ripudaman Singh, Thakur.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Khan.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikandar Hyat-Khan, The Honourable Major Sir.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.

Clause 8.

Mr. Speaker : The question is—

That clause 8 stand part of the Bill.

Y. P. M.

The motion was carried.

Clause 9.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural) : I beg to move—

That in line 2, between the word "may" and "after" the word "not" be inserted;

that in line 5 between the words "mortgagor" and "in" the words "unless the appeal is decided, or the time for filing an appeal has lapsed" be inserted.

Sir, my amendment is a very simple one. It only means that the collector when passing an order may not at the same time pass an order of ejectment. Section 9 reads as follows—

The Collector may after declaring the rights of the mortgagee extinguished, eject the mortgagee and order delivery of possession of the mortgaged land to the mortgagor. In case of resistance, the Collector may exercise all the powers conferred on a civil court by rules 97 and 98 of Order XXI of the Code of Civil Procedure.

[Tikka Jagjit Singh Bedi.]

If my amendment is accepted it will only mean that the order of ejectment will only be passed after the time of appeal. If that would not be so, then there may be chaos. A collector may pass an order and then it is quite possible the appeal may be accepted. You know it is very difficult to take possession of mortgaged land and once possession is taken it will be still more difficult to give possession back in case the appeal is accepted. I therefore submit that my amendment may be accepted. It is a very simple one but a most important one.

Mr. Speaker : Clause under consideration. Amendment moved is—

That in line 2, between the words "may" and "after" the word "not" be inserted;

that in line 5, between the words "mortgagor" and "in" the words "unless the appeal is decided, or the time for filing an appeal has lapsed" be inserted.

Dr. Sir Gokul Chand Narang : Sir, I support the amendment. It is very reasonable.

Mr. Speaker : I will put the amendments separately to vote. The question is that—

In line 2 between the words "may" and "after," the word "not" be inserted.

The motion was lost.

Mr. Speaker : The question is that—

In line 5, between the words "mortgagor" and "in" the words "unless the appeal is decided, or the time for filing an appeal has lapsed" be inserted.

The motion was lost.

Mr. Speaker : The question is that—

Clause 9 stand part of the Bill.

The motion was carried.

Clause 10.

Mr. Speaker : The question is that—

The first 3 lines of clause 10, stand part of the clause.

The motion was carried.

Dr. Sir Gokul Chand Narang : Sir, I beg to move that—

In lines 4—13, for the words "(a) to the final," the words "to the District Judge having jurisdiction in the District who shall hear the appeal as a civil appeal" be substituted.

Sir, if my amendment is accepted, the whole clause after the words which have been passed will disappear, and it will be both in interest of equity and justice. There are certain provisions in the Land Revenue Act where the collector decides the cases as a sort of civil court, i.e., as a district judge of the olden type. What I propose is this that after the collector has decided a case, an appeal should go to the district judge and he should hear it as a civil appeal, so that the executive and judiciary may be combined, for the combination of which the Honourable Premier has been going to England for an illustration.

Mr. Speaker : The amendment moved is that—

In lines 4—13, for the words “(a) to the.....final,” the words “to the District Judge having jurisdiction in the District who shall hear the appeal as a civil appeal” be substituted.

The question is that—

The existing parts (a) and (b) of the clause stand part of the clause.

The motion was carried.

Mr. Speaker : The question is that—

Proviso (i) stand part of the clause.

The motion was lost.

Mr. Speaker : The question is that—

Proviso (ii) stand part of the clause.

The motion was lost.

Mr. Speaker : The question is that—

Clause 10 as amended stand part of the Bill.

The motion was carried.

Clause 11.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I beg to move—

(i) That in sub-clause (i), line 4, for the words “as follows” the words “sixty days” be substituted.

(ii) That parts (a) and (b) be omitted.

This clause deals with the period of limitation for an appeal under the last foregoing section. I want that the period of limitation shall run from the date of the order appealed against and shall be sixty days.

Mr. Speaker : Question is—

(i) That in sub-clause (i), line 4, for the words “as follows” the words “sixty days” be substituted.

(ii) That parts (a) and (b) be omitted.

The motion was lost.

Chaudhri Muhammad Hussain (Gujranwala East, Muhammadan, Rural) : I beg to move—

That at the end the following sub-clause be added :—

(iii) The provisions of section 5 of the Limitation Act shall apply to all appeals under this Act.

(Urdu) : I do not wish to make a long speech in support of this amendment but I may submit that it is provided in section 5 of the Indian Limitation Act—

“ Any appeal or application for review of judgment or for leave to appeal or any other application to which this section may be made applicable (by or under any enactment) for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or application satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within that period.”

In view of providing this facility to appellants I have moved this amendment.

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

That at the end the following sub-clause be added :—

" (iii) The provisions of section 5 of the Limitation Act shall apply to all appeals under this Act."

Minister for Revenue : I accept the amendment.

Mr. Speaker : Question is—

That at the end the following sub-clause be added :—

" (iii) The provisions of section 5 of the Limitation Act shall apply to all appeals under this Act."

The motion was carried.

Mr. Speaker : Question is—

That clause 11, as amended, stand part of the Bill.

The motion was carried.

Clause 12.

Mr. Speaker : Clause 12.

Rai Bahadur Mr. Mukand Lal Puri : Sir, I want to move my amendment—

That the following be substituted for the present clause :—

" Any party aggrieved by an order made by the Collector may institute a suit to establish his rights in respect of the mortgage, but subject to the result of such suit, if any, the order shall be conclusive."

Mr. Speaker : The honourable member's amendment is out of order, because it destroys the intention of the clause.

Rai Bahadur Mr. Mukand Lal Puri : I want to oppose the clause as a whole.

Mr. Speaker : Very well.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : I consider Sir, if you have this clause as it stands, you are practically having confiscations without even the forms of law being observed which are sometimes used to conceal the real intention of the legislation.

Premier : We do not believe in concealing our intention.

Rai Bahadur Mr. Mukand Lal Puri : I am very glad to know that. My contention is that you must subject the judgment of the collector to the scrutiny of a civil court or some impartial tribunal. You profess that you do not want to conceal the real intention of the law, but that is precisely what you are doing. Instead of allowing a judgment or order or an order of your subordinate official to be put to test by a decision of a civil court, you are doing nothing but concealing facts, if you prevent scrutiny of the orders of your subordinate officers. There is a similar enactment in force in the Punjab already which was passed in the year 1918, I mean the Punjab Redemption of Mortgages Act, which was recently amended in the year 1934 as a part of the Relief of Indebtedness Act. In that Act a provision is made to the effect that any aggrieved party by an order made by the collector may institute a civil suit to establish his rights in respect of the mortgage. The amendment which I wanted to move and which has been ruled out of order on the ground that it is a direct negation of the clause was an exact copy of a section of the Redemption of Mortgages Act. Only a few years ago the Punjab Government thought that the decisions of executive

officers should be subject to the result of an adjudication of a civil court. May I ask what has happened in these few years that a provision which found a place on the statute in the year 1934 has been brushed aside by this Bill ?

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I do not think it is necessary to make any elaborate speech. We have discussed this principle *ad nauseum* not only in this Bill but in other Bills as well. I have on several occasions repeatedly explained to my honourable friend who has moved this amendment that our object is to bring all these legislative measures on a par with the Land Alienation Act. The procedure which is adopted in that Act and which is in vogue in this province for the last 30 years has been found to be so sound that we have not come across any instance where a legitimate complaint might have been made. Therefore to simplify matters and to avoid duplication we have decided that in this Act also we should follow the same procedure which we have been following in the Punjab Alienation of Land Act.

Mr. Speaker : Question is—

That clause 12 stand part of the Bill.

The motion was carried.

Clause 13.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : I move—

That in sub-clause (1) line 3, between the words "publication" and "make," the following be inserted :—

"Subject to the approval of the Assembly."

The motion was lost.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I move—

That in line 1 of sub-clause (2) (c) the words "and principles" be deleted.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 1 of sub-clause (2) (c) the words "and principles" be deleted.

Rai Bahadur Mr. Mukand Lal Puri : May I know the reasons why the honourable member is moving this amendment? These words were added in the select committee, and if he now wants to delete them again, he should take the House into his confidence.

Raja Ghazanfar Ali Khan : In the original Bill as it went to the select committee these words were not there. These words were introduced by the select committee because at that time the scale of compensation was not defined. But the House having accepted the previous amendment that when the benefits are equal to twice the original sum advanced no more compensation is liable to be paid and the collector has just to follow the procedure which the Government prescribes from time to time, it is considered that the word 'principles' is unnecessary. That is why I move this amendment.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I think that this amendment will take away a certain discretion left with the Government to lay down the guidance to the collector and I think it would be advisable to leave the clause as it is and I suggest that my honourable friend need not press this amendment.

Raja Ghazanfar Ali Khan : I beg leave to withdraw the amendment.

The motion was by leave withdrawn.

Mr. Speaker : The question is—

That clause 18 stand part of the Bill.

The motion was carried.

Rai Bahadur Mr. Mukand Lal Puri : Sir, what about my amendment, that the provisions of this Act shall not apply to mortgagors who are members of the Legislative Assembly?

Mr. Speaker : But we have finished clause 11.

Rai Bahadur Mr. Mukand Lal Puri : You said that new clauses could be considered at the end and if you did not call upon me I could not interrupt the business of the House. I was not called upon to move it.

Mr. Speaker : Assuming that the honourable member is right in what he says when other new clauses, subsequent to the clause in question, were taken up, the honourable member did not move his.

Rai Bahadur Mr. Mukand Lal Puri : There is no other clause on which I could have moved this amendment. But we want to save ourselves from the accusation which is being levelled against us that we are enacting this legislation in order to protect ourselves or to grab other people's property. I want to save myself of that accusation.

Mr. Speaker : It is purely in a spirit of mockery that this new clause is intended to be moved. On that ground also I disallow it.

Rai Bahadur Mr. Mukand Lal Puri : It is not.

Mr. Speaker : That is my opinion.

Rai Bahadur Mr. Mukand Lal Puri : I would like to protest against that remark. I never intended it in that spirit. I must seriously protest against that remark with due respect.

Mr. Speaker : I have ruled that the amendment is out of order. So any further protest cannot be allowed.

The honourable member is not in order in saying that he protests strongly against my ruling.

Rai Bahadur Mr. Mukand Lal Puri : Not against your ruling, but against the remark that I am moving this in a spirit of mockery. I bow to your ruling that it is out of order.

Mr. Speaker : It would have been enough if he had said that he did not move it in a spirit of mockery. But the tone and the way in which he spoke are objectionable.

Rai Bahadur Mr. Mukand Lal Puri : I am very sorry if my tone had offended you. But you should understand the spirit which prompts those members who are taking part in the proceedings of the House.

Premier : The amendment is an affront to this House, if it is not in a spirit of mockery.

Dr. Gopi Chand Bhargava : We may mean one thing, but we may not be able to express our meaning in a language which is foreign to us. That does not mean that we move our amendments in a spirit of mockery or affront.

Mr. Speaker : The matter is finished and closed.

—
Clause 3.

Parliamentary Secretary (Mir Maqbool Mahmood) : I propose to move my amendment to clause 3 the consideration of which was postponed the other day. I beg to move—

That the following new sub-clause be added :—

"(4) 'Mortgagor' or 'mortgagee' respectively shall include the assignee and the representative-in-interest of such mortgagor or mortgagee as the case may be."

Mr. Speaker : Clause under consideration, amendment moved—

That the following new sub-clause be added :—

"(4) 'Mortgagor' or 'mortgagee' respectively shall include the assignee and the representative-in-interest of such mortgagor or mortgagee as the case may be."

Dr. Sir Gokul Chand Narang : I should like to say one word in connection with this amendment, not with respect to its merit. Yesterday we understood that the Government was prepared to accept a modified amendment. A draft was submitted to the Honourable Premier. The gentleman who took it to the Honourable Premier told me that it was acceptable to him. It is extremely disappointing that after a great deal of discussion and show of inclination in favour of our amendment, the Government which is in this matter represented by Mir Maqbool Mahmood, should still stick to its original draft of the amendment.

Premier : I am afraid there is some misunderstanding. What I suggested yesterday was that I would be prepared to consider a modified draft if my honourable friend would send me one. He sent a message through Sardar Ajit Singh I think. I suggested to him that he should give it to me this morning so that we might consider it. Probably he forgot to give it to me to-day. As for the amendment sent by Dr. Narang I must submit that it is not acceptable. As an acceptable modified amendment is not forthcoming now, I propose that we may now proceed with the amendment before the House. If necessary I shall bring in an amendment later.

Dr. Sir Gokul Chand Narang : Do I understand that the Honourable Premier will bring in a new Bill?

Premier : Yes, if experience of the working of this Bill suggests that it is necessary to amend it.

Dr. Sir Gokul Chand Narang : By that time the mischief will have been done.

Lala Duni Chand : The Honourable Premier was pleased to say that he was prepared to exclude a stranger from the benefit of this measure, but if the assignment is in favour of the heirs, of course the clause will hold good.

Dr. Sir Gokul Chand Narang : I submitted a draft amendment. What happened to that? Is it not acceptable?

Premier : No, it is not acceptable.

Mr. Speaker : The question is—

That the following new sub-clause be added :—

" (4) 'Mortgagor' or 'mortgagee' respectively shall include the assignee and the representative-in-interest of such mortgagor or mortgagee as the case may be. "

The motion was carried.

Mr. Speaker : The question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

Long Title.

Parliamentary Secretary (Mir Magbool Mahmood) : I beg to move—

That in line 1, for the words " A Bill " the words " An Act " be substituted.

The motion was carried.

2nd.-Lieut. Bhai Fateh Jang Singh : I beg to move—

That in lines 3—7, the words " by a member,same group " be deleted.

The motion was carried.

Mr. Speaker : The question is—

That the long title as amended stand part of the Bill.

The motion was carried.

Preamble.

Mr. Speaker : The question is—

That the Preamble be the Preamble of the Bill.

The motion was carried.

Clause I.

Chaudhri Muhammad Husain : I beg to move—

That the following new sub-clause be added :—

" It shall come into force on such date as the provincial Government may by notification direct."

The motion was carried.

Mr. Speaker : The question is—

That clause 1 as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : The Bill will now be referred to a drafting committee consisting of—

The Honourable Minister for Revenue ;

The Advocate-General ; and

Lala Bhim Sen Sachar ;

to examine and suggest what amendments of a formal or consequential character should be made in the Bill as a matter of drafting. The report is to be submitted on Thursday, 21st July 1938.

**THE PUNJAB ALIENATION OF LAND (THIRD AMENDMENT
BILL.**

Premier : (The Honourable Major Sir Sikander Hyat Khan) : Sir, I beg to present the report of the Select Committee on the Punjab Alienation of Land (Third Amendment) Bill.

The Assembly then adjourned till 11 a. m. on Thursday, 21st July, 1938).

1. The first part of the document is a letter from the author to the editor, dated 10/10/1954. The letter discusses the author's interest in the subject of the article and mentions that the author has been working on this problem for some time.

2. The second part of the document is a letter from the editor to the author, dated 10/15/1954. The editor expresses interest in the author's work and suggests that the author's findings be published in the journal.

3. The third part of the document is a letter from the author to the editor, dated 10/20/1954. The author responds to the editor's suggestions and provides additional information about the research.

4. The fourth part of the document is a letter from the editor to the author, dated 10/25/1954. The editor expresses appreciation for the author's response and indicates that the author's work will be published in the next issue of the journal.

5. The fifth part of the document is a letter from the author to the editor, dated 10/30/1954. The author expresses gratitude for the editor's interest and support.

6. The sixth part of the document is a letter from the editor to the author, dated 11/5/1954. The editor expresses appreciation for the author's work and indicates that the author's work will be published in the next issue of the journal.

7. The seventh part of the document is a letter from the author to the editor, dated 11/10/1954. The author expresses gratitude for the editor's interest and support.

8. The eighth part of the document is a letter from the editor to the author, dated 11/15/1954. The editor expresses appreciation for the author's work and indicates that the author's work will be published in the next issue of the journal.

9. The ninth part of the document is a letter from the author to the editor, dated 11/20/1954. The author expresses gratitude for the editor's interest and support.

10. The tenth part of the document is a letter from the editor to the author, dated 11/25/1954. The editor expresses appreciation for the author's work and indicates that the author's work will be published in the next issue of the journal.

11. The eleventh part of the document is a letter from the author to the editor, dated 12/1/1954. The author expresses gratitude for the editor's interest and support.

12. The twelfth part of the document is a letter from the editor to the author, dated 12/5/1954. The editor expresses appreciation for the author's work and indicates that the author's work will be published in the next issue of the journal.

13. The thirteenth part of the document is a letter from the author to the editor, dated 12/10/1954. The author expresses gratitude for the editor's interest and support.

14. The fourteenth part of the document is a letter from the editor to the author, dated 12/15/1954. The editor expresses appreciation for the author's work and indicates that the author's work will be published in the next issue of the journal.

15. The fifteenth part of the document is a letter from the author to the editor, dated 12/20/1954. The author expresses gratitude for the editor's interest and support.

16. The sixteenth part of the document is a letter from the editor to the author, dated 12/25/1954. The editor expresses appreciation for the author's work and indicates that the author's work will be published in the next issue of the journal.

PUNJAB LEGISLATIVE ASSEMBLY.

3RD SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 21st July 1936.

The Assembly met at the Assembly Chamber, Simla, at 11 a.m., of the clock. Mr. Speaker in the chair.

STARRED QUESTION AND ANSWER.

UNIFORM FOR STUDENTS OF HALLEY COLLEGE, LAHORE.

*322-A. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister for Education be pleased to state whether the students of Halley College of Commerce Lahore, are required to wear uniform of a special style and cloth and if so, whether any exceptions are provided for in this rule or not?

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

MOTION FOR ADJOURNMENT.

LETHI CHARGE IN CHAK No. 254, LYALLPUR DISTRICT.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :
Sir, I move—

That the Assembly do now adjourn.

While I rise to move this adjournment motion I do so with a little bit of diffidence not because the case which I am to place before the House is weak, but because, Mr. Speaker, it has been the habit of our popular Government—the so-called popular Government—to defend in season and out of season the most indefensible and horrible actions of the police and other officials in the countryside. That attitude of the Government has encouraged the police and other officials to commit further excesses on the innocent people of the countryside of the Punjab. I can quote instances time permitting, but instances of that type will be coming before the House very soon in another connection also.

Before I say anything on the incident of the 15th July which is the subject-matter of the motion now before us, I think I should describe the setting in which this incident took place, because it would be hard for the House and for you, Sir, to appreciate the horrible nature of this incident otherwise. You are aware and all the honourable members of the House are aware that in Lyallpur district there has been going on for many weeks an agitation against the reduction in the width of canal outlets. The kisans of that district resented it and in sympathy with them there has been resentment throughout the province against this action of the Canal authorities in

[S. Hari Singh.]

decreasing the supply of water in certain villages. Public meetings attended by thousands of people have been held. On the 10th of July there was a mammoth demonstration at Lyallpur in which 40 or 50 thousand kisans participated as a protest against the action of the Government in not meeting and redressing the genuine grievances of the kisans. After that demonstration there was a news which we read in the papers that negotiations had been opened between the Canal authorities and the kisans. After that we heard that those negotiations had succeeded and a settlement had been arrived at. On the very next day we read a contradiction and came to know that the negotiations had failed and that the Government was not going to accept the demands of the kisans. Since then the Government has issued a miserable and insulting *communiqué*. Otherwis it has been sitting tight in dignified indifference and masterly inactivity. The Government has approached the problem in a most autocratic way and has made no democratic gesture.

Now coming to the incident of the 15th July which is the subject-matter of this motion, I have got some telegrams and certain communications with me stating that certain people were *lathi*-charged and mal-treated by the police officials. I will read certain relevant extracts from a communication which I think is also in the hands of the Honourable Premier and in your hands too. On the 15th of July under the instructions of the District Congress Committee, the kisans of Lyallpur district observed *Anti-Canal Day* and refused to take the supply of water from the canals. The *mogas* were closed. It was a very successful demonstration of protest. The police officials and the district authorities could not tolerate the success of this demonstration. This is what the General Secretary of the District Congress Committee writes:—

About 75 per cent. of the kisans of the district did not take canal water that day. This upset and perturbed the officials. The Superintendent of Police, the Deputy Superintendent of Police, Canal Officials, Revenue Assistant, *lambardars* and *zaidars* rushed from one place to the other with a view to restraining the kisans not to resort to this course, but their efforts proved abortive. Mr. Beaty, a Deputy Superintendent of Police.....

I wonder if this is the same Beaty of the Guru Ka Bagh fame. (*An honourable member* : His brother) I am told he is the brother of that famous man, or I should think he is a re-incarnation of Mr. Beaty of the Guru Ka Bagh fame. The General Secretary of the Congress Committee, Lyallpur, goes on—

Mr. Beaty, a D. S. P., got much annoyed and went desperate.

I should say he ran amock. (*Laughter from the Ministerial benches*). My honourable friends over there laugh; they ought to be ashamed.

Mr. Speaker : The honourable member should withdraw that remark.

Sardar Hari Singh : I withdraw most willingly, but they should also behave like gentlemen.

Maulvi Ghulam Mohy-ud-Din : Is it parliamentary to say that they should behave like gentlemen?

Mr. Speaker : It is not dignified to use such terms in the sense in which they have been used by the honourable member.

Sardar Hari Singh : I withdraw. The report says—

Subsequent enquiries confirm that whenever he went he showered filthy abuses on the kisans. At Gungasinghwal he abused the kisans and resorted to lathi charge resulting in injuries to 8 persons. Sardar Ganga Singh of Chak No. 268-R. B. (Gungasinghwal) was assaulted, abused and his beard was shaken while both Mr. Jones, Executive Engineer, and Sardar Ram Singh, Deputy Collector, Irrigation, were present there. At Chak No. 304-R. B., he threatened to fire displaying pistol in his hands and showered most filthy language.

The villagers showed exceptional restraint in the face of this provocation. Further on you will be pained to learn that as a result of police violence one Kala Singh who was compelled to give evidence in a certain case committed suicide because he could not tolerate the police violence any longer. That was on the 16th July. "It is apparent" says the report "that he could not withstand the threat and danger of further violence." My honourable friend Mr. Dev Raj Sethi who has been to Lyallpur has got in his possession documentary evidence to corroborate the story which I have placed before the House. A report from Toba Tek Singh shows that in connection with this strike six persons have been arrested in Chak No. 818, 821 in Toba Tek Singh tahsil. That is the story which forms the subject-matter of this adjournment motion.

Now, who are the people who have been thus mal-treated, harshly treated, beaten and whose beards have even been pulled and one of whom died as a result of police ill-treatment? These are the descendants of those people whose enterprising and adventurous spirit made them colonise the area and convert the arid deserts of Lyallpur into a smiling garden. Little did those pioneers of colonisation know at that time that at some future date the so-called popular Ministry, an ungrateful Government would so mal-treat their descendants. While I am giving an account of the harsh treatment by the police and the deaths due thereby, the occupants of Treasury benches are sitting there smiling and laughing and showing absolute indifference to the miseries and woes of the peasantry of this province. That shows their sympathy for the voters who have sent them to this House. I have here got a telegram which also bears out the story which has been described in this letter. The telegram is from Mr. Chint Ram Thapar which says—

Re. yesterday Moga agitation police and local officials tried to terrorize people most villages threats and pistols shown abuses freely showered people exhibited commendable patience six persons arrested Toba Tek Singh.

Another telegram from Lyallpur to the Leader of the Opposition says—

Continuation letter Beatty, D. S. P. view extract false evidence against kisans Sidhwan who abused him summoned 16th Kala Singh, son Gurdit Singh, zaidar, others committed violence on Kala Singh asks him cease again Kala Singh apprehending further violence took poison died stop officials rush getting false statement police responsible death.

These are the facts which have impelled me to move the adjournment motion.

Mr. Speaker : Motion moved—

That the Assembly do now adjourn.

Parliamentary Secretary (Mir Maqbool Mahmood): Our position on this adjournment motion is clear. We do not stand committed to any official version of the story, nor are we here to condone any proved excesses.

[Mir Maqbool Mahmood.]

of our officers. It is our primary duty to see that legitimate public rights and interests are protected. But it is equally our duty to see that officers who are really servants of the public are not unduly harassed or unfairly abused in the discharge of their duty. Therefore when such serious facts are alleged in an adjournment motion as 'Lathi charge on peaceful and law-abiding citizens' and 'injuries to many innocent persons' and 'deaths due to police harassment,' it is our duty to see that these matters are enquired into and the culprits properly dealt with. (Hear, hear). I can assure my friend opposite that we have made the fullest possible enquiries into all these allegations. If as a result of the inquiry we had found any of the statements made by my honourable friend true we would have taken deterrent action. Sir, it is unfortunately a curse of our country, and may be in others also, that in matters of this nature interested parties are apt to exaggerate matters. (Hear, hear). If my honourable friend Sardar Hari Singh had been an independent eye-witness to the incidents which he has stated, I can assure him that our attitude on this motion would have been very different. But what are the facts? The facts as reported to us not by Mr. Beatty but by the Deputy Commissioner and the Superintendent of Police and as a result of magisterial inquest are these. It appears that the 15th July had been fixed as the Anti-Canal Day against the re-modelling of the outlets of canals in Lyallpur. Now that agitation was not direct action launched against any bad law nor was it an active or passive resistance against any unjustified *abusus* of any officer. It was an agitation against remodelling of outlets. What is this remodelling? The Honourable Revenue Minister made it clear that at the tails of certain distributaries many villages do not get their due 'haq' because certain villages towards the head utilize more than their due share and the Government as the custodian of public waters and public rights is bound to see that every one gets his due share of water. Not only that. In a very clear and unmistakeable *communiqué* the Honourable Revenue Minister made it known that if a single cultivator can prove that he gets an iota of water less than is due to him, Government will see that the cultivator gets his full share. Where then does this water go which the remodelling saves? It does not go to the Honourable Revenue Minister. It goes to persons, who are at the tail end and who are entitled to get that water. Therefore it seems to me that a Government like the present one which is pledged to look after the interests of the public and primarily of the zamindars, will not be entitled to sit here even for a single moment if it ignores a single legitimate grievance of the zamindar community. Therefore to my mind all such agitations as has been created in Lyallpur seems either due to exploitation of innocent people or the mischief of interested persons.

With that premises let me now come to the facts as reported. On the 15th July this canal demonstration started. Our information is that in spite of much mischievous propaganda there was not very large response from the people of that area. Luckily for us, the zamindars of the Punjab are beginning to see that if any statement is made against their own Government they must first ascertain facts and analyse it before they accept such a statement. So, only in a few villages certain sections of the people played in to the agitation. We are informed that a *jatha* of this so-called peaceful

volunteers, these illustrious lovers of peace and good-will, finding that in certain places the villagers were not closing the outlets in accordance with their wishes, closed the outlets themselves by force. Not only that. We have it on the authority of an independent executive engineer and others that these people insisted on closing the outlets even against the representations of the local residents. It was at that time that the Deputy Superintendent of Police and the Sub-Divisional Officer happened to reach the spot. They told these volunteers, "You can carry on your work according to your lights, but you have no right to force the peaceful citizens to close their outlets." In return for this the peaceful volunteers levelled foul abuses against the Deputy Superintendent of Police who was doing his duty. The local Congress leaders called on the Superintendent of Police the same evening and said to him "We are sorry that abuses were showered". So the abuse is not denied. It was only after that that we understand that Mr. Beaty used his cane against some of these volunteers. I may inform the House that two of these people were armed with a *chhari* and an axe. When these peaceful volunteers attempted to close the outlets which the villagers did not want them to close and Mr. Beaty prevented them from closing the outlets, he was abused and in the altercation which followed he had to use his cane. What was the result? The axe was taken away and the other fellow who had the *chhari* ran away and disappeared. My friend, the mover of the adjournment motion, says that many innocent persons were injured. Were they medically examined and have they got the certificate of any doctor? No. When these persons were brought to the Superintendent of Police by the local Congress leaders only four of them were found to have minor scratches on their legs. This is all the serious injury of the innocent people. I ask my honourable friend if it is true that they had serious injuries, was a single complaint lodged in the courts? If there be any evidence in support of my friend's statement I expect him to produce it. In the absence of such proof we are forced to treat the story of these innocent persons receiving serious injuries as a myth. I can only say that my honourable and industrious friend Sardar Hari Singh has been either misled or misinformed.

With regard to the death of the *zaildar's* son, I submit that a serious statement of that nature should not have been made here without full possession and disclosure of facts. We have had a magisterial inquest made into this matter forthwith and our information is that no harassment or violence by the police is alleged or proved. The other day the Leader of the Opposition stated, I speak subject to correction, that two persons were taken to the thana and there in the thana one of them died. Our information is that that man who died, the *zaildar's* son, was in his village where he got ill or took poison and was brought for medical treatment and he died on the way, that is about seven miles from the thana. Therefore it was not fair to make an allegation of this nature on the floor of the House.

Sardar Hari Singh stated that six persons were arrested in connection with this affair. I am precluded from going into the details of that case which is *sub judice*. But I may tell him that it is not in connection with this affair that they have been arrested. The cases have been registered against them under sections 147 and 379 for actually having meddled with

[**Mir Naqbool Mahmood.**]

the distributary and in the garb of peaceful demonstration of having taken law into their own hands.

In conclusion, let me state in connection with this canal agitation that it is our duty to see that every zamindar gets his rightful share of water. It is also our duty to see that no red-tapism nor terrorism of officials should thwart us from doing our duty. It is our duty to see that no innocent person is unduly or harshly treated by any official. At the same time it is our duty to see that no threats of violence or peaceful or violent agitation worked or engineered by interested persons may deflect us from our duty to the public and to the rights of the public which we are charged here to protect. I would submit that if any cultivator is wronged in the matter of the supply of canal water he must at once go to the local officers and get things righted. Failing that he should make a representation to the Government which is always ready and willing to receive legitimate complaints and to attend to them forthwith.

Dr. Satya Pal (Sialkot-Amritsar, General, Rural) (*Urdu*): Sir, I have stood up to lend my support to the motion moved by my learned friend Sardar Hari Singh. The account of the events which has been received by us from our local Congress Committee shows that the police ruthlessly beat and insulted the demonstrators who were assembled peacefully to protest against the action of Government. It has been said just now that the people were carrying axes and spears. But will the Government state if any of their men was wounded with spears or axes? Did Mr. Beatty receive any wound? Do not my honourable friends on the Government benches know even this much that villagers are in the habit of carrying axes with them? They go about with them in their usual way to fairs and other gathering places. But on the other hand the policemen were there with their pistols. May I know why you had provided them with pistols?

Shaikh Muhammad Sadiq: To scratch their heads with.

Dr. Satya Pal: Then, it has been said that all this agitation had been engineered by interested people. I say, if the agitation is an engineered one and not a real one, why is the Government perturbed over it?

Premier: We are not perturbed.

Dr. Satya Pal: Will you ask the Honourable Premier to be silent. Sir? If you do not silence him we will make him silent.

The Government have admitted themselves that as many as 75 per cent. of outlets have been closed and the agitation extends to fifty villages. Now, can they say in the face of this statement of their own that the agitation is merely the creation of the brain of the Congress and has no substance in fact? This is a patent fact, Sir, that no agitation can be started if there are no genuine grievances at its bottom. An agitation cannot be solely engineered by outsiders. Outsiders can only help the agitators in the matter of organisation. Can you imagine for a single minute that kisans will close down their outlets and let their crops wither away and let their children starve for the mere fun of it? They have certainly their grievances and it is those grievances which are responsible for this agitation. Moreover, the Congress joined in the agitation after it had actually lasted for some months. We joined this agitation as we felt that the villagers could not make themselves

heard on account of their ignorance. And then it is our policy to take up the cause of the oppressed. We saw that the poor kisans were being oppressed and we joined the agitation to carry it on in an organised and peaceful manner.

The Honourable the Revenue Minister was pleased to observe the other day that the Government was responsible for giving water at the tail as much as anywhere else. But does he not know that the people at the middle are starving? They do not get any water. Is he not equally responsible for giving water to those people whose lands are at the middle and not at the tail? It was for the Department concerned to make such a provision from the very beginning that no part is left without water. But they seem to have done nothing of the kind.

Then, it has been said that the Congress wishes to exploit the situation for its own purpose. You had better ask us as to who was exploiting the state of affairs in the country. It is the Government itself. They are holding out the threat everywhere that if the agitation is not stopped, the outlets will be closed for ever. They little know perhaps that if this state of affairs is allowed to continue for any length of time, their Ministry will come to an end never to be revived again.

Then, Sir, the threat is being held out to us that if we oppose the Bills proposed by the Government we will die a political death. But how is the Government concerned with our death or life? They should have attended to their own business.

Premier : That is the real thing which troubles them.

Dr. Satya Pal : Everybody knows with what a show of sympathy these people approached the kisan for his vote. But now that they have been returned to power by the strength of his vote, they are out to deprive the self-same kisan of his loaf of bread. Does not the kisan deserve any consideration at the hands of the Government, Sir?

It has been also said that no lathi charge was made. Mr. Beatty only used his walking stick. The truth is simply this. It is we on whom lathi blows are rained. It is they who inflict lathi blows. It is, therefore, we who can tell you how much pain was caused by their lathi blows. They do not know what a lathi blow means. They would say, "It is a mild lathi charge," or "it was inflicted with a walking stick." But we know to our grief that it was the mild blow of a walking stick which took the life of Tala Lajpat Rai. Sir, the story of the police tyrannies is worth hearing from our lips. It is we who have to bear the brunt of the police wrath. We are beaten; our houses are searched. We are subjected to insults everywhere. Our respected leaders are put to the greatest humiliation. In the present case beards of venerable Sardars were pulled. Did your Mr. Beatty imagine that a beard too was likely to be used against him as a weapon?

Premier : A vicious lie.

Dr. Satya Pal : The Honourable Premier is inclined to believe the story of the policemen and that of his Deputy Commissioner. But we have got to believe the version of those people who have made sacrifices to our knowledge. They are such people who will stick to their word at the cost of their life. They do not tell lies. They are not like your informers.

(Dr. Satya Pal.)

who would serve the time. To-day they are with you. To-morrow they will be with the Government of the time. Now, when they see that the Government is opposed to the Congress they are cruel and disrespectful to the Congressmen. In the United Provinces where the Congress is the Government, they are at the beck and call of the Congress. So, you cannot rely on such people. If you do, you are sadly mistaken.

Whenever we bring forward a complaint the Government should think that there must have been certainly some cause for that complaint. But the Government does not seem to give credence to what is said by us. However, whenever my friend, Sardar Sohan Singh Josh, says something he is asked by the Honourable Premier to cross the floor.

Premier : I am sure members opposite will cross the floor some day.

Dr. Satya Pal : Yes, they will go over to that side but then you will not be there. It was said the other day, Sir, "our shoulders are broad and strong." Yes, they are strong enough to carry the litter of imperialism. We have never seen these broad and strong shoulders being used in the service of the country. Another worthy on those benches, Sir Chhotu Ram, said he would like to be a Hitler. But people like him are never destined to assume such positions as Hitler holds. It is people like Pandit Jawahar Lal Nehru who deserve to be given such powers. They do not bow before imperialism. On the other hand, people like Lord Lillithgow request them to hear their views. It is such people who may be called the tongue of the people. They are not the mouth-pieces of the dominant power. They are really the wall-wishers of the people. They do not merely express their sympathy at the time of asking for the people's vote only to forget all about this sympathy after they have got it.

Khan Bahadur Chandhri Riasat Ali (Hafizabad, Muhammadan Rural): Sir, I was not here at the time when the motion was moved, but from what little I have heard, I think no serious case has been made out. The question of remodelling of these outlets has been the subject of discussion before this Honourable House twice or thrice before. At the time when there was a resolution for the amendment of the Canal Drainage Act, even then detailed suggestions were made on the floor of the House as to what should be done in the matter of remodelling of the outlets. As has been argued by my colleague, Mir Maqbool Mahmood, it is a very delicate question and those people whose rights are snatched away simply to give to those gentlemen, who have no rights whatsoever must complain and this is the fundamental basis of this question. We must not forget that it is the duty of the State to see that every drop of water which is reserved for the agriculturist must reach the tail. This is the fundamental principle. It has been made clear by the Government very often and in a recent *communiqué* also it has been made clear that it was in the interest of those people who were at the tail of a certain minor and were getting less water, that this remodelling had taken place. The first question which I would raise in this connection is the propriety of this method of agitation. If certain people find that they do not receive water according to their right, it is the primary duty of those people to approach the authorities by lawful means and not to have recourse to unlawful means. This is

the sole question for decision in this House, one way or the other, so far as this motion is concerned. Supposing there are some people in the village who have real grievances that they are not getting water according to their *haq*. A set of other people get up in the village and they simply exploit those simple and ignorant masses and they lead them to certain actions which are not legal and lawful. People cannot afford in these days, when the prices of agricultural products have fallen down, that they should of their own accord deny to themselves their only means of livelihood. In chaks of Montgomery and Lyallpur districts, where there are no wells and other means of irrigation, the only source for these people to irrigate their lands is the canal water with the help of which they can make both ends meet. If there are other people who stand in their way and who, in order to make their own propaganda, stop the outlets without their consultation, it is these people who are to blame because they are not following the right lines by which they can get their *haq*, i.e., according to the principles laid down by the Government. These people are always after finding fresh fields and pastures new, as it is called all over the province, especially in rural areas, to make it a scene of their activity. These troubles, as you will see in the papers of to-day, are happening daily and it is given therein that there has been a peasant demonstration in Amritsar. (Voices: Is he relevant?) I am discussing the means which they are adopting, the incident of Amritsar, without going into details. (Voices: Is he relevant?)

Mr. Speaker : I think he is.

Khan Bahadur Chaudhri Riasat Ali : To make these things a basis for an adjournment motion is also a grievance so far as I am concerned, because if those people were really injured, as it is said on the floor of this House, if there was high-handedness on the part of the Government, it was the duty of those people and my friends sitting opposite to have confidence in Government.

Dr. Satya Pal : In this Government ?

Khan Bahadur Chaudhri Riasat Ali : If after that their grievances were not satisfied it was then and then alone that they would have been justified to discuss these things in an adjournment motion. (Sardar Hari Singh: In the next session?) So far as the question of the death of the zaildar's son is concerned, sufficient light has been thrown upon that also by my honourable friend but I have not heard it said in the arguments advanced, that the zaildar proceeded to the Superintendent of Police or the Deputy Commissioner, or any case has been registered so far as that death is concerned. The man was away from the scene and under these circumstances it is another grievance which has been raised without any rhyme or reason. Another thing which I would submit is that my honourable friend, the Doctor has said that no injuries had been caused by *kulhari*, *balam* or *chhavi*. My honourable friend forgets that there are certain legal presumptions which allow when a certain mob is armed with a particular form of arms. The mere possession of these arms in certain cases is an offence under the Arms Act. So the question whether they were used or whether some injuries were inflicted or not by means of those weapons is not of material importance. The mere fact that so many people collected there, took the law in their own hands, were going against the law of the land, and

[K. B. Ch. Riasat Ali.]

were armed with dangerous weapons, was sufficient to give presumption to the authorities at the spot that there was a danger of the breach of the peace and it is the primary duty of any Government to maintain public peace and tranquillity at any cost. We have only to see whether more force has been used than was necessary at the time and under the circumstances to maintain the peace and tranquillity of the province.

Lala Doshbandhu Gupta : The honourable member has just made a reference that under the Arms Act it was necessary that notice should have been taken of *kulhari*. I want to know whether any licence is necessary for the possession of a *kulhari*.

Khan Bahadur Chaudhri Riasat Ali : I am not talking of *kulhari*. I am talking of spears and other arms. There is a legal presumption, when these people are in a mob and there is danger of breach of peace, that there is fear of further trouble. It is, therefore, their primary duty under the circumstances explained, to see that peace and tranquillity is maintained. The facts given on the floor of this House show that they did not go beyond their legal means and they did not take a single step forward and did not use any force which was greater in measure than was necessary for the prevention of further trouble. Another thing which has been mentioned by the Doctor is that unless there is some sort of trouble or grievance, there cannot be any agitation. There is a proverb that there is always some truth at the bottom of any agitation. Of course great events always have small beginnings and it is for us to measure whether that misfortune or whether that trouble, to a particular section of the population of the province, has made a fresh field of activity or propaganda for another mischievous development. Therefore, it is the duty of the Government to nip the evil in the bud and to see that no conflagration or disturbance of the peace spreads over the illiterate and ignorant masses. They are simple people and in certain cases they do not know even the document which they, by propaganda or by instigation, are required to sign. What I want to emphasise is that it is the genuine right of every citizen to claim his own *hak* but he should do that by lawful means and not by illegal methods, as was done in this particular case. We have also seen in these allegations that in certain cases there are people who are instigated to work against their will. I want to emphasise that people by certain sorts of things—right or wrong—are driven to take certain steps which, left to themselves, they will never take and if once such instigations and such troubles take place and they are not checked by the authorities at the time when they start, then there is every danger that there will be no end to this mass agitation. With these words I oppose the motion.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Urban) (*Urdu*): Mr. Speaker, as my honourable friend, Sardar Hari Singh was stating facts relating to the unfortunate incident about which this adjournment motion has been moved, the Honourable Premier remarked very slightly that the statement by the Leader of the Opposition about the death of Kala Singh was a wild allegation. Now another honourable member of the Ministerial party, Mir Maqbool Mahmood, has re-echoed his master's voice faithfully and declared that this statement is nothing more than a myth. Let me hasten to inform these honourable gentlemen that truth is sometimes

stranger than fiction. They should have the courage to face facts and not deny them straight off. We have no mind to waste the precious time of the House in narrating myths. On the other hand, we possess true facts of the matter and I am going to mention these on the floor of this House. I started for Lyallpur the day before yesterday and reached there at 10 o'clock the next morning. I then proceeded towards the chak to which the deceased Kala Singh belonged. This Kala Singh was the son of the Zaildar of Chak No. 51. I held an inquiry into this incident in the presence of the Zaildar and Sardar Bishan Singh, the uncle of the deceased, and a large number of Sikh gentlemen who had gathered there in a condolence meeting. I tried to elicit the relevant information and was anxious to obtain true facts of the matter. Now I want to place all these facts that I was able to collect there before this august House. In this connection, I may also mention that I interviewed the Deputy Commissioner of Lyallpur, Mr. Shrinagesh, in order to know the official version of the case and hence I can claim to be in possession of the true facts concerning the incident. I have honestly and impartially collected information and am prepared to lay it before the House, with your permission.

It appears from these facts that Mr. Beaty, the Deputy Superintendent of Police, arrived in Chak No. 51 at about 4 p. m., where a man was deputed to keep watch so that none should close the outlet. Mr. Beaty had a pistol in one hand and a stick in the other. He asked the watchman as to who had closed the outlet of Chak No. 50. Then the Deputy Superintendent came by Kala Singh a boy of 27 years with a little education. Of course he knew how to sign in English. He was the son of the local Zaildar, Gurdit Singh. Mr. Beaty took with him Fauja Singh, the Lambardar of Chak No. 50, and Ujagar Singh, the Sufedposh of Chak No. 49, and got Kala Singh under his custody, and coerced him to give false evidence, and to depose that such and such men had closed the outlet. Here, Mr. Speaker, I should be excused, because I cannot describe what happened at night and what tortures were inflicted on the person of these men. It is beyond my knowledge and power to describe what dreadful treatment was meted out to Kala Singh or in what manner he was intimidated by Mr. Beaty when he was taken to the Sadar Police Station of Lyallpur. At about 12 o'clock the next day, i.e., the 16th July, Sardar Gurdit Singh, father of the deceased, was waiting in the compound of Lyallpur tahsil. Kala Singh reached there in a bewildered condition and on repeated enquiries from his father said, "O father, the police forced me to give false evidence but I refused to do so." Sardar Gurdit Singh finding that the boy's tongue quivered and his face was pale, took him to his village which was about 9 miles distant from Lyallpur. Finding him in a precarious state of health, Dr. Fauja Singh was summoned, who reached there at about 5 p. m. Finding the patient in a hopeless condition the Doctor decided to take him back to Lyallpur for treatment. But my honourable friends opposite depose that Kala Singh was ill at his own house; if so, how did he get hurt by the police at a distance of 7 miles from his home? I may inform them that Kala Singh was taken through Narwala at about 6 o'clock in the evening on the 16th when he died on the way. Still my honourable friends opposite say this is a myth and a wild statement. I wonder how they can say so under

[Mr. Dev Raj Sethi.]

the very shadow of this grim tragedy. I wish to place before them the very words which the deceased wrote in his letter, dated the 16th July, 1938, as is clear from the postal seal on it. The deceased must have written this letter in a moment of extreme anxiety and almost in the agony of death. It runs as follows:—

اور میں نے ایک سو روپیہ گلچندر سنگھ سے لیا ہے اور ۵۰ روپیہ
لیجمن سنگھ نے۔ مگر میں اس لئے مرقا ہوں کہ صاحب مجھکو بلا رہا ہے۔
بہت ہی دھمکیاں دی گئی ہیں۔ سربت خالصہ فتح۔

(Sd.) KALA SINGH.

سردار گوردت سنگھ اور سردار بھائی سردار سنگھ کو فتح قبول ہو۔۔۔
اور سائیکل (Illegible) میں ہے اور لیٹریچر کورال سنگھ کے پاس ہے۔
میں نے جھوٹ بولنا نہیں چاہا اسلئے ہمارے جو بچے ہیں آپ اتنی
مدد کریں اور پولیس کپتان صاحب مجھے پر ناراض ہو گئے کہ آپ کیوں گئے۔
(Illegible.....)

(Sd.) KAL.

سربت خالصہ فتح قبول ہو۔۔۔

مائی جی کو کہنا متھا تینٹا قبول ہو۔۔۔

میٹری مشین بجائے تھان میں ابشر سنگھ مسٹری کے پاس ہے وہ لے لو۔

Sir, I wish you could grant me some more time so that I could place all the relevant facts before this House. The Honourable Premier was pleased to remark yesterday that we were making wild allegations. But here I am quoting the very chapter and verse of the matter. How can any one deny these hard facts?

Sir, I may submit that this letter is the last and conclusive evidence that was given by the dying Kala Singh and it also gives a pen picture of the torture to which he was made a victim. Can we not say that Mr. Beaty is a worse criminal than General Dyer? In this connection I may submit that just as the people of Amritsar died by the bullets of General Dyer, Kala Singh was so much terrified by Mr. Beaty that he preferred to commit suicide and thereby avoid dying the death of a dog. The report of the Chemical Examiner is awaited, but it was the opinion of Dr. Fauja Singh that Kala Singh had taken arsenic. It is quite apparent from his letter that he had taken poison in order to commit suicide, and he did this only when the tortures of police became intolerable to him. These are the real facts which have been termed as wild allegations by my friends opposite.

Again, my honourable friend, Mir Maqbool Mahmood has stated in the course of his speech that the Government would carefully go into the matter and would take necessary action. I may submit that if the Government do not take suitable action, then I assure them that the death of Kala Singh

would prove the last nail in the coffin of Unionist Government. I have already submitted the evidence of the deceased which goes to show that all things did not take place unprovoked. In this connection I may submit that the beard of Sardar Ganga Singh was pulled by Mr. Beatty and I ask the Honourable Revenue Minister who is at this time not in the House, what is the significance of pulling the beard of a Sikh Sardar? I ask his Parliamentary Secretary, Sardar Ujjal Singh to make a note of the circumstances under which Mr. Beatty pulled the beard of Sardar Ganga Singh. May I know whether the Government officials are entitled to pull the beards of Sikhs even under provocation?

Premier : May I request the honourable member to put down the documents, he has read on the table of the House?

Mr. Speaker : I request the honourable member to place those documents on the table of the House.

Mr. Dev Raj Sethi : I will certainly place them on the table of the House. I was drawing the attention of Sardar Ujjal Singh whether under any provoked circumstances any Government official is entitled to pull the beard of a Sikh gentleman? The evidence that has been given by Sardar Ganga Singh can be duly substantiated and in order to satisfy the Government I will place all the relevant documents on the table of the House. I may also submit that Sardar Ganga Singh was standing on the 5th mile of the road when Mr. Beatty came to him and pulled his beard. To me it seems that his only fault was that he was wearing a black turban and Mr. Beatty concluded from his turban that he being an Akali and a Congressman was the originator of the whole trouble. These are the real facts which no one can deny.

Then as regards *woga bonds*, I may submit that the people of 319 villages closed their outlets. This information has been obtained from the office of the District Congress Committee. Then, Sir, the Honourable Premier has charged the Congress that one of their employees went to the canal bank and made a cut there. I may submit that there are only two employees of the Congress there. One of them is Durga Dass and the second is Natha Singh. Both of them were present in the office of the District Congress Committee on that day, i.e., on the 15th. I challenge this statement and I would request my honourable friends opposite to substantiate this charge.

Mr. Speaker : I request the honourable member to sign those documents before placing them on the table¹ of the House.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Sir, there is no one in the House who has not his full sympathy with those poor and misguided zamindars who are inviting sufferings on themselves in the Lyallpur district. The question that is to be decided is whether the Government is to be blamed for all that agitation that is going on or whether there are some interested persons who are instigating those zamindars and putting them into unnecessary trouble. My honourable friend Dr. Satya Pal said that the Government is standing in the way of just and legitimate rights of the people of that *Wazir* by refusing them their *haq*

¹For one of the documents laid on the table, vide page 1555 *infra*.

[S. B. S. Ujjal Singh.]

supply of water. On the other hand, Doctor Sahib ought to realise that by not yielding to the unreasonable demands of the few, the Government is protecting the legitimate interest of the majority of zamindars and the majority of irrigators. (*Hear, hear from the Treasury benches.*) The question of remodelling of outlets is not peculiar to Lyallpur district or to those two minors on which this agitation has been started. This remodelling of outlets goes on practically everywhere on every canal where there is a necessity and where the authorities find that people are not getting their *haq* supply of water. It often happens that due to silting up or to some defect in channels, people at the tail are not able to get their authorized supply of water and the authorities are compelled to remodel outlets, so that there should be an equitable and just distribution of water-supply. It is for these reasons that the canal authorities on those two minors resorted to remodel outlets.

I happened to visit Lyallpur on the 28th of May when those zamindars had closed their outlets. I had a long talk with them and then I took 4 or 5 of them to the Executive Engineer of the *taqa*. After long discussions with the Executive Engineer I assured the zamindars, as also did the Executive Engineer, that if they found that they were getting even a pie less than their *haq* of water supply out of 16 annas, they could close their outlets by all means. If, on the other hand, they got their full measure of authorized supply they should not stand in the way of the authorities and should not unnecessarily invite trouble on themselves. (*Hear, hear.*) After long discussion with the Executive Engineer I was left with the impression that the zamindars were satisfied with the assurance given by the Executive Engineer. They left the place with the remarks that after consulting their friends they would open the outlets and would see that the agitation came to an end. Unfortunately, I am not aware what happened afterwards; I was told that I would hear about it in a day or two. The Executive Engineer assured them that the Government was determined to give equitable distribution of water supply, i.e., 1 cusec for every 264 acres, and that he would be on the spot to see that they were getting their due share, or even slightly more. Instead of hearing about the settlement, a day or two later, as I was led to expect, I came to know that the agitation was going on stronger every day. I do not wish to apportion blame on any party or organization, but I am sure that left to themselves, the zamindars would have come to a settlement with the authorities. (*Hear, hear.*) A few days after that, as my honourable friends are aware, we heard that a settlement was almost arrived at and then something happened. I do not wish to use any strong words, but I must sound a note of warning. The canal system in the Punjab is a system of which we take a genuine pride. Honourable members should realise that those who are agitating or instigating or supporting such agitation, are playing a dangerous game. Once this question of inequitable distribution starts and once the Government yields to that pressure, our whole canal system will break down. (*Hear, hear.*) It is for this reason that I want this to be fully realised that this is a dangerous game and it should not be played with a light heart. With regard to what happened afterwards, my friend, Mir Maqbool Mahmood, has already placed some facts before the House.

I want to say a word about the document that my honourable friend, Mr. Sethi, read out to the House and placed on the table. I am really surprised that this document was not placed before any magisterial inquest. It is rather strange that such a document should be in the first place placed on the table of the House. Anyhow, the matter will be thoroughly investigated, but I may assure my honourable friends that the Government is not prepared to shelter any guilty officer and if any officer is found to be guilty Government will take strong action against him. (A voice: Question.) On the other hand, it is also the duty of the Government to see that peaceful citizens are not intimidated and that Government officers are not abused in the discharge of their public duties. With these words I oppose the motion.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : I rise not to oppose any pious wish expressed by the members on that side of the House, nor have I to say anything against the virtues of the Irrigation Department, so far as the benefits of the supply of canal water to the province are concerned. I am afraid this was no occasion even to mention these things and get applause from the House because who denies this fact that the Irrigation Department is doing a great service to the province? Our object in moving this motion is to show in what an inequitable and unjust way this department is, in the name of remodelling, causing hardship to the zamindars. I would accept that remodelling is in certain cases absolutely necessary; it is not our object in moving this motion that you should stop remodelling altogether. Our object is 'do not reduce the supply of water'. People who deal with this subject on the Government side fully understand what I mean to say. If you will bear me through, you will understand, Sir, what I am saying. My object is that remodelling is sometimes necessary when silt collects, but in the name of remodelling the supply of water is reduced more than is necessary. The Government not only here in this House, but outside stated once and again that they are not reducing water supply. But we zamindars who actually irrigate our fields find that quite the reverse is the case in practice, not only now but this has been the state of affairs for the last 20 years. Moreover, Sir, you are aware that the settlement operations in Lyallpur district were finished only recently and they have continued for over two years. These beds were even then under silt. Why did not this responsible Government of the Punjab touch those outlets during that time? They continued giving water to the people. Why? Because they wanted to assess those lands and since the assessment is complete they have reduced the supply of water. That is almost dishonest on the part of the department. Moreover, I want to put one question to the Government: 'Is it not a fact that the zamindar who used to water 250 acres with one cusec of water has now to water 264 acres with the same quantity of water?' In this connection I would say that the local authorities realised the trouble of the people and the justness of their claims. They accordingly entered into a compromise with those people. They agreed to give them 1.25 cusecs for all the nine villages. The compromise was entered into in my presence and actually the Executive Engineer and the Sub-Divisional Officer took me with them to the spot to persuade the people to open their outlets and in my presence they promised to give them 1.25 cusecs. But on the very day I arrived at Simla I received a telegram from

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Lyallpur that on instruction from Simla that promise was broken. The responsibility is directly of the Government and not even of the subordinate officials.

This death of Kala Singh is an unfortunate affair. I knew him personally and I know his father too and his uncle Bishen Singh. They are the most loyal people as the term is generally understood by the British Government. The father is a *zaildar* and I have known them for the past ten or fifteen years. I know how faithful and loyal they were not only to the Government but also to the local officials. He was so loyal that he would not even have the courage to give evidence against the Government even though the case of the Government might not be true. It is really extraordinary that he should have met his death in such tragic circumstances.

It has been said, why have not these documents referred to by the honourable member been put before the police for investigation and necessary action? Do you want me to answer that question? Do you not know how the police is terrorizing the people? Does the Government not know how documents are forged by the police, how evidence is manufactured where the Government officials are concerned? If it does not know, then surely it is closing its eyes to facts. It is deceiving itself and is trying to deceive every one of us. They should keep their eyes open and see how their Government is being carried on by its subordinates in the countryside. (*Hear, hear.*)

It was alleged by the Government that these people carried *chhavis*. I have made enquiries from disinterested people. I called upon the people at Lahore only yesterday who were disinterested and simple *zamindars*. They told me that nobody was carrying *chhavis*. Certainly they had certain tools which they used only recently to close the outlets. Again it is totally wrong that only about 50 villages closed the outlets. My information is that about 60 per cent of the villages closed the outlets and applications from 500 villages out of the 1,300 villages actually reached the Canal Department giving information to them that on such and such a date the Government should make arrangements to use their water elsewhere, because they were going to close their outlets. About 300 letters were delivered to the Canal Office through the Congress Committee, Lyallpur, to the same effect. In the end I would request the Government that it should save us from this terrorism. The so-called prestige and fear of Government and fear of the officials should go away from the province. Otherwise in the long run it will be found that not a single person in the country will remain with the Government. It should realize that people suffer heavily and every child in the country is convinced of the tyranny of the police. I would press very hard upon the Government for its own sake that if it wants to continue in office it should keep open its eyes to the faults of their subordinates.

An honourable member : The question may now be put.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Sardar Hari Singh : After the discussion that has taken place re the tyranny to the people involving the death of a person, I should have thought that the Honourable Premier, like a true democrat that he claims to be, would have got up and said, 'Well, gentlemen, the position is that you have got certain information gleaned from sources which you consider reliable. I have got certain information from my district authorities. These two sets of information are in conflict with each other. So, let us strike an issue. I shall welcome an independent enquiry in which I shall associate members on both sides of the House and if as a result of enquiry by that independent committee it is found that the police officials are guilty of the offences brought against them I shall mete out deterrent punishment to the guilty'. If he had said that, it would have been characteristic of a democrat. Instead of doing that he puts up apologists on his side who say, 'What right have you to question the honesty of the police or their conduct and purity? Our police is totally blameless.' (*Interruption*). In effect this is what they said. This is how the Government tries to convince the Opposition that it is carrying on the Government of the province for the good of its people. How then can it expect the Opposition to place confidence in it? How can the Opposition co-operate with it? A very prominent public man of the neighbouring province who also happens to be a Minister saw the Chief Justice of the Lahore High Court and during the talk the Chief Justice told him that the Punjab Police was the worst on the face of India.

Premier : I question the statement. It is very unfair to bring in the Chief Justice in this discussion. I am almost certain that he did not say anything of the kind.

Mr. Speaker : I have ruled more than once that honourable members should not refer in their speeches to conversations of which no record is made or kept, inasmuch as the correctness of such references is generally questioned and this often results in unpleasantness.

Dr. Shaikh Muhammad Alam : Even if the honourable member assumes responsibility for the correctness of his statement?

Mr. Speaker : Yes. Even then such references should be avoided.

Sardar Hari Singh : Very well, Sir. What about the strictures passed in several judgments of the High Court against the conduct of the police? Again, has it not been brought to the notice of the Government that in many judgments of sessions judges of the Punjab strictures of a very strong character have been passed on the honesty and conduct of the police in this province? Have we not brought them to his notice? What has he done in those cases? He says, 'Bring to our notice specific cases of police misconduct and we shall take necessary action.' We have placed before him during this year a catalogue, a very long catalogue, of police excesses, their malpractices and their misconduct in the various districts of the province. What has he done? Let him get up and say that he has done such and such a thing to put an end to such acts of the police. On the other hand, in the well-known Kiroo Murder case he only tried to whitewash the strictures passed by the High Court.

Premier : Question. The honourable member is making an aspersion against a judicial officer.

Sardar Hari Singh : I have to bring to your notice how that kind of defence of the police officers by the Government emboldens them to perpetrate further excesses.

Mr. Speaker : That matter is not before the House.

Sardar Hari Singh : I am giving one particular instance to show how the defence by the Government of police excesses encourages them to perpetrate further excesses. I am referring to the case of the Hariana police. I moved adjournment of the House to discuss the death of Dalipa. The Government defended the indefensible conduct of the police. This emboldened the police with the result that now we hear of the suspension of a sub-inspector of police in connection with physical torture of a suspect. The Government in its pur-blind ensedness excuses itself by saying that interested parties are at work. Let me tell them that they are interested and we too are interested, every one of us is interested. They are interested in drawing high salaries and in perpetuating the exploitation of the masses of this province. (*Hear, hear.*) We are interested in ending the exploitation. Therefore, slogans like this that interested parties are at work only create trouble and do not serve any purpose. The Government's contention that they have to consider the interests of the people at the tail of the distributaries is pure bunkum. The Government does not want to face the issues straight. If there is an iota of humanity, an iota of justice, an iota of manliness left in this Government, it should hold an independent and impartial enquiry in which the members of the various sections of this House should be associated. We are prepared to accept the findings of that committee.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : The time at my disposal is very short and I am afraid I may not be able to meet all the various allegations made, some of them plausible and others even on the face of them wholly untenable. The genesis of this case has been to some extent explained by my friend, Sardar Ujjal Singh and I might just supplement what he said by saying that the decision to remodel these distributaries was taken at a meeting of the advisory committee at which representatives of the affected villages were present and agreed to the proposal. Before I proceed any further I might point out that my honourable friend in his vehemence and in trying to be impressive and eloquent—and he thinks that eloquence consists in shouting epithets at other people—said that the Irrigation officers in his presence promised 2·25 cusecs of water. I trust he will forgive me for reminding him of the Persian proverb about a short memory. He has probably forgotten that we were giving only 1·25 cusecs before this remodelling took place. But he asserted several times that in his presence the authorities promised to give 2·25 cusecs. That is the kind of information by which he wishes to impress the House.

Sardar Sampuran Singh : I am sorry for the mistake. I meant 1·25.

Premier : My honourable friend concedes that he has committed a mistake. So, I will not stress that point further.

I believe, if I have time, other members would be similarly forced to admit their mistakes by the time I have finished except, perhaps my honourable friend, Dr. Satya Pal. My honourable friends opposite are fully aware of the attitude of the Government with regard to this trouble on the Janewala distributary.

Sardar Sampuran Singh : Are you willing to give 1.25%?

Mr. Speaker : Please do not interrupt the Honourable Premier.

Premier : Now, before I explain the attitude of the Government, let me very briefly refer to another aspect of this question, which my honourable friends have not mentioned. One of the allegations which has come to my knowledge is this. It is said that a subordinate in the Canal Department himself encouraged agitation because some relations of his have land on this distributary. It is alleged that it was he who originally put up people to stage a mild demonstration against the local Canal Department officers so that the distributary may not be remodelled. That gentleman has a friend in the office of the Superintending Engineer who, I am told, has been providing the agitators with distorted figures and wrong data to keep up the agitation.

Sardar Sampuran Singh : I had no connection with anybody and I did not receive any information from any one.

Mr. Speaker : Please do not interrupt.

Premier : I still suspect that the original trouble started because of the machinations of these two Canal subordinates and I have asked the Chief Engineer concerned to make a sifting enquiry into the matter to find out whether they were really responsible for this trouble or not. But what happened afterwards? My honourable friends opposite including my friend Sardar Sampuran Singh left out this very important feature of the present agitation. He and others are reported to have said that it was a good opportunity to embarrass the Government. Any stick according to them is good enough to beat the Government with; any device to make propaganda against Government is good enough.

Sardar Sampuran Singh : Is not that attributing motives?

Mr. Speaker : No insinuations, please.

Premier : I was pointing out that some interested persons took up this agitation with a view to embarrass the Government and not in any way to help the people of the Janewala distributary; and one of those interested persons, I would not name him, but I believe my friend, Sardar Sampuran Singh and others opposite will not find it difficult to place him—on one occasion actually made a remark that they had *laddus* in both hands; if Government gives way, they would say that they had beaten the Government, and if Government does not give way, then they would have a good weapon which they could use to continue this agitation against Government.

(Interruptions).

Mr. Speaker : Please do not be personal and avoid such remarks.

Premier : The remarks have gone home. (Interruptions.) If my honourable friends must interrupt me, I had better discontinue my speech.

(Dr. Shaikh Muhammad Alam stood up to make a remark.)

Mr. Speaker : The honourable member should not make any remarks without the Chair's permission.

Dr. Shaikh Muhammad Alam : If you say so, I will sit down.

Dr. Gopi Chand Bhargava : I rise to a point of order. Under the Parliamentary Practice it is the disorderly interruptions that are not allowed and that also is left to the Chair. It does not mean that we cannot reply to whatever the member in possession of the House says.

Mr. Speaker : Not by remarks or interruptions. Honourable members may wait for their turn to make corrections and personal explanations.

(Dr. Shaikh Muhammad Alam again stood up.)

Mr. Speaker : Why has the honourable member stood up again ?

Dr. Shaikh Muhammad Alam : I am going to explain my conduct to the Chair.

Mr. Speaker : But he cannot do so unless I permit him.

Dr. Shaikh Muhammad Alam : Then I ask your permission.

Mr. Speaker : I refuse to give permission at this stage.

Dr. Shaikh Muhammad Alam : If you refuse it I sit down.

Mr. Speaker : No further interruptions, please.

(Dr. Shaikh Muhammad Alam again stood up.)

Mr. Speaker : The honourable member has again disobeyed me. This is the second or the third time that he has done so, but I will give him another and the last chance.

Dr. Shaikh Muhammad Alam : I have not disobeyed your order.

Mr. Speaker : The honourable member has again got up. He knows that the Honourable Premier is in possession of the House. I direct him to leave the House.

(Dr. Shaikh Muhammad Alam then left the Chamber.)

Premier : Now, Sir, I was trying to explain the attitude of certain interested persons who started the agitation. My honourable friend, the last speaker, wrote to me several weeks ago saying that there was trouble on the Janewala distributary and inquired if I could help by giving instructions to the officials concerned to meet the demands of those people. I wrote back to him at once saying that so far as the Government was concerned it was its bounden duty to see that every person got his permissible supply of water and *haq* and if Government or the officials at the spot received any complaint that these people were not receiving their *haq*, the complaints would be looked into at once. I also made it clear that it was impossible for Government to give more water to some people at the expense of others at the tail who may be aggrieved. I never received any communication after that, and was under the impression that my reply, since it was clear and fair had ended the whole affair. I concluded that if they had any genuine hardship they would have gone to the local officers, as suggested by me to get their grievances redressed. Government subsequently issued a *communiqué* stating that if there were any genuine grievances an officer would be deputed at once to check the outlets and if any outlet was drawing less than its permissible *haq*, the defect would be rectified at once

and the complaint removed. This is what the Government did. Subsequently both the Executive Engineer and the Superintending Engineer also gave similar assurances directly and through my honourable friend, Sardar Ujjal Singh. But their friends, perhaps, thought that if the grievances were removed there would be no ground or scope left for any further agitation. This is, I am told, the reason why the mischief was kept alive; and then there was of course the bye-election.

Sardar Sampuran Singh: I again rise on a point of order. The Honourable Premier is again attributing motives.

Mr. Speaker: Such things, unless they are meant to attack the honourable members of the House, can be said in speeches.

Premier: Subsequently, as I was submitting, came the bye-election and it is alleged that some interested persons further fanned the agitation with a view to vote-catching. I have very little time at my disposal, and, therefore, I cannot go into details but you are aware that a demonstration was staged in June last. The demonstration was quite peaceful and the local officers were willing and prepared to meet selected representatives. They repeated the assurance and informed them that they would be prepared to redress the legitimate grievances, if any, of the people concerned, and that an officer would be deputed to put things right, if the outlets were found to be drawing less than their legitimate share. But a settlement did not suit their so-called friends who started going round and creating agitation farther afield. At first they fixed the 4th of July for another demonstration, but they found that all people were not such fools as to be easily duped by them. Their attempt failed and they had to postpone the demonstration to the 15th. What happened then was described briefly in the statement that I made yesterday in the House. My friends opposite have tried to question some statements of facts which I made. I can give you at least two definite instances where shareholders definitely protested against their outlets being closed forcibly. One Kartar Singh, Jathedar, closed an outlet at 7 A.M. on 15th July, 1938, but it was re-opened by Kartar Singh, Lambardar, soon after. I understand attempts were made to close it again under threats and coercion. This outlet irrigates Chak Kotli Bajwa. Then the Mahal Jam Minor was cut just below the head on the right side by three persons, all jathedars, and their four companions with a view to cut off supply to its tail outlets which the zamindars concerned refused to close. The culprits were caught red-handed, and arrested by the police there and then. This is the truth about the 'peaceful' demonstration which my honourable friends opposite have tried to depict as an innocent and harmless demonstration.

My honourable friend, Sardar Hari Singh, said that this is a democratic Government and it has taken no steps so far to redress those grievances. I have already stated that Government has repeatedly given an assurance to these people that their grievances would be redressed. A democratic Government cannot under pressure of a wholly unjustified and spurious agitation, deprive a large majority of irrigators at the tail of the distributary for the sake of a few misguided people who demand more water than their *haq* of their legitimate share of water. One of my honourable friends said that 75 per cent of people did not take water on the 15th. Let me correct

[Premier]

him. Only about three hundred outlets were involved and out of these three hundred a large number were forcibly closed under threats and coercion.

With regard to the case in which Kala Singh is alleged to have been maltreated by the police, I need say no more than this that the matter is being enquired into by a magistrate. A magisterial enquiry was ordered at once and I wish my honourable friend, instead of showing these letters here in this House, had produced them before the magistrate when he was making the inquest. I do not want to say anything with regard to their genuineness or otherwise here because it might be that they will be useful in our enquiry, to which I will refer later. I am astonished, however, to see that these letters were posted at Lyallpur on 16th July at 1 o'clock and in another letter of his father, it is said, "My son came at 12 o'clock on the 15th". So it means that the letter was posted after the deceased Kala Singh had seen his father. It is merely a sort of deduction. I cannot see any reason for his posting this letter after meeting his father because he had, soon after on that date.....(interruption). Sir, I have got no time and I want to finish. I hope that these letters will be carefully preserved. I can assure my honourable friends that so far as this case is concerned the viscera of the deceased has been sent to the Chemical Examiner for examination. There are two allegations. One is that he was maltreated by the police and died, as a result of police torture. The other is that he poisoned himself out of fright of police persecution. We have sent his viscera to the Chemical Examiner, and a thorough enquiry will be made into this case and if, as a result of that enquiry, it is proved that any police officer or policeman was responsible for maltreating him, as alleged, you may rest assured that he will be given very drastic punishment. (Loud cheers.)

My honourable friend enquired as to what has the Government been doing with regard to the various allegations made by courts or strictures passed by courts in such matters in the past. I can assure my honourable friend that there is not a single case in which enquiry was not held and in several cases judicial enquiries were held merely to see whether policemen were culprits or not. Wherever it is found that they are the culprits, they have been or would be dismissed summarily or very drastic punishment will be given to them. I may assure my honourable friends that so far as I am concerned, if any police officer is found to have done deliberate injustice to any of our fellow-citizens of the province, and if it is proved, Government will come down upon him most heavily and award most drastic punishment. (Loud cheers.) At the same time it is not possible for me to take any action on bare allegations which, I am sorry to say, I sometimes suspect because of their hearsay character, but I can assure my honourable friends that, so far as this case is concerned, a sifting and thorough enquiry will be made (hear, hear) and Government will take suitable action as a result of these enquiries. I must still call the first statement of honourable Leader of the Opposition as wild because Lala Achint Ram Thapar has also sent me a copy of the letter which he has sent him. The letter is dated the 8th and this also more or less gives a gist of what my honourable friend said and which he later withdrew. I am glad that he retracted. It is not necessary for us, however, to come to any final conclusion at this stage unless a thorough enquiry has been made.

Mr. Speaker: The question is—

1 P.M.

That the Assembly do now adjourn.

The Assembly divided: Ayes 28; Noes 78.

AYES.

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sechar, Lala.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Gopi Chand Bhargava, Dr.
 Hari Singh, Sardar.
 Herjab Singh, Sardar.
 Kabul Singh, Master.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.

Kishan Singh, Sardar.
 Lal Singh, Sardar.
 Muhammad Hassan, Chaudhri.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Baghbir Kaur, Shrimati.
 Rer Singh, Sardar.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Bahim, Chaudhri (Gurgaon).
 Afzalali Hasnie, Sayed.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Balbir Singh, Rao Bahadur Captain Rao.
 Barkat Ali, Malik.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasandha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fozal Karim Bakhsh, Mian.

Gauba, Mr. K. L.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Maulvi.
 Ghulam Rasool, Chaudhri.
 Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sardar.
 Hans Raj, Bhagat.
 Hari Chand, Rai.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jogindar Singh Man, Sardar.
 Jugal Kishore, Chaudhri.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Meqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.

Muhammad Baza Shah Jeelani, Makhdumzada Haji Sayed.	Pritam Singh Siddhu, Sardar.
Muhammad Saadat Ali Khan, Khan Sahib Khan.	Rashida Latif Baji, Begum.
Muhammad Sadig, Shaikh.	Riasat Ali, Khan Bahadur Chau- dhri.
Muhammad Yasin Khan, Chaudhri.	Ripudaman Singh, Thakur.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Sahib Dad Khan, Khan Sahib- Chaudhri.
Muzaffar Ali Khan Qizilbash, Sar- dar.	Shahadat Khan, Khan Sahib Rai.
Muzaffar Khan, Khan Bahadur Captain Malik.	Shah Nawaz, Mrs. J. A.
Nasir-ud-Din, Chaudhri.	Shah Nawaz Khan, Nawab Khan.
Nasrullah Khan, Rana.	Sham Lal, Rai Bahadur Chaudhri.
Naunihal Singh Mann, Lieutenant Sardar.	Sikander Hyat-Khan, The Honour- able Major Sir.
Nawazish Ali Shah.	Sohan Lal, Rai Sahib Lala.
Nur Ahmad Khan, Khan Sahib Mian.	Sultan Mahmood Hotiana, Mian.
Pir Muhammad, Khan Sahib Chau- dhri.	Sumer Singh, Chaudhri.
	Sundar Singh Majithia, The Honourable Dr. Sir.
	Talib Hussain Khan, Khan.
	Tikka Ram, Chaudhri.

The Assembly then adjourned till 2 P.M.

The Assembly re-assembled at 2 P.M. Mr. Speaker in the Chair.

POINT OF ORDER RE' INTERRUPTIONS.

Dr. Gopi Chand Bhargava : Sir I rise to a point of order. Rule-157 of the House of Commons runs thus :—

"A member whilst present in the House during the debate—

- (i) must keep his place ;
- (ii) must enter and leave the House with decorum ;
- (iii) must not cross the House irregularly ;
- (iv) must not read any book, newspaper, or letter except in connection with the business of the debate ;
- (v) must maintain silence ;
- (vi) must not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner."

Now, Sir, I would refer you to May, page 334, in which it is said :—

"..... And the resolution of the house, 1693, enjoins that Mr. Speaker do call upon the member, by name, making such disturbance ; and that every such person shall incur the displeasure and censure of the house."

That was in 1693. Further on it says :—

"This rule is too often disregarded..... There are words of interruption which, if used in moderation, are not unparliamentary ; but when frequent and loud, cause serious disorder ; such as the cries of "question", "order, order", "hear, hear," or "divide, divide", which have been sanctioned by long parliamentary usage in both houses. When intended to denote approbation of the sentiments expressed and not uttered in the end of a sentence, the cry of "hear, hear" offers no interruption to the speech."

Sir, if you go on further you will find that it is only disorderly interruption which is not allowed. But it does not mean that if a member, while sitting, just puts a question or just makes a remark, which is not disorderly, and he does not interrupt the honourable member in possession of the

House, then it is not disorderly interruption. Now, in the note under that rule, it is said :—

"It is of course for the Speaker or Chairman to interpret and apply this rule. Much will depend on the character, object, degree, and duration of the interruption."

Sir, besides this, I beg to submit that you have been permitting some interruptions of some kind, for example, even to-day, when Sardar Sampuran Singh raised a point of order, saying that the Honourable Premier, who was in possession of the House, made certain remarks imputing motives, the Honourable Premier said that he never said so. The Honourable Premier replied to the objection raised by Sardar Sampuran Singh, without his having finished the sentence and that amounted to interruption. I do admit that you, as the custodian of the rights of this House, have got every power, as the House has got and it has delegated to you, to declare whether such an interruption is disorderly or not. But, Sir, my submission is, that it is not a question that if the interruption is not disorderly, then it is also not permitted. But at times, I may submit, your rulings have been that you have been allowing even casual remarks either from one side or the other when a member is speaking. I may remind you that you privately once advised me that a speech of the front benchers, specially of Ministers should not be interrupted and you said that it was the convention in the Parliament. But, Sir, I understand that that convention is also there that it is not that the front benchers on one side should not interrupt another front benchers, but more so the Ministerial side should not interrupt when any back benchers or the front benchers is in possession of the House. You will find that that convention is not yet established in this House. It may be a convention in the Parliament, but this convention is not yet established in this House. Therefore, I want your considered ruling whether any member has got a right to interrupt a speaker, though not in a disorderly manner.

Mr. Speaker : The word "interruption" is nowhere defined, and has to be interpreted according to the facts and circumstances of each case. According to Parliamentary Practice, relied upon by the honourable member, every member is expected to remain silent during debate. This clearly means that he is obliged not to interrupt. Again, in Parliament, to disregard the authority of the Chair is considered grossly disorderly conduct. The honourable member has quoted from a number of works on Parliamentary Practice. May I refer him to and quote our own Rules? Rule 28 runs as follows :—

"The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decision on all points of order."

I think the powers given by this rule are very wide. The rule further lays down :—

"He may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly....."

I hope this rule will convince the honourable member as to the wide power of the Speaker. Now the question is whether in any particular case, I have misused my powers, or have misread or misapplied the rule. Dr. Muhammad Alam, an old friend of mine.....

Dr. Gopi Chand Bhargava : My point of order is that I want to know whether an interruption of an orderly kind is permitted or not?

Mr. Speaker : Interruptions of no kind are admissible in the House of Commons. I may tell my honourable friend, that when the Premier is addressing the House of Commons, every interruption, however trivial it may be, is considered disorderly.

Dr. Gopi Chand Bhargava : Sir, my point of order was to know whether interruptions, orderly interruptions, are permitted.

Mr. Speaker : Yes and I have always allowed such interruptions. But there is a distinction between an 'interruption' and an 'obstruction'.

Dr. Gopi Chand Bhargava : Am I correct if I understand that orderly interruptions are permitted but not when the Honourable Premier is speaking?

Mr. Speaker : I think the Honourable Premier will not mind reasonable interruptions.

Premier : Certainly, I will not mind them, provided they are—

Dr. Gopi Chand Bhargava : I do not stand to question your rulings, Sir. But when you declare a member to be out of order and call him to order, is he justified in rising up and explaining his position, I mean without any disrespect to you?

Mr. Speaker : Once I give my ruling it should not be criticised. I asked the honourable member (Dr. Muhammad Alam) to resume his seat half a dozen times and every time he got up and wished to make some remarks or start a speech.

Dr. Gopi Chand Bhargava : I do admit, Sir, that if a member has to make a speech he must seek your permission, but when you call a member to order and he wants to explain his position and gets up then he is not disorderly.

Mr. Speaker : It is not the privilege of an honourable member to get up, begin to speak and say anything he may wish to say. I have already stated that a disregard of the order of the Chair is a grossly disorderly conduct.

Dr. Shaikh Muhammad Alam : On a point of order, Sir. You referred to me calling me your old friend—

Mr. Speaker : That is no point of order.

Dr. Shaikh Muhammad Alam : On a point of personal explanation.

Mr. Speaker : No personal explanation is called for.

PRIVILEGE.

PUBLICATION IN PRESS OF IN CAMERA PROCEEDINGS.

Khan Bahadur Chaudhri Riasat Ali : Sir, I have to raise a point of privilege of the House. On Tuesday last at the close of the proceedings you were pleased to order the press gallery and the visitors' galleries to be cleared and you were pleased to take the House into your confidence and held an in camera conference to discuss certain things which had happened that day. I notice in to-day's issue of the *Tribune* that some reference has been made to what happened in the House at that time. There was nobody to report but

still the thing appears in the Press. It is a matter of privilege of the House and as the Press had no right to report a thing which was confidential, I think, it is a breach of the privilege of the House. If that is so, I suggest, that action should be taken against the paper concerned or against the person who divulged the secret to the representative of the Press.

Mr. Speaker : I will give my ruling on that point after consulting the Honourable Premier and the Leader of the Opposition.

MOTION FOR ADJOURNMENT.

LATHI CHARGE AT AMRITSAR.

Sardar Harjab Singh (Hoshiarpur-South, Sikh, Rural) : Sir, I beg to ask for leave to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the *lathi* charge by the police on unarmed peaceful demonstrators at Amritsar on 20th July, in connection with the protest against the reduction in the width of canal outlets on certain distributaries and proposals to enhance the land revenue assessment in the district of Amritsar.

Mr. Speaker : The honourable member asks for leave to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the *lathi* charge by the police on unarmed peaceful demonstrators at Amritsar on 20th July, in connection with the protest against the reduction in the width of canal outlets on certain distributaries and proposals to enhance the land revenue assessment in the district of Amritsar.

Premier : Sir, I have no objection to the motion being discussed in the House. You might fix the time for the purpose.

After some consultation, the House agreed to take up the motion at the close of the business for the day.

THE PUNJAB ALIENATION OF LAND (THIRD AMENDMENT) BILL.

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

That the Punjab Alienation of Land (Third Amendment) Bill as reported on by the Select Committee be taken into consideration.

Mr. Speaker : Motion moved is—

That the Punjab Alienation of Land (Third Amendment) Bill as reported on by the Select Committee be taken into consideration.

Dr. Sir Gokal Chand Narang (West Lahore Division, General, Rural) : Sir, I got the report by post yesterday at half past five. I mean the postal stamp bears the hour 5-30 P.M., and I actually received it at half past eight. The Bill, as it has emerged from the select committee, is very substantially changed although the honourable gentlemen who constituted the committee say that there has been no substantial change in the Bill and therefore it does not require reprinting. My submission is that there have been considerable changes and very little time is given to us. In less than 24 hours it is sought to be presented, considered and passed, while it is entirely against rules. I do not know if any honourable members have sent in any amendment after the select committee's report was received. (*Premier :*

[Dr. Sir. Gokul Chand Narang] They have). The amendments, I understand, are now being circulated here. We have not received them and now the Honourable Premier would get up and say, "let clause so and so be passed" and there would be an end of the matter, before we know where we stand and what this Bill really means. I would therefore suggest that the consideration of the Bill be postponed for seven days, but as that is not practicable it may be postponed *sine die* and may be considered in the next session. No one is going to lose anything by its postponement.

Premier : May I reply to my honourable friend's objection? He says that the Bill has been substantially altered. On the other hand it has been substantially curtailed and the committee has not in any way affected the basic principles of the Bill or its basic provisions. If my honourable friend reads the select committee's report he will find that we have cut out many redundant phrases and in one or two places we have made certain additions which do not in any way affect the principle of the Bill but only clarify the position or the intention of the framers of the Bill.

So far as the question of amendments is concerned we have received notice of amendments from some members on this Bill, as it has emerged from the select committee, and the amendments which my honourable friend sent in prior to its being referred to the select committee were considered by that committee. You are aware that the select committee was representative of all sections of this House and we came almost to a unanimous conclusion with regard to the changes to be made in the Bill. In the circumstances it would be hardly necessary to shelve the Bill as my honourable friend desires on the ground he has put forward. His suggestion to shelve it *sine die* probably means that he wants not only this Bill but the other Bill also to be shelved, because I have given an undertaking in this House that both these Bills will come into force together and I think it will be unfair to this House and to the province if these Bills are shelved.

Dr. Sir Gokul Chand Narang : My honourable friend the other day said that the report of the select committee was unanimous and he has repeated it to-day. I challenged that statement at that time. We find that his statement is incorrect because we find a note of dissent.

Mr. Speaker : I have no objection to take up the Bill after the other Bill on the agenda is disposed of.

Dr. Sir Gokul Chand Narang : My honourable friend might have come to some agreement with the Honourable Premier. (*An honourable member :* No agreement.) I am not accusing him. There is nothing wrong in coming to an agreement with the Honourable Premier. It is not a sin. I would be very glad to come to an agreement with him on the points that I want in this Bill. But the point is this. It would not make any difference to the members, so far as their study of this Bill and the sending in of amendments are concerned, if it is postponed till after the other Bill is disposed of, because we shall be busy here the whole day and the Leader of the Opposition and the Leader of the House want to keep us here till 12 in the night. So, if you are going to exercise your power under the rules, I think, it will be better if we take up this Bill to-morrow, because then it will give us some time at least.

Premier : You have already made it clear that we agreed to the motion for reference to the select committee on the understanding that thereafter no technical objection would be raised. Several honourable members had sent in amendments even before the motion for the select committee was accepted. I will again repeat what I said, that in the select committee we came to a unanimous decision. The minute of dissent to which my honourable friend refers, that is, the minute of dissent of Mr. Mukand Lal Puri, is not really a minute of dissent and it does not in any way affect the provisions of the Bill. He has appended it merely to emphasise certain points which he put before the committee and which were in most cases incorporated in the Bill. His main point is a hypothetical one. He says that agriculturist money-lenders have not been put on the same footing as non-agriculturist money-lenders and he has tried to elaborate that point.

Dr. Sir Gokal Chand Narang : He has suggested the addition of a proviso.

Premier : He did not press it in the select committee. He said, ' I will write a minute of dissent ' and he has done so. The provisions in the Bill more or less incorporate the amendments given notice of by various sections of the House.

Mr. Speaker : We will take up this Bill later.

THE PUNJAB RESTITUTION OF MORTGAGED LANDS BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I beg to present the report of the drafting committee on the Punjab Restitution of Mortgaged Lands Bill.

Mr. Speaker : The question is—

That the amendments suggested by the drafting committee be adopted.

The motion was carried.

Minister for Revenue : I beg to move—

That the Punjab Restitution of Mortgaged Lands Bill be passed.

In doing so I wish to point out two or three things. The object of this Bill is that the mortgage having run for a very long time and the mortgagees having derived benefit from them, they should return the same to the original mortgagors. Under the Land Alienation Act where there is a usufructuary mortgage the land goes back to the mortgagor after 20 years, in this case also as they have enjoyed the benefit for such a long time they should return the land to the people who mortgaged it. That is the first thing. The second is that the collector is to decide the question of compensation that may be due to the persons from whom

- (1) In line 3 of clause 9 for the word "delivered" the word "delivery" should be substituted.
- (2) (a) In sub-clause (a) of clause 10 the words "when the order is made by the Collector" should be deleted.
- (b) In sub-clause (b) for the words "when the order is made by a Commissioner" the words "from an order made on appeal by the Commissioner" should be substituted.
- (3) For the word "the" in the third line of clause 12 the word "a" should be substituted.
- (4) (a) For the word "purposes" appearing partly in the third and partly in the fourth lines of clause 13 the word "purpose" should be substituted.

[Minister for Revenue]

the land is going to be taken away and for this purpose provisions have been made in the Bill. The third thing is that we are barring the jurisdiction of civil courts. The select committee and this House have tried to improve the Bill in many ways and have removed many defects.

No doubt agitation has been going on in the press and on the platform. The same was the case when the Land Alienation Act was passed. We have to see what the effect of this measure that we are passing now would be. After the Bill has worked out for about a few years, we will be in a better position to know if there are any defects or shortcomings in the Bill which might be removed. The Assembly is competent to do that. This is all that I have to say in this matter and I will take no more time of the House in making a long speech.

Mr. Speaker : Motion moved is—

That the Punjab Restitution of Mortgaged Lands Bill be passed.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I am constrained to say a few words in opposing the motion that the Honourable Minister-in-charge of the Bill has moved. My first reason for opposing the motion is that the Bill is based on no principle whatsoever. I have touched the various points arising in the Bill in connection with the amendments which have been moved by various members including myself and I would not repeat them, but every fair-minded person would agree with me that the Bill is nothing but an attempt at usurpation and expropriation. Even the fixing of the date, 8th of June, 1901, before which all mortgages are to be redeemed involves no principle whatsoever. During the long speeches made by the Honourable Premier and his lieutenants, not a word was said, not a word that could carry conviction was said by anyone why 8th June, 1901, should be considered a sacred date. To-day the Minister-in-charge of the Bill, who probably never spoke on the merits of the Bill said we want these mortgages to be redeemed because we consider that up to the sacred date of the 8th of June, 1901, the mortgagees have derived sufficient benefit from these mortgages and as they have enjoyed the fruits of the land for so many years, they should now be asked to part with these lands and return them to the original mortgagors. I need hardly say that these arguments of my Honourable friend carry no conviction whatsoever. If people who secured these mortgages before 1901 and those people may include those who had these mortgages executed in their favour only a year or so before 1901, if they can be considered to have enjoyed the fruits of the land, why cannot those favoured people who might have got these mortgages executed in their favour on the 2nd or 3rd day

- (b) For the word " may " appearing in the third line of sub-clause (2) of clause 13 the word " shall " should be substituted, and the words " all or any of " appearing in the 4th line of this sub-clause should be deleted.
- (c) The word " for regulating the assessment of " appearing in sub-paragraph (b) of sub-clause (2) of clause 13 should be deleted and the word " assess " should be substituted therefor.
- (d) For the word " the " appearing in the second line of sub-paragraph (d) of sub-clause (2) of clause 13, the word " this " should be substituted.
- (e) For the word " the " appearing in the last line of sub-paragraph (e) of sub-clause (2) of clause 13 the word " this " should be substituted.

after the 8th June, 1901, be not considered to have enjoyed lands sufficiently to return them to the mortgagors? This is such an obvious fallacy in the position taken up by the Government that they have really no reply to it. Then, if to-day mortgages which might have been in existence for the last 50 years or so or even more can be set aside, and people who invested money in them can be deprived of the fruits of their mortgages, is there any guarantee that to-morrow some more socialistic minded Minister would not arise and say that all lands which changed hands during the last 50 or 60 years whether from agriculturists to non-agriculturists or from non-agriculturists to agriculturists or whatever the case may be should be restored? Restoring *status quo* after 60 years as provided for in this Bill is absolutely unique in the history of legislation so far as my humble and limited knowledge goes, and the Honourable Premier has not been able to point out a single instance where mortgages of this description have been by legislation redeemed and the mortgagees have been deprived of their property. If they can be deprived of their mortgages, they can certainly be deprived of their free-hold rights also on properties which they acquired by purchase and to which, as they fondly imagined, their titles have become matured. I warn and I did warn the honourable members of the Government the other day that this is a step which is calculated to destroy the confidence of the people in the present Government and they may take it from me that 50 per cent. of the population of this province has already lost its confidence in this Ministry. They may please a number of mortgagors to whom the land is to be restored, but there are at least 50 per cent. of the people who look on these gentlemen as usurpers, as people who are out to confiscate people's property without any rhyme or reason, who being in a position in which a fortuitous concurrence of circumstances has placed them are acting like free booters because they think that they have nobody to fear and therefore they can carry out whatever they like, because they have been placed in a position of power. This is the analysis of the step that the Government has taken by means of this Bill. Then again this Bill is defective on another ground that it makes absolutely no distinction between the rich and the poor. The mortgagees might be poorer than the mortgagors and yet in this law the poor mortgagee whether he is a poor man or a poor clerk or a retired soldier whom the Honourable Premier referred to, might have acquired this land out of his petty savings after 25 years or 30 years' service and retired after arduous work either at the desk or in the battle-field, he is being deprived of his little saving which he had put in the land to favour a person who may be a hundred times richer than the mortgagee. This is the justice that they are perpetrating by means of this Bill. It will certainly ruin many poor people, many poor widows, and many helpless orphans whose only subsistence might be the income from those mortgaged lands. As I hinted on a previous occasion, they are placing the secured creditors in a worse position than an unsecured creditor. Not a word has so far been said by any of these gentlemen on this point and I feel that they have absolutely no reply to it. (*Premier*: What?) That by means of this Bill the Government is placing secured creditors in a much worse position than unsecured creditors. Even in the most stringent debt legislation that this Government has passed during the last few years, what has been done is that the debts might be scaled down but there is no provision in any of those Acts

[Dr. Sir Gokul Chand Narang]

that the debts should be wiped out clean on the ground that they have been in existence for a particular number of years. So the unsecured creditor to-day in this enlightened or benighted province of the Punjab stands in a much safer position than that foolish individual who invested his money in land and cajoled himself with the idea that thenceforward he will be a secured creditor. All that they have done with respect to the unsecured creditor is that they have fixed a special rate of interest beyond which he cannot charge. They have provided that after a certain date he will not be entitled to more than double the amount originally advanced by him but beyond that they have not gone, while this secured creditor is being deprived of all that he possessed on no compensation or on a compensation which may amount to absolutely nothing. Then, you will see that in the amended Bill they have provided that if a mortgagee has enjoyed a benefit which equals or exceeds twice the amount of the money originally advanced by him, he will not be entitled to any compensation whatsoever. He will simply be taken by the ear and kicked off the land which he occupied for the last fifty or sixty years and that land will be made over to the original mortgagor. I wonder if these gentlemen have ever considered what it may mean, what by an arithmetical calculation it comes to. Supposing a man got a mortgage for a hundred rupees sixty years ago. After sixty years, now that he is being expropriated, he will be paid two hundred rupees if he has derived no benefit at all. If it is found that he has received benefit which equals to two hundred rupees, he will get nothing. What does it mean? Let us put it in arithmetical language. What it may mean is that during sixty years he received one hundred rupees as interest on his one hundred rupees. In other words, the rate of interest which is now sought to be awarded to him is $100/60$ which comes to, if I am not mistaken, Re. 1-10-8 or roughly speaking Re. 1-8-0. Do they consider this compensation adequate, reasonable and just before they turn out a mortgagee from the land which he has occupied for sixty years or so? I challenge any of these gentlemen to question the accuracy of this part of my argument that the rate of interest that the mortgagee, if he is not given anything after sixty years on the ground that he has received a benefit which equals twice the amount of the original mortgage money, received comes to about Re. 1-8-0 per cent. per annum simple interest (not compound interest). I do not see one individual here who can ever dream of raising money in the market at Re. 1-8-0 per cent. If that mortgagee had deposited his money in Government securities, he would have got at least 3 per cent. and that 3 per cent. would have been compound interest in a way because he would have received his interest every six months and might have invested it somewhere else. So these mortgagors who mortgage their lands to mortgagees because they otherwise could not either raise any money at all or could not pay their debts, are being placed in a position many times better than even the position of the Government or the position of the Imperial Bank. Until lately the Imperial Bank has been paying 3 per cent. and sometimes more than 3 per cent. Even the Bank of England rate is sometimes more than 3 per cent. and now when the money is so cheap in the market because there are no industries going and there are no avenues of investment, even in these days the Imperial Bank will pay more on larger sums than what these gentlemen

are offering to the mortgagees—Re. 1-8-0 per cent. per annum simple interest. Is this the justice that they are going to do in this province? Was it for this that they were raised to the position that they occupy now? Do they consider that none but the agriculturists, that none but the borrowers, deserve any consideration and the creditors are all like sheep and goats which might be butchered and slaughtered at any time it pleases these gentlemen to do so?

Take some other provisions. I am again not sure at all if the Honourable Minister-in-charge fully realised the effect of the amendment moved by the honourable Raja Ghazanfar Ali Khan when he introduced certain words before the words "when some payment is due". Supposing there is a case in which the benefit received by a mortgagee does not come to double the amount originally advanced by him. Then the provisions regarding compensation, as laid down in clause 6, would apply. What are those provisions? The provisions are that if the land has been under mortgage for so many years then 30 per cent., if for so many years then 15 per cent., and if for so many years then 5 per cent., if some payment is due. You will see that the compensation to be awarded is not to be determined by the amount that may be due even according to the provisions of their own Bill. The compensation is being fixed on the basis of the duration of the mortgage and even blind people can see that this is a most—well, I was going to use the word which they might not like—senseless method of compensation to be awarded to the mortgagees. Even those who know any arithmetic, those who have even acted as umpires in children's play, would understand that this is not an equitable or accurate method of the distribution of compensation. A man who invested one hundred rupees might have received ten rupees as benefit and ninety rupees may be due to him. Another man might have received 99 rupees and one rupee is due to him but the former will not get more than this amount. I am sure, they never realised that this was going to be the consequence of the clause as it has been drafted. Even now let them join heads together and convince me that I am mis-

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taken in the conclusion which I have drawn from the clause as it is worked. Then, Sir, the basis itself that such and such multiple of the land revenue which was assessed on the land at the time the mortgage was executed, is illusory, and they cannot deny that at the time of many mortgages the land involved in the mortgage was not assessed to land revenue at all. What are they going to do in such cases where a collector finds that the benefit received is not equal to or more than twice the amount originally involved? Did they realise it? I am sure it never occurred to them: they never took that contingently into consideration at all and now as they say in Urdu they are engaged in "بانی" "Bani". That is the only remedy after all the clauses of the Bill have been passed. They will realise when the Act comes into force and the poor collector is handed over this precious law to carry out: then they will realise. The Honourable the Revenue Minister was pleased to say: "Let us pass this to-day. After two years if we find that it does not work well, then we shall amend the Act." That is what the Honourable the Revenue Minister was pleased to say a few minutes ago. What reply shall I give to such a remark? What can one say even with the utmost possible respect to an argument like this which has been advanced, when the victims have been butchered and

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their bones scattered to all the four winds, when their blood has flowed into the ditches, then my honourable friend would think that there should be a medicine to remedy the evil which he is deliberately perpetrating; and if he is not perpetrating deliberately, then he is committing a much greater offence than I could have accused him of. That is the position. What shall we do with your amendments after two years; people may rush to the collector in various districts to have their lands redeemed? Why should they wait two years particularly after the remark which the Honourable the Minister made? When this remark goes out and mortgagors hear of possible amendments there will be a rush and every one will say "let us get back our land before the expiry of two years." If the Bill is amended and any wrongs rectified, this certainly will not give any consolation or satisfaction to the people who are likely to be affected. Then, Sir, my honourable friend was pleased to say we have improved the Bill and pointed out some improvements. What are those improvements? The only 'improvement' which I can see is that whereas previously only poor *barias* were dragged into this, now even some of the Jats have also been brought in. You are asking those who hold no mortgages and not those who hold mortgages. Is it an improvement and is it justice? Injustice is injustice whether it is done to a *baria* or a Jat. I am out to speak against injustice irrespective of the victim of that injustice: he may be Chhotu Ram or he may be Manohar Lal. When he is subjected to injustice then I am out to condemn it. This is my position. It certainly does not improve the Bill. I do not want again to refer to the story of a hunchbacked woman to whom I referred on a previous occasion. Raja Sahib—he is absent—the Bhola Raja and probably some of my Jat friends are under the impression that before 1901, they held only 5 per cent. of the mortgaged land, and I particularly draw the attention of the Honourable the Development Minister to this. Like some other zamindars he may be under the impression that probably it is only 5 per cent. of the mortgaged lands before 1901 which are held by the zamindars. This is wrong. As was pointed out by Mir Maqbool Mahmood the other day 61 per cent. of the land mortgaged during the five years prior to 1900 were held by zamindars. Therefore, if these zamindars now find that it is these mortgaged lands which will be passing out of their hands, I am sure they would have thought twice before voting for the Bill. If I am wrong I would like to be corrected: I do not claim any immunity from mistake. I am taking Mir Maqbool's own figures and he built a great argument on this point the other day when he referred to the figures in the Punjab Banking Enquiry Committee's report, on page 827, if my memory serves me right. Now I have a great suspicion that these gentlemen were not informed of the true state of affairs and probably they were led into agreement by a wrong representation that it was the *baria* really who would suffer: a few people would lose 5 per cent. and the *baria* would lose 95 per cent. Now you cry you are making a sacrifice: but like the saying of a wise man and like the eating of an 'amla' you will realise a little later what it means when mortgaged lands pass out of your hands. I am only pointing out, whether you are prepared to make a sacrifice or not, that it is no improvement upon the Bill, that along with the *baria* you also butcher the Jat who innocently invested his money in a mortgage knowing that the mortgage would not be

set aside, because he paid the money before the Registrar and considered it to be pucca and had been sleeping over it.

Then, Sir, there is another mischievous omission in the Bill and that is the absence of any provision for compensation. Several amendments were proposed on the point but were rejected. If a person takes land on mortgage one of the conditions in the mortgage may be that he can sink a well, that he can even build buildings to a certain extent and thus much money might have been spent. And now when the mortgage passes out of his hands with interest at Rs. 1-10-8 per annum he gets nothing for these improvements and the mortgagor gets this advantage without having paid a penny. Then we find that the civil courts are absolutely shut out. Those who are afraid of going to courts are the people with a guilty conscience, people who have something to be afraid of and people who are afraid of the light of the day and want to do things in the dark so that the lime light of the courts may not fall on their nefarious doings. It is this class of people who avoid courts. People who are honest are not afraid of courts of law. Here are these gentlemen who shut out the jurisdiction of all civil courts and the Honourable Minister for Revenue takes pride in it. He probably regards it as one of the most glorious features of the Bill that he has placed before the House. This is the measure which these Honourable Ministers want us to pass. In a civilised country, those gentlemen would not have dared to think of such a measure. Unless everything was turned topsyturvy and unless they had Bolshevism spread over the country and unless old institutions, old laws, old customs and old traditions were swept away no one would have thought of bringing forward such a measure if he was in his senses and if he was not drunk with that power which circumstances have placed in his hands. With these words I oppose the motion that the Honourable Minister for Revenue has moved.

Mr. Speaker : If we are able to finish this motion as well as the adjournment motion, the Punjab Alienation of Land (Third Amendment) Bill will be taken up.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu) : Sir, I rise to say something with regard to the Restitution of Mortgaged Lands Bill. I may at once say that the attitude of the Government with regard to this Bill and other Bills brought before the House in this session has been very uncompromising. On every occasion we have brought forward amendments with a view to removing the defects in these Bills, we have been told, not that the defects are not there, but that the attitude of the Congress Party appears to be not to give any help to the poor. It has also been said that these Bills which are intended to render help to the peasants, whose blood has been sucked and who are now mere skeletons have been opposed by the Congress Party in order to favour the money-lenders. These and similar other words have been used to bring a bad name to the Congress and I may say that I could retort by saying much worse words, but it is not in my line. And to be frank I do not feel justified in saying anything of that sort because I feel that that blood runs in my veins which has been produced by the wheat and grain produced and supplied to us by these peasants and that I will be doing great injury to the good name of the peasantry in the province if I say anything of that sort by way of retort. Therefore, I resist that temptation and proceed to examine

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briefly in what form the present Bill was first introduced and what shape was given to it by the select committee and in what final form it is sought to be passed. But before I begin to discuss these different forms which the Bill has taken at different stages I would like to remind the Unionist Party of the promises which they made when they fought the elections and when they placed a particular programme before the people of the Punjab. I think I will do well if, with your permission Sir, I read the printed manifesto of that Party before the House. The objects as stated in that manifesto of this Party were —

(a) To develop national self-respect—

- (i) to press for economy at the centre, i.e., the Government of India;
- (ii) to insist on reduction of military expenditure without reducing the Indian element in the Army;
- (iii) to secure release of income-tax for the most pressing needs of the provinces and
- (iv) to insist for a policy regarding customs and duties so as to afford the greatest encouragement to the agricultural producer and the industrialist without injuring the interests of the consumer;
- (b) to encourage independence of thought and freedom of speech and to discourage sacrifice of public interests to personal ends;
- (c) to promote the interests of masses without undue encroachment on the interest of capitalists, big land-holders and monied people;
- (d) to take up economic reconstruction and re-organisation of agricultural and industrial life of the province so as to cope with the problem of unemployment;
- (e) to study and promote the commercial interests of the province;
- (f) to overhaul the educational system in all its branches;
- (g) to stand by the Punjab Alienation of Land Act as a measure for the protection of backward classes;
- (h) to promote industries with special emphasis upon cottage industry in rural areas so as to provide supplementary means of income to rural population;
- (i) to improve methods of marketing, including the reforms of objectionable market usages and practices;
- (j) to effect rural uplift by infusing the real and enlightened spirit in village communities and making every village a unit of true social and national life;
- (k) (i) to secure purity of administration;
- (ii) to distribute fairly and equitably the burden of taxation;
- (iii) to eliminate all excess in the cost of administration so as to provide funds for beneficent activities; and
- (iv) to ensure religious and cultural integrity of each community as the best basis of lasting national unity; denying the claims of any community to dictate to other communities and in the case of conflicts, settling the disputes and differences on the principles of toleration.

These are the objects which the Unionist Party, at the time of elections, said it would make every effort to achieve. Now I shall examine which of these objects these Bills are intended to achieve. I wish I am allowed to say a few words with regard to each of these objects and to show how this Party has gone behind those promises, but I know that I will be ruled out of order and, therefore, I will content myself with saying that none of the objects stated above will be secured by any of these Bills. I put this question to the Ministerial Party and to the sponsors of these Bills to say sincerely whether they really feel that any of their objects will be attained by any of these Bills. I am sure and I can say without waiting for the answer that they feel in their heart of hearts that they are going the wrong way.

In support of my contention I may refer the House to the statement of objects and reasons in which it is said that—

A number of mortgages of land made by members of agricultural tribes before the 8th June, 1901, i.e., the date on which the Punjab Alienation of Land Act, 1900, came into force, are still in existence in spite of the fact that the mortgage money has been realised many times over from the profits of the land. The Bill is intended to make provision for the termination of such mortgages, on payment of reasonable compensation, where necessary, and for the restitution of possession of the land mortgaged.

Sir, the object of the Government in moving this Bill was, as is apparent from the statement of object and reasons, not to benefit the poor zamindars but to further exploit the distinction between agriculturists and non-agriculturists. The intention was, however, carefully concealed.

Mir Maqbool Mahmood : On a point of order, Sir, I am very reluctant to interrupt the honourable member. We are now discussing the third reading of the Bill. I submit we have to discuss the Bill as it is sought to be passed and not as it was originally introduced.

Dr. Gopi Chand Bhargava : It was the Government's intention to benefit the big zamindar irrespective of his vast property, his high position in life and his being a factory owner. This is why the original intention of the Government was not to take away the lands mortgaged before 1901, which were in the possession of big zamindars. I want to point out that a poor non-agriculturist who is a tiller of the soil is far better than a big zamindar who does not till his land with his own hands and gets fat by usurping the poor zamindars' lands. The big zamindar, Sir, is a blood-sucker as out of the money which he makes in several ways he tries to purchase the lands of the poor and thus expropriates them. But the Government wanted to benefit only the capitalists and big land-holders. But they were clever enough to do all this under the cloak of helping the poor and petty agriculturists. Sir, I submitted at the time of reference of this Bill to the select committee that the poor zamindars would not benefit by this Bill even if their lands mortgaged before 1901 were restored to them. I submitted that real good could be done to the zamindar only if facilities were provided to him to raise money in the hour of need. It is possible, nay probable, that a person who has land is more in need of money than anybody else. He wants money to improve his farming. Has the Government made any arrangements to provide him with loans at the time when he requires money? In all civilized countries such an arrangement has been made. Even in our country the Bombay Government has provided for an opportunity for the zamindar to raise loans on reasonable rates of interest. Five or seven crores of rupees have been deposited with the Agricultural Bank to give loans.

Then, if the Government is really desirous of helping the poor zamindars, have they thought of introducing any changes in the system of collecting land revenue? Are they prepared to exempt the same things from attachment if land revenue is to be recovered which are exempt so far as the execution of a civil decree is concerned? It is a well-known fact that since 1929-30, the years of unprecedented economic depression, the zamindar has been continuing in a bad monetary condition. The prices of his agricultural produce are phenomenally low. All the jewellery he had has been sold to meet the Government demands for land revenue and ahiana. Gold worth hundreds of crores of rupees has left the shores of India since

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the period of depression set in, and all this gold has come out of the zamindars' homes.

Mr. Speaker : The motion is that the Bill be passed. So, its discussion should be restricted to the contents of the Bill.

Dr. Gopi Chand Bhargava : Sir, I propose to test the value of this Bill in view of the requirements of the case to which it is intended to be applied. I was talking of the difficulties of the poor zamindars. I was pointing out that this Bill will not solve his difficulties. I was, therefore, not irrelevant. The other point which I wish to urge before this House is this. Has the Government made any provision that the lands redeemed on account of this Bill will not leave the hands of the poor zamindars so that they may not become again destitute? The state of affairs in the country is this that the zamindar is poor and needy. He shall have to raise money for his needs. Are you putting him beyond the range of needs by passing this Bill? Where is the guarantee that he will not part with the land which you are restoring to him to-day? Has the Government made holdings, which can hardly be called "economic holdings" inalienable? If they have not done so, and they have certainly not done so, although the Premier was talking the other day of introducing another useful measure, where is the guarantee that the land now restored to the zamindar will not be again mortgaged, given on long lease for 20 years or even sold? Nobody is going to purchase land from zamindar except agriculturists or money-lenders who have made heaps of money by money-lending. Only these persons would be able to purchase land according to the proposed Bill and so every sale would be made to big zamindars or big money-lenders. It is quite obvious that if this Bill becomes an Act only rural magnates and big land-lords would reap benefit. Sir, what is being done for the good of poor peasantry in the world is this; the minimum price of produce is going to be changed and much is being done for raising the price of produce, so that marketing may be improved by so doing. It is very strange that the Government is trying to stop every kind of fraud but it does not really care to cut off the very root of the disease. It is right to say that peasants lack healthy blood and transfusion of blood is also possible and practicable. But what we really object is that it would not be justifiable to put blood into a zamindar who is already healthy and who has already plenty of blood in his body. Do you know what would be the result? The blood-pressure of that big-bellied zamindar would be thus raised and it would be more dangerous for him. It is very regrettable that those amendments which were submitted at the time of reference of this Bill to the select committee were not accepted at all by the Government. My submission is that real good can be done to the zamindar only if the prices of produce be kept under control by the Government who should be very careful in fixing such prices as may go to benefit the peasantry a lot. This has been done only in one country, i.e., Germany. I read out to you what has been done in that country :—

The land under the Erbhof (Economic) Holdings) shall not be charged, alienated, or subjective to any executive action.

What have our Government done for the poor peasantry? Our Government have introduced this Bill according to which a petty zamindar

can neither mortgage nor sell his land to a petty zamindar. If he is willing to do so he shall have to seek the favour of some big zamindar, the sucker of the blood of petty zamindars. I would like to submit that this kind of Bill can be passed by that Government which does not care a twopence for poor zamindars. If we send some useful amendments, everybody is aware how they are treated. Sir, every amendment of ours has been thrown to the wind and every request made by us turned down by the Government. Our one suggestion was that Government may apply this legislation to those mortgages which had been made before 1901. But none paid any heed to our suggestion, and this amendment met with a sad fate. I do not know what figures Raja Sahib wanted from the Government. At the time of introducing this Bill in the House no facts and figures at all were provided by the Government whereas it is very necessary for a responsible Government to take facts and figures into consideration in order to know as to how many people would be benefited and how many would stand to lose. But our Government have not done so.

Premier : We have got figures.

Dr. Gopi Chand Bhargava : The Honourable the Premier says that he has got figures.

Premier : Communitywise.

Dr. Gopi Chand Bhargava : We do not want communitywise figures. We ask, why did not the Government provide them at the proper time? We want to know how many mortgages were made before 1901.

Sir, let me now present facts and figures which our Premier wants to conceal from the Honourable House. I have got them from Agricultural Statistics issued by the Board of Economic Inquiry. From 1896—1935 the figures available are regarding usufructuary mortgages and the number of mortgages made afterwards is between 1,102,734 and 1,171,750 acres and the excess of land redeemed is 714,437 acres. It is clear from these figures that up to 1936 more lands were mortgaged than actually redeemed. The land mortgaged up to 1926-27 is 1,171,750 acres more land was mortgaged and less was redeemed. Sir, I tell you the excess of land redeemed is 714,437 acres. So the balance is 2,050,097 acres (mortgaged land). During the years 1908—1935 the total price of land held as usufructuary mortgages is Rs. 1,12,50,28,204 and price of land redeemed is Rs. 58,84,83,301 and the price of balance of land mortgaged is Rs. 53,65,44,903. From these figures it can easily be calculated how poor the zamindar is. Sir, these figures are worth consideration. It is obvious from them that poor zamindars could not do anything except give their land on mortgage during the years 1927—30. Under these circumstances I beg to ask the Government whether it does not behove our so-called zamindars Government to extend its helping hand to the poor, down-trodden zamindar. It would have been very fair on the part of the Government if they had decreased the interest taken on those mortgages from the zamindar and helped him in redeeming his land. But our Government is not prepared to do so.

Besides, I would like to mention another point here and it is this. What is the value of the land that was mortgaged between the years 1903 and 1938 and what is the value of the land that has been redeemed during these years? I want to give the relevant figures about this matter.

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1,125,028,204 acres were mortgaged. The value of the land mortgaged during this period is 98,85,44,908 rupees. Is the Government prepared to extend the operation of this Bill so as to cover these cases of mortgage as well? We want to press this demand simply because if this is accepted the poverty-stricken agriculturists would stand to gain by it. In the present form the Bill is defective as it will only benefit the rich zamindars. The Government can ill-afford to see the big land-lords adversely affected by their laws. In fact they are out to work for the aggrandisement of the rich and not do anything for the amelioration of the condition of the poor. The treasuries of the Government which are filled by that money which the poor agriculturists earn after working extremely hard, cannot spare any amount to be spent for the good of the zamindars. But the Government is always ready to pass such measures as would create bad blood among various classes and would throw dust in the eyes of the innocent people. In fact the masses are being hoodwinked.

During the last Budget session I observed that while the Government easily recovered large amounts of land revenue from the poor tillers of the soil, it did not occur to it that the impoverished agriculturists had to part with their last penny in order to fulfill their obligation. The Government thinks that the people are rich who regularly pay off their dues. Only a poor man who lives a simple life and has nothing to wear but a loin cloth can appreciate the sufferings of the poor and not Sir Sikander Hyat who leads a luxurious life. In spite of all this it is strange that some honourable members in this House have the audacity to cast aspersions on that great man, Mahatma Gandhi who really feels for the poor. What the Congress means to do for the poor is clearly laid down in the manifesto that it has already published. In keeping with that spirit we proposed that those landholders who pay Rs. 800 or more as land revenue should be excluded from the operation of this Bill. But it is a thousand pities that the Government has not been able to accept even this most reasonable proposal. I may make it clear that this amendment was calculated to help the poor and exclude the rich from taking any advantage of it. We had set up the standard of rich and poor zamindars. But the Government, seeing that this amendment was not going to benefit the rich landlords, rejected it because the policy of the Unionists is to sponsor the cause of the big landholders. This used to be the policy of the British Government and now our own Government is also following in their footsteps. It does not intend to help the poor. Had it been favourably disposed towards the poor, it would have readily agreed to this amendment. It could also compensate the poor mortgagors where necessary. But they have given ample proof of their sympathy for the rich and their lack of sympathy for the poor. Again, the Government grants jagirs to the wealthy people. Instead of doing so the Government should grant land to poor agriculturists as there is large area of land with the Government. It is no use granting jagirs to land lords. That land should be given to the poor mortgagor or the poor mortgagee as the case may be by way of compensation. We wanted that this land should be redeemed which bigger zamindars have taken away from the poor agriculturists. We have been, on the other hand accused of having put forward this salutary proposal. That is hardly fair. The

Government did not agree to compensate the assignee, either of the mortgagees or of the mortgagor. But hardly had the Government rejected this proposal when it readily agreed to compensate those who had effected any improvement in the land while it was in their possession. May I ask if these transactions were not fraudulent in which the Government has agreed to give compensation to the mortgagees or the middlemen? It must be an equally fraudulent transaction but the only difference seems to be that in this case the agriculturists stand to gain by it. But if an agriculturist sunk a well or arranged for a *Jhalow* or dug some channel into his land, he must have done so to benefit himself and not to enhance the value of the land. There is no logic or reason in this attitude of the Government that they should compensate one class of people and ignore the claims of those who belong to another.

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

I wish to bring another point to your notice and that is that in this Bill all the powers have been vested in the executive. I may submit that if they had declared that all the civil courts had become corrupt and that they expected no justice from them and that in spite of the fact that they are working under them, still they had no hope of their betterment, then I would have understood the logic of their argument of vesting all the powers in the executive officials. But, Sir, the case is quite the reverse of it. When any question about the civil courts comes under discussion, the members on the Treasury benches rise up in their seats and defend them like anything. Moreover when any question is raised in regard to their salaries my friends opposite plead vehemently their cause and they ask us that as they have to pay them so much money by way of salaries, therefore, the House should pass their budget and should not decrease anything. The arguments that they submit in their favour are that they have to pay them so much and so they are powerless to reduce the land revenue. But may I question, what is the necessity of civil courts when a deputy commissioner is more than sufficient to carry on the work of the civil courts as well? In this connection I am constrained to remark that all the Bills that have been passed recently give very extensive powers to the deputy commissioners. In fact the deputy commissioners will decide the fates of so many people. We on this side of the House moved an amendment that my friends had given so wide powers to the deputy commissioners, that at least the right of hearing appeals should be given to a judicial officer. But, Sir, our amendment was turned down. May I question my friends opposite whether it is fair and proper for them that they should turn down the just demands of the Opposition? If my friends over there think the judicial officers to be corrupt and bad people, why do they not prevent other people from going into their courts and file suits?

Then, Sir, we suggested that just as a procedure is laid down in the Tenancy Act, in the same way a procedure be laid down under which the deputy commissioners should dispose of their cases. But my friends opposite turned down even this harmless proposal of ours and they could not bring themselves up to accept our suggestion. If they cannot agree to a proposal at least they should make themselves bold enough

[Dr. Gopi Chand Bhargava.]

to agree to this fact that if they think the civil courts to be corrupt they should have the courage to abolish them. But we know that they need the civil courts and the police, due to whose tortures the poor people are even forced to commit suicide, in order to prevent the zamindars from asking their just rights. Therefore, Sir, side by side with the powerful deputy commissioners they want to keep the civil courts as well. If the courts are bad, why does the Government allow people to file their suits in those courts? I request the Government to save those people from those courts as well. If they desire only to save the rural people why should they not save the city people from them? But, Sir, I think that there are other reasons which are dormant in the hearts of my friends opposite. In fact everybody knows how the executive business of the Government is carried on. We all know that when a magistrate goes to hear a case he consults the deputy commissioner and then decides the case in the light of the deputy commissioner's remarks. There is no denying the fact that he always works under the instructions of the deputy commissioner.

Now, Sir, the object of the Government in passing these Bills is to prevent the people from fighting for their rights. I say let them not give these rights to the people but, Sir, they should also save other people from the same things from which they desire to escape. If you allow me, Sir, I would like to say a word to the Honourable Premier. There was a time when the name of Sir Sikander was synonymous with justice, but, Sir, after passing these Bills the Honourable Premier wants to enforce his Sikander-Shahi on the people. I say they are at liberty to carry on their Government in a way that pleases them but at the same time it becomes the duty of the Opposition to move such amendments which are meant for the benefit of the masses. I request the Government that they should do such things which are useful for the zamindars and that they should not try to benefit the big landlords at the cost of the poor. I tell them that to-day they think they are in a majority but they should remember the fact that any government which does not do things for the benefit of the masses, cannot go on for ever. One day it must crash down. A government which does not do things for the benefit of the masses cannot be called a responsible government. Our Government is benefiting the big landlords on the pretext of benefiting the poor. This Bill, I am constrained to remark, is against the programme of the Unionist Party and it is not being passed for the benefit of the small zamindars. We, on this side of the House, have tried to do some good to the poor people. For example, when the Bill was referred to the select committee we proposed that certain amendments should be incorporated in it and in view of those suggestions the Government should see if they can benefit the people or not. But, Sir, it is apparent from the attitude of my friends opposite that they never liked to accept our proposals. They may do so, because to-day we are in a minority still we have at heart the welfare of the masses. We are not such people who in spite of the fact that they are rich people would still try to benefit themselves under the guise of benefiting the masses.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, at this stage usually the speeches made are of a very brief duration and of a character which is confined more or less to the general principles of the Bill.

My friend the Leader of the Opposition, however, has delivered a long speech and he has gone into details most of which were not at all relevant to the motion before us and some of which savoured of a kind of apology for what he and his party had been doing during the course of the discussion on these Bills. However, I will come to his speech later. Let me first begin with the speech of my honourable friend, Dr. Sir Gokul Chand Narang, who started with saying that this Bill was a measure which was nothing less than a measure of usurpation and expropriation. These are the words which he used. But if you remember the days when the Land Alienation Act was passed, we heard identical arguments from the opponents of the Land Alienation Act which was then termed a black Bill, a Bill which was going to suck the blood of the non-agriculturist, which was going to damn the non-agriculturists for ever in this world, a Bill which was to expropriate the poor classes who were not agriculturists.

Dr. Sir Gokul Chand Narang : Quite true.

Premier : Though hartals and demonstrations were not in vogue during those days, they were as much witnessed when the Land Alienation Act was passed by the Imperial Legislative Assembly and we have now also seen during the past three weeks or more meetings either imaginary or real and in bold headlines the press describing these measures as black Bills and giving accounts of hartals and if you allow me to digress just for a moment, I might mention some of the devices which were used in getting the people to shut their shops and declare hartal.

Dr. Sir Gokul Chand Narang : Will you also allow a contradiction of the statements which the Premier is going to make and which are not relevant to the debate but are only a digression. It will create an atmosphere which you will not like, they will not like and we ourselves will not like.

Mr. Deputy Speaker : Let the Honourable Premier say what he wants to say and then I shall see.

Premier : I will draw the honourable member's attention to the ruling which has only recently been given by the Chair and I hope that he will observe the propriety of not interrupting me.

Dr. Sir Gokul Chand Narang : I will interrupt the Honourable Premier fifty times if you permit me and if the rules permit me. It is indeed very indecent on his part to say what he has said.

Premier : You were not here when the Speaker gave his ruling.

Dr. Sir Gokul Chand Narang : I have heard him. I was here.

Premier : You have disobeyed the Deputy Speaker then. (*Interruptions.*)

Mr. Deputy Speaker : Order, please.

Premier : I was merely pointing to the references made by my honourable friend and some members in this House with regard to the agitation, the furor, the uproar in the whole province. That is what I am replying to and I am referring to that furor and uproar and how that furor and uproar was engineered. Let me give you one instance. I saw in one newspaper that in one place a shop-keeper

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was told that these Bills were meant to stop the daily earnings and daily accounts of every shop-keeper. That was said to some shop-keepers to get them to support the hartal.

Dr. Sir Gokul Chand Narang : Must be a lie.

Premier : It was published in a paper. (*Voices :* Name the paper.)

Mr. Deputy Speaker : No interruptions, please.

Premier : My honourable friend is likely to feel restive throughout my speech but I cannot help it. I know of cases of one or two shop-keepers in Simla. One of them was told that in future he will not be able to get his money from the military officers if he sells goods on credit. The other shopkeeper was told that a certain big personage was very ill and, therefore, hartal must be observed that day. I do not know whether these reports are correct or not, but I dare say, that some of them are exaggerated but on the other side my point is that the hartals, accounts of which were printed in bold headlines in the papers throughout the province were not of such magnitude and such extent as those papers tried to depict. I admit that the classes who are going to be affected by these measures are naturally feeling restive and feeling a certain amount of anxiety that their days of exploitation are over. I have sympathy with them and I do not grudge them these hartals and boycotts but to say that these hartals extend to 50 per cent. of the population of the province is, I think, a baseless assertion, an assertion which cannot bear scrutiny for a moment. I am certain that it is those forty or fifty thousand people who are going to be affected directly by this legislation, that are described as the majority of the province, and I make bold to say that ninety per cent. of the province will be helped by this measure so as to get them out of the clutches of the people who have exploited the masses for centuries in the past. (*Loud applause.*) Attempts have been made in the press, and I am sure that they will prove to be futile attempts, to make this question a communal one. Attempts were made to give out that the Governor's special powers with regard to minorities would be invoked and utilised in regard to these measures. It is not for me to say what decision His Excellency the Governor or those higher up might take. I saw the other day a rather cogent article in the "Civil and Military Gazette" by a Punjabi which put forward irrefutable arguments against that attempt to make it a communal question or a question which concerned the minorities. My honourable friends cannot and I challenge them that they cannot gainsay the fact that these Bills affect not only Hindus and Sikhs, but Muslims and every other community in the province, whether it is the Restitution of Mortgaged Lands Bill, whether it is the Money-lenders Bill or whether it is the Alienation of Land (Amendment) Bill. All these Bills will affect every community. It may affect one community more than any other community, but that does not mean that it is a communal measure. It merely means that one community is more or less engaged in a profession in which it preponderates. That happens in every walk of life and in every profession. (*Interruptions.*)

Mr. Deputy Speaker : I would request the honourable members not to interrupt. If the honourable members have to ask a question, one of them should stand up and ask the question through the chair.

Premier : My honourable friend says that it is not a communal measure but it is a class measure. I should like to have the definition of a class measure before I can answer his question but if by class measure he means that it is going to affect the richer classes among all communities, then I entirely agree with him that it is going to affect adversely some of the richer classes in all communities and not only of one community. If he means that it is going to affect one community or one class at the expense of another, then I am sure that his interpretation is wholly erroneous and based on wholly erroneous ideas. My friend, Dr. Sir Gokul Chand Narang went on to say, rather one of his arguments in his previous orations was as to why the 8th June had been selected and he asked "was this a sacred and sacrosanct date"? I think my honourable friend was not here when I answered his argument. I did say that 8th June, 1901, was the date on which the Land Alienation Act was enforced in this province and we are now dealing only with those mortgages which were effected prior to 1901. I further submitted on the floor of this House that after 1901 the position had been reversed. It was often a bigger owner who had mortgaged his land to the smaller agriculturists. That was the position and that is why we have at the present moment confined our measure to mortgages which were entered into prior to 1901. (Dr. Sir Gokul Chand Narang : Your authority for this ?) I gave you the figures the other day. I told you that the average area mortgaged is 2½ acres now. My honourable friend also went on to say that if this measure is allowed to be passed to-day, some more socialistically inclined Minister might bring in a law to-morrow which will mean real exploitation of land which has been sold centuries ago. My honourable friend must remember that that thing has happened in several other countries and it is because we do not wish that doctrine to be applied here that we are bringing in these measures as a safety valve rather than those forced measures which will go to the extreme length and hit him harder. (Loud cheers). He has absolutely forgotten that. My honourable friends opposite will probably wish to see here a state of affairs where everybody's land is taken away and put on a nationalistic basis and everybody is compelled to till some land and the income is to go to the exchequer of the Soviet where there would be a small oligarchy with an autocrat. (Interruptions.)

Dr. Sir Gokul Chand Narang : Is the Honourable Premier referring to Russia ?

Premier : I am referring to the Soviet system. He further went on to say that it was going to affect one particular community and particularly those poor mortgagees who had taken land from mortgagors several years ago and these poor men would be hard hit. That argument was answered several times by me and other speakers in the House. According to my figures these persons have already benefited to the extent of anything from 400 per cent. upwards, but apart from that, as I asserted yesterday, it is my fixed conviction that as a result of this legislation, when it is enforced, you will find that the biggest land lords will be the worst sufferers. That is my fixed conviction but that has not in any way stopped me or made me hesitate in bringing forward this legislation.

Dr. Sir Gokul Chand Narang : Does it mean that the mortgages are held by 86 people or something like that ?

Premier : I cited two instances in this House which were of mortgages held by big land-owners who will suffer to the tune of several lakhs of rupees. My honourable friend went on to give rather a fallacious argument supported by figures which were even more fallacious when he said that if you introduce this system of *damdupal*, of twice the amount originally advanced, it would work out at 1/8 per cent. per annum. That was his calculation. I gave the House exact figures and calculations based on facts and not on theories or imagination as my honourable friend has done. If you take the income from land or the yield from land at an average figure of 8 per cent. per annum and multiply it by 4 because ordinarily money is advanced up to 25 per cent. of the price of land mortgaged, it means 12 per cent. per annum of the money advanced. That calculation showed that the land taken out of the possession of their original owners, would yield to the mortgagees anything from 480 to 700 per cent. in forty years or more. That is the real basis of the calculation and these are the exact figures; it is not 1/8 but it is 480 per cent. Naturally that argument does not appeal to my friend. Nevertheless I assert that that argument is correct and is irrefutable.

Dr. Sir Gokul Chand Narang : May I ask one question ?

Mr. Deputy Speaker : Not unless the Premier gives way.

Dr. Sir Gokul Chand Narang : If he does not, it means he cannot answer the question.

Premier : No, I do not want to answer any irrelevant question at this stage.

Lala Bhim Sen Sachar : May I draw your attention to Standing Order No. 88 which says that in the course of discussion a member can get up and ask the member in charge any question.

Mr. Deputy Speaker : It is not obligatory on the honourable member, who is speaking, to answer that question.

Dr. Sir Gokul Chand Narang : The question can be put; he may or may not answer it.

Mr. Deputy Speaker : The question can be put only if the honourable member who is speaking is prepared to give way.

Premier : I was submitting that his next argument was: now look at it, what has the House done; what has this majority party done? They have removed the discrimination between the agriculturists and non-agriculturists prior to 1901, and it would mean that they have taken together both the agriculturists and the non-agriculturists. He said that probably by wrongly representing that it is this basis only who would suffer and not the agriculturist, we got our party to agree to this alteration. My honourable friend has a very short memory. He has forgotten that in his first speech he said that he strongly criticised this provision which discriminated between an agriculturist and a non-agriculturist. Now he is eating back his own words, on this very Bill and trying to blame me for removing discrimination. He is well aware that on the first day when this Bill was moved I got up in the House and gave an undertaking that if they wanted discrimination to be removed I would be prepared to remove the discrimination and to see that there was no discrimination prior to 1901 and that was done.

Dr. Sir Gokul Chand Narang : Up to 1938.

Premier : I am advised at present that it is not necessary because there has been no exploitation after that. (*Hear, hear.*)

Dr. Sir Gokul Chand Narang : 'Ghar ki ghar men rahi'.

Premier : Exactly. My friend says 'ghar ki ghar men rahi'. That is the very principle of the Land Alienation Act which he may not like (*hear, hear*). Then my honourable friend went on to say that civil courts have been barred and shut out and this argument was taken up by my friend, the Leader of the Opposition, also. Naturally I believe both of them feel equally on the point and perhaps several other members on that side too. But what have we actually done, with regard to this particular matter? We have not introduced any innovation and I have laboured this point on the floor of the House practically every day, during the course of the discussion on the Bill. We are doing nothing new at all. My honourable friend is aware that so far as the redemption of mortgages is concerned, power is given to the collector.

Dr. Sir Gokul Chand Narang : The Honourable Premier goes on making misrepresentations.

Premier : Certainly not. I am not making any misrepresentation. I warned my honourable friends opposite that they would feel restive and would continue to be restive. I do not blame them. I was pointing out that nothing new has been done. There are several important enactments in the province, where all these powers have been entrusted to the collector or the commissioner or the financial commissioner. You take the Land Alienation Act, the most important enactment, where the collector has to adjudicate on matters of great importance and on matters relating to very large amounts financially and yet we have not heard a single complaint during the last 37 years with regard to the working of that Act. Even if occasionally a mistake is made it is either rectified by the commissioner or the financial commissioner. My honourable friend wound up his peroration by saying that my friend, the Honourable the Revenue Minister has said we will amend the Bill if there are any defects or if we find there is any hardship in the working of the Act itself. As a matter of fact he said nothing of the sort. What he said was, later on if there are any defects in the Bill, Government would consider those defects and if necessary bring in an amending measure; for instance, take the Land Alienation Act or other measures recently passed. We have been trying to stop certain loopholes in that enactment. If there are any new loopholes and hardships, naturally Government would be prepared to consider them and if necessary bring in an amending measure. My honourable friend is trying to raise a hue and cry according to the Persian saying *آب نه ديدم موزه کشيدم*. He went on saying, if you bring in an amending Bill afterwards where is the use? How is it going to help the people when their blood has already flown in ditches? These are the words which he used.

Dr. Sir Gokul Chand Narang : I said 'flowed into the ditches.'

Premier : I thank him for the correction. When blood is flowing in the ditches where would be the use of such an amendment? As I said in the beginning these were exactly identical arguments given by several people when the Land Alienation Act was amended; that is merely repeating history. History repeats itself. Their incarnation is still in the shape of Dr. Gokul

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Chand Narang and it reminds me of the story of a small boy who was beating a bigger boy and at the same time raising the whole street by shouting that the other fellow was beating him. That is the kind of argument my honourable friend opposite has advanced. I do not blame him. The class he represents cannot help it. *(Hear, hear)*.

Now, I turn to the rather lengthy speech which my honourable friend, the Leader of the Opposition, made. I would not detain the House very long. I will only take a few salient points in his speech and try to meet his arguments, or where those arguments were not based on facts, to repudiate them. He started by reading the creed of my party. I could see that some of his back-benchers were getting uncomfortable about it, when he started reading that creed. I know that it is a sore point with my honourable friends opposite. They know that our creed stands out supreme in this country, *(hear, hear)* and that it is better than any creed adopted by any of the political parties. He said, "what have the Government done with regard to this rather grandiose scheme to implement this promise?" It is not for me to answer that question. They know it fully well. As a matter of fact—my honourable friends also know fully well what this Government has done during this short period of 18 months. During this period we have, to mention nothing else, brought in these Bills. During this short period we have done what other provinces will not be able to do in a decade. *(Hear, hear.)* But what we have actually done is well-known to the world and it is well-known to the province. Those people, who had been slumbering and those ignorant masses who had been hoodwinked hitherto, will no longer remain ignorant after this measure comes into force. It may be one of the main reasons why my honourable friend opposite tried to make a wholly irrelevant speech, a speech wholly opposed to the declared attitude of the Congress party. His main point was that in our creed we have said that we would try to help the small man, the small peasant and the small labourer without undue encroachment on the interest of the big capitalist or the big landlord. I ask him, what is wrong with it? Our creed is not expropriation of property of other people. Our creed is to try and raise the status of poor peasants and poor labourers, the down-trodden people, so that they may also walk with their heads erect as respectable people in this province. This is our creed. If we encroach on the interests of big landlords, that encroachment will not be unjust. That is my creed and I stand by it and every single member of my party stands by it. Incidentally, that part of my creed will also answer the question of my friend, Dr. Gokul Chand Narang and it will allay his anxiety with regard to expropriation of land or transfer of land which had been sold long ago. There is a safeguard and there is a guarantee that no such thing will be done by my party as long as we are in power. *(Hear, hear.)*

My honourable friend later went on to say — and I thought that he was getting beyond the delicate ground consistent with the position of his party — that this measure was not meant to help the poor agriculturists but to retain the distinction between the agriculturists and the non-agriculturists. I daresay that my honourable friend was very near the truth. Originally, the Bill as drafted, had certainly a discrimination between agriculturists and non-agriculturists. That his now

been removed. But if my honourable friend wishes to torpedo the Land Alienation Act altogether, then he is living in a fool's paradise. He has strongly stressed the point that he should like to see the discrimination of agriculturists and non-agriculturists set up by the Land Alienation Act totally removed. I am sure that that discrimination can only be removed when the agriculturist is either maimed or is not alive any longer. The Bill in its original form certainly related to those mortgages, which had been executed by agriculturists in favour of non-agriculturists. But as you are aware, on the very first day, I gave an assurance to the House that if they wanted to remove that discrimination, I would be glad to help them and that I would be prepared to accept an amendment to that effect. You are aware, Sir, that in the Bill as it now stands we have removed that discrimination up to 1901; that is rather an important point on which I have repeatedly laid stress that up to that time, since there was no Land Alienation Act, there was no difference between the agriculturists and non-agriculturists and there is no harm to remove that discrimination now, but incidentally the Bill in its original form was useful in helping us to test the *bona fides* of those who sit opposite and you know perfectly well that during the course of discussion and voting, how that test was applied and how they came out of it. You are aware, Sir, that several members spoke vehemently against the most important provisions of this Bill and some amendments were moved on which my honourable friend, the Leader of the Opposition, laid so much stress and said, "We had brought in certain amendments to remove that discrimination and to help poor people but they were thrown out by the Government." Let me give you an instance and remind the House of the nature of some of the amendments moved by my honourable friends opposite. One amendment says:—

Provided that nothing in this section shall affect a decree of a civil court passed in a mortgage suit instituted before the commencement of this Act.

There is no date in this Act which bars suits from being instituted. I believe that the object of this amendment is that as soon as this Bill becomes law or sometimes before it actually becomes law, every mortgagee should institute a suit and defeat this Bill. That was the amendment, which according to my honourable friend opposite, was in the interest of poor zamindars and poor labourers and mortgagors. This is the kind of amendments which they moved to help those poor people. (*Sardar Hari Singh*: Name any amendment.) My honourable friend opposite says, 'Name any of those amendments.' I can assure him that he has not moved any such amendment. I know it perfectly well that he and those of his school of thought, who have got feelings for those poor people, will not move any of those amendments. It is the other members of the Congress party who profess to sympathise with the poor agriculturists, who moved those amendments. Another amendment which was moved says:—

Provided that nothing in this Act shall apply to—

- (a) members of the Punjab Legislative Council or Assembly; and
- (b) any transferee or assignee of a mortgagor;

which *inter alia* means that no lands should be taken out of the possession of those mortgagees who are members of the Assembly. It is not an amendment tabled by my party but by a member of the great Congress party.

[Premier.]

That was another amendment which was moved very likely with a view to help the poor people. Similarly, if you look through the list of amendments, you will find various amendments which were moved by my honourable friends opposite, who say they wanted to improve the Bill. But there were other amendments which, instead of trying to improve the Bill, wanted to restrict the scope of the Bill or altogether to torpedo it.

Now, Sir, my honourable friend, the Leader of the Opposition complained that Diwan Bahadur Raja Narendra Nath asked for some figures from the Government, but the Government did not supply them to him. I may inform the honourable member that Raja Sahib wanted figures regarding mortgagors and mortgagees *communautaire* as there are some members in this House who are under the impression that this Bill is going to be applied to one particular community and that it is a communal measure. May I know whether my friend wants similar figures? I hope he unwittingly tried to support that argument. Those figures which Raja Sahib wanted were not easily available as they related to mortgages which were effected prior to 1901, perhaps 30 years beyond that year. I have issued urgent instructions to the deputy commissioners to collect those figures, if possible, and I will supply those figures to Raja Sahib and make a present of those figures to my friend, the Leader of the Opposition also.

My honourable friend also quoted certain figures which related to the years 1896—1901. I believe, he has not seen this report which I have got here and which clearly gives the number of mortgages effected from 1896—1901. During those 5 years there were 235 thousand acres of cultivable land redeemed and 337 thousand acres mortgaged. There will be very few mortgages of any large area still subsisting. However, it is the number of such large mortgages which is of importance and not the actual area involved.

My honourable friend also quoted certain figures which related to 1928 and subsequent years. If he were a zamindar he would have known perfectly well that the slump set in during 1928-29, and the figures for 1928-29 are for that slump period, an unprecedented slump in prices which we had never witnessed before in this country.

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

If my honourable friend were a zamindar he would have known that during that period the poor zamindar had to mortgage his land or give his land on *mustajri* to clear his debts. He had nothing else left to him and being a person of honour he did not refuse to discharge his duty. If my honourable friend examines the figures for the years 1932—36, he will find that the number of redemptions is larger than the number of mortgages. Unfortunately, there is again a slump and perhaps that phenomenon may again appear and cause a great deal of anxiety which will be shared by the zamindars and the Government no less than by anybody else.

My honourable friend also brought in several other facts in his speech which are not strictly relevant to the subject under discussion, but as he has mentioned them I will just refer to them. He brought in the question of ratio and railway freight and asked, what has the Government done about

them? He must be aware that I cannot do anything about the ratio even if I wanted to, that being a central subject and the railway freights are not controlled by me nor by my colleague, the Minister for Finance, they are controlled by the Railway Board. In spite of that we have passed several resolutions on many occasions just as we passed a resolution and made recommendation to the Government of India strongly pressing it to re-impose the wheat duty. My honourable friend was talking probably merely for the sake of rhetorical effect instead of on any facts and figures based on any real information. He also made a passing reference to the drain of gold from this country to other countries. We know that a huge amount of gold has passed out of our country much to our misfortune, and most of this gold went out of colony areas, areas which during the last war or post-war period amassed large amounts of money and converted into gold. But who is affected thereby? Again the poor zamindar! I know of one instance where a gentleman himself told me that his actual working capital was very small, but the rush for selling gold was so great that he employed several men who had to run between Amritsar and Rawalpindi to borrow more money. He bought gold for 19 rupees and sold for 27 at Amritsar. The poor zamindar has suffered throughout and the middlemen again stand to gain. Some of those middlemen have become millionaires. But I hope that prosperity would return to this country and I will see again zamindars laden with gold.

As a matter of fact the whole trend of the speech of my honourable friend, the Leader of the Opposition was a homily; a homily preached to this House not with a view to influence this House, but—(interruption). I will not say that, because he is not in the House and if I did so, it will be published in that section of the press which has been throughout opposing these measures. My honourable friend will have the benefit of seeing his arguments printed although they will not appeal to that section of the press itself, but I am sure they will be reproduced with a view to try to vindicate the position of my honourable friends opposite. He could not do anything more at this stage though he tried to do his best when this Bill was being considered and there will be no harm in rehabilitating his position to the rural masses outside whom he has tried to hoodwink.

Mr. Speaker : That expression is objectionable and should not have been used.

Premier : I bow to your ruling, Sir. But whatever my honourable friend might do now he cannot efface the record of the proceedings of this House. The proceedings will be there; they would be public property and every person would be able to read them. Perhaps, the poor peasant outside who is being duped for several years—

An honourable member : Is the Honourable Premier in order when he says that the peasant has been duped?

Mr. Speaker : It does not mean that the peasant has been duped by the honourable member.

Premier : The results of the divisions are there. On this very Bill the first division indicated that those members of the Congress party who had real sympathy with the poor peasant walked with me into the lobby and those who had only lip sympathy were either not in this House or

[Premier.]

walked in the lobby with the honourable gentleman on my right. The division lists speak eloquently with regard to the help and support which we had from these benches (pointing to the Ministerial benches) and the opposition which we received from those benches (pointing to the Opposition benches). Let me assure my honourable friends opposite that if they think that they will continue to dupe the poor simple zamindar, they are living in a fool's paradise.

I know attempts are being made by interested people outside to rehabilitate the position of certain political parties which has been shaken severely as a result of the present legislation by the Government. But I am sorry to say that the method which they pursue or intend to pursue is not in the interests of themselves or of the community or of the province as a whole. Demonstrations which might lead to trouble and might lead to a breach of the tranquillity and peace of the province will not in the long run help either themselves or anybody else in the province and I appeal to those interested parties outside who are trying to confuse issues or trying to throw dust into the eyes of people by creating trouble in other places merely to rehabilitate the position of their parties which has been shaken to its foundation and which now stands in its nakedness to the bone in the country (applause) not to pursue such methods. I warn them that they are doing the greatest disservice to their country and they would be condemned as enemies of their country. So far as we are concerned, we have no quarrel with them. Let them go on, but in constitutional ways. But if they adopt unconstitutional methods and endanger the peace and tranquillity of the province, whether they belong to this party or the other party, I cannot allow it. But I feel certain, at any rate hope, that it will not be necessary to take any strong measures, because I know that people outside, those poor ignorant masses, who have been so far duped will be able to distinguish between the real gem and the false gem, and that truth cannot long remain hidden. They will know who are their friends and who are their foes.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*): In spite of the fact that the Opposition honestly wanted to modify this Bill, still the Honourable Premier and his companions rejected all the amendments on the strength of their majority. Although we submitted very good proposals and one of them was that all the kisans who paid Rs. 500 as land revenue should not be allowed to benefit by this Bill, I very regretfully submit that this amendment was also rejected. I may state here for the information of the honourable members that the other day Sardar Kartar Singh moved an amendment to this effect that those zamindars who pay Rs. 500 as land revenue should not be allowed to benefit by the provisions of this Bill. But, Sir, it was also rejected, although everybody is aware of the fact that this amendment was based on the same principle which has been fixed for the land-holders constituencies in the Punjab. But in spite of the fact that all our amendments were rejected, still I have courageously stood up to support this Bill. (*Hear, hear.*) The fact of the matter is that the present Government has no fears from the Opposition, yet it is doing something for the good of kisans and I, therefore, would not oppose this Bill.

If we reflect on the past we would find that those persons or families who mortgaged their lands some 50 or 60 years ago and have not been able to redeem them by paying up their debts during such a long period, cannot by any stretch of imagination be called rich zamindars. If you permit me, Sir, I would submit that in the year 1912 land was selling very cheap. I perfectly remember the time when the Lyallpur Colony was established, when my grandfather was asked by the Government to take into his possession two villages. But now the conditions are such that the Government are not prepared to allot two squares of land to anybody.

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

Chaudhri Kartar Singh : I have risen to support this Bill. With all the support that I am lending to this Bill, I would like to put a question to the Honourable Premier why he thinks it fit to threaten us again and again. I assure him that he cannot change the policy of the Opposition. He cannot create any differences amongst us. The Congress has a principle before it and it has firmly rooted that principle in our heart. I am definitely of the opinion that that principle would serve as a guiding light and will always keep us on the right path. We want to make it clear to the Unionist Party that they cannot change our policy however hard they may try. We openly declare that this Government is a government of big landholders and they are getting these Bills passed in order to serve their own ends. I may submit that when the Congress Party comes into power in the Punjab, it will take away the lands of the Tiwana and Noon families and will distribute them among the poor tillers of the soil. Then and then only it would take some forward step. I am constrained to remark that the present Government do not pay any heed to the needs of the poor people. It is their duty that instead of taking any care of the big people, who own canals, they should try to pay heed to the waterless districts of Multan and Rawalpindi and also they should gauge the bad condition of the inhabitants residing there. Sir, if you visit the area where the Tiwana canal flows you would find that even its rest-houses are lying empty and all the *haga* is nothing less than a desert. I would, therefore, request the Government that they should do something for the poor people as well. It is useless to help the big landholders who are already rich people. In the end I make bold to say that I and my party are with the Government, but at the same time it is the duty of the Government to give relief to the poor tillers of the soil as well.

At this stage some members rose in their places to speak and others moved closure.

Mr. Speaker : After the leaders of parties have spoken, the back-benchers are not generally called. The Leader of the Opposition has spoken and the Leader of the House has replied. Besides, I am convinced that if further speeches are allowed, generally they shall be, if not entirely, a repetition of what has already been said.

Lala Duni Chand : According to Parliamentary practice, on the 3rd reading of a Bill the debate is not to be stifled. On my part I want to assure you that we are actuated by the best of motives and it is not our desire to play to the gallery or say things which have already been said. We hope to

[L. Duni Chand.]

throw new light on the question before us. We shall be grateful to you if you allow us to continue the debate.

Mr. Speaker : It is not a point of order. I do not want to stifle the voice of the minority. But when I am convinced that nothing new will be said and generally the same arguments shall be repeated, I should save the time of the House. Only one member has spoken on the Government side, whereas three members have spoken on the side of the Opposition.

Lala Deshbandhu Gupta : The speech of the Honourable Premier was very provocative and calls for reply on certain points and if you give us a chance to do so it would be only fair to the Opposition. The Premier should not have the last word in this case.

Mrs. J. A. Shah Nawaz : On a point of order. In the Central Assembly during the time of Sir Frederick Whyte no replies to amendments were allowed and this practice has been followed by two other Presidents. Only Sir Ibrahim Rahimtullah permitted replies to the amendments proposed. The practice in this House is that replies to amendments are allowed. What is the intention of the third reading of a Bill? Speeches may be allowed on the third reading if replies to amendments in the other cases are not allowed. But when speeches are allowed on amendments, replies are allowed both on behalf of the Government and on behalf of the Opposition and everybody is given a chance of speaking. I cannot understand why members again want to speak or are allowed to make such long speeches on the third reading of the Bill. I want your ruling on that point.

Pandit Muni Lal Kalra : You have been pleased to say that because the Leader has spoken the back-benchers have no right to speak. Let us understand the point clearly. You called upon the front benchers to speak according to Parliamentary practice and when back-benchers want to speak you say they cannot do so because the leaders have spoken.

Mr. Speaker : Speaking generally, when the leaders of parties have spoken and the Government has replied, the debate should end. If the back-benchers were to speak, their leaders should have waited and allowed them to speak first and then spoken themselves.

Honourable Members : Question may now be put.

Lala Sita Ram : On a point of order. The leader of my party is not here and none has spoken from our group ; so, I may be allowed to speak.

Mr. Speaker : That is not a point of order. The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That the Restitution of Mortgaged Lands Bill be passed.

The motion was carried.

ADJOURNMENT MOTION.

LATHI CHARGE AT AMRITSAR.

Mr. Speaker : The Assembly will now take up the discussion of the adjournment motion.

(Mr. Speaker then left the chair and it was occupied by Mr. Deputy Speaker).

Sardar Harjeb Singh (Hoshiarpur South, Sikh, Rural) (*Punjab*):
Sir, I beg to move—

That the Assembly do now adjourn.

Sir, I would like, in the first instance, to give reasons as to why the demonstration in question was staged. You all know

that at present land settlement operations are in progress in the Amritsar district. The rural population of that district tried to lay their grievances before the settlement officer concerned. In this connection many public meetings were held and various resolutions were passed by the aggrieved villagers. As a result thereof deputations consisting of prominent zamindars sought interviews with higher authorities but all efforts on the part of the aggrieved kisans proved futile. It was, in fact, the duty of the settlement officer to give a patient hearing and favourable consideration to those complaints.

5 P.M.

The second and the immediate cause of the demonstration was that the 50th and the 51st outlets on the Raya distributary have been closed since 1st June. Several representations were made to the canal authorities in the matter and various deputations were sent but nothing came out of them. At last the kisans decided to form a peaceful procession and make it pass through the streets of Amritsar so that the Government may at long last be inclined to pay heed to their grievances. In order to make the procession a complete success the President of the Bandobust Committee was put in charge of its management, and it was announced that every local committee should help in forming such a procession on the 20th instant, so that the kisan's voice might be carried to the ears of the Government.

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

As soon as the Government came to know of it, it promulgated section 144 in Amritsar. But the kisans decided to break the law. I am sure the kisans were quite justified in taking this step. The formation of a procession was the only course left open to the kisans and even that was taken away from them by the promulgation of section 144. Was there any other alternative left to them than that of breaking section 144? Accordingly a *jatha* consisting of more than 500 men was formed which peacefully marched towards the railway bridge on the 20th instant. At 3-35 P.M. the Deputy Commissioner of Amritsar ordered the police force to resort to *lathi* charge on the peaceful processionists which continued for 20 or 25 minutes. I do not exaggerate if I say that blood flowed like torrents. Four honourable members of this august House have seen this appalling sight with their own eyes. I am sure that after my speech those eyewitnesses would lay the whole matter before the House. It seems to me that the Government by shedding

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the blood of innocent persons has wreaked vengeance for some previous misdeeds of the processionists. Last time, in Lahore, certain people formed a procession and marched towards the bungalows of the Honourable Premier in order to lay their grievances before him. As it happened on a day when the Assembly was in session the Government could not take any drastic measure against the processionists. This time, I am sure, the Government has wreaked vengeance for that demonstration. It was all done in a vindictive spirit. The terrifying scene which we beheld yesterday, the 20th instant, on the railway bridge reminded us of the tragic drama which was staged some 20 years ago in the Jallianwala Bagh. Some honourable members have brought with them certain broken pieces of *lathis* used by the police. I believe they would lay them on the table of the House. These *lathis* with iron bands around them were broken into pieces by using them on the heads of the poor kisans and not against wooden logs.

The Deputy Commissioner not only ordered the *lathi* charge but he himself used one and with effective force. The proof of this can easily be obtained by examining the clothes of the Deputy Commissioner, Mr. Macdonald as they were besmeared with the blood of poor victims of his caprice. If the Government was bent upon a *lathi* charge on the peaceful processionists it behoved them to make necessary arrangements for proper medical aid and ambulance cars for the injured persons. I make bold to say that the Government signally failed to do so and has given definite proof of its callousness. The Deputy Commissioner in question has no right to be called a human being. He seemed to be the devil of a man. Only a man entirely deprived of human sympathy can brandish *lathis* like a devil.

Mir Maqbool Mahmood : On a point of order. I do not wish to interrupt my honourable friend who is speaking. I am sure there are many points on which we may be sharing his sentiments; but it is not correct to use the word "devil" for an officer of the Crown who was discharging his duty, unless full facts are placed before us and particularly so when he is not here to defend himself.

Mr. Speaker : The honourable member should not use such words. To call a district magistrate "devil" is clearly objectionable.

Sardar Harjoh Singh : I only want to acquaint the House with his action which savoured of *goondaism*. Those who have seen him with their own eyes have formed the same opinion about him.

Sir, Mr. Macdonald, instead of giving orders for admitting the injured persons into hospitals directed the police to convey them to neighbouring villages as far as 10 miles from the city, where there was nobody to attend to them. There is no doubt about the fact that certain people were admitted into the hospitals but their number is quite insignificant as compared with the actual number of the injured. Through you, Sir, I request the Honourable Premier to set right such Englishmen as are notorious for wrong doings. Unless these people are brought to their senses the Government cannot succeed in its mission.

Mr. Speaker : Motion moved—

That the Assembly do now adjourn.

Sardar Sohan Singh Jash (Amritsar North, Sikh, Rural) (*Punjabi*): Sir, on the 20th instant I started from my village and reached Amritsar. The first thing which I noticed from a poster stuck near the Hall Bazar was that section 144 had been promulgated beyond the railway bridge and not towards the city side. You may be aware that it has been declared by the Settlement Committee and Kissan Committee that the Government officers do not pay heed to their grievances regarding canal outlets. They have, therefore, decided to request their officers concerned by making a peaceful demonstration. This decision was declared many days before the 20th instant. When I reached there, the procession was coming from Jalianwala Bagh towards the city. It was decided by the assembled people that as the Government wanted to suppress their voice and did not want to listen to their grievances, therefore, they were not going to obey their unfair orders and hence they would go to the settlement officers and irrigation officers peacefully to tell their grievances. This was the object of the procession. I was with the procession myself—not as a processionist but as a spectator and besides myself there were three other members of this House, namely, Sardar Partab Singh, Shrimati Raghbir Kaur and Sardar Chanan Singh.

First, I want to submit that the procession was proceeding peacefully through Hall Bazar under the leadership of Jathadar Udham Singh and assistant Jathadar Baba Harnam Singh. When it came near the railway bridge—I think the bridge was say 50 or 60 paces ahead—Mr. Jackson, City Magistrate, came forward and asked the leaders of the procession not to go towards that side and told them that according to the orders of the Deputy Commissioner the procession was not allowed to proceed towards Lahore and Delhi railway lines and could not cross the lines because section 144 was enforced on the other side of the railway lines. Sardar Udham Singh gave him assurance to the effect that they were not going to create any mischief and nothing objectionable would be done. Further on Jathadar Udham Singh said to him, "As no heed has been paid to our grievances and representations made in connection with settlement operation and canal outlets by the Government officials, therefore, we have decided to make a last protest in the shape of this demonstration against this kind of treatment of the Government. We would like to go to the offices of irrigation and settlement officers and express our grievances personally." Sir, this reply was given to the City Magistrate. I was going ahead and the procession was coming behind me. I noticed, when the procession advanced, say 75 paces onward, the order to disperse was given to the processionists. At that time the District Magistrate, Mr. A. Macdonald came to me and said "Have n't you come to your senses yet." I replied to him, "What are you talking. You go to the processionists and talk to them." Sir, I think, he meant to refer to Fatchwal case in which *lathi* charge was made on zamindars and some labourers were arrested in that connection. His tone was very disgraceful. I feel deep regret in saying that Mr. A. Macdonald has created "martial law atmosphere" in the Amritsar district since he has been posted there. None can go to a Government officer directly to make any kind of grievance whatsoever. I was submitting, that I replied to him that I was there as a spectator and not as a processionist. He then went to Jathadar Sardar Udham Singh who gave him the same reply which was given to Mr. Jackson. I remember, Sardar Udham Singh said to him that it was

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very unfair on the part of the Government to promulgate section 144 in order to close all doors to the poor zamindars to express their complaints to the officers concerned. What a pity that they were not permitted to represent their grievances to the Government who were closing all avenues to the zamindar. Sardar Udharn Singh with these words persisted on taking the procession to the offices of settlement officers and said that he and his people were ready to bear the bullets of the Government on their bosoms and their backs were strong enough to bear the *lathis* of the police. Further on he said that they were being killed by the harsh measures of the Government and if they waited to make a request to that effect, they were not allowed to do so. Sir, I remember, Sardar Udharn Singh again assured Mr. Macdonald that the procession would proceed on very peacefully. After this talk, Mr. Macdonald returned and the procession proceeded on. Section 144 was enforced in the area situated in south of the bridge. Section 144 had not been promulgated in that area of the city to which the procession was proceeding. Suddenly the order was given for *lathi* charge and *lathi* blows rained mercilessly on peaceful and unarmed kisans and in a short time nothing was to be seen there except a large number of people who were fainting. Streams of blood were flowing on the ground and large number of wounded people whose clothes were stained and wet with blood were groaning. (A voice: Disgraceful). Sir, it was very difficult for human eyes to see that pitiable scene. The police severely beat the poor peasants and threw them on the bridge. Moreover, the police attacked even those persons who only stood by in the area where entry was prohibited under section 144 of the Criminal Procedure Code and this place was about 18 or 14 *karams* distant from the bridge. The pity is that the police made no distinction between those who participated in disobeying section 144 and those who only went there to see what was happening.

At an earlier stage Sardar Partab Singh, Shrimati Raghubir Kaur and myself approached the Deputy Commissioner of Amritsar and put it to him that we were prepared to take the responsibility for maintaining peace and order. We assured him that nothing untoward would happen there at all. We would make the people keep the peace and not disturb the tranquillity in the least. But the District Magistrate who was no less furious than Pharaoh asked us to get backwards and remarked, "These are all bloody city *goondas*; go and talk in the Assembly. You are talking bloody nonsense." Upon this I said to my honourable friend Sardar Partab Singh that the Magistrate seemed to have lost all sense, therefore, it was advisable for us to get away from the place and let the Magistrate take the responsibility for what happens there on account of his activities. In fact he would be responsible for the demonstrators' actions. At this stage we moved aside and kept watching how the old, the young and the children were subjected to the indiscriminate beating by the police and how the victims lay senseless on the roads. There were seen all around bodies of men lying on the road and besmeared with blood. Sir, here allow me to mention the horrible fact that even women were not spared by the police at the time of their *lathi* charge. It is really a shameful and cowardly act on the part of

the police to attack women. Again, the police committed all sorts of atrocities. They asked a boy who was holding in his hands the Congress flag to throw it away. But the lion-hearted boy did not let the flag go from his hands until he was beaten severely by the police and left senseless on the ground.

Chaudhri Tikka Ram : Was the honourable member himself there ?

Sardar Sohan Singh Josh : Yes, I was there and saw everything with my own eyes. If any man fell on the ground and rose up again after coming to his senses, the police would again subject him to a severe beating till he fell down senseless and this process was repeated several times.

2nd Lieutenant Bhai Fatch Jang Singh : In the first part of his speech the honourable member admitted that he went away after seeing the Deputy Commissioner, but now he says that he saw everything with his own eyes.

Sardar Sohan Singh Josh : I never said that I went away from the scene. I remained watching the event.

Mr. Speaker : That is not a point of order.

Sardar Sohan Singh Josh : Sir, I am sorry that the snapshots that I had taken there have not reached me so far in their developed form. They were expected here by yesterday. We got those snapshots in order to prove that the lathi charge of the police was not mild as the Government or the Honourable Premier, Sir Sikander Hyat-Khan might observe. The feeling had run high among the people as you would now come to know through the newspapers. The papers would describe how the poor agriculturists came to the representatives of the kisan Government to relate the sad tale of their sufferings and how the police subjected them to a severe beating till they lay senseless on the ground. If a few more incidents like this happen in the province, then let us be sure that the kisans themselves will dig the grave of this so-called kisan government. (*Hear, hear.*)

Sir, I leave it to my honourable friend Sardar Partab Singh to show to you the iron-ends of the 'dangs' that were used by the police in their lathi charge on the kisans. These 'lathis' were broken in the action of beating people and some of the iron-ends of them were taken by us there and then. In this lathi charge the old and the young and the children were all beaten indiscriminately. Even the lookers-on were not spared by the police, although they had taken no part in the demonstration. But the police also subjected them to the lathi charge. An instance will throw a flood of light on this indiscriminate beating by the police. Sardar Atma Singh, son of Thakar Singh, a local detenu, was coming from his village to Amritsar after duly obtaining the leave of the authorities but the police also made him a target of their lathi charge. When I went to visit the injured persons in the Civil Hospital at Amritsar, I was surprised to find the said person there among the injured persons. It may be that the police will now frame a charge of absence from the village against this detenu or will charge him with some other offence. But the fact remains that he had taken leave and had come from the village to Amritsar. The poor fellow was beaten by the

[S. Soban Singh Josh.]
 police as if he had taken some part in the unlawful assembly. It is now feared that he may be punished for some imaginary offence. There are several other glaring examples of the atrocities that the police committed on the people, but I would not like to waste the time of the House by narrating any more incidents of this kind. Suffice it to add that a jathedar who was quite peaceful was also beaten by the police.

With these words, I support the adjournment motion that is now before the House.

Shrimati Raghbir Kaur (Amritsar, Sikh, Women) (*Punjabi*): Mr. Speaker, the atrocities committed by the police at Amritsar on the 29th of July were unprecedented. We witnessed streams of blood flowing there. The police beat everybody that came in their way. For instance, we saw one Udham Singh, a Jathedar, lying senseless as a result of the severe beating by the police. Blood was oozing out of the injuries of the persons who had been subjected to the *lathi* charge. The most objectionable feature of the whole incident is that even responsible officers kicked the people. It was really heart-rending to find that in India in general and in the Punjab in particular, the rulers treat the masses worse than dogs. My heart boils with suppressed fury to note that the honour of the people is outraged in this country with impunity. I would like to sound a note of warning to the Honourable the Premier to beware that this state of affairs will not last for ever. A revolution is sure to take place which will make the Premier realise the dire consequences of the indiscriminate *lathi* charge on the peaceful citizens and the bloodshed of the innocent subjects.

When I came across an Englishman who was beating the people at Amritsar, I asked him to move aside and I challenged him to subject me if he could dare do so, to the blows which he was aiming at others. I told him that he was beating the inhabitants of the country—the owners of the land—as if they were dogs. I put it to him that if he had the courage he should shoot me dead as I could not tolerate the atrocities he was perpetrating on my fellow-brethren. I really preferred death to this life of slavery.

Now let me address a few words to the Honourable Minister of Revenue Sir Sundar Singh Majithia who begged his community at the time of general elections to vote for him displaying his beard as a sure proof of his being a good Sikh. (*Interruption*). Sir, I am saying true facts.

Mr. Speaker : The honourable lady member is not in order.

Minister for Revenue : It is totally wrong.

Mr. Speaker : The honourable lady member is irrelevant in bringing the name of Sardar Sundar Singh Majithia.

Shrimati Raghbir Kaur : These are the circumstances that are prevailing in the country. The very people who live upon the labour of the *kisans* dare to adopt such an arrogant attitude, so much so that they even go the length of kicking the poor zamindars. The capitalists and the rich people who have grown rich by sucking the life blood of the people become so insolent that they kick and beat the sons of the soil. Sir, I have risen to bring

these facts to the notice of those who always harp on the theme that they are the well-wishers of the zamindars. My only object is to bring such people to their senses. To-day the Honourable Premier is blind to the facts and he has shut his eyes in the same way as the Tsar of Russia did in his own times. He was also in the habit of declaring that there was no power in the world which could destroy his power. The Russian farmers and the labourers and girls combined together to bring him round to his senses. I may add that a time came when he was struck with a spear and was killed and his children were killed in the same manner in which he was wont to kill the children of others.

Khan Bahadur Nawab Muzaffar Khan : On a point of order. The honourable lady is not relevant. Is she preaching Bolshevism ?

Mr. Speaker : That is not the motion before the House. Please speak to the lathi charge.

Shrimati Raghbir Kaur : I was submitting that the bare-footed and bareheaded zamindars who were going to lay their case before the authorities were met with maltreatment at the hands of the police. The police made lathi charge over them and beat them so mercilessly that the poor kisans were bathed in streams of blood. In addition to the lathi charge they were badly treated by the officials. The honourable members who are sitting here in this House and who claim to be the well-wishers of the zamindars should see these facts. I have merely risen to bring these facts to their notice. There is no gainsaying the fact that the zamindar Government is treating the kisans very badly. My friends over there claim to be the well-wishers of the zamindars but I may submit that they are merely deceiving the poor kisans that they are doing so much for their welfare. Whatever they are doing is merely a fraud and in fact they are playing tricks upon the poor kisans. I request them to say good-bye to all these things.

Mr. Speaker : The honourable lady member is irrelevant and is using unparliamentary language.

Shrimati Raghbir Kaur : I am bringing to light the clever tricks of the Government.

Dr. Satya Pal : The Honourable Premier was pleased to use the word 'dupa.'

Mr. Speaker : He was also irrelevant.

Dr. Satya Pal : But you never checked him.

Shrimati Raghbir Kaur : I was simply making it clear that the people living beyond the seven seas and who live on the wealth of this land, assume such an attitude that they go the length of kicking the original owners of this country.

Besides, I may submit that the police maltreated the poor kisans. I would quote one or two examples. The pitiable plight of Sardar Harnam Singh is very well known. He was very badly handled by the police. If there is any one who wants to know his bad condition, he should go to

[Shrimati Raghbir Kaur.]

his sister and ask her. Again Sardar Bohan Singh, an old man of 70, was rendered senseless by the maltreatment of police. These are only a few cases out of thousands who suffered tortures at the hands of the police. I tell the Honourable Ministers of the province that such kind of tortures should not be perpetrated on the innocent kisans of the country. They call themselves the representatives of the people and such clever tricks do not befit their rank, I request my friends opposite that such kind of *zulam* should be put an end to.

I am perfectly aware of the fact that when the time of shedding blood for the attainment of complete independence comes, we would be quite prepared to do so. We in fact live and die for the sake of our country. If the Honourable Premier does not know, even after *lathi* charges, the demands of the public, it would have been better for him to have ordered the setting of machine guns and to have pleased himself by killing our brother zamindars with the bullets of the guns. I may also submit that those days are not far off when the Honourable Chaudhri Sir Chhotu Ram will have to receive *lathi* blows and I am constrained to remark that those people who handcuffed others, shall have to pay dear price for their acts. Coming again to my subject I would say that complete independence.....

Mr. Speaker : The honourable lady member is repeating her own arguments over and over again.

Shrimati Raghbir Kaur : I may submit that we still remember the old *zulams* of the Government. The memories of Jallianwala Bagh and Gura-Ka-Bagh are still fresh in our minds. I may submit that we will have to pay a great price for attaining freedom.

Mr. Speaker : The honourable lady member is again repeating her own arguments.

Shrimati Raghbir Kaur : With these words I strongly support the adjournment motion now before the House.

Chaudhri Ghulam Rasul (Sialkot Central, Muhammadan, Rural) (Urdu) : Sir, there has been so much said by the speaker who has just sat down about freedom. From beginning to the end she has been saying nothing but asking for freedom and I would, therefore, request you to give that freedom to these gentlemen if you have got it with you.

Sardar Chanan Singh (Kasur, Sikh, Rural) (Punjabi) : Sir, the *zulam* which was perpetrated on the poor processionists is too heart-rending to be described. My honourable friends on the opposite benches could not refrain from laughing at the description of the tragic scene enacted at Amritsar. But I may remind them that their laughter would not last long.

Mr. Speaker : Please speak to the motion.

Sardar Chanan Singh : The Government claims that it is making efforts to ameliorate the condition of the poor zamindars but the fact is that the latter are being forced to hold their peace by making *lathi* charge upon them. I may submit, in this connection, that the Government cannot succeed

in suppressing the agitation by resorting to such inhuman methods. It is a fact that the jatha was proceeding quite peacefully and it was the Deputy Commissioner who took the initiative by beating the unarmed processionists with a hunting crop. May I ask the Government through you, Sir, whether it was an attempt for the betterment of the poor kisans? Can the miserable plight of the poor kisans move the hearts of those who draw fat salaries and while away their time in ease and comfort? I may inform the House that even an old man of 70 like Baba Sohan Singh was not spared by the police. He too was mercilessly beaten by the police and it is a fact that more or less 40 cuts were administered to him. The police not only made *lathi* charge on the poor unarmed kisans but also forcibly put the injured persons into lorries and conveyed them to places some 7 or 10 miles away from Amritsar. I am sure that such a *zulum* as perpetrated by the police at Amritsar always results in turning the law-abiding citizens into awe-inspiring dacoits. I may tell the House that such *zulum* would not go unavenged. The tyrants must fall one day. The Government is under the impression that the poor kisans cannot do any harm, and that its stability is assured, but it should bear in mind that every two days are not alike. I would not like to take further time of the House, but I may tell the House that the *zulum* perpetrated at Amritsar can better be imagined than described. With these remarks I whole-heartedly support the adjournment motion under discussion.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Punjab*) :
 Sir, I remember Mahatma Gandhi once saying that in reality brave is he who can receive and bear beating unperturbed and without being provoked into violent retaliation and I may confess that at the time when this was said I had my doubts about the wisdom of this saying. But from what I saw with my own eyes at Amritsar at 8-35 p.m. on 20th July, 1938, I was convinced that Mahatmaji was right in making that remark. As an eyewitness I may tell the House that on that day at Amritsar *lathis* continued to rain on the unarmed and peaceful demonstrators for full 25 minutes together and among those who were charging the demonstrators with *lathis* were some 15 mounted police officers and about 50 foot constables. The Deputy Commissioner of the district was also there on the spot and he had a cane in his hand which he freely used and with which he beat Jathedar Udham Singh and he had the audacity to strike that Jathedar on his face. Besides these some of the magistrates posted at Amritsar and the Superintendent of Police of the district were also there and each one of them did his worst in beating away the demonstrators. It was truly said by the Mahatmaji that those who give beating particularly to unarmed and peaceful persons are in fact cowards and it was nothing but a cowardly act on the part of the officers at Amritsar to continue to beat the peaceful demonstrators for as long as 25 minutes continuously and all praise is due to those who acting on that golden principle of non-violence, received that beating calmly and without being provoked into violence. To continue the narration of events I may be permitted to say that when this *lathi* charge began and when those ten or fifteen persons of the demonstrators who were in the front row fell down, the rest of the jatha consisting of about 500 persons sat down on the ground, but even then the police did not spare them and as I have submitted already the persons sitting on the ground were charged with

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lathi and beaten continuously for about 25 minutes. My friends Mir Maqbool Mahmood has asked me, and I know the spirit in which this question has been put, how many of the demonstrators were killed. For his information I may say that at least 180 persons out of the demonstrators were severely injured and I say at least 180 because it is possible that the number of injured persons may be even more than that. This figure I have taken from the office of the Civil Surgeon at Amritsar which shows that 180 persons did receive injuries and were consequently admitted to the hospital. This is not all. Even those demonstrators who were standing beyond the railway line where orders under section 144, Criminal Procedure Code had not been enforced, did not escape the highhandedness of the police. They were also *lathi* charged and about 50 among them were seriously injured and about 250 of them received minor injuries. There also the police showed no mercy to the demonstrators and beat the people mercilessly. Out of the 50 persons who had received serious injuries some were thrown into the *tongas* and were as if deposited in the Jallianwala Bagh. About 15 or 20 of them we have not been able to trace so far and it is yet to be ascertained where they were taken and where they were left.

This is in brief some account of that sorrowful incident at Amritsar. What I cannot resist asking is why it was that a similar order under section 144 was not promulgated at Lyallpur where, as the House is aware, similar agitation was recently started and where a procession was also taken out which passed by the offices of the Deputy Commissioner and the Irrigation Branch. Should I think that this order was considered necessary at Amritsar because the peaceful *jatha* of the demonstrators had to pass by the bungalow of Sir Sundar Singh Majithia?

Mr. Speaker : Will the honourable member please speak to the motion and not attack the Minister?

Sardar Partab Singh : To take up again the thread of my narration I was submitting that 180 injured persons were admitted to the hospital. To some of these tincture was applied and to others some stimulants were given and when it was found that these medicines had given some relief to the injured persons and had restored them to their senses, they were loaded into lorries and some of them were dropped at a distance of seven miles from Amritsar and some at ten miles and some others even farther away and I may say that I have been told by the lorry-drivers themselves that some of the injured persons were dropped near Majithia, some near Virka, some near Ghawind, some near Jandiala, and others near Basulpur in the Amritsar district and the pity is that these injured persons were not dropped in any of the villages where they could have secured some medical or other help, but were left away from these villages and in the midst of jungles as if to starve to death. It is no wonder that some of them may have died because there are many of them whom we have not been able to trace so far. We have yet to find out where they were dropped and whether they have survived the treatment meted out to them. The version given on behalf of the Government of all that happened at Amritsar is that only four persons received injuries out of which three received serious injuries and were admitted to the hospital. I leave this to the House to judge what an injustice

an extreme type of high-handedness and travesty of facts it is to say that after a severe lathi charge continuing for full 25 minutes only four persons were injured.

Let me make it clear to you, Sir, that all this has been done in a vindictive spirit. Chanan Singh was beaten so mercilessly that he became unconscious and while he was being taken to the hospital the Deputy Superintendent of Police ordered his hands to be handcuffed behind his back. On being told that if he wanted to handcuff him at all he should adopt the usual method, he remarked, "He used to report against the police". I ask my honourable friend Mir Maghbool Mahmood, who happens to be his friend, to inquire from him and satisfy himself as to the veracity of the statement made by me.

I make four allegations against the Government. First, that the lathi charge was greatly in excess of what the situation demanded and the police officers personally took part in it. Secondly, that before making the lathi charge no arrangements for rendering medical aid to the injured were made. Thirdly, instead of conveying the injured to the hospital they were taken in motor vans to distant places and were dropped there. Mr. Speaker, it is rank injustice and sheer cruelty on the part of the authorities to leave the injured unattended and to take them to places where there is no one to render medical aid to them. My fourth allegation is that many people, including a peaceful *jatha*, were beaten in places, where section 144 had not been enforced. If you institute an enquiry into the matter you would come to know the number of persons who were mercilessly beaten by the police. I can give you the names of four persons who were beaten outside the area where section 144 had been promulgated. They are Sant Singh, Sultan Singh, Harnam Singh of Khojkipur and Seva Singh Kirpen Bahadur. Sir, lathi blows were showered on five hundred persons and they took their undeserved punishment in a way which convinced me that the mantle of Government will one day fall on the shoulders of these poor people. They have proved by their self-restraint that only these people and not the big samindars, who come to Simla to waste their time at the Scandal Point are fit to rule over this province.

Sir, you warned my honourable friends who have spoken before me not to use harsh words in respect of the Sikander Government and not to call Mr. Macdonald a "devil", but I am constrained to remark that when he was using his lathi right and left he did not seem human to us and it appeared as if he had been possessed by the Devil who was goading him on to act in the manner he did. He did not behave like an Englishman at all, for an Englishman true to the name could not use such indecent words as "bloody goondas". Mr. Speaker, I remember that once a play by G. B. Shaw was being staged and in it the word "rot" occurred. As soon as the actor uttered the word as many as 50 British play-goers stood up and left the theatre. It is things like these that compel us to say that he is not an Englishman but the Devil incarnate. We have been enjoined by Mahatma Gandhi to remain non-violent, I hope that during his life time at least we will not lift a finger against you even in the face of gravest provocation, but let me tell you that your provocative methods will one day force the people into committing acts of violence. I ask Chaudhri Chhotu Ram and all

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the Jat members from Ferozepore, Rohtak, Hissar, and other places to enquire from the police whether or not they broke their heavily shod *lathis* against the heads of jat zamindars. (At this stage the honourable member placed the iron parts of the lathis on the table of the House.) If I were to hurl this iron shoe at you from my seat it would render you unconscious.

Mr. Speaker : Please address the Chair.

Sardar Partab Singh : Mr. Speaker, I cannot use these words against you, as you are not the Minister-in-charge of the Police Department. But I want to bring this fact home to the Government that they cannot terrorise the masses by this show of force. They cannot prevent them from ventilating their grievances and staging demonstrations. A *morcha* has been set up at Amritsar and it will remain there, no matter what happens. During the Akali movement the Englishman exhausted his stock of *lathis* against the heads of Akalis, but there never was a dearth of Akali heads. In the same way you too will exhaust yourself by beating the poor kisans. You are not showering the *lathi* blows on the poor zamindars, you are simply driving nails into the coffin of the Unionist Government.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, before I submit anything about the happenings at Amritsar, I wish to make it clear that if any police officer has pulled anybody's beard, we are not here to condone it.

Sardar Sehan Singh Josh : All crocodile tears.

Parliamentary Secretary : I am not saying this as a mere formality but I say this as a human being who feels for his fellow human beings. Moreover, if any officer has been guilty of trampling over the body of any individual, we do not approve of his action. Furthermore, if anybody has made undesirable attacks on any ladies, we condemn it. I will further submit that it is not at all a pleasant function for any Government, be it our Government or any Congress Government for the matter of that, to take any harsh action against its own people. But we must not forget that it is the primary duty of a Government to maintain law and order. It is not only the duty of the Unionist Government to maintain law and order but even a Congress Government has to do it. And while striving to keep demonstrators under control the authorities have reluctantly to take unpleasant action sometimes."

Let me tell my honourable friends sitting on the opposite benches that if Government does not take strong action necessary to maintain law and order, the result would be very dangerous and harmful to the peace and tranquillity of the province. Supposing to-day some people who may profess non-violence, step out from their houses to attack somebody or to make an assault on somebody's wife or to snatch away a small child from her mother. I would ask my friends opposite whether they would like us to enforce law or not. Now anybody who commits a breach of law is liable to be punished, whosoever he may be. Every government as I have already stated is bound to punish the law breakers. If the Government relaxes in maintaining law and order, my honourable friends sitting

on the opposite benches may take it from me that neither their small children, relatives and even wives are safe nor ours. And whatever the motives of law-breakers, even if we may sympathise with their motive, that makes no difference and they stand on the same footing as far as the maintenance of law and order is concerned. Now, Sir, this unpleasant incident has to be considered from two points of view, *firstly*, whether use of force was justified and *secondly*, whether more force was used than necessary. It is obvious that, when some people openly come to break the law of the land, whatever their motives, it is the duty of every government to check them and to maintain law and order even if they have to punish their own kith and kin. The action of Government in such cases is like that of a doctor who performs a painful operation against one limb in order to save human life. It is admitted that the processionists wanted to break section 144 intentionally, and Sardar Harjab Singh the mover of this adjournment motion has stated that a meeting was held in Jallianwala Bagh in which it was decided to do so. (*Voices: No. He never said so.*)

I think if the notes of the honourable mover's speech are consulted you would find that he did make such remarks on the floor of this House. My learned friend Sardar Sohan Singh Josh says that he was there with the procession himself. He would be aware then of the criminal intention of the processionists. It cannot fairly be denied that the procession proceeded with the object of breaking section 144. The honourable members sitting on the opposite benches say that the procession went there to lay their grievances before the settlement officer and the Revenue Minister. Such unreasonable arguments will not stand examination. It is known that on the day of this occurrence the Revenue Minister and the settlement officer were not present in Amritsar, while the Deputy Commissioner himself was present at the bridge and offered — with his usual tact and sympathy — to receive a deputation of 50 persons. The Deputy Commissioner is known to be sympathetic always. Where then was the justification for this demonstration? Why have these innocent persons been unnecessarily dragged in these *jathas* to break law? Sir, I fully understand the people of Amritsar. I consider them as my kith and kin, and the House is aware that I have never allowed any opportunity slip in placing their troubles and legitimate grievances before the Government. As far as the claims of Amritsaries are concerned I would like to submit that I and my friends Chaudhri Fazal Din and Chaudhri Faqir Hussain have placed the matter before the Government and we got favourable replies from them. Sir, if to-day all avenues be closed of representing people's legitimate grievances by the Government it would be impossible for many of us to sit on these benches and in this respect I would submit that even our Premier — with his genuine love for the zamindars — would be the last person to continue on these benches if the Government closed its doors to the zamindars of the province or condoned its officers doing so. (*Hear, hear.*)

Sir, you are aware that it has been the declared policy of the Government announced in the shape of a *communiqué* and also in answers given on the floor of the House, that the Settlement Officer of Amritsar shall receive sympathetically all reasonable and just grievances brought to him by the

[Mir Maqbool Mahmood.]

persons directly concerned and would do his best to remove them. Furthermore it has been announced on behalf of the Government that if any local officer does not listen to our reasonable and *bona fide* complaints, the doors of the Government are always open to receive such representations be they with regard to the canal outlets or anything else. I fail to understand why, when the Government is so much interested and sympathetic to the people, there should be any need for resort to unconstitutional methods till the Government has been approached and had said 'no'. I know perfectly well that there may be cases where grievances may not be received sympathetically by local officers, canal or settlement or they may be beyond their power to redress. All such matters could always be brought to the Government as we are doing every day and getting redress possible. I would like to ask my honourable friends opposite, is it not their duty in the interest of the peace of the province to instruct people not to go against law and to see that no brother of any sister may suffer, nor wife of any husband may become widow. We are here to redress every reasonable grievance of zamindars and I fully believe that our Government can say so with its head high.

Sardar Partab Singh : Is not demonstration considered a legal remedy in every civilised country ?

Parliamentary Secretary : Yes, peaceful demonstrations but not demonstrations to break law for grievances which do not exist, not demonstrations against law to protest against alleged increase of land revenue which has not increased at all. Under such circumstances it is the foremost duty of the Government to maintain law and order and I regret to note that honourable members of this House should have allowed matters to go so far, on untenable grievances without even once ascertaining from the Government members whether there is any truth in these matters. I am really very sorry to learn that my friend Sardar Chanan Singh also got a blow in that procession and that the police handled him roughly. So far as the blow is concerned I feel it as I had received it myself but nevertheless I would submit, that even if my real brother came to break law he must submit to the consequences of his action but it is not justifiable for any police force to treat even worst culprits by inhuman methods. I repeat that so far as the question of injuries to Sardar Chanan Singh are concerned, I may make it clear in unequivocal terms that I feel it myself and I have every sympathy for him, but at the same time I cannot help observing that even if Sardar Chanan Singh were my brother and he had gone to violate the law of the land I would not be a party to his actions and would condemn his defiance of law.

Let us now, Sir, examine the facts of the case. It is an undeniable fact that when the mob and the *jatha* reached outside the Hall Bazar, the magistrate on duty told them that section 144 had been promulgated by the District Magistrate and that they should not proceed further. They did not heed this timely warning but persisted in their illegal onward march. We are told that they used filthy slogans and the position was further aggravated when brickbats were thrown at the police.

Sardar Sohan Singh Josh : This is the same old story cooked up.

Parliamentary Secretary : My honourable friend may want me to blink at real facts, as reported to us, but I must tell him that we do not believe in ignoring facts. We are here to face them. According to our information, the furious mob caused injuries to the Deputy Superintendent of Police and hit the Deputy Inspector-General on his belt, not to mention several other police men who were injured during the unlawful activities of the mob. Do my honourable friends opposite want the Government to stand by quietly when law is thus being broken? According to our information twelve persons were injured by the police out of whom only three received serious injuries and were admitted into the civil hospital. I may add that one of them has since been discharged by the hospital authorities. The Government is prepared to consider any reliable evidence to the contrary which my honourable friends opposite may be able to prove in the court supported by medical certificates for the alleged injuries caused to the public by the police.

Sardar Sohan Singh Josh : Set up an independent inquiry and we will bring the facts out.

Parliamentary Secretary : I am surprised to learn from my honourable friend opposite that he is not going to take the matter to court. Only the other day they were clamouring that courts should examine their cases and now when we are prepared to refer this case to a regular court of law they are hesitating. This attitude is wholly unjustified.

Coming to the second charge that the authorities should not have resorted to the use of section 144, even here the Opposition can fare no better. I need not remind them that even in those provinces where the angels of the Congress rule, section 144 has at times to be resorted to. That is unfortunate but inevitable. Let us all join to set up a new tradition of public life under which it may not be necessary.

Khan Sahib Raja Fateh Khan (Rawalpindi, Eastern, Muhammadan-Rural) (Urdu) : Sir, Before I oppose this adjournment motion, I wish to make a submission and it is this. My honourable friends sitting on the opposite benches have stated on the floor of this House that a *jatha* of kisans was bent upon disobeying the order of the District Magistrate under section 144, Criminal Procedure Code and in their attempt to break the law the members of the *jatha* were subjected to a lathi charge by the police. I may respectfully submit that those who invite the Government by breaking its law to use the long arm of the law against them should not think that the Government is at fault. In reality, it is the law-breakers themselves who are responsible for setting the machinery of Government into motion. Let them feel sure that if they do not disobey the legal orders of the Government, they would not be dealt with severely. I may address the following Persian couplet to them as it aptly applies to them :—

در زمان کفر دریا تخت بلندم کرده—باز می گوئی که دژ من تر من هو شیار باش

Mr. Speaker : The honourable member is requested to speak to the motion.

Khan Sahib Raja Fateh Khan: Sir, the lawless mob at Amritsar was out to violate the law of the land and if there was any justification for their protesting against some action of the Government the people would have been well advised to follow constitutional methods for ventilating their grievances. It is really too much for anybody to defy the orders of the Government or its representatives. In fact their attempt to carry out a procession in contravention of section 144 was an open challenge to the peace and order of the province. The proper way of getting their grievances redressed would have been other than the one they followed. It amounted to pelting a stone in order to remove a fly sitting on one's own body. Such a stone is sure to hit one's own body. In the same way I may remind my Congress friends that law-breaking always results in such unfortunate use of force by the police. It is the same in the Congress governed provinces. With these words I beg to oppose the adjournment motion.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan Urban) (Urdu): Sir, I seek your indulgence to remind my honourable friends who belong to the Congress that the old Imperialism has gone and yielded place to a new order of responsible government. This very order prevails in the six Congress-governed provinces of India (*Voices* : 7 and not 6). Let it be seven, I do not mind. My argument will be all the more effective for it. In all these Congress provinces like our own the police has to serve the Government of the day. It is wrong to imagine that the police is there to serve the Unionists alone. In fact it is serving the Congress in other provinces as it is serving our own. The only object of the police is to serve the people and not to lord over them. If the police transgresses the limit of law it stands to be censured by every right minded person in the country. In this connection I may inform my Congress friends that whenever a mob indulges in unlawful activities the Government, whether it is a Congress Government or a Unionist Government, has to use the long arm of the law against it. Just see what is happening in Madras. Some people have launched a campaign of civil disobedience against the Government order relating to Hindi and the Government of Madras which is a Congress Government has not hesitated to bring the culprits to book. More than 100 persons have gone to jail in this connection. I fail to understand why it is not a crime for a Congress Government to maintain law and order; and why it is an unpardonable crime for the Unionist Government to do the same when an unlawful assembly challenges to disturb the peace and tranquility of the province.

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

Shaikh Muhammad Sadiq: I am coming to the motion. I for one would never be a party to the police committing any atrocity on the public. I would not like to protect a wrong-doer even if he be the highest police officer. I wish to see the country free. Freedom is our birth-right. But it should not mean that we want disorder and chaos in the country. If a mob is bent on breaking the law of the land it is the bounden duty of every Government worth the name to restore law and order and try to check the lawless mob from spreading trouble. Coming to the particular case of Amritsar, can anybody deny that sect. 144 was enforced in the city and people tried to disobey the order of the District Magistrate? I cannot

say whether the order was wholly justified or unjustified but the fact remains that it had been duly passed by the District Magistrate and it was the duty of the public to obey it and if they wanted to protest against it they could follow constitutional methods. It is alleged that the police was armed with *lathis* and that Mr. Macdonald was aggressive when the mob persisted in breaking the law. It is complained that *lathis* were freely used by the police. But my honourable friends on the opposite side should know that the crowd should not have crossed the line or tried to cross the prohibited area. I may state for their information that I have also seen many times blood flowing and people fatally wounded on account of firing because the crowd wanted to enter the prohibited area. Governments do use force for enforcing law and order and often they have to resort to firing. Many times I have also witnessed the scene that the police have harshly treated the public because it could no longer bear their bad behaviour. I have also witnessed that the crowd very often becomes aggressive, thereby compelling the police to use force. But now the question here is whether the police used more force and whether it was within the limit or beyond the limit of law. I may submit that nobody can deny that *lathis* were used for dispersing the crowd. We do admit that the police made a *lathi* charge. I may also submit that we have not come to this House merely to help the Government so that they should use unnecessary force and kill the innocent citizens. But at the same time I want to make it clear that it is our duty to see in every case whether the force used was within limits or not. Every case is to be judged on its merits. No Government worth the name can go on if we bring in adjournment motions on paltry things. No officer can do his duty efficiently when he knows that after doing his duty he will have to face a vote of censure in the popular House on paltry and flimsy grounds. It is also a fact that when a mob is enraged it can go to any limits. I therefore request my friends opposite that in serious cases like these they should not make haste to move ineffective adjournment motions so that their action should not produce this effect on the police officials that as the Government is out to defend them on each and every occasion so they are at liberty to do anything they like. It is the duty of my friends opposite not to move adjournment motions in the House without ascertaining the real state of affairs and making proper inquiries, and satisfying themselves about the truth and justification of the subject matter. If they are not prepared to do that, then it would be their fault if they would be creating this bad idea in the minds of police officials that the Government is out to defend them on each and every occasion. I may submit that the Government is forced to defend them because my friends always move adjournment motions on each and every occasion and in season and out of season on trivial and flimsy grounds. May I ask my friends on the opposite whether the Government of Sir Sikander can carry on the work of the Government when it has often and anon to face the censure motions? But at the same time I wish to say a few words to my friend Mir Maqbool Mahmood. Let not these defeats of the adjournment motions produce this effect on the minds of the officials that they are at liberty to do anything they like. It is the duty of the Government to hold an impartial inquiry in the present case and if anybody is found guilty he should be severely dealt with regardless of his rank or position.

[Sh. Mohd. Sadiq.]

Besides, Sir, I may submit that we are not prepared to support the Government if they act in a wrong way. We are independent people and we have not sold our conscience. If we find that the Government are not doing their work properly then surely we will not vote with them. Our Party is here to govern justly and our Government has to be just in dealing with the public. So Government should not feel ashamed of holding impartial inquiries and they should not be afraid of anybody. Sometimes false prestige prevents the Government from doing its business. I may submit that this question of prestige should not deter my friends from doing their duty. Even if they find the Inspector-General or Deputy Inspector-General or any other high officer not doing his duty properly, they should at once take necessary action. If they want to have the good will of the masses they should hold an impartial enquiry.

Now I come to the moving of adjournment motions. I may submit that my friends should only move these adjournment motions when they find that they have fully inquired into the matter. Before rushing into an adjournment motion they should hear the verdict of the other side. Otherwise if my friends bring in these adjournment motions too often then this weapon would lose its sting. It is a kind of vote of censure and it should be sparingly used. One should think that one or two adjournment motions would be quite sufficient for one session, but if my friends bring these adjournment motions too often and they are defeated then it would create a very bad effect in the minds of the police and they would begin to think very lightly of these votes of censure. But with all this I would request the Honourable Premier that he should at once hold an independent inquiry so that it should be known who was responsible for all this trouble, and how far the charges made were justified. It is the obvious duty of the Opposition not to press for adjournment if the Honourable Leader of the House promises an inquiry.

Dr. Satya Pal (Sialkot-Amritsar, General, Rural) (Urdu) : Sir, it has never occurred to me that the Honourable Premier or the present Ministry would agree to any proposal put forward from this side of the House. This has all along been my conviction that our cry would prove a cry in the wilderness. Whenever we move any adjournment motion we mean simply to let the Government know the real condition of our people and thereby to express our sympathy for the poor people and it has never entered our minds that we are making any request to the Government. I submit that when we bring our request to the Government we will think that we have become incapable of serving the Congress.

I may submit that when we move such adjournment motions our only object is to show the Government in its real colours, and to bring to its notice the acts of officials whom they always shield. My friends on the opposite benches profess to serve the kisans, but when the time of serving comes they act against them and perpetrate cruelties over them. This is the only reason due to which we have moved this adjournment motion, otherwise we know our friends too well.

When to-day I heard the speech of the Honourable the Premier, I was of the opinion that history repeats itself. In 1919 a revolution broke

out in the Punjab, as a result of which these people are sitting on the benches over there. They profess that they have come to help the kisans.

Mr. Speaker : The honourable member is quite irrelevant. So, I request him to speak to the motion.

Dr. Satya Pal : I am irrelevant only as much as the Honourable Premier was. I was saying that the Honourable Premier's speech to-day reminded me of the speech of Sir Michael O'Dwyer.

Very well, Sir, I will not mention his name. I will only say that such a speech was made in the House to-day which reminded me of what Sir Michael O'Dwyer said in 1919, in a most arrogant manner, that he would let loose the machinery of law on all of us who were then fighting for freedom and opposing the Rowlett Act. To-day also we have been threatened in the same way and in almost the same language. Then our friend Sardar Bahadur Sardar Ujjal Singh was pleased to say—

Mr. Speaker : Sardar Ujjal Singh has made no speech on this motion.

Dr. Satya Pal : I bow to your ruling and I proceed to say that this beating and lathi charge at Amritsar is not an isolated instance of the kind. It is the result of the policy that the Government has thought fit to follow. I feel inclined to say that it is the first of the series of such incidents and we must be prepared for more such incidents to follow.

In the speeches that have been made before I was allowed to speak on the motion, it has been repeatedly stated that some of the members of the Assembly were eye-witnesses to what happened at Amritsar on this occasion and if their evidence, the evidence of the members of the House who are called honourable members, is not to be relied upon, I do not know which type of people should be relied upon. And it goes without saying that a person who has committed an offence will seldom come forward and confess his guilt, but the pity is that those occupying the Government benches are relying on what those who had committed the offence and who have been charged to have given this beating to the innocent people and made lathi charges are being given credit for what they have reported. It is an attitude which I fail to understand.

Now coming to the promulgation of the order under section 144 of the Criminal Procedure Code and its defiance at Amritsar I may be permitted to say that it is wrong to say that because civil disobedience has been suspended and because the Congress has now taken to constitutional means for redressing the grievances of the masses, the organisers of the demonstration at Amritsar should not have defied that order at Amritsar. For the information of those, who have taken shelter behind the attitude of the Congress at this time, I may say that there is nothing wrong in disobeying such orders which a person or an organisation considers to be against his conscience or against his faith. This right is always open to a man to disobey such orders which go against his conscience even if the Congress has suspended the civil disobedience movement and has taken to constitutional means for achieving the object that it has in view. Leaving it aside whether it was right or wrong for the demonstrators at Amritsar to defy the order of the District Magistrate, I ask why was it at all necessary for the police to resort to lathi charge?

[Dr. Satya Pal.]

and beating of the demonstrators? It was perfectly open to the Government to move the machinery of law of which so much has been made by the Honourable Premier. The police at Amritsar was perfectly at liberty to arrest those who had disobeyed the orders of the District Magistrate and also to prosecute them. The courts are there and if they had found them guilty of an offence, they would have been punished. Why is it that instead of taking to law and going to courts, the police took to lawlessness? This is our real complaint and I am sure that no satisfactory reply will be coming forth to this complaint of ours from the Government benches. I know that it will be said that the demonstrators attacked the police and threw stones on the officers and thereby provoked the latter to order *lathi* charge and I say so because I know that on another occasion when Lala Lajpat Rai was given a *lathi* blow, we ourselves saw the Superintendent of Police and also the Deputy Inspector-General of Police pick up stones and a few pairs of shoes and taking those with them to show the higher authorities that they had been beaten by the mob by those shoes and stones. But such things and such tactics should not deceive an honest man, a man who has made up his mind to do justice to all. Such fair-minded people will naturally ask the officers who want to deceive others whether the latter can show any wound on their cheeks or any other parts of their bodies to prove that they were really beaten or stoned. But I am sure that this question will not be put to the District Magistrate or to the police officers at Amritsar by those who are at present at the helm of affairs. They will only try to prove that we are in the wrong and that nothing undesirable has been done by their officers. What a pity it is that it has been readily believed by the Government that only three persons were seriously injured at Amritsar on this occasion although it is not denied that for full 25 minutes the *lathis* of the police continued to rain on the demonstrators! How improbable this version is and yet the Honourable Premier and the honourable member Mir Maqbool Mahmood would say that what has been reported to them by those who were involved is nothing but gospel truth.

Before I close I may say, not by way of threat or even warning, that these wrongs are sure to react on those who are allowing them to be perpetrated and I may also say that so far as we are concerned we do not mind them. We rather welcome such mistakes on the part of the Government because we feel sure that the greater the number of mistakes the Government commit, the nearer the goal which we are striving to achieve will be.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I have been wondering whether the incident at Amritsar and the brief discussion we had in this House the day before yesterday in connection with having Wednesday an off-day had any connection. I suspect that the vehemence with which some of my friends wanted Wednesday to be an off-day was to secure an opportunity of going down to Amritsar and come back to this House as eye-witnesses....

Sardar Sohan Singh Josh : He is making an insinuation and I repudiate it.

Premier : I am imputing no motives. I am merely pointing out that if Wednesday had not been an off-day my friends would have been

here (*A voice*: We would have gone even then). If they had gone they would not have been able to come back for an adjournment motion, because we would then have finished the business while they were still in Amritsar. That is, however, besides the point. Now there are one or two other things to which I should like to draw your attention and the attention of the House. I have reason to believe that for some time now a section of the political party outside this House have been concerned, and concerned very sorely, over the discomfiture which they have sustained on account of these four Bills, which Government have brought before the House. (*A voice*: He is imputing motives). I am not imputing motives. It is like '*chor ki darhi wan tinka*'. I was saying that they have been at pains to think out some way of trying to demolish the popularity which Government have achieved in the province over these four measures. Some bright people might have devised some plans, one of the plans being that they should make a demonstration in those places where the settlement is going on so as to divert the attention of the people in order to confuse the real issue. You will see that the date of the poster which I am going to read to you is 12th July. On the 12th July a Gurmukhi poster appeared, and the 12th July is very significant because it is during the discussion of the three Bills brought by Government in this House, and my information is that one of the meetings in which this question was considered to which I have referred, was held on the 6th July, and on the 12th July a Gurmukhi poster appeared at Amritsar over the signatures of Thakur Singh and Sardar Partab Singh, M. L. A., President and General Secretary of the Bandobast Committee. It complained that Government was doing nothing for the peasants. These are the words to which I should like to draw the attention of the House. This poster complained that Government was doing nothing for the peasants. My honourable friend very vehemently supported the measures which we brought forward and said "We want to make them more stringent"; but here in this poster it is said—

"That Government was doing nothing for the peasants, that a *communiqué* issued by the Settlement Officer showed that an addition of four lakhs per annum was to be made to the land revenue of the district, that the outlets of a number of villages round Raya had been reduced and that peasants were groaning under the burden of malba, chankidaza, chahi and local rates. In order to place these grievances before the public, and make them known to Government, the Bandobast Committee had decided to stage a big demonstration on the 20th, and a procession headed by the Congress flag under the leadership of Udham Singh Nagolc would start from Gol Bagh and proceed by the Canal Offices, Settlement Offices, District Courts, etc., and terminate at the Jallianwala Bagh, where there would be a public meeting. A number of prominent Congress leaders including Dr. Gopi Chand, Dr. Kitchlew and Dr. Satya Pal would join in the procession. It was emphasised that great preparations were on foot. Subsequent information showed that the proposal was to hold a demonstration before the bungalows of the Settlement Officer and the Deputy Commissioner".

That was the method by which my honourable friends wanted to bring the grievances of the peasants to the notice of the Government, although three of those eye-witnesses, who have spoken of several other things and made several allegations to-day, are members of this House and constitutional methods are open to them to bring to the notice of the Government the grievances not only of their constituents, but of the peasants throughout the province, and yet they did not take advantage of those methods.

[Premier.]

Let me now state the facts, as reported to us, regarding the unfortunate incident of 20th instant.

"On the 19th instant the District Magistrate issued an order under section 144, Criminal Procedure Code, forbidding the members of the Amritsar Bandobast Committee and allied bodies marching in jathas or processions or holding any demonstration in the area within Municipal and Cantonments limits of Amritsar north of the Lahore-Delhi railway line on the ground that such jathas, etc., were likely to cause obstruction and annoyance to the public and the inhabitants of the locality, etc., or a disturbance of the public tranquillity, etc. On the afternoon of the 20th there was a large gathering at Jallianwala Bagh at which Udhana Singh Nagoke called for volunteers and between 255—300 men came forward. These men proceeded to the Hall Gate accompanied by 5 or 6 thousand persons (*huzoorias*). They were there met by the City Magistrate and the Tahsildar, and were given copies of the District Magistrate's order. The Deputy Commissioner arrived shortly afterwards and both he and the City Magistrate tried to dissuade them from attempting to cross the railway bridge into the civil station. The jatha persisted in its determination and advanced. When it got close to the bridge, the authorities again talked to them and told them that if they crossed the bridge, force would have to be used upon them. They still advanced and were again stopped in the middle of the bridge and were given a similar warning. They still persisted and pressed on down the ramp of the bridge on the civil station side. They were then given five minutes in which to disperse. They refused to do so, and the order was given to the police to disperse them by force. The jatha sat down on the ground. The police had therefore to charge them with lathis and to drag and push them back. Meanwhile the mob got upon the railway track, from which they threw brickbats. One of them hit Mr. Scott, D. I. G., fortunately only on the belt."

Dr. Satya Pal : Brickbats always hit them, fortunately, on the belt.

Premier : Yes, but you always try to hit them below the belt.

"The Deputy Superintendent of Police got a cut on the face and the City Magistrate also received an injury. The crowd was finally cleared out of the railway track by the police. The members of the jatha still present were then removed in lorries to hospital, where it was found necessary to detain only three of them.

The number of arrests is six. This morning two of the three men detained in hospital have been discharged."

These are the facts which I have been able to ascertain from local authorities so far. But let me give you a few other facts which might be of interest to the House and to my honourable friends opposite. Now, Sir, the ostensible reason for this demonstration was, as reported to me, that my honourable friend Sardar Partab Singh and others wanted the people to defy section 144, because the Government had decided to raise the land revenue of Amritsar by 4 lakhs per annum. That was one reason given in the meeting at Jallianwala Bagh. (*Sardar Partab Singh :* That is not correct). That may not be correct. Then somebody else gave that reason. That was the ostensible reason why they wanted to make a demonstration in the Civil Lines. But what are the facts? The facts are well-known to my honourable friends opposite : there is going to be no increase in the assessment, at least for 5 years, beyond the present assessment in Amritsar and no decision has yet been taken as to the assessment thereafter. That undertaking was given in this House by the Honourable Minister for Revenue and yet my honourable friend suppressed those facts and did not convey them to those people. Another ostensible reason for this demonstration was that the settlement officer did not hear the legitimate grievances of the peasants. My honourable friend is perfectly aware and it is quite possible that other friends of his may have seen the settlement officer themselves, and I know it for a fact that the settlement officer has to move

from village to village and he gives everybody an opportunity to bring to his notice all legitimate grievances. He had very rightly drawn a line against the people from outside coming in and trying to intervene in the affairs of those peasants. And I endorse his action; moreover, Government has announced already that if the settlement officer cannot or does not remove any legitimate grievances of the public, the doors of the Government are always open to receive and meet *bona fide* representations.

Let me give you further information. The Deputy Commissioner, when that jatha arrived there, had a talk with that Jatha himself and he offered that he would be prepared to receive a deputation, not of 5, not of 10, and not of 20, but of 50 selected people, and that he would be prepared to hear all the grievances and, if necessary, to convey them to the Government. But naturally they did not accept his offer. Why? Because the object was not to convey to the Government or to the officers concerned, the grievances of those peasants, but to try to confuse the issues and further dupe those persons—for whom they profess sympathy—as the real saviours of the people—and to make out that the Government is trying to bamboozle them. That was the reason which led to their not consulting him or accepting his offer to receive a deputation.

Now, Sir, I am constrained to point out a very unfortunate aspect of this incident. I see that our honourable lady member, Shrimati Raghbir Kaur, has spoken on this motion. I need only say that Shrimati Raghbir Kaur has been making several speeches during the course of this session, particularly with regard to these Bills and everywhere she has been trying her best to confuse the issues by telling the peasants that these Bills are meant for big landlords and not for poor peasants and therefore, the Government does not want to help them. As a matter of fact she put forward a camouflaged version of the Bills before them. The incident, to which I wish to refer, with much regret, is this that there was also a women's jatha, led by Bibi Kartar Kaur and Shrimati Raghbir Kaur, and she, who has been depicting me and my friends here as unscrupulous and pitiless Czars, including my honourable friend opposite, said that—I am rather ashamed even to mention it in this House, but, however, I may confine myself by merely saying that she used filthy and abusive language against the Ministry and against everybody, the local officials and others concerned, and yet my honourable friends opposite have taken objection to the Deputy Commissioner's alleged use of the words "bloody nonsense" or some words to that effect. This is the allegation. I do not say that the words used by the Deputy Commissioner were discreet or correct in form, if he did use them, but let me point out to you what they said about the Deputy Commissioner himself. He after all is a human being and not an angel such as my friend Sardar Sohan Singh Josh would claim to be. This jatha was using filthy language against the Ministry and against my friend Sir Sunder Singh Majithia, and against local officials.

Sardar Sohan Singh Josh: This is all fabricated. I was there myself.

Premier: I am very sorry for the honourable member because if he was in the jatha he would be a member of an unlawful assembly. But if he was there he should have had the courage to be in the front of that jatha.

Sardar Sohan Singh Josh : I shall be there. I am not afraid of it.

Premier : I was submitting, Sir, that that jatha used filthy language. Among their mild outbursts were expressions such as—

دینی کمشنر کا بیڑا غرق کپتان کا بیڑا غرق

The procession was accompanied by a corpse of *malba*. Now I want to ask, had those people no constitutional method to adopt if they wished to bring to the notice of the Government or local officials their grievances? Were all other avenues closed to them except that of marching in a procession before the residence of the Deputy Commissioner or of the Settlement Officer or of Sir Sundar Singh and using foul language and filthy slogans?

Sardar Sohan Singh Josh : You are misinformed.

Premier : Only the information of the honourable member is correct; and of all others is wrong! Shall I remind my honourable friend that according to his own version he was also with that jatha and a member of an unlawful assembly?

Sardar Sohan Singh Josh : I was a spectator there. (*Laughter*).

Premier : My honourable friend now confesses that he was only an interested spectator. I am very glad to hear that. I agree that discretion is the better part of valour. I ask my honourable friends, was there any real necessity for a demonstration like this? Could not they come to me or to my friend Sir Sundar Singh or to the official concerned? Has the Government refused to listen to the legitimate grievances of the people in the past?

Many honourable members : Yes.

Premier : No. Government has always been sympathetic towards the legitimate grievances of the public. If they deliberately decided upon a course of action which would bring them into conflict with the law of the land, how can they genuinely blame those people against whom they came into conflict? Those who have duped those poor peasants are most dishonest. (*Voices : It is unparliamentary.*) (*Interruptions.*) I am not talking about the honourable members here, but those who misled those poor peasants into forming jathas and making that demonstration were not only dishonest, but it was a criminal action on their part to mislead and dupe innocent people. (*Hear, hear.*)

So far as the attitude of the police is concerned, I am prepared to say that our Punjab police is second to none in the country. I will not in any way overlook their excesses and shield them. My honourable friends will find that no other province has taken action against the corrupt officials of this department as we have.

In the end I must say that I have made some enquiries and I will make further enquiries into the allegations made to-day and if after making those enquiries I come to the conclusion that there is any truth in those allegations, honourable members may rest assured that I will not desist from punishing those responsible for any excesses (*applause*).

Mr. Speaker: The question is—

The Assembly do now adjourn.

The Assembly divided : Ayes 28 ; Noes 78.

AYES.

Bhagat Ram Choda, Lala.
 Bhim Sen Sachar, Lala.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Gopi Chand Bhargava, Dr.
 Hari Singh Sardar.
 Harjab Singh, Sardar.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Masbar Ali Azhar, Maulvi.

Muhammad Abdul Rahman Khan
 Chaudhri.
 Muhammad Hasan, Chaudhri.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrinasti.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdas-
 pur).
 Afzalali Hasnie, Sayed.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Anjad Ali Shah, Sayed.
 Ashiq Hussain, Captain.
 Balwant Singh, Sardar.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad, Shaikh.
 Fateh Jang Singh, 2nd-Lieutenant,
 Bhai.
 Fateh Khan, Khan Sahib, Raja.
 Fateh Muhammad, Mian.
 Fozl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Baksh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Maulvi.
 Ghulam Rasal, Chaudhri.

Ghulam Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib
 Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Hari Chand, Bai.
 Harnam Das, Lala.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Joginder Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan, Tiwana, The
 Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable
 Mr.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan, Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.

Muhammad Sadiq, Shaikh.	Pritam Singh, Siddhu, Sardar.
Muhammad Sarfraz Khan, Chaudhri.	Ram Sarup Chaudhri.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Riasat Ali, Khan Bahadur Chaudhri.
Muhammad Wilayat Hussain, Jeelani, Makhdamzada, Haji Sayed.	Ripudaman Singh, Thakur.
Muhammad Yasin Khan, Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Shahadat Khan, Khan Sahib Rai.
Muzaffar Khan, Khan Bahadur Captain, Malik.	Shah Nawaz, Mrs. J. A.
Nasir-ud-Din, Chaudhri.	Shah Nawaz Khan, Nawab Khan.
Nasrullah Khan, Rana.	Sham Lal, Rai Bahadur Chaudhri.
Naunihal Singh, Mann, Lientenant Sardar.	Sikander Hyat-Khan, The Honourable Major Sir.
Nawazish Ali Shah, Sayad	Singha, Mr. S. P.
Nur Ahmad, Khan, Khan Sahib Mian.	Suban Lal, Rai Sahib, Lala.
Pir Muhammad, Khan Sahib, Chaudhri.	Sultan Mahmood Hotiana, Mian.
	Sumer Singh, Chaudhri.
	Sunder Singh, Majithia, The Honourable Dr. Sir.
	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.

Sardar Partab Singh : Sir I rise to a point of personal explanation. The first charge levelled against us is that we obtained a holiday on the 16th July simply in order to go over to Amritsar and fan the fire of lawlessness among the people there. That is entirely unfounded. The second is that the poster complained of was published on the 6th of July and nothing was known regarding the Bills then. Thirdly, it is asserted that the Deputy Commissioner was willing to receive a deputation of 50 persons but we refused to send any deputation. The fact is that the Deputy Commissioner was not agreeable to any such reasonable thing. The fourth charge that the jatha carried an effigy of Sir Sunder Singh is altogether false!

Mr. Speaker : That is not a personal explanation.

Sardar Sohan Singh Josh : I wish to offer a personal explanation. The honourable Premier has questioned why I was not present there when the lathi charge took place at Amritsar. I may submit that I was there and if on some future occasion again an opportunity arises I will be present with my brethren and I will very gladly receive the lathi blows of the police.

THE PUNJAB ALIENATION OF LAND (THIRD AMENDMENT) BILL.

Mr. Speaker : The Assembly will now take up the Punjab Alienation of Land (Third Amendment) Bill.

Minister for Revenue (The Honourable Dr. Sir Sunder Singh Majithia) : I beg to move—

That the Punjab Alienation of Land (Third Amendment) Bill as reported by the select committee be taken into consideration.

The motion was carried.

Clause 2.

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

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Mr. Speaker : The question is—

That the first four lines of clause 3 stand part of the clause.

The motion was carried.

Pandit Mithi Lal Kalia (Ludhiana and Ferozapore, General, Rural) :
I beg to move—

That in 3-A, lines 8—11, for the words "who being a creditor settlement" the following be substituted.

"who carries on the business of advancing loans and who—

- (a) has in either of the two preceding financial years been assessed to income-tax under the Indian Income-tax Act or under the Income-tax Acts of any Indian State; or
- (b) has within the two immediately preceding years been assessed to professional tax under the Punjab District Board Act; or
- (c) has either during the two immediately preceding years been assessed to house tax under the Punjab Municipal Act or any law governing the Municipal or local bodies in any province in British India or any Indian State, provided that the aggregate annual rental value of such buildings whether let out or in the occupation of the owner is not less than Rs. 400; or
- (d) has been assessed to land revenue exceeding Rs. 300."

It was announced by the Honourable Premier the other day on the floor of this House that he wanted to bring in a measure placing the agriculturist money-lenders on the same footing as the non-agriculturist money-lenders so far as the power of expropriation was concerned. It is in fulfilment of that announcement that this Bill is being rushed through in this session. But I may submit that the provisions of this Bill do not fulfil that promise in entirety. I cannot even say that it is a half-hearted measure.

Mr. Speaker : The honourable member will please confine his remarks to the amendment.

Pandit Muni Lal Kalia : I am confining myself to the amendment. The words of the proposed section only limits the operation, rather restricts the rapacity of the agriculturist money-lenders to a limited period and the provision can very easily be evaded. It is generally recognised that all legislation dealing with money-lending are generally evaded. But so far as the present Bill is concerned it is so full of faults that it is easily possible to evade its provisions. The agriculturist money-lender can evade the provisions of this Bill by waiting for three years or by adopting certain fictitious methods. If the present Government is sincere in what it says and is in a mood to bring the agriculturist money-lenders to the same level as the non-agriculturist money-lenders, then the same measure governing the dealings of the non-agriculturist money-lenders should be brought forward with regard to the dealings of the agriculturist money-lenders. Otherwise it will

[Pt. Muni Lal Kalia.]

be only an eye wash and will not serve the purpose in the least. The words of the proposed clause are—

Who being a creditor has advanced to such person any loan, until such loan has been repaid or settled in full by the debtor and a period of three years has elapsed since repayment or settlement.

It comes to this that it is only during the period that there is relation between the debtor and the creditor or three years thereafter that he is protected by law, otherwise he is not protected. But that is not the intention. I ask one question and a most pertinent question too. What is at all the difference in the mind of the legislators between the agriculturist money-lender and the non-agriculturist money-lender? I may here quote the words from Darling's Book "Punjab Peasant in Prosperity and in debt" which is the gospel of the other side and which is quoted very often by the Minister. These are his remarks—"An agriculturist money-lender is the most dangerous and most rapacious" and so far as his dealings with the poor peasant agriculturists are concerned he is a sahukar whose rapacity has been so graphically described by him in an earlier chapter. Therefore it is no use just proposing a Bill of the type before the House which does not in any way remove the apprehensions entertained by Mr. Darling and other authorities. It is for that very reason that I have tried to introduce an amendment so that a person who is doing money-lending and is also an agriculturist should be debarred, if his position is such that he can purchase land, from doing this. At the same time my amendment goes a bit further than the one proposed from the Government benches, because under the amendment which I have proposed, there are two distinct advantages which benefit the zamindars and the peasant. I have excluded persons who are agriculturists and doing money-lending business but are not assessed to income-tax. My amendment is that those agriculturist money-lenders who are not assessed to income-tax or the house-tax which is assessed in municipal towns like Simla and Dalhousie and are not assessed to professional tax and who are also at the same time not assessed to income-tax or people who do not pay land revenue of more than Rs. 300 should be allowed to do money-lending business, but so far as those persons are concerned, who besides doing money-lending business pay income-tax and whose minimum assessable income is Rs. 2,000 and who are assessed to professional tax or house-tax or who pay land revenue exceeding Rs. 300 should be debarred permanently on the same lines as non-agriculturist money-lenders so long as they are in that better position and should be debarred from purchasing land. There is one thing which may be urged from the other side that we want to debar the rich agriculturists who fall within those conditions. But that is not the thing. As a matter of fact I only restrict it to those who do the business of money-lending so that the amendment proposed from this side is much better than the one proposed by Government. It should not be turned down simply because it has been proposed from this side of the House. So far as the points that are incorporated in it are concerned they have been taken from a similar legislation in another province of Madras. In Madras a Bill was moved to provide for the relief of indebtedness of the agriculturists and there they have made no distinction between an agriculturist and a non-agriculturist. It is also proposed here that persons who are agriculturist and who do money-lending should not have the same privilege of acquiring

other people's land as ordinary agriculturists. If the object of introducing this amendment of the Land Alienation Act is only to protect the poor peasant of the Punjab from further expropriation at a time when the agriculturist money-lender is more dangerous, then in that case it is high time that the amendment of this nature should be adopted at this time. I have not transgressed the words used by the Premier. Otherwise I had other suggestions as well that provided great restraint on the power of borrowing so far as the peasant was concerned. But I have not placed them before the House because this Bill has been introduced with the definite idea of bringing to the same level the agriculturist as well as the non-agriculturist money-lender.

Mr. Speaker : How many times will the honourable member repeat this point ?

Pandit Muni Lal Kalra : For these reasons I say that my amendment should be accepted.

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

That in 3-A, lines 8—11, for the words " who being a creditor settlement" the following be substituted :—

"who carries on the business of advancing loans and who—

- (a) has in either of the two preceding financial years been assessed to income-tax under the Indian Income-tax Act or under the Indian Income-tax laws of any Indian State; or
- (b) has within the two immediately preceding years been assessed to professional tax under the Punjab District Board Act; or
- (c) has either during the two immediately preceding years been assessed to house-tax under the Punjab Municipal Act or any law governing the Municipal or local bodies in any province in British India or any Indian State, provided that the aggregate annual rental value of such buildings whether let out or in the occupation of the owner is not less than Rs. 400; or
- (d) has been assessed to land revenue exceeding Rs. 300."

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I must confess that I have not been able to follow either the amendment of my honourable friend or the reasoning which he gave in support of the amendment. I do not follow his object; it must be very subtle and very clever. I am afraid this amendment has nothing to do with this Bill or the objects which we want to achieve. My honourable friend said that we must put the agriculturist money-lender on the same footing as the non-agriculturist money-lender, but where does the Bill say that he shall not be so placed? Under that Act, if he comes within the category of the persons defined in the Money-lenders Bill which has just been passed, he will be a money-lender whether he is an agriculturist or not. The only advantage which the agriculturist money-lender has over a non-agriculturist money-lender, and this is the main reason why we want to cramp his style, if I may use such an expression, is that the agriculturist can buy the land from another agriculturist in lieu of the debt advanced to him. It is that particular operation on the part of the agriculturist money-lender which we want to restrict or stop altogether, and that has been done effectively in this Bill. My honourable friend wants to go further. If he has studied this Bill, as I hope he has, he will find that definitions here are identical with the definitions in the other Bill and therefore we have as a matter of fact at the risk even of repetition included all the various clauses so that there may be no question

[Premier.]

to-morrow that there has been differential treatment. So far as the question of money-lending is concerned if all the ingredients given in that other Bill are there, an agriculturist will come under the purview of that Bill and he will be a money-lender. But under this Act we go still further. He will not be able to buy from another agriculturist debtor. So long as that man is indebted to the money-lender, he will not be able to purchase his land. Not only that, we go further and say that he will not purchase land from that debtor or his near relation for three years even after the liquidation of the debt so that there is no undue influence of that agriculturist money-lender or the vendor himself if the land changed hands. That is made quite clear and if my honourable friend has read the report of the select committee he will find that we have tried to stop all possible loopholes and to make the provisions water-tight. I do not know what my honourable friend means by the second sub-clause—

has within the two immediately preceding years been assessed to professional tax under the Punjab District Board Act, or

What has that got to do with agricultural money-lender ?

Pandit Muni Lal Kalia : I will explain.

Premier : He talked of land-revenue exceeding Rs. 300. Does he mean to say that those who are assessed to land-revenue less than Rs. 300 should be excluded from this Bill? Is that his object?

Pandit Muni Lal Kalia : That is my object.

Premier : That is not the object of the Bill. My honourable friend wants to exclude those money-lenders who are not assessed to Rs. 300 land revenue or professional tax even if they are agriculturists. He says they should be excluded even if they pay thousands in addition as income-tax. (*A voice : Yes.*) I do not see eye to eye with him. The principle of this Bill is to restrict the agriculturist from purchasing land and my honourable friend wants to make a loophole instead of stopping it. I cannot accept his amendment.

Dr. Sir Gokul Chand Narang : I want to say a few words. I oppose this motion. I think it is absolutely futile and does not meet the object which the Bill has in view. An agriculturist money-lender could drive a coach and four through this amendment and set at nought the whole Bill if this is to form part of the Bill. My honourable friend has taken this from the Madras Bill but he forgets that in Madras there is no Land Alienation Act and there is no distinction between one money-lender and another. I am very sorry to have to oppose Mr. Kalia's amendment but I think that it is wrongly conceived. (*Voices : Question be now put.*)

Pandit Muni Lal Kalia : I want to make a reply.

Mr. Speaker : Does not the honourable member wish to withdraw his amendment ?

Pandit Muni Lal Kalra : No, Sir. After incorporating the amendment in the clause it runs like this—

“Except with the sanction of the Deputy Commissioner as provided for in this Act no member of an agricultural tribe shall make a permanent alienation of his land to a member of the same tribe or of a tribe in the same group who carries on the business of advancing loans and who—

- (a) has in either of the two preceding financial years been assessed to income-tax under the Indian Income-tax Act or under the Income-tax laws of any Indian State; or
- (b) has within the two immediately preceding years been assessed to professional tax under the Punjab District Board Act; or
- (c) has either during the two immediately preceding years been assessed to house-tax under the Punjab Municipal Act or any law governing the Municipal Act or any law governing the Municipal or local bodies in any province in British India or any Indian State, provided that the aggregate annual rental value of such buildings whether let out or in the occupation of the owner is not less than Rs. 400; or
- (d) has been assessed to land revenue exceeding Rs. 300.”

It is doubted by the other side whether this is in the spirit of the Bill in which it is proposed. I want to make it clear that we have got no objection to an agriculturist money-lender who does not come within the four clauses of the amendment. He may go on carrying on the business of money-lending and may not be brought to the same level as the non-agriculturist money-lender, but so far as an agriculturist money-lender who is either assessed to income tax or not is concerned I have introduced two years for one year. He may be assessed to income-tax and he may not be assessed to income-tax at the time during the year when he wants to purchase certain land and similarly with regard to assessing of professional tax. This tax is levied on a person in addition to his income from land and also on non-agriculturists. I am at present concerned with the professional tax as it is levied on agriculturists and then with regard to the fact that he has been assessed to house property. There are certain persons—agriculturists—who do not pay Rs. 800 as land-revenue but they have considerable property in municipalities like Simla and Dehra Dun. So, my submission is that for these reasons this amendment should be adopted because it gives greater scope.

Mr. Speaker : The question is—

That in 3-A, lines 6—11, for the words “who being a creditor.....settlement” the following be substituted—

“who carries on the business of advancing loans and who—

- (a) has in either of the two preceding financial years been assessed to income-tax under the Indian income-tax Act or under the Indian income-tax laws of any Indian State; or
- (b) has within the two immediately preceding years been assessed to professional tax under the Punjab District Board Act; or
- (c) has either during the two immediately preceding years been assessed to house-tax under the Punjab Municipal Act or any law governing the municipal or local bodies in any province in British India or any Indian State, provided that the aggregate annual rental value of such buildings whether let out or in the occupation of the owner is not less than Rs. 400; or
- (d) has been assessed to land revenue exceeding Rs. 300.”

Pandit Muni Lal Kalra : I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

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

That in 3-A, line 10, for the word “three” the word “six” be substituted.

[L. Duni Chand.]

The Bill prohibits the alienation of land by a debtor during the period of his indebtedness to his creditor and during the next three years after the repayment or settlement of the debt. That is the position. This shows that the limitation for money claimed is only three years. It appears the Government does not know its own mind. At first five years were given in place of three years. Now three years have been substituted for five years. The Honourable Premier should know that in many cases for recovery of a loan the limitation is six years. Under Article 20 of the Indian Limitation Act the limitation is six years for several kinds of cash loans. The object of the Government appears to be that after the alleged repayment or settlement an opportunity should not be given to a debtor for a period of three years to alienate his land to his creditors. That purpose can be served only if the period of six years is substituted for the period of three years. For instance, if there is not a registered bond the limitation is three years but if the loan has been advanced on a registered bond, any lawyer will tell you that the period is six years under Article 120. Therefore, the object the Government has in view can be served only if the period of six years is substituted for three years, otherwise in some cases the limitation will expire after three years. There will yet remain other cases in which limitation will be six years. If the Government wants to achieve its object it should accept six years, otherwise the Government does not achieve its own object. The point that I have raised through this amendment should, therefore, be accepted.

Mr. Speaker : Clause under consideration, amendment moved—

That in 2-A, line 10, for the word "three" the word "six" be substituted.

Premier : The question of limitation is as irrelevant to this amendment as my honourable friend's whole speech was to this clause. But that is not the point. We originally suggested five years because we thought that that would be a long enough period but in the select committee it was thought that it was much too long a period and it should be reduced. My honourable friend was arguing without purpose. If that debt is not settled and if that person goes to a court and gets a decree and that decree is not executed for six years, the debt remains unsettled.

Lala Duni Chand : Then why do you fix three years ?

Premier : It has got nothing to do with the limitation period. It is after that decree has been executed and the money recovered, it is only from that date that the period of three years starts. That means not only six years but nine years and, therefore, my honourable friend need not worry about it. We are not thinking of any limitation.

Dr. Sir Gokul Chand Narang : I support the amendment of Lala Duni Chand though not for the reasons he has given.

Mr. Speaker : The question is—

That in 2-A, line 10, for the word "three" the word "six" be substituted.

The motion was lost.

Pandit Muni Lal Kalra : I beg to move—

That in 2-A, line 16, the words "by a debtor" be deleted.

This amendment is in the same spirit and on the same lines as the main amendment. On receiving further instructions I have in this case only to move because further on I will move another amendment.

Parliamentary Secretary (Mir Maqbool Mahmood): After the various amendments already passed by the House my honourable friend's amendment cannot fit in in the clause and should be ruled out.

Pandit Muni Lal Kalia: I have got another amendment. I formally move my amendment. In the first place the words are redundant and in the second place we do not want to keep the debtor or the creditor.

Mr. Speaker: The question is—

That in 3-A, line 16, the words "by a debtor" be deleted.

The motion was lost.

Pandit Muni Lal Kalia: I beg to move—

That in 3-A, in line 17, for the words "his creditor" the words "the person carrying on the business of advancing loans" be substituted.

I have only to say with regard to this amendment that we want to remove the specific word "creditor". A non-agriculturist money-lender should be on the same lines as an agriculturist money-lender. Therefore we do not at all want the word "creditor." With these words I move the amendment.

Mr. Speaker: The question is—

That the word "his" stand part of the clause.

The motion was carried.

Mr. Speaker: The next question is—

That the word "creditor" stand part of the clause.

The motion was carried.

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

That in 3-A, lines 17—20, for the words "the effect section", the words "in order to liquidate his debt in whole or in part" be substituted.

If the Government wants to help the agriculturist debtor even to the smallest extent imaginable, then the Government should accept this amendment. This is the only substantial amendment in order to improve the scope of the Bill. What the Bill proposes is that an agriculturist debtor is not allowed to make any alienation of land to his creditor. This is the only service that Government wants to render to the agriculturist debtor. What does it come to? Besides the creditor there are other one thousand and one persons to whom he can alienate his land without any restriction. After all if there are so many persons to whom he can alienate his land, what help can you give him? He is prevented from alienating his land to a single creditor. The object of my amendment is that if the agriculturist debtor wants to alienate his land to a third person in order to pay his creditor in whole or in part, he should be prevented from doing so because in that case only you do real help to the debtor. He will not be at liberty to make alienation to any agriculturist. I may point out that ordinarily a creditor does not take the land of his own debtor in alienation for the simple reason that under the Customary Law if a creditor takes land in alienation from his debtor, then the onus of proof that there was necessity for this lies on the creditor; but if the lands are alienated to a third person, and that person then pays off the creditor on behalf of the debtor, in that case

[L. Duni Chand.]

the creditor is safe because under the Customary Law the necessity is presumed and the creditor is safeguarded. What is the use of it? In the first place any creditor would take care not to take any alienation from his debtor because that will not help him. On the other hand, the creditor will say "I do not want to take any transfer of land from you. Alienate the land to a third person and that third person will pay me on your behalf." If you want to extend any help to the debtor, that can be possible only if he is effectively prevented from alienating his land either to his creditor or to any third person. What is this thing which the Government wants to give to the debtor? I submit that is a mere eye-wash. Really it comes to nothing. He is not afforded any kind of protection. As I have submitted, if he has got so many other persons who can purchase and who can take the alienation from him, what protection does the Government give him? At least there should be a large number of persons who should be prevented from taking the advantage of the helpless position of the agriculturist debtor and that agriculturist debtor should not be allowed to alienate his land to that class of persons. It is claimed on behalf of the Government that they are going to confer a great boon upon the agricultural debtor. What is it? If this Bill is not a counter-part of the Restitution of Mortgaged Lands Bill, then what is it? Why has the Government taken the trouble of framing this Bill and putting it before the House? If the Government is really anxious to protect the agriculturist debtor, then the scope of the Bill should be extended. This Bill reminds me of that old story of a man digging a mountain only to find a mouse. The words "hoodwink" and "dupe" have been invariably used. If they hold good anywhere, they hold good in this case. We have to protect the agriculturist debtor, while there is actually no protection. With these words I move my amendment. If the Government sees the force of my arguments, they should have no hesitation in accepting my amendment. If the Government is adamant in not accepting this amendment, then it is nothing but a fraud upon the agriculturist debtor and a fraud upon the agriculturist creditor. Neither the debtor will get anything nor the creditor will lose anything. With these words I move my amendment.

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

In 3-A, lines 17—20, for the words "the effectsection", the words "in order to liquidate his debt in whole or in part" be substituted.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, I am afraid, my honourable friend, in his love for the agriculturist debtor, has allowed himself to go off the path of sanity and sound logic. With due deference I would request him to read the proviso with the insertion of his words. Now, after incorporating his words, the proviso to this section would read thus—

".....in order to liquidate his debt in whole or in part, he (the Deputy Commissioner) shall, after recording his reasons by order in writing declare the alienation void and shall eject any person in occupation of the land by virtue of such alienation and shall place the alienor in possession thereof."

In other words, under the substantive section, a debtor is debarred from selling his land to his creditor while he owes him a debt, but under the proviso as amended he would be debarred from selling his land even in liquidation of his debt; in other words, it would make it impossible for a debtor to get

rid of his debt. That would be the only consequence of my friend's amendment. I am sure that in all seriousness, my honourable friend would not like to move an amendment of this nature.

Secondly, Sir, he forgets that we have in this section used the words "in evasion of the provisions of this section." It is only with regard to a *benami* transaction which is entered into by a debtor and the benefit of it is given to the creditor in the form of *benami* that we have placed the agriculturist money-lender in exactly the same position as the non-agriculturist money-lender.

Lala Duni Chand : Sir, I want to let Mir Maqbool Mahmood understand whether he is devoid of sanity or I am devoid of sanity. What is the object of the Government? The object of the Government is not to prevent the debtor from alienating his land. If that is the object, what services are they rendering to the debtor? Whether he alienates his land to the creditor or to a third person is immaterial. Relief can be granted to him only if his land is saved from being alienated. If his land is alienated to A, B or C, what relief does the Government render to the debtor? Is it the object of the Government that he should alienate his land in order to pay his debts to any number of persons and that it should not be alienated to the creditor? Is it not a senseless thing? After all you want to serve the debtor by imposing restrictions on him as to liberty to sell his land. You must give him some relief and that is why I have moved my amendment.

Mr. Speaker : The question is that—

In 3-A, lines 17—20, for the words "the effect.....section"; the words "in order to liquidate his debt, in whole or in part" be substituted.

The motion was lost.

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

In 3-A, lines 22-23, between the words "person" and "in" the word "if" be inserted.

This is really to improve the language of the section. If you will kindly listen to me you will know what it is. If you want to remain in a state of ignorance, do remain in that state by all means. This clause supposes that all the alienations that will be made, will be alienations accompanied by possession. But there may be some which may not be accompanied by possession. It is to be applied to such alienations, if the word "if," between the words "person" and "in" be inserted; otherwise it would mean that alienations that will be made will be accompanied by possession. In this clause a permanent alienation has been defined as including all temporary alienations. If there is a mortgage without possession, then this clause will not apply and in that case it will be impossible for you to grant the relief that you intend to grant to the debtor, and then the operation of this clause will be confined only to those alienations which will be accompanied by possession. It will not apply to any other alienation in which the possession has not been delivered. It is really in order to help and in order to enable you to carry out the object that you have in view, that I move this amendment. It is for you to accept it or not.

Mr. Speaker : Clause under consideration; amendment moved is that—

In 3-A, lines 22-23, between the words "person" and "in" the word "if" be inserted.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I beg to submit that if my honourable friend merely wants to clear the position by altering the language, he has probably not noticed the words "in occupation of the land by virtue of such alienation." I am afraid if we put the word 'if' as desired by Laia Duni Chand, it may take away the present meaning which I, and he also, want to be retained in this clause and it might lead to several complications. On the other hand, if it is merely a question of a grammatical precision, then I am prepared to confess that in my case ignorance is probably a bliss.

Mr. Speaker: Question is—

That in 3-A, lines 22-23, between the words "person" and "in" the word "if" be inserted.
The motion was lost.

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

That in 3-A, lines 1-25, for the words "3-A.....in possession thereof", the following be substituted:—

"3-A. Except with the sanction of the Deputy Commissioner provided for in this Act, no member of an agricultural tribe shall make a permanent alienation of his land to a member of the same tribe or of a tribe in the same group, who carries on the business of advancing of loans and who:—

(a) has, in either of the two preceding financial years, been assessed to income-tax, under the Indian Income Tax Act or under Income Tax laws of any Indian states; or

(b)

Parliamentary Secretary (Mir Maqbool Mahmood): On a point of order, Sir, what the honourable member is now proposing has already been turned down. Is not his amendment out of order?

Dr. Sir Gokul Chand Narang: May I just say a word? This amendment is practically out of order. It is almost exactly the same which was moved by him in another form.

Mr. Speaker: I hold the amendment of the honourable Pandit Muni Lal Kalia to be out of order.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): Sir, I beg to move—

That for the proposed section 3-A the following be substituted:—

"3-A. Any creditor who is a member of the notified agricultural tribe shall from the date he is registered as a money-lender under the Punjab Money-lenders Registration Act cease to be a member of a notified agricultural tribe for the purposes of the Punjab Alienation of Land Act, 1900 and shall not be treated as a member of a notified agricultural tribe until three years after the removal of his name from the register of money-lenders, provided that if his name is removed for any disability incurred by him under section 6 of the Punjab Money-lenders Registration Act he shall never be treated as a member of a notified agricultural tribe under the Punjab Alienation of Land Act."

Sardar Dasandha Singh (Deputy Speaker): This amendment is obviously beyond the scope of the Bill. The scope of the Bill is a restricted one. Only partial restrictions have been imposed on the capacity of an agriculturist debtor to alienate his property and on the capacity of an agriculturist creditor to have the alienation in his favour from his debtor.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : There is another point and a shorter way to rule this amendment out of order. Sir, you have put line 23 to the House and the House has passed it. Would it be proper for the House to go back on what has already been done? My second objection is that my honourable friend has referred to the Punjab Registration of Money-lenders Act and I submit there is no such Act on the Statute Book so far.

Mr. Speaker : Does not the proposed new clause go beyond the scope of the Bill ?

Premier : It does.

Mr. Speaker : Question is that honourable member be given leave to move this new clause.

Mir Maqbool Mahmood : I have two points of order to raise. Firstly the House has decided that the words ' his creditor ' in line 17 stand part of the clause. Now the amendment proposed to this clause will be setting aside the decision already arrived at by the House, because these words ' his creditor ' are sought to be removed.

Mr. Speaker : After the clause is amended, it is open to any member to move that another clause take the place of the amended clause.

Mir Maqbool Mahmood : My second point is that in this amendment there is a reference to the Money-lenders' Registration Act. But there is no such Act in existence at present.

Dr. Sir Gokul Chand Narang : Now the points of order have been shelved in favour of the proposition that you have put before the House, namely, that leave may be granted to introduce the new clause.

Premier : No. The point of order is that my honourable friend in his amendment says—

Any creditor who is a member of the notified agricultural tribe shall from the date he is registered as a money-lender under the Punjab Money-lenders' Registration Act cease.....

But there is no such Act as is referred to in the amendment. Therefore the word ' money-lender ' will have to be defined afresh. In fact we ourselves have substituted the word ' creditor ' for ' money-lender ' because the measure in which the expression ' money-lender ' is defined has not yet become an Act. Otherwise it would have been a very simple matter to get this Bill drafted. There would then have been only one clause.

Dr. Sir Gokul Chand Narang : Now three points of order have been raised and I shall reply to every one of them. I am sure you will consider that the point of order raised by the learned Deputy Speaker does not deserve any discussion.

Sardar Dasamudha Singh : I do not press that point of order.

Mr. Speaker : The Bill as originally drafted and published in the Gazette referred to the Registration of Money-lenders Act, which did not and does not exist. The Honourable Premier's attention being invited to this defect he did not introduce that but got another Bill drafted and duly introduced. Under these circumstances I cannot allow an amendment which suffers from the same defect as the original Bill which the Honourable Premier did not introduce.

Dr. Sir Gokul Chand Narang : I shall try to meet that objection. I know that there is no Punjab Registration of Money-lenders Act in existence at present. Nevertheless I sent in this amendment though I must say that it was written in great haste. We are now proceeding in a rush and therefore under a great disadvantage. The Honourable Premier promised on the floor of the House more than once that he would not bring into force the Money-lenders' Registration Act until he had framed a Bill to place the agriculturist money-lenders on the same footing as the non-agriculturist money-lenders. At least I understood him to be earnest and sincere in what he said. I expected that when the Money-lenders' Registration Act came into force this measure also would come into force. If the Premier sticks to his promise and assurance which he gave to this House it would mean that this Bill would follow the Bill which we have recently passed. It was keeping in view the assurance of the Honourable Premier that I brought forward this amendment. Once you concede that the Premier has carried out that assurance it means that the Punjab Registration of Money-lenders Act is there. Then follows this Act. Thereafter any reference in this Bill to the Money-lenders' Registration Act will be perfectly in order. This is my submission with regard to the point of order.

One word more. As I submitted, you have departed from the ordinary rule of 7 days and have allowed the select committee's report to be considered within less than 24 hours of its publication, why, even less, because a part of the select committee's report was handed over to us here only to-day at 2 P.M., so that, you are allowing the consideration of the select committee's report within less than five hours of its publication. I would therefore request that if you find any defect in this amendment you will kindly allow me to amend that amendment and move it again.

Premier : You cannot amend it.

Dr. Sir Gokul Chand Narang : Why not?

Premier : I tried to amend it myself but found it impossible.

Dr. Sir Gokul Chand Narang : I may not use the word 'money-lender.' I may use the word 'creditor.' What I mean to say is this, we should have an amendment which should place the agriculturist money-lender in exactly the same position as a non-agriculturist money-lender *qua* the provisions of the Punjab Alienation of Land Act. If you want to have loopholes, if you want to keep the doors open for the agriculturist money-lenders which you keep closed for the non-agriculturist money-lenders, that is quite a different matter. I may submit that when the first Bill was circulated among the honourable members I said it was only a scrap of paper. You would agree with me that it was even worse than what I described it to be. It was no Bill at all and no Government should have allowed it to come out of the Secretariat. However, wisdom dawned upon the Government and you also helped them by pointing out the defects and enabled them to withdraw the Bill. Then they brought forward another. It was also full of defects. I sent in amendments to the Bill as introduced by them a second time, but prudence dictated that the Bill should be referred to a select committee for rectifying the mistakes. It was accordingly sent to a select committee where it was further amended. Even now the Bill as amended by the select committee is full of loopholes and as you are allowing the Government

to have its own way so far as time is concerned, I request you to kindly adjourn the House to-day to enable us to bring forward a properly drafted amendment to-morrow. We really have had no time to draft a well-considered amendment. As I already pointed out I got the select committee's report only at 8-30 P.M. yesterday and a part of it only to-day at about 2 P.M. We are not very much interested in the Bill, but we are really interested in seeing that the promise of the Premier is implemented in the right sense. We should not allow a Bill to be passed with all the loopholes in it. I would therefore pray that the House be adjourned till to-morrow. So far as I am concerned I shall give an assurance that the business will be finished to-morrow, before 4 o'clock.

Premier : On a question of fact, what I actually said in this House was that I will not enforce the other Bill if it becomes an Act unless this law also comes into force. That means that this will come on the statute book before the other does. There is no other possibility. This Bill will come into force on the same day as the other. The defect which my honourable friend pointed out and which you, Mr. Speaker, also pointed out appealed to me and it was for that reason that I withdrew the original Bill and brought forward this Bill with an elaborate definition; I have practically reproduced the definitions given in the Bill which we passed a few days ago.

Now, with regard to the point which my honourable friend made that we should place the agriculturist money-lender on the same footing as the non-agriculturist money-lender, I may point out that if he comes under the definition of that Bill he will be on the same footing. The only thing which he could do was to buy land. In this respect we have not only restricted it, but restricted it for a period of three years—

Dr. Sir Gokul Chand Narang : Have you restricted?

Premier : Yes.

Dr. Sir Gokul Chand Narang : I shall point out the loopholes.

Premier : The honourable member's amendment would mean that the debtor should not sell his land to anybody.

Dr. Sir Gokul Chand Narang : No, no.

Mr. Speaker : I hold the honourable member's amendment to be out of order.

Dr. Sir Gokul Chand Narang : If you adjourn the House for half an hour I shall be able to present a properly drafted amendment. Nothing will be lost if you adjourn for half an hour.

Mr. Speaker : The question is—

That 3-A stand part of the clause.

Dr. Sir Gokul Chand Narang : I am going to oppose the clause.

Premier : Please point out the loopholes.

Dr. Sir Gokul Chand Narang : It is really very good of the Honourable Premier to have accepted the two amendments of mine so that mortgages are also included in the Bill and an attempt has been made to exclude *benami* transactions. Still there are several loopholes left in the Bill. All that this clause says is that an agriculturist money-lender shall not be able to take the land of his debtor while the debt is unpaid and three years after the

[Dr. Sir Gokul Chand Narang.]

payment of debt in full. On the surface it looks quite all right, but if you analyse it carefully, it really does not meet the object. The difficulty in the way of a money-lender in realising his debt is that he cannot get at the land of the agriculturist debtor and he tries to evade the Land Alienation Act by a device and getting what is called a *benami* transaction. In this case a provision has been made apparently against *benami*, but it is of no effect and I shall tell the Honourable Premier why it would not meet his point if he really wants to place the two classes of money-lender on the same level. Suppose I am a zamindar agriculturist money-lender and my friend is also an agriculturist money-lender and suppose my friend over there is an agriculturist debtor and another gentleman is also an agriculturist debtor. We come to an agreement and we say, "All right you take Sardar Kartar Singh who is my debtor and I take Pandit Shri Ram Sharma who is your debtor. I shall take the land of your debtor and you take the land of my debtor, you realise your debt and I realise mine." Now what is the use of this scrap of paper? It is rendered absolutely nugatory. This is obvious, because by this Bill as it stands the debtor only is precluded from giving his land to his creditor, he is not precluded from transferring his land to another zamindar. If there are half a dozen or even three or four agriculturist money-lenders in a village, they can take the whole land belonging to the agriculturist debtors. They can, as I said in connection with the amendment moved by Mr. Kalia, drive a coach and four into this clause of yours and it will be of no avail to you to prevent the land of an agriculturist debtor from passing into the hands of the agriculturist creditor. This is so obvious that I consider it really a waste of time to emphasise it or try to make it any clearer. You will see that according to the speech that the Honourable Premier made the other day, it is not *benami* if a non-agriculturist persuades an agriculturist to buy the land of an agriculturist debtor and pay his debts. This is all right so far as it goes but the non-agriculturist money-lender has not got any status to return the compliment to the agriculturist middle man.

Premier : I see your point.

Dr. Sir Gokul Chand Narang : He cannot say to the agriculturist money-lender, you take my debtor's land and I shall take your debtor's land. Therefore he is helpless, he cannot return the favour done to him by an obliging agriculturist money-lender friend. But take the case of agriculturist money-lenders. They have only to arrange among themselves and, as I have said, they can purchase the land belonging to all the agriculturist debtors in the village or even in the neighbourhood. This Bill will, therefore, become utterly useless. I think I cannot say anything in reply because my amendment has gone but I should like to hear with very great interest and attention what the Honourable Premier has got to say about it.

Dr. Gopi Chand Bhargava (Lahore City, General, Rural) (*Urdu*) : Sir, a new point strikes me and I feel that I must submit it. I fully support what Dr. Narang has stated that two or three persons can purchase land collectively. I wish to make the Honourable Premier understand that if in future an agriculturist happens to go to an agriculturist money-lender for taking money on loan, the agriculturist money-lender would tell

him directly, "I cannot lend you money because I am not allowed to do so and as you are also not allowed to mortgage your land to me, we are both helpless. But stay, there is one way left for us. If you are in great need of money you can sell your land to me. The Act says that I cannot make you my debtor by giving you money on loan but I can purchase your land". Does the Honourable Premier know what would be the result? The result would be that even mortgaged lands would be sold to agriculturist money-lenders. In consideration of these facts it is possible, nay probable, that at once sales would begin to be made in large numbers. Zamindars, under the proposed Bill, would have no option except giving away their lands in sale to agriculturist money-lenders. He would have no alternative except this. I am afraid in this way, what the Government wish to decrease would increase.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, the point which has been made by my friend Dr. Gokul Chand appears *prima facie* to have some force in it and I confess that on a casual reading of the clause on paper the danger does exist; if there is collusion between two money-lenders it is quite possible that they might be able to evade our proviso but so far as *bonami* transactions are concerned these efforts will be in vain. In practice, however, my honourable friend will agree that the agriculturist money-lender does not operate like the ordinary money-lender. He merely selects a victim and pays him money, and in nine cases out of ten he would not ask any other money-lender to come in because he originally advanced the money only with the object of obtaining his land. But an agriculturist debtor is not likely to be so pliable as to sell his land to someone to whom he owes no money. Anyway if we find that there is substantial evasion of the Bill as suggested by Dr. Sahib I will examine it further and will remove it through further amendment in the next session if need be.

Dr. Sir Gokul Chand Narang : You can postpone this Bill.

Premier : I am afraid it will not be fair. I have given an undertaking that the other Act will not come into force until this Act is passed and I must abide by my words.

Dr. Sir Gokul Chand Narang : You can pass and not enforce it.

Premier : Neither will be enforced unless we make rules; I will examine the question and if it is necessary to further avoid this risk we shall devise suitable means. Let the honourable member examine it over night and then we will see to it. I will not make the motion that the third reading be made to-night. We would not be able to consider it fully now. You are tired and I am not feeling particularly fresh, so is the Advocate-General who has been concentrating the whole time even on the smallest amendments, specially the amendments moved by my friend Lala Duni Chand and he was at a loss to find out where they fitted in and what was the meaning. About the point raised by my honourable friend Dr. Gopi Chand I am afraid it stretches the thing too far. It is quite possible that that might be the effect of it, and eventually we may have to amend this Act. As a matter of fact I warned my honourable friends when we were discussing the Benami Bill and the Mortgaged Lands Bill that the agriculturist who mortgages his land with another agriculturist does so because it pays him to do so.

[Premier.]

but then my point was strongly resisted and even resented by my honourable friend and others, because they thought that it would mean that they will have to sell it, if we do not permit the mortgage. That argument was criticised and opposed. I am afraid I cannot accept what my honourable friend now said.

Mr. Speaker : Question is—

That 3-A stand part of clause 3.

The motion was carried.

Dr. Sir Gokul Chand Narang : I have given notice of a number of amendments to the "Explanation". My submission is that it is extremely unfair on the part of the Government to rush the Bill through like this. My idea was that there were those amendments and *mutatis mutandis* they would be considered. I move them now.

Mr. Speaker : But the whole Bill has been changed. If the honourable member will refer to the Explanation, he will find that the words—

"the permanent alienation includes an alienation in any form other than those permitted by section 6 of this Act."

are new. There are two Bills. One relates to non-agriculturists and the other to agriculturists.

Dr. Sir Gokul Chand Narang : I may be permitted to say a few words. There is yet a distinction between this Bill and the Bill we have already passed. That Bill dealt with the ordinary money-lender and there may be certain provisions which were harmless there and which are very mischievous here and which would defeat the very object of this Bill. Unless they are prepared to have a Bill which would really implement the Premier's promise his promise will be like the promises made by the witches in Macbeth : you can make promises in so many words but break them in the performance. That is a different thing. I will give you one instance. In the Money-lenders' Bill there was a clause that a loan shall not be treated as a loan, if it is advanced on a negotiable instrument except a promote. It was quite all right there because it was understood that negotiable instruments are used by traders and the Government did not want to hamper their business and, therefore, they exempted such loans from the definition of a loan but now take the case of the present Bill.

Mr. Speaker : I am going to put everything to the House.

Dr. Sir Gokul Chand Narang : Let me finish the sentence that I was going to say, that here, if an agriculturist money-lender is allowed to advance loans on negotiable instruments, he can buy the whole land of the debtor because that will not be a loan according to your definition.

Mr. Speaker : No reasons are required.

Premier : He would be a money-lender under that Act also.

Dr. Sir Gokul Chand Narang : We take this Bill as it is.

Premier : I merely want to submit one thing through you. So far as that Bill is concerned, it would in any case be applicable to the agriculturist money-lender. We had to put in all these items because we could not see the word "money-lenders" defined differently in the two Bills. Your point is that if he is allowed to use hundis he will be able to buy land

from the debtor. He will not be able to do so. If my honourable friend will think it calmly he will find that that point has already been considered.

Dr. Sir Gokul Chand Narang : The submission that I was going to make was this.

Mr. Speaker : I cannot allow further discussion.

Dr. Sir Gokul Chand Narang : I want to make a request. As my amendments which were sent before the select committee report was presented are out of order—and I believe they are out of order strictly speaking—you would allow me kindly to hand over the amendments to you with respect to the Bill as it has emerged from the select committee.

Mr. Speaker : I shall gladly consider them when received.

Dr. Sir Gokul Chand Narang : Then all those amendments I would like to hand over to you. They may be taken as fresh amendments.

Mr. Speaker : Question is—

That part (1) of the Explanation stand part of the clause.

The motion was carried.

Mr. Speaker : Question is—

That part (2) of the Explanation stand part of the clause.

The motion was carried.

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

That in sub-clause (3) of the Explanation, line 8, between the words "common" and "grandfather" the word "great" be inserted.

My submission is that it often happens that a son pre-deceases and in that case the grandson is doing the business, and the grandfather can also purchase land when the business is being done by a grandson. So in order that this Bill may be more operative so far as it goes, it should begin from "great-grandfather". So far as this Bill is concerned "common grandfather" means nothing. It means only that grand-uncle can purchase it. In order to put a stop so far as the near relations are concerned, at least addition should be made to the extent of "common great-grandfather".

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

That in sub-clause (3) of the Explanation, line 8, between the words "common" and "grandfather" the word "great" be inserted.

Dr. Sir Gokul Chand Narang : Sir, I support the amendment. In one of the amendments previously submitted I had suggested that the word "grandfather" should be added. It is not very unusual for a man to have his grandfather alive. I should like to have "grandfather" included and that grandfather would not have descended from the common grandfather of the creditor! The soundness of the amendment is obvious.

Premier : Your amendment was then accepted. You wanted paternal grandfather: we said 'no,' both paternal and maternal grandfather: both here also. We accept your amendment.

Dr. Sir Gokul Chand Narang : I want the addition of "grandfather" to the sons and brothers. That is the point.

Mr. Speaker : The question is—

That in sub-clause (3) of the Explanation, line 6, between the words "common" and "grandfather" the word "great" be inserted.

The motion was lost.

Dr. Sir Gokal Chand Narang : I beg to move—

That in line 6 of sub-clause (3) the word "common" be deleted.

It is only a verbal amendment. If you think over it you will see that the insertion of the word "common" is ludicrous. You wanted to say 'who are descended from the common grandfather.' It is this conception in their mind which is responsible for this confusion here. Do you not see that? The object would be fully served by saying "who are descended from the grandfather of such creditor or debtor as the case may be." So the word "common" may be deleted.

Premier : I accept the amendment.

Mr. Speaker : The question is :—

That in line 6 of sub-clause (3) the word "common" be deleted.

The motion was carried.

Mr. Speaker : The question is—

That part (3) of the Explanation as amended stand part of the clause.

The motion was carried.

Pandit Muni Lal Kalra : Sir, I beg to move—

That in sub-clause (4), lines 3—5, the words "as defined.....1930" be deleted.

There are so many clauses which are unnecessary and redundant. So far as the term 'loan' is concerned it is only to be restricted to its use as a creditor defined in this Bill is in his relation to debtor.

Premier : May I say a few words? It will save the time of my honourable friend. The word 'interest' has been defined in the Regulation of Accounts Act, 1930.

Mr. Speaker : The question is—

That in sub-clause (4), lines 3—5, the words "as defined.....1930" be deleted.

The motion was lost.

Dr. Sir Gokal Chand Narang : Sir, I beg to move—

That in clause (4) of the Explanation between the words 'advance' and 'whether' the words 'made by a member of an agricultural tribe to a member of an agricultural tribe' be inserted.

My reason for submitting this amendment is that the definition would be quite sufficient and absolutely comprehensive and simple. The term 'loan' means an advance made by a member of an agricultural tribe to a member of an agricultural tribe whether secured or unsecured. In this Bill we are dealing with only loans advanced by an agriculturist money-lender to an agriculturist debtor. You will see presently that the whole of this long list, barring one or two clauses is absolutely redundant and unnecessary. I am going to move for the deletion of most of the clauses.

Premier : We discussed this point thread-bare in the committee. I also said that the whole thing was redundant, because that Bill is still a Bill. We have to keep it so that nobody may say to-morrow that it is wrong.

Dr. Sir Gokul Chand Narang : Are you pleasing the fools?

Premier : As a matter of fact I am afraid there are more fools than wise men like you. Fools always make the feast and we eat them.

Dr. Sir Gokul Chand Narang : I hope you have followed me. I do not want to make a speech: the object is obvious.

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

That in clause (4) of the Explanation, lines 1-2, between the words 'advance' and 'whether' the words 'made by a member of an agricultural tribe to a member of an agricultural tribe' be inserted.

Premier : May I point out to my honourable friend that he must read the definition of 'loan' with the definition of 'credit': both must be read together. It is to circumscribe that definition that we have brought it in: It was necessary? If you will look carefully you will find it.

Mr. Speaker : The question is—

That in clause (4) of the Explanation, lines 1-2, between the words "advance" and "whether" the words "made by a member of an agricultural tribe to a member of an agricultural tribe" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That part (4) of the Explanation stand part of the clause.

Dr. Sir Gokul Chand Narang : There is the amendment—

That in sub-clause (4) of the Explanation the words after the word 'loan' in line 8 to the end be deleted.

You will see that in the last line of sub-clause (4) the words are 'but it shall not include'; then there are items (i), (ii), (iii) and so on. My amendment is that beginning with the words 'but it shall not include' the whole lot may be deleted.

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

After the word "loan" all the remaining portion be deleted.

Pandit Muni Lal Kalia : Sir, my amendment is a bit different one and that is that sub-clauses (iii), (iv), (v) and (vi) be deleted and sub-clauses (i) and (ii) be retained.

Mr. Speaker : The honourable member cannot move his amendment but he can discuss it.

Pandit Muni Lal Kalia : The definition of the word 'loan' in this Bill is only restricted in its relation to the word 'debtor', so that we are not concerned whether that loan is a deposit of money or other property in a Government Post Office Bank, or any other bank, or in a company, or with a co-operative society or with any employer as security from his employees, or is a loan or deposit with any society or association registered under the Societies Registration Act, or is a loan which has been advanced by or to the Central or any Provincial Government. What we are concerned with in this clause is that the term 'loan' should only be restricted to a loan by a creditor as defined in this Act, to a debtor as defined in this Act. So, it becomes almost redundant and unnecessary whether it is by or to a bank, or whether it is a debt by a Provincial Government or a bank or a co-operative society or a company. I think the real object

[Pt. Muni Lal Kalia.]

is not being carried out. The definition of the term 'loan' as given here is quite good so far as the registration of money-lenders is concerned.

Premier : The term 'loan' appears not only in the definition of a 'debtor', but if my honourable friend would see explanation (2) he will find that it also appears in the definition of a 'creditor' and, therefore, his object will not be achieved by moving this amendment. We have to deal with a firm carrying on the business of money-lending and that is why we have to define these loans.

Pandit Muni Lal Kalia : Advancing loans in relation to a debtor; otherwise the Central Government is not going to be an agriculturist. My submission is that all these sub-clauses excluding (i) and (vi) are redundant and should not be made part of the Bill.

Premier : As a matter of fact, there seems to be a certain amount of confusion. As I have said the term 'loan' appears in several of these clauses. My honourable friend says, 'Why should you define 'loan', because here it is only the agriculturist money-lender vis a vis his debtor? That is not correct. Take for instance, an agriculturist, who may be a money-lender also, comes and deposits the money in a co-operative society or in a bank. He does nothing else but merely advance money to a co-operative society or a bank. Somebody goes into a court and says that the man has been advancing money on loan. It is for that reason that we have brought it in this Bill, so that he may so deposit money and may not be considered as a money-lender. It is for the simple reason that we want to save a person who merely deposits his money in a co-operative society, from being declared a creditor. Therefore we have to avoid any misunderstanding on that point, because once he is declared a creditor, he will not be able to buy land from his debtor.

Mr. Speaker : The question is that—

Beginning with the last 5 words "but it shall not include" in line 7 of sub-clause (4), right up to the end of the sub-clause all parts from (i) to (vi) be deleted.

Dr. Sir Gukul Chand Narang : You should put one by one. We have to speak on them.

Mr. Speaker : The honourable member himself moved an amendment and I am going to put it to the vote.

Mr. Speaker : The question is that—

The last 5 words "but it shall not include", in line 7 of sub-clause (4) be omitted and the parts from (i) to (vi) up to the words "promissory note", be deleted.

The motion was lost.

Mr. Speaker : The question is that—

Part (f) of the Explanation stand part of the clause.

The motion was carried.

Mr. Speaker : Question is—

That part (f) of the Explanation stand part of the clause.

The motion was carried.

Mr. Speaker : Question is—

That clause 3, as amended, stand part of the Bill.

The motion was carried.

Clause 4.

Mr. Speaker : Question is—

That clause 4 stand part of the Bill.

The motion was carried.

Preamble.

Mr. Speaker : Question is—

That the Preamble be the Preamble of the Bill.

The motion was carried.

Mr. Speaker : Question is—

That clause 1 stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 10-30 a. m. on Friday, 22nd July, 1938.

Statement of Sardar Gurdit Singh, Zaildar, father of Kala Singh, deceased,—vide page 1477 ante.

میں گورنٹ سنگھ—ڈیلدار—وک سردار ہیرا سنگھ چک نمبر 155 چنگ
 پوائنٹ—تکریم 16 جولائی سنہ 1938ء بروز سنہ 1938ء کو 12 بجے نوپور
 میں اساتذہ تحصیل دکن پور میں کوا تھا۔ میرا لٹکا مسمی کالا سنگھ نمبر 27
 برس جو تاریخ 15 جولائی سنہ 1938ء شام کو پوہیں تھا کہ میں پوائنٹ
 گواہی بابت بندی موکھا جات کیا ہوا تھا میرے پاس ایک—اسکی گھبراہٹی
 ہوئی صورت دیکھ کر میں نے اس سے پوچھا کہ بیٹا تمہارا چہرہ سرجایا ہوا
 کہوں نظر آتا ہے۔ کہا تم نے اب تک کھانا نہیں کھایا۔ کالا سنگھ نے جواب دیا
 ہاں میں نہیں کھنڈے سن کہ گواہی دے۔ میں چوٹی گواہی نہیں دینی۔
 اسکا جی گھبرائے لگے۔ میں اسکو قاتلے میں سوار کر کے اچے چک میں لے آیا۔
 جب اسکی حالت زیادہ خراب ہوئی ہوئی نظر آئی تو میں نے ڈاکٹر کو
 بلوایا۔ ڈاکٹر فوجا سنگھ میرے چک میں ساڑھے پانچ بجے شام آیا۔ انہوں نے
 مریض کی حالت تشویشناک دیکھ کر فیصلہ کیا کہ اسے شہر لے جایا جاوے۔

راستی انہوں نے والی بنگلہ کے پاس لک بھگ ساڑھے چھ بجے شام کلا سنگھ کی موت واقع ہوئی جہاں تک مجمع عام ہے کلا سنگھ کی گھر والوں کے ساتھ رشتہ داروں کے ساتھ یا کسی اور کوڑوں والے کے ساتھ کسی قسم کی ناراضگی نہ تھی۔

دستخط گورنر سنگھ ذیلدار

مورخہ ۲۰ جولائی سنہ ۱۹۳۸ع

گورنر سردار کرتار سنگھ سردار، نجر دارچک نمبر ۱۵۳۔

تعمیر کنندہ بصرف لنگھ

ارجن سنگھ بقلم خود

گورنر شہید

VED PARKASH,

Plaster,

Lyalpur.

20-7-58.

PUNJAB LEGISLATIVE ASSEMBLY

8th SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 22nd July 1935.

The Assembly met at the Assembly Chamber, Simla, at 10-30 a.m. of the clock. Mr. Speaker in the chair.

PRIVILEGE—PUBLICATION IN THE PRESS OF IN CAMERA PROCEEDINGS.

Mr. Speaker : Yesterday I promised to give my ruling on a point after consulting the Honourable Premier and the Leader of the Opposition. But I regret to say that I have had no time to consult them and to-day is the last day of the session. So, I have to give my ruling without consulting them.

The following appeared in yesterday's *Tribune*—

"Heat was generated yesterday in the Chamber over Raja Ghanagar Ali's amendment which was not called because preference was given by the Chair to Mir Maqbool Mahmood's. To-day the misunderstandings that arose between the Speaker, the Premier and Raja Ghanagar Ali Khan yesterday were cleared up in an atmosphere of mutual explanations."

It is a brief news probably based on the guess of the representative of the *Tribune*. It appears clear that no honourable member reported or communicated to him the detailed proceedings of the House. When the representatives of the press as well as the visitors were requested to leave their galleries, the object clearly was that whatever the House was to consider or discuss was confidential and that the representatives of the press, even if they came to know it, were expected not to publish it. I hope the representatives of the press will keep this in mind and very kindly respect the wishes of the House.

Premier : I think it was a very intelligent surmise to which all intelligent reporters of papers are entitled.

THE PUNJAB ALIENATION OF LAND (THIRD AMENDMENT) BILL.

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

That the Punjab Alienation of Land (Third Amendment) Bill be passed.

Mr. Speaker : Motion moved is—

That the Punjab Alienation of Land (Third Amendment) Bill as amended be passed.

Dr. Sir Gokal Chand Narang (West Lahore Division, General, Rural) : Sir, it is not with a view to offer definite opposition to the passing of this Bill that I have got up, though technically of course I am opposing it. My opposition to this Bill would be of an entirely different

[Dr. Sis Gokul Chand Narang.]

character from the opposition which I, to the best of my power, have been offering to the passing of the other Bills. I welcomed the idea when the Premier announced with a sort of flourish of trumpets that he was going to place the agriculturist money-lender on the same level as a non-agriculturist money-lender and I had expected that he would bring about a measure which would implement his promise. But I am very sorry that I do not find myself able to congratulate him on the production of the Bill for the passing of which he has moved this motion. As I attempted to point out yesterday, in the first instance, the Bill is very ill-considered. It is not properly conceived and with due deference to all the gentlemen who took part in the drafting, it is not as well drafted as one would have wished it to be. Then again, the Bill has been carried through this House by assaults as it were and with a greater rush than we observed in connection even with the other Bills. You would agree with me that this session would remain a most memorable one, among others, for the reason that the Government did not allow any grass to grow under its feet and did not allow any breathing time to the people who were likely to be affected by these Bills. But the haste with which this Bill was rushed through in this House has really no parallel except in the history of emergency measures which governments when faced with severe crisis, have been obliged to adopt.

Coming to the merits of the Bill, you will be pleased to remember that the reason given by the Honourable Premier for this Bill is embodied in the statement of objects and reasons and with your permission I would draw the attention of the House to that statement. It says—

Experience has shown that agriculturist money-lenders can be as rapacious in their methods of compelling their debtors to part with their lands as non-agriculturist money-lenders. This Bill is intended to check the permanent alienation of land to agriculturist money-lenders by their debtors and is a step towards the agriculturist money-lenders being placed for the purposes of the Punjab Alienation of Land Act in the same position as non-agriculturists in the matter of permanent alienation of land under that Act.

Now this statement contains one very important admission and that is that an agriculturist money-lender can be as rapacious as a non-agriculturist money-lender. If I may be permitted to add, an agriculturist money-lender can be and very often is more rapacious than a non-agriculturist money-lender and if any evidence were required on that point I have only to refer you to Mr. Darling's well-known book. The advantage that an agriculturist money-lender has over a non-agriculturist money-lender is that whereas the poor bania has only his *baki*, the agriculturist money-lender has his physical force behind it to enforce that *baki*. A *baki* may be a dangerous weapon as Sardar Sahib the other day pointed out, but when it is backed by lathi it becomes much more dangerous and the *baki* that the agriculturist money-lender carries with him has this advantage of physical force behind it, and as Mr. Darling has stated, the agriculturist money-lender is much worse than the non-agriculturist money-lender, because whereas the non-agriculturist money-lender has almost to go and beg his debtor for the return of the loan, the agriculturist money-lender knocks him down and compels him to pay back the loan. I believe these are the words used by Mr. Darling in his book. I am only speaking from memory. Having made this admission and having these facts before him, the Honourable Premier should certainly have produced a Bill which would really check the rapacity

of the agriculturist money-lender. But what has he produced? He has produced a Bill, which the agriculturist money-lender will not find the slightest difficulty in evading. As I submitted yesterday, it is not necessary that the agriculturist money-lender should try to recover his debt by begging every one of his debtors. He can come to various kinds of arrangements and adopt various devices to grab the land of the debtors when he is bent upon this. The Honourable Premier yesterday recognised the force of my objection to the main clause of the Bill. He said he would reconsider it. I thought he was going to consider it over-night. But probably he had vowed that he would not go to sleep before all the clauses of the Bill had been passed, or would not take his dinner before all the clauses of the Bill had been passed, so that my transitory hope that he would consider it over-night was at once dashed to the ground when he said that he would consider it after it becomes an Act and if any defect is discovered in the actual working of this measure. That is a matter for the future. But let me point out that this Bill which has been passed does not in any way implement the promise made by the Honourable Premier. To the objection I raised yesterday, all that he could say was this, that an agriculturist money-lender has always an eye on a particular plot of land and it is only for the purpose of getting hold of that plot of land that, so to say, he nurses his debtor and he goes on advancing money to him from day to day, from week to week and from month to month, until the debt rises to such a figure that it would amount to the market price of the plot of land on which he has set his heart. This was the argument that he put forward and he concluded from it that an agriculturist money-lender would not resort to the devices to which I had referred, because he would have his mind particularly fixed upon a specific piece of land. Now I ask, if a money-lender has his mind fixed upon one particular plot of land, could it be said that in the whole village or in the whole neighbourhood there is only one plot of land which would attract a particular money-lender? There may be other plots also on which he may have his eyes if he has the means to secure possession of those plots. Then again there may be another equally rapacious agriculturist money-lender who has his eye on another plot of land, so that there is nothing to prevent these two rapacious grabbers from coming to an understanding between themselves and saying, "All right, I want that land and you want this land; this land belongs to my debtor and that land belongs to your debtor; you take my debtor's land and I take your debtor's land," so that the land hunger of both these hungry vultures is satisfied by coming to an agreement with each other. They grab the land of their debtors, of the poor agriculturist debtors, those starving debtors for whom my honourable friend shed so many tears that day and for whose pitiful condition all those honourable members are always shedding tears. I would not describe the nature of the tears—while his land is taken away by these two wily rapacious agriculturist money-lenders. So, Sir, the provision that the Honourable Premier has made in the main clause of the Bill comes absolutely to nothing. He tried to create a barrier between the agriculturist money-lender and his debtor and in that barrier he has kept a big door which will always yield to the slightest pressure and would enable the agriculturist money-lender to go on to the lands of the poor debtor. This is my one objection to the main clause of the Bill.

Then, Sir, and this is a matter which I only touched yesterday and did not discuss, there is a clause in the Bill which exempts loans advanced on the

[Dr. Sir Gokul Chand Narang.]

security of negotiable instruments from the definition of loan. If you kindly turn to part (vi) of sub-clause (4) of clause 3, you will see, it says—

An advance made on the basis of a negotiable instrument as defined in the Negotiable Instruments Act, 1881, other than a promissory note.

Now you know these negotiable instruments have been defined in the Negotiable Instruments Act, section 13. A negotiable instrument means a promissory note, bill of exchange or cheque payable either to order or to bearer. Then the explanations follow, explaining the position of each class of these negotiable instruments. Now they have exempted from the definition of loan all negotiable instruments except a promissory note. No doubt a promissory note is very easy to execute on one anna stamp or at the most on a four-anna stamp for any amount and it is probably for this reason that they excepted it, so that the agriculturist money-lender or any other money-lender cannot have so much facility in getting securities executed by his debtors. But what is after all the obstacle in the way of an agriculturist money-lender if he wanted to defy the whole of this Act when it becomes an Act? It would only mean that he would have to pay in the first instance to his debtor one anna and six pies for every hundred rupees for which he would get a bill of exchange executed by his debtor. That I believe is the stamp duty for a hundi—I am subject to correction—if it is a darsani hundi or a demand bill. If it is for longer period the stamp duty differs. After all nothing would prevent a dishonest agriculturist money-lender—I am adopting the definition of the Honourable Premier that any person who circumvents an Act is dishonest—from getting his debtor to execute a hundi in his favour. He gets at once out of the clutches of this law. Yesterday when I made a reference to it, there was a little cross talk between the Honourable Premier and myself and he said 'no, that would not be the case.' Of course I would hear with great interest what he has to say on this point, but as I would not have any other chance, I would like to make my point clear to him to enable him thereby to make a satisfactory reply. Now you see the definition of 'creditor' in clause 3 is—

"who being a creditor has advanced to such person any loan until such loan has been repaid".

The word used in the operative clause of this Bill is 'loan' and 'loan' has been defined in one of the sub-clauses, i.e., clause (4) of the Explanation. A creditor will not be a creditor unless he advances a loan; if he advances no loan he would not be a creditor and he would not be affected by the provisions of this Bill at all. That is absolutely clear. Even if a loan is not a loan, he will not be a creditor and therefore he will not be affected by the provisions of this Bill. Now a loan advanced on a negotiable instrument except a promissory note will not be a loan and therefore a creditor who makes an advance on a negotiable instrument will not be a creditor and therefore he will not be covered by the provisions of this Bill.

Malik Barkat Ali : The same applies to a non-agriculturist.

Dr. Sir Gokul Chand Narang : I would request the honourable member to read the Bill first. A creditor is referred to in clause 3 as a person who advances a loan. If he does not advance a loan he is not a creditor and he is not covered by this. Then if a creditor makes an advance which does not come within the definition of a loan, he is not a creditor and therefore

clause 3 would not apply to him. Now looking at the definition of loan we find that advances made on negotiable instruments are exempted from the definition of loan and, therefore, an agriculturist creditor who makes an advance on the security of a negotiable instrument will not be a creditor and, therefore, he will not be in any way affected by the provisions of this Bill. If my argument is correct—and I would like to see any one of these gentlemen point out if I have made any mistake, I shall gratefully acknowledge my mistake if I have made one—if my argument is correct then it means the whole of the Bill is a wash-out. It might be said that the same definition has been given in the Money-lenders Registration Bill or in the Regulation of Accounts Act. There is a great difference between the Bill under consideration and the other two pieces of legislation. There the question of a money-lender grabbing at the land of a debtor does not arise, because he is prevented from getting at the land of his debtor by the Land Alienation Act and therefore this definition does not affect the provisions of the Land Alienation Act at all. Therefore, in those Acts this provision was made simply in the interest of business people so that the business of traders and bankers and people who were otherwise engaged in monetary transactions should not be hampered. That was the only object of retaining this clause there, but if you retain this clause in the present Bill, it means that you enable the agriculturist money-lender to get out of the definition of creditor and therefore get out of this Bill. If this Bill is going to be passed, perhaps, it would have been better, if I had not mentioned this, because many dishonest creditors would begin to take advantage of my suggestion, unless I am proved to be wrong. But I am submitting this argument so that the Honourable Premier may once more consider it before this Bill is passed by this House or before he presses the Governor to give his assent to it. As it is, it is an absolutely useless piece of paper which has been placed before this House, while the object is to prevent an agriculturist money-lender from taking hold of an agriculturist debtor's land. If the object is only to throw dust in our eyes, if the object is only to create a false impression, if the object is only to proclaim camouflaged anxiety of the Premier, to place agriculturists and non-agriculturists on the same level, it is a different thing, but if he is absolutely sincere and absolutely honest and earnest in placing the agriculturist money-lender on the same footing as the non-agriculturist money-lender, then, my submission is that he has miserably failed in carrying out his object. It may not be his fault at all, he might have thought honestly and sincerely that this would meet the needs of the case, but I assure him that this Bill, as drafted and passed by this House, does not meet the requirements of the case. I would leave it there and if the Honourable Premier wishes to say anything in reply to this part of my argument, I shall request some friend to make a reply to him, if he is given a chance, because I would not get any chance. Apart from these two points, you will find that the Bill, as it is, is very badly drafted and I shall give you one or two instances. I hope I am not treading on anybody's toes, particularly when I make this remark. Just see, the object of the Bill is to prevent an agriculturist money-lender from taking the land of his agriculturist debtor, but what do we find here? Take for instance sub-clause (4) of clause 3. When exempting certain loans they say, 'a loan to or by or a deposit with any society.' What is the meaning of the words 'or by'? What is the necessity—I would ask the learned Advocate General to listen to me, if he had any hand in the drafting

[Dr. Sir Gokul Chand Narang.] of the sub-clause—what is the purpose of these words in part 3 of sub-clause (4) 'a loan to or by any society or association registered under the Societies Registration Act'? That, a loan advanced by society registered under the Societies Registration Act will not be a loan. What is the necessity of this? One might have said a loan advanced by an African in Honolulu will not be a loan. What is the point in it? This is absolute surplusage. Then again you will see in part 4 a loan advanced by or to the Central Government or Provincial Government. What was the necessity of saying a loan advanced by a Provincial Government shall not be treated as a loan? Is the Provincial Government an agriculturist? I did not know till now that the Provincial Government is to be treated as a jat—of course in essence it is—but I did not know whether in the eyes of the law, so far as the provisions of the Land Alienation Act are concerned, the Provincial Government is to be treated as a member of a notified agricultural tribe so that a loan given by the Provincial Government shall not be treated as a loan.

Premier : I will tell you.

Dr. Sir Gokul Chand Narang : I shall be grateful if you can find some meaning in this. There are interspersed in the body of this Bill, expressions like this which make the whole thing so far as this Bill is concerned meaningless.

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

If you look at part (vi) you will find that it runs thus—

“(vi) a loan advanced by a trader to a trader, in the regular course of business, in accordance with trade usages.”

This also seems to be somewhat out of place. We are dealing with agriculturist money-lenders as such. Do we understand that an agriculturist is also to be treated as a trader and if as a trader he advances a loan in the ordinary course of business then he would be exempt? This may nullify the effect of the Bill. A Jat, a rapacious blood sucking money-lending Jat. *(laughter)* I am only using the words which have been so often used in this House with respect to money-lenders *(laughter)*—and I know on good authority that when an agriculturist becomes a money-lender, he is a greater blood-sucker than the greatest blood-sucking bania. That is quite true. A Chhotu Ram money-lender will certainly be worse than a Manohar Lal money-lender. I have no doubt about it, because while poor Manohar Lal money-lender will only use his entreaties چودھري جي ڪجهه ڏيو Chaudhri Ji kuchh de deyo, Chhotu Ram money-lender will also use his lathi and will say “Look here, راکھ اٿڻه ” Rakh ehthe, “otherwise down you go.” This is the difference between an agriculturist money-lender and a non-agriculturist money-lender. Amongst other provisions which have kept a loophole for this rapacious money-lending agriculturist is this clause (vi). He opens a shop, he is a money-lending man, he holds land and he also starts a shop of some kind and through that shop he begins to make advances to trading jats and there are many who are trading and in this way,

so far as the agriculturists are concerned, he gets at their neck by these means. I have already referred to part (iii) and I would not repeat it. It relates to negotiable instruments. I would, therefore, submit that the Bill as conceived and drafted is full of defects. They may or may not have any meaning. They may be surplusages put by way of excessive caution so that some defect in future might not be discovered. I would not lay much emphasis on that but the main clause in the Bill, particularly clause 3 and this part (iii) leave two big doors open to the agriculturist money-lender to do whatever he likes and he can entirely ignore this Bill when it becomes law and can carry on his depredations without any let or hindrance as he is doing at the present moment. With these words I resume my seat.

Parliamentary Secretary (Mir Maqbool Mahmood): Sir, my friend, Dr. Sir Gokul Chand Narang has, as usual, delivered a very able speech but he will forgive me if I try to expose the fallacy of the arguments which he advanced to-day. To begin with he invited the attention of the Honourable Premier to the undertaking that he would place the agriculturist money-lenders on the same basis as the non-agriculturist money-lenders. On this point let me first remind my honourable friend, Dr. Sir Gokul Chand Narang of his words addressed to Diwan Bahadur Raja Narendra Nath in the beginning of the discussion of these Bills. He then said—

Who has asked the Premier to place the agriculturists money-lenders on the same basis as the non-agriculturists; Bhola Raja has been misled; if he had come to me, I would have said, "Don't ask for this".

I am glad that on his own remarks to-day my friend, Dr. Sir Gokul Chand Narang has been converted to the view of my friend, the Raja Sahib.

Dr. Sir Gokul Chand Narang: On a point of order. The honourable member has referred to my remarks which were made in connection with another Bill and not in connection with this Bill. So far as that Bill is concerned, my position is now exactly the same.

Mr. Deputy Speaker: The Honourable member is perfectly in order. He is simply reminding the honourable member of what he had said.

Mir Maqbool Mahmood: I repeat with emphasis that my honourable friend opposite then made a definite statement that the Bhola Raja Sahib and the Khatri deputation which had asked for this had been misled. I am afraid the Bhola Narang to-day is bracketted with Bhola Raja.
(laughter).

Great stress has been laid on the undertaking which the Honourable Premier gave to the Khatri deputation. I wish to make the position clear and invite the attention of the House to the exact words used by the Honourable Premier on that occasion. He promised most sympathetic consideration of the suggestion that—

"With regard to money-lending legislation the agriculturist money-lenders may be placed in the same position as the non-agriculturist money-lenders."

I submit that he has not only given most sympathetic consideration to that request of the Khatri deputation, but he has actually in the Registration of Money-lenders Act placed the agriculturist money-lender on a par with the non-agriculturist money-lender for the purposes of money-lending legislation. What is more, he has gone a step further with regard to the Land Alienation Act and I would try to show that he has placed the

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agriculturist money-lender in certain matters even in a worse position than the non-agriculturist money-lender. In this connection I beg to invite your attention to two definite propositions. Firstly, my friend, Dr. Sir Gokul Chand Narang will find that for the purposes of this Bill if an agriculturist money-lender dies, his successors who only wish to wind up his business and do not advance any fresh loans are not exempt from the definition of money-lender, while under the Registration of Money-lenders Act if a non-agriculturist money-lender dies and his successors wish to wind up his business, and do not advance any fresh loans, they are exempt from the definition of money-lenders. Secondly, my friend, Doctor Sahib will find that under the Registration of Money-lenders Act, a money-lender is exempt in certain cases to assign loans, one or two loans, to his near relations. In the case of an agriculturist money-lender, for the purpose of buying land from his debtor, no such exemption is permitted. Thirdly, in the case of agriculturist money-lenders, even if he ceases to be a money-lender for the particular debtor, he is not permitted to buy his land till a period of three years has passed after the settlement or payment of his loans.

My honourable friend, Dr. Narang further tried to show that there is a very big loophole in this Bill. He said there may be two agriculturist money-lenders A and B in the same village. A has to take certain loans from C and B has to take certain loans from D. They will come to a mutual arrangement that C sells his land to B and D sells his land to A. On the face of it, in theory as a mathematical proposition, it certainly is possible. But I remind my honourable friend of the days when he lived in villages of which he paraded so much the other day in this House that these things are not possible in the rural village community to-day and that an agriculturist is attached to his land more than perhaps to any other thing and he is not likely to part with his land in favour of a person towards whom he is not in a position of undue influence. Moreover, according to Doctor Sahib's statement, it has to be assumed that the debt due to A is exactly of the same amount as the land which C has mortgaged to another money-lender. He assumes that the value of land is the same: and he assumes that the quality of land is the same. He further wrongly assumes that an agriculturist debtor will be prepared to sell his land to one Duni Chand, a money-lender in the village, simply because he is under the influence of one Dr. Narang to whom he owes a debt. I submit that the actual experience of the villages is that only the silver bullet of the money-lender from whom an agriculturist debtor has taken a loan and needs a fresh loan that he can be persuaded to part with his land. If he does not owe money to C I would like to see how by undue influence of B, he can be made to mortgage his land to another money-lender. But supposing we find that these loopholes are being exploited, that the theoretical proposition of my friend opposite takes currency in the province, then these Bills are not the last word, and he may rest assured that, wherever it is necessary, Government will come forward with an amending legislation and put things right.

Lala Duni Chand : Is there anything in the Bill to prevent a debtor from alienating his land to all sorts of persons other than his creditor in order to pay him off ?

Mir Maqbool Mahmood : There is nothing to that effect in the Bill. My honourable friend sought to move amendments which would make it impossible for a debtor to sell his land to anybody even to pay off his debts. The Punjab Government is not so solicitous of the debtor as my honourable friend is who wants to make it impossible for the debtor to get out of his debt. So we could not accept his amendment.

Lala Duni Chand : Then it is useless.

Mir Maqbool Mahmood : My honourable friend says, then it is useless. It may be worse from his point of view, but we know what we are doing and for what purpose we are doing it.

The next point which Dr. Narang raised was with regard to the definition of loan. He said every money-lender will start advancing loans on hundis and thereby evade the provisions of this Bill. Now, with the analytic mind of my friend, it should not be necessary for me to point out to him that we have taken the definition of loan from the Money-lenders Registration Act. When we were considering this definition under that Act it was my friend, the Doctor who was anxious that we should leave bigger loopholes so that non-agriculturist money-lenders may be able to evade it but to-day with a great love of the agriculturist debtor he jumps up to say that the loopholes should be plugged. But let me invite his attention to one point which he has ignored. In the first instance he will find that hundis are regulated by certain trade usage and according to the accepted trade usage he will find that ordinarily if a person who is a debtor does not respect his hundi on the day when it is presented to him he is debarred by the custom of trade to be given any further hundi. So, even for the sake of argument if a creditor accepts a hundi, assuming that, it could be payable not in three months or six months but in three years, and the hundi is presented to the debtor and he fails to meet it, then my friend, Doctor Gokul Chand Narang knows that it will not be possible for the creditor to issue any other hundi in favour of that debtor. Therefore that argument of his will not create any serious loopholes. Secondly, he will find that even in practice that has not been proved to be so. He will remember that in 1930 when the Regulation of Accounts Bill was passed we adopted the definition of loan exactly as is provided here. If it were possible by the issue of hundis for money-lenders to evade that Act, surely up till now the number of hundis in the rural areas would have increased and the provisions of the Regulation of Accounts Act would have been evaded; but he will find that it has not been so for the obvious reason that the conservative instinct of the debtors and the technique of the system of hundis will not make it possible for hundis to be generally adopted in rural loan transactions. Here again if the Government finds that there are any evasions of this Bill by the agriculturist or by the non-agriculturist money-lenders, it will come forward with a suitable amending legislation. Then he asked why we are putting certain redundant clauses in the exceptions to the definition of loan. He said, why should loans by Provincial Government be exempt from the definition of loan and why should loan by a trader to a trader be exempt? Here again let me invite his attention to the fact that we originally devised the definition of loan for the purpose of Money-lenders Registration Act. Under that Act, as it is worded, the first thing which a court will have to decide is whether a person is or is not a money-lender within the provision of the Bill, and for that it will

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have to ascertain what is the volume, the system and the continuity of the loan transactions which the money-lender has advanced. When coming to that decision they will have, according to the provisions of that Bill to exclude certain loans, which have been exempted from the definition of loan, and when these loans are exempted the rest will be the loan transactions on the basis of which the court will have to give a finding whether he is carrying on the business of money-lending or not. That is my first submission.

Dr. Sir Gukul Chand Narang: What is the necessity of exempting loans?

Mir Maqbool Mahmood: When we drafted the Regulation of Accounts Act, 1930 I had the privilege of moving that Bill in its original form and in the select committee a point was raised that the Punjab Government advances so many loans in the form of agricultural loans, taccavi loans, etc., they must also send six-monthly statements because they are carrying on the business of advancing loans. It was on account of this technical objection, lest any sub-judge might stretch the Bill and give such a ruling that it was decided to exclude such transactions from the definition of loan.

I was submitting that for the purposes of Money-lenders Registration Bill, we have adopted the definition of 'loan' with certain exemptions. If we do not have the same exemptions here, it would mean that a man may be a creditor within the definition of this Act, who is not a money-lender within the definition of that Act. Therefore, we have made the position clear that this Bill will apply only to a money-lender, who is carrying on the business of advancing loans—for which the agriculturists and the non-agriculturists must be placed at par. Those who are agriculturists and who are money-lenders within the definition of the Money-lenders Registration Act, should be generally creditors within the definitions of this Act. Therefore, in order to keep that uniformity of policy, we had to incorporate many clauses from that Bill into this Bill, so that there may be a uniform definition. My honourable friend, in this connection also raised a point that if a loan advanced by a trader to a trader is exempt, the agriculturist money-lender will be able to escape. I may remind him again that it was he who moved an amendment in the other Bill that a loan by a trader to a trader should be exempt. He said that a loan by a trader in the course of business and in accordance with trade usage was not enough and that every loan by a trader to a trader should be exempted. I ask him, where has his sympathy for traders gone now that we are dealing with the agriculturist trader? In fairness it is not only the non-agriculturist trader who is to be exempted, but even an agriculturist trader, who in the course of his ordinary business and in accordance with trade usage, advances loan to another trader. That is what we have done. If my honourable friend will look to the later clause, he will find that the word "trader" is defined according to section 2 of the Punjab Regulation of Accounts Act. In that clause, persons, who merely sell their own agricultural produce, are excluded. This exemption under reference will only apply to those cases where *bona fide* trade transaction has been entered in accordance with trade usage.

One word more and I have done. This session, as my honourable friend, Dr. Narang, rightly pointed out, has been a memorable session and I think that in the history of legislation in the Punjab and outside, this session.

will rank as a great constructive contribution to the improvement of agricultural and economic conditions in India. (*Hear, hear from the Treasury benches.*) (Dr. Sir Gokul Chand Narang: Question.) When the history of these Bills comes to be written, there is one side of the problem, which the historians perhaps will not know, and it is this that the primary credit for all this work goes to that thin figure, the Honourable the Leader of the House (*Hear, hear*) who despite bad health sat day and night, and from morning till evening and devoted himself with zeal and industry and tact which would be an inspiration, not only to this generation, but to the coming generations of Punjabis. Despite uncharitable insinuations and obvious difficulties, he stuck to his guns and proved what a patriotic Punjabi ought to do and can do for his countrymen. (*Cheers.*)

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, I feel that whatever I have to say as regards this Bill would be useless and particularly it would produce no effect on this occasion, because the Government by passing this Bill have proved that like Shylock, the Jew they would like to have their pound of flesh. Sometime ago the Honourable Premier agreed that the agriculturist money-lender was worse than Shylock, the Jew. He has stated in the course of his speech that the agriculturist money-lender was worse than the non-agriculturist money-lender and therefore we expected that the Government would not be satisfied with less than having their share of the pound of flesh. In spite of all this I would like to say a few words as regards this Bill.

As far as the text of the Bill and its interpretation is concerned, I have to say nothing about it, because it is the work of the lawyer who would have to see how this Bill could be interpreted. Fortunately I am not a lawyer.

Minister for Development: Fortunately?

Dr. Gopi Chand Bhargava: The Honourable Chaudhri Sir Chhotu Ram inquires whether I am fortunately not a lawyer. I repeat it that fortunately I am not a lawyer. The Honourable Minister is a great friend of agriculturists but this sympathy becomes dubious, because he is a lawyer.

Sir, I wish to consider whether the Bill which is before you and which is going to become a law serves our object or not. The Honourable Premier agreed that the agriculturist money-lender is more dangerous for the zamindar than the non-agriculturist money-lender and said that he would bring forward a Bill by which he would place the agriculturist money-lender on the same footing as the non-agriculturist money-lender. When is a money-lender dangerous for the zamindar? He is dangerous at that time when he tries to usurp the property of a zamindar by fraudulent methods. If any money-lender, whether he is an agriculturist or a non-agriculturist lends a small sum of money at a reasonable rate of interest or without interest to a zamindar, it means that he is helping him. I think no zamindar worth the name can go against such a money-lender nor is there any such zamindar who is against such a money-lender. When any money-lender, whether he is an agriculturist or a non-agriculturist wants to take his pound of flesh then and then only he is dangerous. Now an agriculturist money-lender becomes more dangerous than the non-agriculturist money-lender, because he can buy the lands of a zamindar. I am of the opinion that the Honourable

[Dr. Gopi Chand Bhargava.]

Premier has moved this Bill with a view to prevent the agriculturist money-lender from buying the lands of agriculturists. But, as I submitted yesterday, he has only tried to prevent the agriculturist money-lender from buying the lands of his debtor zamindars for only three years, but he has not prevented him from buying the lands of other poor agriculturists.

I may draw the attention of the Government to another drawback in the Bill. I am afraid that this Bill will lead to increase in sales of land by the agriculturists. As no provision has been made to prevent an agriculturist money-lender from purchasing the lands of his poor brethren, the result of this Bill would be that the poor agriculturists will be obliged to sell their lands piece by piece till they are entirely expropriated. If the Honourable Premier really wanted to protect the poor agriculturists, the proper course would have been to treat agriculturist money-lenders in the same way as the non-agriculturist money-lenders have been treated. He should have made such a provision in the Bill as would have made it impossible for the agriculturist money-lenders to purchase any land from the poor agriculturists. In that case the promise made by the Honourable Premier would have been implemented and also some good might have been done to the poor peasants in whose name and for whose sake these Bills are professed to have been passed. But it is a pity that the Honourable Premier is not in a mood to listen to these wiser counsels. To all these objections he has only thought fit to say this much that if after the enforcement of these Bills, it is found that some improvements are necessary, he would see that those improvements are made. But perhaps he has not realised that during the time this experience continues, many persons will have been ruined and the interests of so many will have been sacrificed at the altar of that experience. As a scientist, I know that one who is being experimented upon has many a time to sacrifice himself. Why is it that he does not now remove those defects which we have pointed out? Why should he wait till he finds that a number of persons have suffered by these Bills? We know that power is behind him at present and the majority of the members are prepared to vote with him and we are at present helpless and cannot compel him to see eye to eye with us and, therefore, we cannot but leave it to him to do what he desires. We felt that it was our duty to point out where the defects lay in these measures and we are satisfied that we have done our duty.

Now I proceed to say something with regard to the definition of loan in this Bill. I know that I am not a lawyer and that I should leave the intricate problems of law to be solved by my lawyer friends. But the definition of loans as given in this Bill appears even to a layman like myself to be full of defects. It will be agreed that this Bill has nothing to do with non-agriculturist money-lenders and that it is only meant to deal with such loans only which an agriculturist money-lender will advance to an agriculturist debtor. Therefore, some such words should have been added in this definition as concerned a loan advanced by an agriculturist to an agriculturist. The definition of creditor as given in the Regulation of Accounts Act or the Registration of Money-lenders Bill may be quite all-right so far as those measures are concerned, but that definition does not fit here and will certainly defeat the object with which apparently this Bill has been introduced. I will illustrate my point by an example. Supposing, I am an agriculturist

and also do money-lending and I do not advance loans to any person in the village in which I live. Instead of that I advance loans to persons outside that village. Now so far as the persons in the village in which I live and in which I do not do money-lending are concerned they will not be safe from me and in a way the provisions of this Bill will not in any way restrict me from purchasing the lands of the agriculturists in my own village. It is why I say that the definitions of loan and creditor as we find in this Bill appear, even to a person like myself, who is a layman and does not understand much of the intricacies of law, to be full of defects. These defects ought to have been removed before insisting on the passage of this measure.

One thing more. I need not remind my honourable friends opposite that it is the duty of every government to gauge rightly and in a dispassionate manner the conditions of the people and pass measures which should help to improve the lot of poor agriculturists and poor traders. I cannot also help pointing out that these measures on which the Government is taking so much pride and which have been passed in hot haste will not go even half the way to help the poor agriculturists, what to say of other classes of people. The Government has not handled the situation in a befitting manner and I may sound a note of warning to it that these Bills, instead of doing any good, are sure to make the situation worse. The manner in which the Government is handling the situation is such as may lead to a serious agitation which will be very difficult for the Government to control.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, as I look at this Bill it appears to me that it is more in the nature of a sop to Cerberus. While I wish all God-speed to the Honourable Premier in his great experiment with the Land Alienation Act, I should not like to conceal from him my personal doubts as to the real necessity for this Bill. It will be remembered that when the Land Alienation Act drew a distinction between statutory or notified agriculturists and non-agriculturists, this distinction had nothing to do with the money-lending activities of the one or the non-money-lending activities of the other class. The sole reason for this distinction was the actual tillage of land, land being the very centre and pivot round which the entire economic life of the agricultural classes revolved and not the fact that they had nothing to do with money-lending. A money-lender was excluded from the roll or list of statutory agriculturists not because he was a money-lender but because he had absolutely nothing to do with the actual tilling and cultivation of the soil. That being so, it cannot be made a matter of complaint by anybody that a money-lender has not been fairly treated in the matter of exclusion from the notified agricultural tribes. I am fully aware that on the floor of this House the Honourable Premier in the name of the majority of the House gave a certain pledge and I desire to congratulate him on the meticulous care with which he has honoured that pledge. It has been said that this Bill in regard to many of its clauses is more in the nature of a wash-out. I respectfully submit that this criticism is not fair. My learned friend, Dr. Gokul Chand Narang probably as a result of that idea poured a good deal of ridicule on this Bill. He could not understand why sub-clauses (2) to (6) have been incorporated in clause 8 of the Bill, his argument being that these clauses had absolutely

[Malik Barkat Ali.]

nothing to do with the loan made by a statutory agriculturist to a non-agriculturist. It appears to me that my learned friend has not really carefully studied the provisions of this Bill. I draw his attention to the definition of the term "creditor." Creditor for the purposes of this Bill is not a man who has made one advance or two advances or several advances to a member of an agriculturist tribe, but a regular money-lender, the definition of creditor for the purposes of this Bill being exactly the same as that of money-lender in the Money-lenders Act. I believe the select committee took the precaution of incorporating the entire definition of the word "loan" as given in the Money-lenders Bill in the present Bill also so that it may not be said that a distinction, a carefully prepared distinction, was drawn between the definition of "loan" for the purposes of this Bill and for the purposes of the Money-lenders Bill.

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

The test of a creditor for the purposes of this Bill—I read out the definition of creditor to my learned friend—the test is "a person or a firm carrying on the business of advancing loans," exactly the definition of a money-lender as given in the Money-lenders Act. Therefore, if that is the test, if the test is not an advance by an agriculturist to another agriculturist but the test of a creditor for the purposes of this Bill is his business of advancing loans, then my learned friend would agree with me that the definition of loan as given in the entire body of this clause has got to be there. You have to decide first whether a particular advancer is a money-lender or not before you impose upon him the disabilities of this Bill. Now my learned friend, the Leader of the Opposition, recognised the validity of this contention. He said that the select committee and the Honourable Premier were perfectly right—he is not a lawyer—in giving in the sub-clauses the definition of loan as given in the Money-lenders Act. But he advanced another kind of criticism. His criticism was that this Bill should have nothing to do with the agriculturist money-lenders. This Bill, as he understood from the pledge of the Honourable Premier, was intended to regulate the relations between an agriculturist who happens to advance a loan and his brother agriculturist to whom the loan is advanced. That seemed to be his argument. I respectfully submit that he has entirely misconceived and misapprehended the pledge of the Premier. The Premier, as he explained rightly to the House, wanted to meet the case of an agriculturist money-lender. He could not and he never gave this House to understand that he wanted to curtail the credit of the agriculturist to this extent that no agriculturist brother would on an isolated occasion or on other occasions, without being a regular money-lender, advance money to him under the fear and on account of the penalty that with the advance of that money he would stand deprived of the privileges of a statutory agriculturist and that he would not be able to purchase his land during the period of the indebtedness or for three years after that. That was never the intention behind this Bill. I, therefore, submit that this kind of criticism advanced by the honourable Leader of the Opposition is merely a criticism which is neither fair nor justified nor is it warranted in the light of the statements that have been made to this House by the Honourable Premier as regards the scope of this Bill. It was pointed

out with particular reference to sub-clause (2a) of this clause that an opportunity would be left to money-lending agriculturists to circumvent the provisions of this Bill. Now my learned friend, Dr. Sir Narang, would agree with me that if the creditor is to be a money-lender for all purposes, then this clause would have to be there and when my learned friend seems to argue that this clause would really give an opportunity to an agriculturist money-lender to circumvent the provisions of this Bill, he forgets another important principle, viz., that for purposes of negotiability, for purposes of the Negotiable Instruments Act, this Bill or any other Bill cannot impinge on that fundamental principle of the Negotiable Instruments Act, namely that all negotiable instruments are in the nature of current coin. He will agree with me that a proviso has been excepted in this clause. But so far as other negotiable instruments are concerned, supposing an agriculturist money-lender were to deal with hundis or cheques, then my learned friend would agree with me that he should not come under the provisions of this Bill. (*Interruption.*) You forget that he has to be first a money-lender before he can come under the provisions of this Bill and I ask you whether he seriously means that before an agriculturist can be treated a money-lender this clause should not apply to him when it applies to a non-agriculturist money-lender. I therefore submit that the criticism which my honourable friend has offered with regard to this clause is really based on an incomplete understanding of the scope and the purpose of this Bill. As I have already said, the scope and purpose of the Bill is merely to bring in an agriculturist money-lender under a certain disability and that disability stands fully carried out in the provisions of this Bill. I do not propose to take up any further time of this House. I believe that the Bill certainly fulfills the tests and requirements of the pledge of the Honourable Premier and I wish him all God-speed in this Bill.

Lala Dushbandhu Gupta (South-Eastern Towns, General, Urban) (*Urdu*): Sir, I do not propose to make a lengthy speech on this Bill and I shall only take a few minutes. You will be pleased to recall that the Honourable Premier said in his speech yesterday that blood was thicker than water. None of us had any opportunity to reply to that speech, but in criticising this Bill you will permit me to say that Government have shown special bias in favour of the statutory agriculturists, and thus have proved the truth of the statement made by the Premier yesterday. It is evident that the Government has been forced, as it were, to bring forward this Bill. During the last few days since this Bill has been on the anvil of this House, the fact that the Government was compelled to bring forward this measure, has been only too prominent. Various provisions of this legislation are eloquent proof of the fact that it is just an eye-wash for the non-agriculturists. The Honourable Premier has admitted that an agriculturist money-lender is more dangerous for the poor debtor than a non-agriculturist money-lender. But still he has thought it fit to maintain invidious distinction between agriculturist and non-agriculturist money-lenders. I know that the Honourable Premier could not go further as he has got to please and placate a strange lot of people; I sympathise with him. But in spite of all that, I should have liked him to do away with all distinctions between money-lenders, irrespective of their being agriculturists or non-agriculturists, because after all they are all in the same boat.

Premier : We have already done away with all such distinctions.

Lala Deshbandhu Gupta : He says that he has done away with them. This is answering just like the British bureaucrat. Whenever we complain that the new constitution has not given us sufficient power to work for the good of the people, they say that they have already given us sufficient power, although the fact remains, and my honourable friends on the opposite benches know it too well, that no real power worth the name has been given to us. But let me cut short. There is a very able lawyer fortunately sitting on the Treasury benches. He is the most competent person on the Government side to express an opinion on this subject. I am referring to Mr. Manohar Lal. I should like to hear him on this subject. I want him to give his candid opinion and say whether he also believes that the present Bill will suffice to meet the requirements of the case and fulfil the purpose for which it is intended. He knows the difficulties of the agriculturists as well as those of the money-lenders. Let him say that he is in perfect agreement with the measure.

Chandhri Kartar Singh : They have joint responsibility.

Lala Deshbandhu Gupta : This is the last day of the present session and on all the important Bills he has kept silent. I should like to hear his candid opinion at least on this Bill. I am sure if he has courage enough to express his frank opinion he will be in perfect agreement with my honourable friend the Leader of the Opposition. Mian Abdul Haye, too, has my sympathy. He is a capable lawyer; but he seems to be a misfit in the present Ministry. If he applies his legal mind to the matter, now before the House, he will agree with me that this Bill as it stands will not achieve the object for which it is primarily intended.

To-day, being the last day of the session, Mir Maqbool Mahmood has waxed eloquent in praise of the Honourable Premier. I can well appreciate his motive in doing so. I also realise his limitations. I do not wish to take away anything from the praises he has showered on the Premier. But I would like him to remember that in this manner one cannot conceal home-truths from the watchful eyes of the people of the province. Sir, you are a poet yourself and I think you will appreciate, if I describe the Unionist Government through a couplet written by a well-known poet of the Punjab, namely Hafez, Jallunduri. He says:—

یہ خوب کوا ہے بہ زشت کیا ہے جہاں کی اصلی سوزت کیا ہے
 بوا جزا ہو تمام چہرے اگر کوئی ہے نقیب کو دے

The Punjab Government claim to be the true friends of the poor zamindars and it has been stated by the Honourable Premier himself that his Government want to benefit poor zamindars. But actions talk louder than words.

Begum Rashida Latif Bajī : On a point of order, Sir. May, I ask the honourable member to whom he refers by saying taking off the veil from the face? There is nobody except myself whose face is covered with a veil. (*Laughter.*)

Lala Deshbandhu Gupta : I assure the honourable lady member that I meant that veil which the Government have put on themselves for concealing their intentions from us. Sir, I was submitting that this Bill has passed through the different stages and is now about to be adopted finally. This stage is like the last verse of an ode after which an ode is considered to be complete. Any attempt to get it modified at this stage is not likely to succeed. I would therefore confine myself to making a request to the Treasury benches and that is this, that for goodness sake let them not take advantage of the name of the poor peasantry in connection with this Bill. So long as all the tillers of the soil are not regarded as agriculturists by the Government and the poor zamindars are not treated differently from the big zamindars, no real good can possibly be done to the peasants of the province. If the Honourable Premier is not prepared to do away with the distinction which this Bill makes between an agriculturist and a non-agriculturist money-lender he and his colleagues cannot take the credit of having treated the two money-lending classes alike and they cannot make us believe that.

Honourable members : Question may now be put.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I do not propose, nor is it necessary for me, to make a lengthy speech, at this stage, because, after all, this Bill, in spite of its alleged flaws, real or imaginary, is not a very complicated measure. It is a very simple measure and as I have said before it is a measure which was brought in deference to the wishes of some honourable members in this House and in pursuance of an undertaking given by me. My honourable friend, Dr. Sir. Gokul Chand Nurang, said that in spite of this measure or other enactments the agriculturist money-lender will still have an advantage over his non-agriculturist confrere, because he has got the lathi and the physical force behind him which the other has not got. But I need not remind him, because he has got the experience of his own province that if he were to divulge some of the secrets with regard to non-agriculturist money-lender as one honourable member tried to do here, he would endorse the view held by some of us that in the case of some non-agriculturist money-lenders they have got in the shape of *batis* lethal weapons more dangerous than the physical force of the other money-lenders. I hope such cases are very few and as a result of the enactments which we have passed during this session, the class of objectionable money-lenders, both among agriculturists and non-agriculturists, will disappear and we will find a healthy body, a clean body, a body which would be a source of strength and if I may use that simile, provide healthy blood in the economic system of this province. (*Hear, hear.*)

My honourable friend, Dr. Gokul Chand made several criticisms with

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regard to the provisions of this Bill and one of the criticisms which has been made at least by two members—Dr. Sir Gokul Chand and the last speaker, Mr. Deshbandhu Gupta—tried to show that this Bill did not go far enough and did not place the agriculturist money-lender on the same footing as the non-agriculturist money-lender.

[Premier,]

I have tried to explain to my honourable friends that so far as the business of money-lending is concerned every money-lender whether he is an agriculturist or a non-agriculturist will come under the provisions of the Money-lenders Registration Act. This present Bill is merely a supplementary measure. It is a supplementary measure and it does not in any way place an agriculturist money-lender in a better position. As a matter of fact it places him in a worse position in one respect as compared with the other of his conferees for the simple reason that he will not be able to buy land for at least three years after settlement of his debts with his debtor, even if he gives up the business of money-lending. In that particular respect you will agree with me that he will be placed in a more disadvantageous position as compared with the non-agriculturist money-lender.

Lala Deshbandhu Gupta : A non-agriculturist money-lender cannot buy land at all.

Premier : He cannot buy not because he is a money-lender but because he is a non-agriculturist. Here we are pillorying the agriculturist money-lender to an extent to which he would not be pilloried if he were not a money-lender. My honourable friend Dr. Sir Gokul Chand Narang referred to the various clauses of the Bill which he thought were redundant especially with regard to the definition of loan and explanations. I tried to explain yesterday that we have translated the definition in the Money-lenders Bill bodily in this Bill so as to avoid the criticism that we have made any discrimination or were trying to place one money-lender in a better position than the other. I agree that there are one or two items in that explanation which can well be left out of the Bill without doing any damage to the object which we have in view but their inclusion in the Bill does no harm whatever. They might be redundant, but that does no harm and our main object was, as my honourable friend, Dr. Sir Gokul Chand himself pointed out, to be cautious in the extreme so as not to expose ourselves to any criticism of this kind. Moreover it would lead to obvious complications if the terms, money-lender and creditor, were defined differently in the two Bills. With regard to Negotiable Instruments Act, there again my honourable friend will agree with me that it would have been unfair to place the agriculturist money-lender in a worse position as compared with the other money-lender. Why we are excluding negotiable instrument from the other Act is for the simple reason that a genuine trader or a genuine trading transaction should not be in any way affected and here also you will concede that there are some agriculturists who are genuine traders and we do not want in any way to affect their business. Our reason for doing this is that a hundi or other negotiable instrument is not such as can really draw any victim into the spider's web to the extent that an ordinary promote or a *bahi* can. Because after all a hundi is for a small period and my honourable friend is also aware, it is normally a two-named paper and not a single name paper, because if you cannot realise the money from the person named then you can obtain it from the other.

Dr. Sir Gokul Chand Narang : It can be drawn on one's own self.

Premier : Normally a hundi is a two-named paper. I believe that these fears will not turn out to be true and will prove absolutely baseless.

Evasion there may be of the provisions of this Bill. As a matter of fact no enactment has hitherto been devised by human agency which is impregnable. My honourable friend is a lawyer and he knows that one can always pick holes in any law however well-conceived it may be and I am afraid that the legislation which we have passed during this session may be open to same tricks from people who want to evade it.

Lala Duni Chand : But there ought to be some substance.

Premier : A clever lawyer like my honourable friend will always be able to find some loophole to slip out even if there is none (*laughter*). But as I submitted this Bill may probably be evaded and not only this but all other measures passed are liable to evasion. But if they are liable to evasion, I am sure my honourable friend will agree that I am and my friends on this side will always be on the look out and if there are any evasions let him rest assured that we will readily apply all necessary remedies to them.

Dr. Sir Gokul Chand Narang : I can see that.

Premier : My honourable friend, the Leader of the Opposition, pointed out the occasions when a money-lender becomes dangerous. There I entirely agree with him, but I think that he was not fully comprehensive or exhaustive and we could add several other things to his list which make the money-lender dangerous. For instance, high and unconscionable rate of interest, getting thumb marks on blank *bahi* leaves, and getting double the amount originally advanced entered in the *bahi*, make him still more dangerous. This is a fraud which, I am afraid, will be resorted to by dishonest money-lenders in spite of our legislation and we have to see how we can stop it. Then he said there is the danger that the land instead of being mortgaged will be sold. I think this fear will prove to be baseless. As I tried to explain during the passage of the Restitution of Mortgaged Land Bills, since 1901 the mortgages made by agriculturists to other agriculturists were largely made because it suited the agriculturists to mortgage lands with another agriculturist, otherwise he could have gladly mortgaged with a non-agriculturist. It is possible that some people might in extreme cases where they cannot go to anybody else be forced to sell their lands, but we are only stopping him from selling his land to a creditor. He can go to another agriculturist and mortgage with him and as my honourable friend is aware an agriculturist is loathe to part with his land and it his only in extreme case of necessity where he cannot help that he sells his land and I hope that after this Bill, he would find occasions for such transfer even more remote and less frequent in consequence of what we have been able to do in this matter. My friend, Malik Barkat Ali has very eloquently and ably met some of the legal arguments advanced by the other side, but he has also doubted the necessity of this measure. As a matter of fact I do not blame him for holding that view, because I know that several friends here and outside have like-wise felt in this matter. They think that it may be a beginning of a sort of process which would eventually remove that discrimination which the Land Alienation Act brought about, but let me assure him, that there is no real reason to think so. As a matter of fact it is going to strengthen the position of the agriculturist community, because they must be themselves honestly feeling that these parasites among the agriculturists who are trying to take advantage of the Land Alienation Act for the purposes of depriving

[Premier]

the smaller fry of their land are not a source of strength but of weakness to the agricultural community. (*Hear, hear.*) I can assure my honourable friends that, as a result of this Bill you will probably find that if there are any such parasites, they will think twice before entering into an unfair transaction with an agriculturist. I might at the same time qualify my statement by saying what I have said on the floor of this House on previous occasions that our enquiry in three typical districts where you find big land-lords, i.e., Jhang, Shahpur and Multan, has shown that it is not the bigger fish which is swallowing the smaller fish. As a matter of fact, so far as the sale of land was concerned, there were comparatively more of bigger land-holders who sold their land to comparatively small land-holders than vice versa. If that is the position throughout the province we need fear nothing, but if unfortunately some of these agriculturist money-lenders do try to upset the equilibrium between the smaller and bigger cultivators, then it would be real danger to the province and to the community whose viewpoint my honourable friend sought to represent.

Dr. Sir Gokul Chand Narang: Which community?

Premier: Agricultural community.

Dr. Sir Gokul Chand Narang: Malik Sahib is not an agriculturist. He belongs to my community.

Premier: All honour to him for honestly supporting a measure which he considers is in the interest of the province.

Dr. Sir Gokul Chand Narang: He was not supporting. He was opposing it.

Premier: My honourable friend, Lala Deshbandhu Gupta, tried without any hope to convince the House that this Bill was not a fair measure and did not go sufficiently far to redeem my pledge to this House. I have already answered that question but during the course of his very eloquent speech—it is a treat to hear him speak in Urdu as he comes from Delhi—he quoted a couplet from Hafeez which was objected to by my honourable friend the member from Lahore, but he went on to say that it was the Government's inequity which had forced my friend, Mr. Mukand Lal Puri to think of going to the other side. It is not any injustice or inequity on the part of the Government. As I said yesterday, blood is always thicker than water and the community interest and class instinct are naturally stronger sometimes than political loyalties and no wonder my friend, Lala Deshbandhu Gupta, had an attraction for him which he could not resist and he wants to go to that side, but I am afraid he has not actually gone into that den opposite because he is afraid that in spite of Lala Deshbandhu Gupta, Lala Bhim Sen Sachar and Lala Duni Chand there are still a number of agriculturist "parasites" there—to use his terminology—like my friends Sardar Hari Singh, Kartar Singh, Sohan Singh and others—who might eat into his very vitals and, therefore, he has adopted the safer course and has gone to Dr. Sir Gokul Chand Narang where the two musketeers could be together. (*Interruption.*) If my honourable friend thinks that Mr. Puri's going to the other side is a victory for them, then I wish them every success and wish them every happiness. The other day a word was whispered into my ear that my honourable friends in spite of devoting their time on

these Bills, as they should have done being the friends of the zamindars, some of them have been trying to flirt with certain members on this side and they went to the extent of bribing them that all the offices can be taken over by those gentlemen who drift away from my side. I understand that all the 22 or 23 offices were promised to be given to them so long as they kept the Congress on these benches and kept the Congress programme before them.

Dr. Sir Gokul Chand Narang : Whose attempts ?

Premier : Of some people who are making those attempts.

Dr. Gopi Chand Bhargava : So far as we are concerned, there is no truth about it.

Premier : I am not talking about Dr. Gopi Chand Bhargava because I know that he is a gentleman of principles and he stands at a much higher level than that. I know perfectly well that some people have been trying to flirt with them on the off-chance that there might be a landslide from this side and they have gone to the extent of bribing them by saying, "You have the 22 or 23 offices and you should keep up our programme like the Sindh people have done" and I can assure them (*Voices : Nice propaganda*) as I assured them the other day on the floor of this House that they can do their worst but God willing they will not be able to bribe away my friends here who represent the poor zamindars. I am not here because of any personal advantage or because of any class or communal advantage.

Mr. Speaker : I request the Honourable Leader of the House not to be irrelevant.

Premier : The Leader of the Opposition said that it was on account of my *taqat* that I was going to get through these measures. I am replying to that remark of his. I am here merely at the behest of the majority of the province and I would stay here so long as the majority of the province is behind me. The moment it is not behind me, my honourable friends opposite will be in our place and I would be there. (*Dr. Sir Gokul Chand Narang : Will you become a Congressman ?*) Not a Punjabi Congressman. If I had been in the United Provinces or Madras I may have been tempted to become one. (*Voices : We know it.*) My honourable friend, Lala Deshbandhu Gupta, attempted a fling on my colleague, the Finance Minister. His observations were not in any way disparaging but even so it was an effort to score a point, and meant to show that Mr. Manohar Lal probably does not believe in these economic measures. I may remind my honourable friends that Mr. Manohar Lal— (*Voices : Let Mr. Manohar Lal speak himself.*) There is no dissension among the Ministers here as you may find in Ministries in other provinces. We speak with one voice. I speak for all my colleagues. You can take it from me that so far as Mr. Manohar Lal is concerned, even when he was just an ordinary member like any other member here in the old Council and not in the Cabinet, and the Relief of Indebtedness Bill was brought before the House, he made a speech which would be a standing testimony to his ability as a great economist and friend of the masses. (*Loud cheers.*) He supported it not because it was a communal measure, but because he knew perfectly well that it was an economic measure in the interest of the province as a whole, and he had no hesitation in rising above his surroundings, and expressing boldly

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thoughts in the larger interest of the province and for the sake of the province. (*Loud cheers.*)

Lala Deshbandhu Gupta : You have taken away that speech from him.

Premier : No, I have not taken that speech. (*Interruption.*) I do not think it is necessary for me to detain the House any longer except, with your permission, in the end to thank you for the indulgence you have shown because we have had a very strenuous session and we have been sitting for long hours and in spite of your health and your age you have been pleased to sit with us day after day for at least seven hours a day, and I hope that you will forgive me and I also hope that my honourable friends opposite will forgive me as I have been the cause of their sitting for such long hours during this very strenuous session. I know the strain has been very great on my honourable friends in all sections of this House, and my only excuse, if I may put it that way, is this that in the interest of the province—in spite of the fact that some of us may differ in our views—these measures were necessary and we should, when we go out, have the consolation of knowing that we have done our best and we have done a good session's work, a work which I might say would be monumental in the history of this province and would redound to the credit of this House. I wish to thank all of my friends who do not feel like me, particularly my friends who have been dubbed the three musketeers, i.e., Dr. Sir Gokul Chand Narang, Rai Bahadur Mr. Mukand Lal Puri and Munshi Hari Lal, who is not here. I particularly wish to thank them because even their criticism has been of the greatest help to me. I am grateful to them also in spite of the fact that we have differed on principle and in details, but I owe them a great deal for the improvement in this Bill. I can assure them that these Bills when they come into force might look unpalatable to them but I might liken them to bitter medicine which is bitter to the taste and after you have taken, it is good for the body and the system. I hope this Bill will not only prove of immense benefit to the poorer classes for whom it is meant but will also in due time bring about that amity and good-will to which we all look forward. (*Applause.*)

Mr. Speaker : The question is—

That the Punjab Alienation of Land (Third Amendment) Bill as amended be passed.

The motion was carried.

Premier : I hope you will also allow me to say a word more that is you may be pleased to convey our grateful thanks to the Honourable the Speaker of the Central Legislative Assembly for allowing us the use of this Chamber and also to the Secretary of the Legislative Assembly for the facilities and conveniences provided for us. We are all grateful to them and we hope you will convey our thanks to them for their kindness and courtesy.

The Assembly then adjourned sine die.

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